



SECTION: IV **NUMBER: 1.1.0**
SUBJECT: INDEX
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ADMINISTRATIVE MANUAL

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PROBATION DEPARTMENT

SECTION: II

NUMBER: 2.4.0

SUBJECT: PROBATION MANAGEMENT TEAM

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

AUTHORITY: ADMINISTRATIVE DIRECTIVE

DESCRIPTION

The Probation Management Team shall consist of the Executive Team, Supervising Probation Officers, Probation Institution Supervisors, Probation Accounts Supervisor, Supervising Account Clerks, Food Service Manager, Principal Clerk, and Administrative Aides.

PURPOSE

The Probation Department Management Team shall have as its primary goal the sharing of information that is conducive to the efficient and effective operation of the Tulare County Probation Department. The Probation Management Team shall be involved in recommending policy and policy revisions for the operation of the department. The Probation Management Team will strive to promote a harmonious working relationship between all divisions of the Tulare County Probation Department.



PROBATION DEPARTMENT

SECTION: III **NUMBER: 3.1.0**

SUBJECT: DUTY STATEMENTS

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

AUTHORITY: ADMINISTRATIVE DIRECTIVE

CHIEF PROBATION OFFICER

The Chief Probation Officer is the Administrator of the Probation Department. The Chief Probation Officer is directly accountable to the Superior Court and under budgetary constraints and County policy as established by the Tulare County Board of Supervisors

PROBATION DIVISION MANAGER

The Probation Division Manager provides direction to supervising and line Probation Officers and/or Probation Correctional Officers, as well as indirect supervision to a variety of support staff. The Probation Division Manager plans and coordinates the work of the Juvenile and/or Adult Divisions, or Detention Facilities, of the Probation Department; and direct special projects or major programs. The Probation Division Manager is accountable to the Chief Probation Officer.

SUPERVISING PROBATION OFFICER

The Supervising Probation Officer supervises a unit of Probation Officers and/or Probation Correctional Officers engaged in Juvenile and Adult Field Services, Juvenile Institutional Services, or specialized programs; and manages one or more program areas and supervises all levels of staff within those areas. The Supervising Probation Officer is accountable to a Probation Division Manager or other higher level position.

DEPUTY PROBATION OFFICER III

The Deputy Probation Officer III performs specialized probation work such as that relating to intake, special rehabilitation programs, and in the most serious cases, serves as a mentor to entry and journey level Probation Officers; and serves in a lead worker capacity with a work unit. The Deputy Probation Officer III is accountable to a Supervising Probation Officer or other higher level management position.

SUBJECT: DUTY STATEMENTS

NUMBER: 3.1.0

DEPUTY PROBATION OFFICER I/II

The Deputy Probation Officer I/II investigates Adult and Juvenile cases referred by the courts, handles a caseload of Adult or Juvenile probationers; assists in the supervision and care of Juvenile court wards; and assists in department program units such as placement, community schools, Juvenile Institutions and home supervision. Immediate supervision of a Deputy Probation Officer I/II is provided by a Supervising Probation Officer. Indirect functional or technical supervision may be provided by a Deputy Probation Officer III.

PROBATION TECHNICIAN

The Probation Technician assists Probation Officer staff in non-peace officer, technical duties associated with the monitoring of Adult and Juvenile probationer cases. Immediate supervision is provided by a Supervising Probation Officer. Functional supervision is provided by a Deputy Probation Officer III or II.

**SUBJECT: PERSONNEL RECORDS AND
EMPLOYEE FILES**

NUMBER: 4.1.1

This information is a matter of public record and is available to anyone. In addition, the appointing authority may, upon written request of a prospective employer, release through the HR & D Director information concerning the job performance or qualifications for employment of a current or former employee provided the information is:

1. Directly related to the job, and
2. Is based upon credible evidence, and
3. Does not relate to speech or conduct not related to the current or former employee's job performance or qualifications of their position with the County and
4. Is made without malice.

An employee, his immediate supervisor, and/or Department Head, or the employee's representative with written consent of the employee, may inspect his own personnel file at any time during the normal working hours of the Personnel Office. Upon written request, the employee or his representative shall be allowed to copy any materials in the employee's personnel file or the departmental personnel file, at the employee's or his representative's expense. No counseling document shall be placed in the employee's personnel file until such employee has had the opportunity to review the document, to receive a copy of same, and to discuss the document with the issuing party. No disciplinary document shall be placed in the employee's personnel file until such employee has had the opportunity to review the document and receive a copy of the same. An employee has the right to file a response to any counseling or disciplinary document placed in the employee's personnel file. (Personnel Rule 1.7.4)

The employee shall acknowledge that he/she has read such material by affixing his/her manual signature on the actual copy to be filed. The material shall state that such signature merely signifies that he/she has read the material to be filed and that such signature does not necessarily indicate agreement on its contents. The material shall also state that the employee may submit comments for attachment to the filed material. Refusal by the employee to sign the material shall be so noted. A copy of the annotated material shall be given/sent to the employee.

It is further understood and agreed that documents such as reference letters and background investigations, are exempt from review by the employee or the Association.

Materials and/or documents determined through the grievance procedure or through other formal appeal process(es) to be inappropriate shall, upon written request from the employee, be sealed. (TCCA-MOU).

LETTERS OF REFERENCE

Letters of reference or recommendation shall not be provided to employees or former employees. The only exception shall be for employees pursuing an advanced degree or, upon request of a prospective employer, as provided in Personnel Rule 1.7.4 (Personnel Rule 1.7.5).

**SUBJECT: PERSONNEL RECORDS AND
EMPLOYEE FILES**

NUMBER: 4.1.1

FILE SECURITY

All personnel files retained by this department must be maintained in a physically secure area to prevent unauthorized entry and to ensure area confidentiality. An unauthorized employee who discloses information of a confidential nature obtained from an employee's file may be guilty of illegal conduct and/or be subject to disciplinary action. Any employee or supervisor who discloses staff personal information of a confidential nature to unauthorized persons who do not have the right or need to know, may be guilty of illegal conduct and/or be subject to disciplinary action.

SUPERVISOR'S WORK SITE FILES

The following information is generally maintained in a work site file:

- A. The employee's last performance evaluation.
- B. The personal data sheet, including the employee's address, telephone number, next of kin, and medical data.
- C. Memorandum of Counseling: memos, with the employee's signature acknowledging receipt, or a notation of the refusal to sign by a person initiating the record. Upon staff's request, any such material will be reviewed and considered for purging twelve (12) months after the date of the incident.
- D. Commendations
- E. The employee's contact logs/memos, signed by both parties with the signature of the employee acknowledging receipt or refusal to sign, noted by the person initiating the memo.
- F. Training records and plans, as well as compliance monitoring. (This information shall not be removed from the file).
- G. A copy of the "Notice of Formal Disciplinary Action" if any. This includes reprimands, letters of warning, and/or suspensions. These records will be retained in the work site file for twelve (12) months, or until the next rating period.

FILE REVIEW

Supervisors shall conduct an annual review of all work site/facility files, at the time of the employee's performance evaluation and shall purge appropriate materials and the supervisors shall note the date and time of the review in the running log evaluation sheet.

Periodic Reviews:

Supervisors shall conduct periodic reviews and documentation of employee performance throughout the year. Supervisors shall document probationary employees' performance at least on a monthly basis in the work site file. Supervisors shall document non-probationary employees' performance at least on a quarterly basis in the work site files. All entries must be initialed by the employee or noted that the Employee refused to sign.

**SUBJECT: PERSONNEL RECORDS AND
EMPLOYEE FILES**

NUMBER: 4.1.1

Informal MOC:

An Informal “Memorandum of Counseling” (MOC) enclosed in the file shall be reviewed when the employee receives their performance evaluation. The Informal MOC may be incorporated in the performance evaluation at that time, and the Informal MOC destroyed. All Informal MOC’s must be destroyed by the second annual performance evaluation following the issuance of the MOC.

Review on a Transfer:

Whenever a staff member is transferred or terminated, their file shall be reviewed. As a general rule, all noteworthy data in the file should be included in the transfer or termination report. All remaining data should be purged. All permanent data (i.e., training records/plans, personal data sheet, file review documentation, etc.) shall be forwarded to the new supervisor, or if the employee is terminated, the file shall be sent to the Personnel Unit.

Payroll Records:

Payroll records are kept for five (5) years, pursuant to County Policy. The current calendar and one past calendar year are kept in office. Previous years are kept in locked storage.

Personnel Records:

Current files are kept in the office of the Department Secretary. Files of separated employees are kept for five (5) years. Personnel records are kept for one year located in the Administration Unit and then moved to locked storage.



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.1.2

**SUBJECT: PRE-EMPLOYMENT
BACKGROUND INVESTIGATIONS**

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

POLICY

It is the policy of Tulare County Probation Department that a comprehensive background investigation be done on all prospective permanent and extra-help employees prior to an offer of employment being extended. Candidates described in California Penal Code Section 830.5 must meet minimum standards as listed in the California Government Code Sections 1029 and 1031. In addition, they must meet physical standards established by the California Board of Corrections and any other pre-employment as well as ongoing peace officer requirements pursuant to federal, state, and local legislation. All backgrounds are conducted according to current POST standards.

PURPOSE

The purpose of the background investigation is to establish the candidate's suitability for employment within the Tulare County Probation Department. All prospective employees of the Department, both peace officers and non-peace officers, are evaluated to determine if their backgrounds and personal characteristics make them suitable candidates for employment. The qualifications and personal characteristics of the prospective employees are never to be assumed or taken for granted and will be evaluated through the entire selection process and background investigation.

JOB DIMENSIONS

Background investigations of peace officer applicants shall be focused to determine if the prospective employee has demonstrated the following essential job dimensions. Non-peace officer applicants will also be evaluated on the job dimensions, as applicable and relevant to their job assignment.

COMMUNICATION SKILLS

Ability to express oneself clearly in writing and speech. Ability to read with good comprehension. Ability to write a report which clearly and accurately describes what has happened. Ability to speak clearly to make oneself understood. Knowledge of grammar, spelling, punctuation, and sentence structure. The ability to gather and convey information to the Court which is factual and relevant and will aide the Court in reaching a decision.

**SUBJECT: PRE-EMPLOYMENT
BACKGROUND INVESTIGATIONS**

NUMBER: 4.1.2

PROBLEM-SOLVING ABILITY

Knowing how to size up a situation, identify the problem(s), and make a logical decision. Knowing when to take action and what kind of action is appropriate. Using good judgment in making decisions. Resourcefulness in developing alternative approaches to treatment techniques, referral sources; the ability to adjust to new and unfamiliar situations/duties. Further, the ability to effectively recall, analyze, and synthesize large amounts of information and to make sound independent decisions where there is no standard procedure.

LEARNING ABILITY

Ability to comprehend and retain a good deal of factual information. Ability to understand/interpret laws, statutes, codes, court, and other legal documents. Ability to learn and apply what is learned. Capability of learning the factual material which is required of a peace officer.

JUDGMENT UNDER PRESSURE

Applying good common sense in dealing with pressure situations. Capability of making sound decisions on the spot. Using good judgment in dealing with a potentially explosive situation. Ability to make effective, logical decisions under pressure.

OBSERVATIONAL SKILLS

Mental alertness, good observational skills, memory for details. Skill in accurately observing, recalling and documenting behavior, visual details (such as identifying marks) and events; skill in noticing subtle changes in behavior patterns and in staying alert to and understanding signs of potential problems or disturbances.

WILLINGNESS TO CONFRONT PROBLEMS

Assertiveness, self-assurance, decisiveness, ability to influence, confront others, enforce rules, interact confidentially with high status individuals, make decisions where there is no standard procedure, and delegate responsibilities and duties properly.

INTEREST IN PEOPLE

Having an active interest in working with people. Fairness in dealing with the public regardless of ethnicity, race, sex, economic level, etc. Having a public service orientation.

INTERPERSONAL SENSITIVITY

Display social skills and a desire to maintain positive relationships with others. Social skills should include the ability to get the job done without causing unnecessary tension; effectiveness in working with others and interacting with diverse groups; consistency and fairness in dealing with others; insight, sensitivity, and concern for the feelings of others; tolerance for difference in values and beliefs; and having a sense of humor.

**SUBJECT: PRE-EMPLOYMENT
BACKGROUND INVESTIGATIONS**

NUMBER: 4.1.2

DESIRE FOR SELF-IMPROVEMENT

Desire to go and seek, the knowledge needed to be a competent peace officer. Seeing one's self as being responsible for learning the job and a willingness to put in the time needed to stay up to date. Having a high degree of interest and self-drive in wanting to improve skills and knowledge. Wanting to improve one's skills.

DEPENDABILITY

Dependability as indicated by arriving to work on time; not abusing sick leave; assuming a fair share of the workload; willingness to put in extra time and effort. Having the habit of submitting reports on time. Following through on assignment.

INTEGRITY

Integrity in adhering to professional ethics, such as maintaining confidentiality, not accepting bribes, or falsifying documents. Committed to the department's goals and objectives. Refusing to tolerate unethical or illegal conduct on the part of other agency personnel. Showing strong moral character and integrity in dealing with the public. Being honest in dealing with the public and the Court.

OPERATION OF A MOTOR VEHICLE

To be properly licensed, and possess the skills in driving automobiles, vans, trucks, and busses, as required by the assignment.

BACKGROUND INVESTIGATION PROCESS

The Chief Probation Officer will designate a Background Investigator to conduct the background investigation of prospective candidates for the position. The following process will be followed in conducting all background investigations:

1. Applicant/Background Interview

A personal face-to-face interview is to be conducted with each applicant. During the course of the investigation, the Background Investigator may become aware of inconsistencies or contradictions between information the applicant has supplied in the Personal History Statement and that obtained during the investigation. In such a situation, the Background Investigator should attempt to resolve questionable areas with the applicant. The Background Investigator should avoid revealing the source of any disclosed information.

2. Gather Documents

The Background Investigator will initially gather and assemble all of the following documents:

- a. Application
- b. Personal History Statement (Background Information Questionnaire)
- c. Personal History Questionnaire (Peace Officer and Probation Technician applicants)
- d. College Transcripts (if required)
- e. High School Diploma or GED Certificate (if required)
- f. Signed notarized authorization to release information
- g. Authorization to release information (Non-Peace Officer)
- h. Form DD214 (Military Discharge Papers)
- i. College Transcripts – Original
- j. College Diploma (if required)
- k. First Aid Certificate and CPR card – copy (if required)
- l. POST 832 certified copy (if available)
- m. Local law enforcement checks
- n. DMV Printout
- o. CII printout
- p. Credit Report

3. Review Documents

- a. All documents shall be reviewed thoroughly and verified by the Background Investigator.
- b. If there is information contained in the documents which indicates that the candidate does not possess the characteristics necessary to work for the department, the background investigation shall cease. The Background Investigator will prepare a written report and refer the issue to the hiring authority for a final decision.

4. Conduct Criminal Records Check

- a. In order to conduct the criminal records background check, the Background Investigator shall:
 1. Contact local law enforcement agencies for a local record check in all areas where the applicant has resided in the past 10 years.
 2. Review the individual's DMV printout.
 3. Review CLETS results.

**SUBJECT: PRE-EMPLOYMENT
BACKGROUND INVESTIGATIONS**

NUMBER: 4.1.2

- b. A Peace Officer applicant's background investigation shall cease and the candidate shall receive no further consideration if it is determined:
 - 1. That the individual is currently on probation or parole, has pending any criminal charges, or is currently on diversion for any criminal charges.
 - 2. The individual has been convicted of a felony.
- c. All cases in which the individual has had a prior misdemeanor conviction shall be reviewed with the Chief Probation Officer.
- d. Juvenile Court adjudication's shall be viewed as convictions. If the Background Investigator becomes aware of sealed records or charges plea, they may also be considered.

5. Conduct Employment Verification

The Background Investigator will contact, at a minimum, the applicant's last three employers or all employers during the past five years (whichever covers the longest period of time). In contacting former/current employers, the employer shall be provided, upon request, with a copy of the signed (notarized, for peace officer applicants) authorization to release information. The contact with an applicant's previous employer can be an on-site contact, if necessary. Written statements can also be included as part of the background investigation at the request of the employer.

6. Contacting Personal References

The Background Investigator shall contact a minimum of two personal references who have been listed by the candidate. While it can be assumed in most cases that these references will be favorable, such is not always the case. The personal references should be asked the nature of the relationship with the applicant, how long they have known the applicant, the knowledge they have of the applicant's employment history, as well as their knowledge of the applicant's personal lifestyle and activities. Written statements can also be included as a part of the background investigation at the request of the reference.

7. Decision on Qualifications

The Background Investigator shall submit the completed Background Investigation Report to the Chief Probation Officer for review and evaluation. They will determine if the candidate is suitable for hiring. The decision to determine if the candidate is qualified will be based on the Background Investigation Report.

SUBJECT: ANNUAL/SICK LEAVE USAGE

NUMBER: 4.2.0

3. Illness, injury, or death of the spouse, parent, brother, sister, child (i.e. natural child, adopted child, step child and/or child who is employee's legal ward), grandparent, or grandchild of the employee, mother-in-law, father-in-law, or in connection with required attendance at or necessary transportation to medical appointments for the spouse and/or children of the employee.

In the event of a Job Action (i.e. sick out, blue flue, etc.), the Probation Department will require a medical excuse/doctor's note, on the first day of absence.

Tulare County Personnel Rule 6.7.6 reads:

The Department Head may require the employee to submit substantiating evidence, including, but not limited to a written statement and/or a physician's certificate stating:

- a. That the physician has examined the employee during the period for which sick leave is being claimed.
- b. That the employee is unable to work during that period.
- c. The date the employee is expected to be able to return to full duty.



PROBATION DEPARTMENT

SECTION: IV **NUMBER: 4.3.0**

SUBJECT: WORKERS' COMPENSATION

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

GENERAL STATEMENT

All County employees are eligible for Workers' Compensation benefits per California State Law. An employee is said to have sustained an "on-the-job" injury when an accident occurs while the employee is performing regular job functions and is on-duty. All job injuries are to be reported whether or not immediate medical attention is required.

REPORT OF AN INJURY

In the event of an accident, the employee involved must notify the supervisor immediately. If the accident results in serious injury or death to the employee, the supervisor shall notify the Chief Probation Officer regardless of the time of day.

WORKERS' COMPENSATION CLAIM

When an employee reports an accident/injury, the supervisor will immediately provide an Employee Injury Packet. This packet consists of the following:

1. Procedures for Supervisor
2. Employee Claim for Workers' Compensation Benefit Form (DWC-1)
3. Employer's Report of Occupational Injury or Illness (5020)
4. Supervisor's Report of Employee Injury/Illness
5. Initial Lost Time Form
6. Medical Treatment Authorization Form
7. Receipt of Employee Claim Form
8. Facts for Injured Workers
9. Facts about Workers' Compensation
10. Workers' Compensation Handbook

When the employee receives the packet, they shall immediately complete, date, sign, and return the Receipt of Employee Claim Form.

California law requires that the employee must receive the Employee Claim for Workers' Compensation Benefit Form contained in the packet within 24 hours of the employer's knowledge of the accident/injury.

SUBJECT: WORKERS' COMPENSATION

NUMBER: 4.3.0

INJURIES REQUIRING MEDICAL ATTENTION

When an on-the-job injury requires medical attention, a Medical Treatment Authorization Form shall be completed by the supervisor and given to the employee. If the accident results in serious injury, the supervisor is responsible for ensuring the delivery of the Medical Treatment Authorization Form to the doctor or hospital.

TIME AND RETURN TO WORK STATEMENTS

An employee is considered disabled from work only when a physician determines the employee cannot return to work for a period of time as a result of a work-related injury or illness. The employee must provide this statement to the supervisor within 24 hours of the physician's determination of disability.

If the disability is to be for a period greater than 4 days, the employee will complete a request for Leave of Absence Form.

When medical attention is needed, the employee is required to use their own sick leave accruals. This applies for any follow-up treatments and/or physical therapy.

SECTION 4850 OF THE LABOR CODE

Section 4850 provides SWORN Probation Staff full salary while on leave for an approved workers' compensation claim. Staff will not be required to charge leave accruals while on an approved leave of absence resulting from an approved workers' compensation claim. This entitlement is for the length of the disability, but not exceeding one year.

Upon returning to duty, regular or accommodation duty, any follow-up visits, physical therapy, etc., will be charged to the employee's leave accruals.

RETURN TO WORK

An employee who takes time off due to an on-the-job injury must provide to the supervisor a physician's statement releasing him/her to return to work prior to returning to duty.

**SUBJECT: OCCUPATIONAL SAFETY &
HEALTH PROGRAMS**

NUMBER: 4.4.0

QUARTERLY INSPECTIONS

Quarterly safety inspections of each facility will be conducted by the Supervising Probation Officer. A statement of condition report will be forwarded to the Division Manager. The Division Manager forwards the report to the Department's Safety Officer.

CORRECTIONS

The Executive Management Team is responsible for the initiation and monitoring of corrective action for any unsafe condition. The Department's Safety Officer will provide assistance, upon request, to facilitate and expedite the work of other departments or agencies to obtain corrective action.

**SUBJECT: LEAVES OF ABSENCE, VACATION,
& SICK LEAVE**

NUMBER: 4.5.0

2. Not more than forty (40) hours per calendar year of sick leave may be taken by an employee for each absence due to the death of one of the aforementioned relatives.

NOTE: The HR & D Director may authorize an employee to use unearned sick leave, not to exceed twenty-four (24) hours for use as outlined above.

VACATION

The employee may take whatever balance he/she has on credit at any time, provided the immediate supervisor or higher authority approves the vacation. To be eligible for vacation leave, the employee must have completed thirteen (13) full pay periods of continuous service.

VACATION ACCUMULATION

During the first three (3) years of employment, vacation credits are accumulated at the rate of .03846 hours per hour of service. This translates to two (2) weeks vacation earned per year.

Employees with over three (3) years of service, but less than seven (7) years of service, accumulate vacation at the rate of .05769 hours per hour of service. This translates to three (3) weeks of vacation time earned per year.

Employees with over seven (7) years service, but less than eleven (11) years of service, accumulate vacation at the rate of .07692 per hour of service. This translates to four (4) weeks of vacation time earned per year.

Employees with over eleven (11) years of service accumulate vacation at the rate of .09615 per hour of service. This translates to five weeks of vacation time earned per year.

MAXIMUM VACATION ACCUMULATION

Vacation time may be accumulated up to a maximum of 300 hours. No additional vacation time will be accumulated until it is reduced below 300 hours.

VACATION BIDDERS

Sworn staff not involved in shift bidding, including Supervising Probation Officers and Division Managers, shall submit written vacation requests by October 15 and will receive approval or denial of the request by October 30.

Holidays are included in vacation bidding. The amount of time requested may be any amount up to the employee's current balance plus any time normally earned prior to the vacation requested. During each round of scheduling, no more than one block of time may be scheduled for each employee. Employees submitting more than one vacation request, must indicate priority consideration for each request (i.e., #1, #2, etc...). Scheduling shall be on the basis of seniority for each selection round until all requests are processed.

**SUBJECT: LEAVES OF ABSENCE, VACATION,
& SICK LEAVE**

NUMBER: 4.5.0

When approving leave for vacation, the priority is to assure proper staff coverage for all department functions. The number of employees to be allowed off on any day, will be evaluated based upon the needs of the department, including but not limited to gender balance, availability of replacement staff, as well as security and program needs.

Employees must be aware of their accrual rate and must submit block vacation requests based not only on their current balance but on their rate of accrual. It is the employees' responsibility to request sufficient blocks of vacation based on his/her accrual rate to remain below the 300 hour vacation cap.

All employees having 200 hours of vacation accrued at the time of vacation bidding must submit requests for a minimum of 80 hours, in increments of 40 or 80 hour blocks.

<u>Current Hours</u>	<u>Yearly Requests</u>
0-150 hours	Minimum 40 hour block
150-200 hours	Minimum 80 hour block
200-250 hours	Minimum 80 hour block
250+ hours	Minimum 120 hour block

Once the initial requests have been processed, further scheduling shall be on a first come, first served basis. Employees submitting requests shall be notified of approval or denial within two (2) weeks. All vacation requests should be submitted in writing at least two (2) days in advance of a period of eight (8) hours or less, and ten (10) days in advance for periods exceeding eight (8) hours. A Division Manager or higher authority, may waive the above mentioned timelines at their discretion.

Employees may retract vacation up to two (2) weeks prior to the scheduled date with approval of SPO or above, via the chain of command.

Supervisors will check employee vacation balances, to ensure sufficient time is available to cover time requested at a minimum, two weeks prior to vacation time.

All employees that did not participate in vacation bidding and are requesting vacation, should at the earliest possible date, submit a vacation request to the Supervising Probation Officer with the requested dates inclusive of all time to be off and total number of hours requested.

Additional vacation related matters, not specifically addressed, remain subject to current Tulare County and Probation Department Policy.

The vacation procedure is in accordance with the TCCA MOU, and is applicable to sworn Probation Department Employees, including Institution Supervisors, Supervising Probation Officers, and Probation Division Managers.

**SUBJECT: LEAVES OF ABSENCE, VACATION,
& SICK LEAVE**

NUMBER: 4.5.0

VACATION POLICY FOR NON-SWORN STAFF

All vacation requests should be submitted in writing at least two (2) days in advance of a period of eight (8) hours or less, and ten (10) days in advance for periods exceeding eight (8) hours. A Division Manager or higher authority, may waive the above mentioned timelines at their discretion.

All vacation requests will be considered and evaluated with consideration given to the employee's desires. The final determination, however, must include an evaluation of departmental needs.

Employees must be aware of their accrual rate and must submit block vacation requests based not only on their current balance but on their rate of accrual. It is the employees' responsibility to request sufficient blocks of vacation based on his/her accrual rate to remain below the 300 hour vacation cap.

All employees that do not participate in vacation bidding and are requesting vacation should at the earliest possible date, submit a vacation request to the Supervising Probation Officer with the requested dates, inclusive of all time to be off and total number of hours requested.

Time off is not approved until a vacation request has been signed by a supervisor.

TRAINING DURING VACATION

Individual staff is responsible to check if the requested time off conflicts with scheduled training prior to submitting the vacation request. Scheduled training is defined as training that has been identified and an actual date for the training has been scheduled. Staff shall get approval in writing from their assigned supervisor in order to miss scheduled training. Supervisors shall grant such permission only if the training can be rescheduled in the same fiscal year, it does not cause the department a loss of money to reschedule, nor if there is an emergency warranting such a reschedule.

If mandated training is scheduled during an employee's pre-approved vacation, the employee must inform his/her supervisor in writing of his/her conflict. His/her supervisor shall then contact the Training Officer to reschedule the training.

LEAVE WITHOUT PAY

An employee must have completed at least thirteen (13) full pay periods of continuous employment to be eligible for a leave of absence without pay. Excepting medical leaves, leaves of absence without pay shall not be granted for more than six (6) months. Leaves of absence without pay for medical reasons shall not be granted for more than twelve (12) months. Leaves of absence without pay shall not be approved or extended for a period that exceeds the employee's actual work time with the County.

EXCEPTIONS

If an employee has not completed thirteen (13) full pay periods of continuous employment, he/she may be granted a leave of absence without pay for medical reasons or for other compelling reasons which are satisfactory to the Human Resources & Development Director.

**SUBJECT: LEAVES OF ABSENCE, VACATION,
& SICK LEAVE**

NUMBER: 4.5.0

AUTHORIZATION

The Human Resources and Development Director shall have the authority to grant leaves of absence without pay, and extensions, for all employees. Leaves of absence without pay shall not be granted without approval by the Chief Probation Officer. The Chief Probation Officer can authorize a leave of absence without pay for not more than forty (40) hours.

MILITARY LEAVE

Military leave shall be granted by the Human Resources and Development Director in accordance with the provisions of applicable state law. Employees who are called upon or volunteer for services with the Armed Forces of the United States or the California National Guard shall be entitled to be considered for re-instatement. An employee promoted to fill a vacancy created by a person serving in the Armed Forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be restored to the position he or she had held previously or any other equivalent position. A new employee hired to fill a vacancy created by a person serving in the Armed Forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be placed in as nearly equal a vacant position as may exist. If no such position exists, they may be subject to lay off.

COURT LEAVE

While serving on trial or inquest **to** jury duty, or while appearing as a legally required witness, an employee shall receive regular salary from the County. Employees receiving witness fees, or trial or inquest jury service fees, while on court leave, shall endorse such payments excepting those for travel expenses, to the County.

Nothing is intended to prevent an employee from using accrued vacation credits or compensating time off, to which the officer or employee is entitled, during the time spent serving as a juror or witness and retaining the fees for jury services or serving as a witness.



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.6.0

SUBJECT: WORKING HOURS

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

STATUTES

Personnel Rules 6 & 12

POLICY

The normal hours during which County business is transacted, based upon the Personnel Rules, are from 8:00 am to 5:00 pm, Monday through Friday, with the exception of specified holidays. The Juvenile Detention Facility and the Probation Youth Facility are twenty-four hour a day, seven day a week operations. The Chief Probation Officer has the ability to establish non-traditional hours. When it appears that there is a compelling reason to work non-traditional hours, shifts may be established.

In order to be more effective in the supervision of probationers and to make them more accountable for their actions, it is preferable to provide supervision during non-traditional work hours. Personnel providing supervision for probationers should be willing to work these schedules as a part of their assignments.

It is the expectation of the Chief Probation Officer that all employees report promptly for the scheduled start of their work day or shift. Where the needs of the department are not compromised, a flexible schedule may be approved by the Supervising Probation Officer and Division Manager.

The issue of promptness in reporting for work applies equally to coffee breaks and lunch and/or dinner breaks.

ABSENCE AND TARDINESS

Each individual employee has the responsibility to report any tardiness or absence from work to their immediate supervisor. When an employee realizes that they are going to be late in reporting to work, they should contact their immediate supervisor immediately. Any employee who reports to his/her work station after the designated start time shall be deemed tardy. It is the responsibility of the employee's immediate supervisor to monitor and discuss tardiness with employees. Failure to correct a problem of excessive absenteeism or tardiness is grounds for disciplinary action. The penalty for excessive tardiness and/or absenteeism ranges from informal counseling to termination from employment.

SUBJECT: WORKING HOURS

NUMBER: 4.6.0

No one may absent themselves during the regular work hours, except in the performance of County business, without prior approval from the immediate supervisor or higher authority. Lunch hours shall not be modified to a lesser time in order to justify tardiness or an early leave from the workplace. No work is to be performed during the lunch hour without the express authorization of the employee's supervisor.

OVERTIME

No employee shall work overtime without advance authorization, unless prior authorization is not possible because of emergency conditions. In that case, the employee shall obtain a ratification of his overtime from the department head or his/her designee of the next regular business day after such overtime is performed.

The purpose of this policy is to ensure equity and uniformity in the use of overtime and compensating time throughout the various divisions of the department. It is the policy of the County and the desire of the Chief Probation Officer to avoid overtime whenever possible. All Probation staff shall, insofar as possible, plan their work schedule so as to avoid the need for overtime.

1. Overtime work must be authorized prior to its being worked by one of the following:
 - a. Supervising Probation Officer
 - b. Probation Division Manager
2. Overtime approval slips are to be filled out for any overtime.
3. County policy specifies that department heads are authorized to approve TE-Comp Time Earned accumulating up to sixty (60) hours credit.
4. The following specific policies will be followed:
 - a. The County and its employees will comply with all provisions of the Federal Fair Labor Standards Act (FLSA) including the amendments of 1985.
 - b. Employees involved in compensating time shall be compensated as described in their Labor Unit's Memorandum of Understanding with Tulare County.

Any employee covered by the TCCA MOU who is called back to duty for performance of an emergency task shall receive compensation for a minimum of two (2) hours straight time, regardless of the actual time required to perform the emergency task. In the event the task exceeds two (2) hours in duration, the total compensation shall be based on actual hours worked. Extension of a normal workday or shift, regardless of lunch break, shall not be deemed call back.

If, as a result of time actually worked during a call back, the total time worked by an employee during the work qualifies the employee for overtime compensation, overtime shall apply.

SUBJECT: DRESS STANDARD

NUMBER: 4.7.0

- Shorts/capri or cropped-type pants (pants shall be ankle length)
- No body piercings, other than earrings (a limit of two (2) per ear). This prohibition applies to both male and female staff and is specifically intended to maintain a professional appearance. For the purpose of safety, earrings shall not be permitted for those staff assigned to facilities.
- Denim or corduroy pants
- Denim skirts
- Tattoos will be concealed by clothing for employees who work in air conditioned buildings. Individuals hired with visible tattoos on body parts that cannot be easily covered, such as the neck or hands, will be permitted to leave those body parts uncovered.

AUTHORIZED EXCEPTIONS

1. Positions or functions designated by the Chief Probation Officer.

LIMITED/MEDICAL EXEMPTION

Any member of the Executive Management Team may temporarily exempt an employee from the minimum dress standard.

COURT ATTIRE

Probation staff appearing in court are expected to adhere to a standard of dress which includes: shirt, tie, and/or jacket for male staff; dresses, pantsuits, business suits, skirts, and blouses for female staff.

Officers assigned on a full time basis to Juvenile and Adult Investigations Units, and those staff assigned to Court Officer responsibilities, are expected to dress in acceptable Court attire on a daily basis, unless involved in training or other exempted activities.

TRAINING ATTIRE

The attire for training shall adhere to the dress standard for a normal work day. All clothing, shall be neat and in clean condition. Department training attire policy may be superseded by the individual trainer and/or training facility when engaged in training which requires freedom of movement, such as, Weaponless Defense, CPR, etc. Other clothing must adhere to department minimum standards.

UNIFORMS & PROPERTY REPLACEMENT

In compliance with Article 22, of the TCCA Memorandum of Understanding:

A. Uniform Allowance:

1. Employees receiving the uniform allowance shall be required to adhere to dress code specifications, appearance, and maintenance standards established by the Probation Department.

SUBJECT: DRESS STANDARD

NUMBER: 4.7.0

2. The Probation Department shall pay to each employee of the Probation Department represented by TCCA, a uniform allowance in the amount of \$400 per year. Employees hired after the initial uniform allowance has been paid, shall receive a uniform allowance in the amount of \$350 within sixty (60) days of commencing employment. Should an employee covered by this agreement leave the Department or be off work in excess of six (6) months on an unpaid Leave of Absence, his/her uniform allowance shall be pro-rated on a per pay period basis. If permitted by law, the uniform allowance shall also be similarly pro-rated if the employee is off work in excess of six (6) months on "4850" leave.
3. All employees are required to dress in accordance with the Probation Department dress code as required by their position and/or facility assignment as indicated below.
 - a. Shirts:
 1. Only solid colored polo, in department authorized colors.
 2. Oxford type long/short sleeved shirts, with or without front pocket.
 3. Colors authorized by the department are: Black, Forest Green, Navy Blue, Tan, Grey, and White.
 - a. Probation Correctional Officers assigned to the Juvenile Detention Facility (JDF) are authorized to wear black shirts only.
 - b. Probation Correctional Officers assigned to the Youth Facility may wear black or tan shirts.
 - c. Institutional supervisors assigned to the Juvenile Detention Facility may wear green or grey shirts.
 - d. Institutional supervisors assigned to the Youth Facility may wear grey shirts only.
 - e. Detention Services Officers may wear white shirts only.
 - f. Deputy Probation Officers may wear any authorized color shirt.
 4. Shirts worn by staff are to display embroidered badges and identification lettering. Only sworn staff are authorized to wear the 7-point star. Non-sworn staff is authorized to wear, "Tulare County Probation Department" in place of the star.
- b. Pants:
 1. Properly fitting, black or khaki colored, cotton twill material pants only. Denim jeans will no longer be allowed for employees receiving a uniform allowance.

B. Property Replacement:

1. Employees who lose or damage property used in the course and scope of their County employment may submit a claim for reimbursement through the normal administrative procedures set forth in Board Resolution #2003-0851, which is administered through the Risk Management division.

SUBJECT: DRESS STANDARD

NUMBER: 4.7.0

DRESS CODE VIOLATIONS

Staff not in compliance with the dress code will be:

1. Interviewed by a supervisor or manager to determine if any medical, religious, or safety issues exist.
2. Counseled regarding the inappropriate clothing, if none of the above issues ~~is~~ **are** present, and told not to wear the inappropriate clothing again.
3. If the clothing is sufficiently inappropriate to create a distraction or present a safety hazard, in the workplace, the staff may be sent home, subject to reasonable time limits, to change into appropriate clothing.
4. Advised that violations are subject to progressive discipline, up to and including termination.
5. Documented in the employee's work site file.

JUVENILE DETENTION FACILITY & YOUTH FACILITY

For the purposes of safety and practicality, the following is a list of acceptable attire to be adhered to at all times, including staff meetings, training, etc.:

1. Properly fitting, black or khaki colored, cotton twill material pants. Pants are not to be faded, torn, or frayed.
2. Only solid colored polo or Oxford type long/short sleeved shirts, with or without front pocket, in authorized colors, with embroidered badges and identification lettering. Only sworn officers are authorized to wear the 7-point star. Non-sworn staff is authorized to wear "Tulare County Probation Department" in place of the star.
3. Athletic shoes (rubber sole).

Due to the special nature of duties completed by staff at the facilities, the following are not appropriate for wear during duty hours:

1. Open toed shoes, sandals, thongs, or moccasins
2. Sweat pants, sweat shirts
3. Neckties (other than during court appearances or formal work related gatherings such as presentations, etc.)
4. High heels or dress type shoes with heels of 1 ½ inches or higher.
5. Tank tops, half-shirts, and sleeveless shirts.
6. Dresses, skirts, or pant suits (other than during court appearances or formal work related gatherings such as presentations, etc.)
7. Revealing blouses or apparel designed for evening wear or leisure type activities.
8. Shorts and cut-offs.
9. Shirts with writing, except approved Probation shirts.
10. Military dress apparel (i.e., boots, bloused pants, fatigues)

SUBJECT: DRESS STANDARD

NUMBER: 4.7.0

OFF DUTY EMPLOYEES

No off duty employee shall enter any Probation Department office or facility wearing:

1. Cut-offs or tank tops.
2. Revealing apparel designed for evening or leisure type activities.
3. Any item of clothing containing writing or design, which promotes or refers to alcohol or drug use.
4. Any item of clothing containing profanity.
5. Any item of clothing containing writing or design which is sexually explicit.



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.7.1

SUBJECT: OPTIONAL ATTIRE ADDENDUM

EFFECTIVE: May 2011

ADMINISTRATIVE MANUAL

LAST ADOPTED: May 2011

SHIRTS

When officers are wearing their weapon and ballistic vest, they may wear a black under armor type no-collared shirt.

These shirts are only appropriate when wearing a weapon and ballistic vest. When in the office, they may remove the vest under the assumption they are returning to the field in a short period of time. Proper attire in the workplace remains a collared shirt as described in section 4.7.1 Optional Attire.

SUBJECT: OPTIONAL ATTIRE

NUMBER: 4.7.1

SHIRTS

In addition to the required shirts, black turtleneck shirts with PROBATION embroidered on the neck, may also be worn.

When officers are wearing their weapon and ballistic vest, they may wear a black under armor type no-collared shirt.

These shirts are only appropriate when wearing a weapon and ballistic vest. When in the office they may remove the vest under the assumption they are returning to the field in a short period of time.

HATS

Officers wearing hats may wear a black baseball type cap, embroidered with a 7 point star with the Tulare County seal, and embroidered with Tulare County Probation Department.

All articles of clothing identified as “optional attire” and containing any identifying words or insignia, must be pre-approved by the Chief Probation Officer or his/her designee in advance of purchase or procurement. Only sworn officers authorized to wear the 7 point star. Non-sworn staff are authorized to wear “Tulare County Probation Department” in place of the star. When discarding any such garment, all identifying word or insignias shall be removed and/or rendered unusable.

**SUBJECT: DRIVER'S LICENSE & VEHICLE
INSURANCE VERIFICATION**

NUMBER: 4.8.0

COUNTY OF TULARE DRIVING STANDARDS

A satisfactory driving record is required for appointment to and for continued employment in County positions which require the operation of a motor vehicle in the course of County business. Applicants and employees in positions requiring the operation of a motor vehicle will be required to obtain and submit a driving record history from the Department of Motor Vehicles. The driving record history will be evaluated against the standards listed below.

DEFINITIONS

Major or Capital Violation: Major or capital violations are serious convictions which indicate a disregard for public safety. Examples include, but are not necessarily limited to the following: reckless driving where bodily injury or property damage may result; hit and run; negligent homicide; assault with a motor vehicle.

Incident: An incident is defined as a preventable accident or moving violation.

Accident: Accidents will be determined to be non-preventable where there is no corresponding citation date under the abstract section of the DMV report.

Moving Violation: A moving violation is defined as a citation issued under the California Motor Vehicle Code, or similar code of another State, and includes citations for unregistered vehicle, expired licenses, licenses not in possession, suspended licenses or revoked licenses. Citations for faulty equipment shall be considered moving violations except those involving unlit tail lamps, turn signals, brake lights, or license plate lights. All other citations will be considered as moving violations.

STANDARDS

Except where the law may require a higher standard, the following criteria will be utilized as a definition of an UNSATISFACTORY driving record.

- One conviction of a major or capital violation during the preceding 36 month period is considered unsatisfactory.
- Two convictions of driving under the influence of alcohol or drugs during the preceding 36 month period is considered unsatisfactory.
- For County positions which normally require the operation of a motor vehicle for *less* than 4000 miles per year, five or more incidents during the preceding 36 months will be considered unsatisfactory.
- For County positions which normally require the operation of a motor vehicle for *more* than 4000 miles per year, three or more incident during the preceding 36 months will be considered unsatisfactory.

**SUBJECT: DRIVER'S LICENSE & VEHICLE
INSURANCE VERIFICATION**

NUMBER: 4.8.0

DRIVER'S LICENSE AND VEHICLE INSURANCE AGREEMENT

Please read and initial the following:

I hereby certify that:

_____ I currently possess a valid California Driver's License

_____ My personal vehicle that I will use on County business is currently, and will continue to be at all times, covered at or above the minimum insurance levels required by State law.

_____ I will immediately notify my department and Risk Management of:

- Any action against my driver's license or change in my driver's license status;
- Any action against my insurance or any change in my insurance coverage that falls below the minimum levels required by State law;
- Any moving violations incurred while on County business.

The following is a copy of my current driver's license and proof of personal vehicle insurance:

Driver's License

Proof of Insurance

SAMPLE

I have read, initialed, and agree to the above.

EMPLOYEE'S SIGNATURE

DATE

I have explained the content of this agreement to the above employee.

SUPERVISOR'S SIGNATURE

DATE



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.9.0

SUBJECT: OFF DUTY CONDUCT

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

Employees shall not violate any federal statute, state law, local ordinance, or department rule, or regulation. Failure in this regard will be considered behavior that brings discredit upon the criminal justice system, the Probation Department, and could jeopardize staff's employment.

Any staff who become aware that he/she is the subject of a criminal investigation, or is arrested or charged with any felony or misdemeanor, shall immediately report the matter to the office of the Chief Probation Officer through their immediate supervisor.



PROBATION DEPARTMENT

ADMINISTRATIVE MANUAL

SECTION: IV

NUMBER: 4.9.1

SUBJECT: RELATIONSHIPS WITH CLIENTS

EFFECTIVE: February 2005

LAST ADOPTED: February 2005

GENERAL STATEMENT

Department personnel are to avoid any conduct that may result in a compromise of professional (peace officer) status, a conflict of interest, civil or criminal liability, or interfere with the work process. Relationships between staff, client, and clients' family members are to be maintained in a professional matter at all times.

POLICY

1. Staff shall not fraternize with current or former clients, known felons, or parolees. Fraternization includes, but is not limited to, the following:
 - a. Engaging in relationships or associations of an interpersonal nature.
 - b. Engaging or accepting financial or business services.
 - c. Doing favors for or accepting favors.
 - d. Corresponding with, or for, a client.
 - e. Engaging in personal telephone conversations.
2. Staff shall not knowingly fraternize with former clients when their relationship originates as the result of the staff's employment with the Department.
3. Staff aware of fraternization between other members of the Department and a client or former client, known felon, or parolee, shall report the matter to their supervisor immediately.
4. Nothing in this section is intended to interfere with any interview or investigation conducted in the course and scope of business of any Department employee.
5. Nothing in this section is intended to apply to the employee's immediate family.
6. When in doubt, staff shall contact their immediate supervisor for clarification or direction regarding this policy.

**SUBJECT: PLACEMENT OF MINOR WITH
COUNTY EMPLOYEES**

NUMBER: 6.5.0 4.9.2

2. Employees of the Tulare County Probation Department shall not accept any relative placement, wherein said minor relative is a ward, dependent, or receiving courtesy supervision services by Tulare County, or is a ward or dependent of any other County within the State of California, without prior notice to, and written approval by the Chief Probation Officer.
3. The Tulare County Probation Department shall not place any Tulare County ward, dependent, relative of, or arrange for the non-relative placement of, any minor into the home of any employee of the Tulare County Department of Social Services unless prior written approval is received from the Chief Probation Officer.
4. The Tulare County Probation Department shall not place any Tulare County ward, dependent, relative of, or arrange for the non-relative placement of, any minor into the home of any County employee listed in categories 3 through 6, of the above without prior notice to, and written approval by the Chief Probation Officer.
5. The Tulare County Probation Department shall not place any out-of-County ward, dependent, relative of, or arrange for the non-relative placement of, any County employee listed in categories 1 through 6, without prior notice to, and written approval of, the Chief Probation Officer.



PROBATION DEPARTMENT

ADMINISTRATIVE MANUAL

SECTION: IV

NUMBER: 4.10

SUBJECT: EMPLOYEE RULES ON CONDUCT

EFFECTIVE: July 2012

LAST ADOPTED: July 2012

POLICY

The following rules of conduct have been established for all Probation Department employees:

1. Courtesy toward members of the public and clientele is expected of all employees. Employees are to conduct themselves in a professional manner while on duty by being respectful and courteous to others, and will not make racist, sexist, disparaging, profane, uncomplimentary, discourteous, or disruptive remarks.
2. Employees of the Department shall present to the public a professional appearance in compliance with the Tulare County Probation Department dress code.
3. No Probation Department employee may consume alcoholic beverages while on duty. Probation Department employees will not report to work or be on duty when there is any observable effect of the use of alcohol or a controlled substance.
4. Employees will not bring an alcoholic beverage, controlled substance, or paraphernalia for the illegal use of a controlled substance onto the site of any juvenile institution, nor into any other Probation Facility in which the employee is working, conducting County business or visiting.
5. All employees must meet the obligations of their work assignments as specified in departmental policies, procedures, performance standards, written and verbal directives, and the law. In addition to specific job tasks, employees are expected to report for duty as scheduled unless specifically excused, to remain awake, alert, and sober while on duty.
6. Employees are required to speak the truth in all official communications, and not falsify any records, reports, time sheets, legal documents, testimony, etc.
7. No employee of the Department shall withhold or divulge information pertinent to effective law enforcement for any reason.
8. Employees of the Department shall treat confidential all official business, reports, and records of the Department. They shall not impart information of such business, nor shall they permit anyone to see or read such reports or records, or permit anyone to receive copies of such reports or records, except those for whom they are intended, pursuant to law, or as directed by their immediate supervisor or higher authority, under due process of law.

SUBJECT: EMPLOYEE RULES ON CONDUCT

NUMBER: 4.10

9. Every Department employee shall treat his/her supervisor with respect, be courteous to their associates and refrain from all derogatory remarks discrediting them, except to his/her immediate supervisor when the seriousness of the situation demands attention.
10. No department employee shall deliver addresses via newspaper, radio, television, or at public gatherings concerning the work of the department; nor shall they, under any circumstances, make a statement for publication which concerns the plans, policies, or affairs of the administration of the Probation Department, unless duly authorized to do so by the Chief Probation Officer or his designee. Employees shall not, directly or indirectly, seek notoriety through the public press for acts performed in the discharge of their duties.
11. Employees shall not accept, directly or indirectly, from any person liable to arrest or to complaint, in custody or after discharge, or from any friend or friends of any such person, any gratuity whatsoever.
12. No employee shall knowingly transact any business with, or for any person in custody or under suspicion, except in the line of duty.
13. All employees involved with cases before the Courts are to be punctual in their attendance. They shall testify with accuracy and honesty. When cross-examined, they shall answer with the same readiness as when testifying in support of the charge, remembering that the interests of justice will best be served by showing a desire simply to tell the truth, the whole truth, and nothing but the truth, whether it be in favor of or against the defendant/probationer.
14. Any employee who is placed temporarily in a position of higher authority shall exercise the authority and perform the duties of such higher authority, and shall be held responsible in like manner of such regularly appointed higher authority. He/she shall not interfere with or countermand any prior order issued by the authority whose place he/she temporarily occupies unless that prior order impairs the effective operation of the department.
15. Any employee shall give all proper identification to persons requesting same, avoiding all unnecessary conversation or controversy. He/she shall give both their name and badge number (if he/she has one) without hesitation to any person who requests it.
16. Whenever any member retires, resigns, is discharged, or suspended, he/she shall surrender to the Department Head or his designee, all property assigned to him/her.
17. Sleeping, idling, or loafing while on duty shall be considered neglect of duty and shall be grounds for disciplinary action.
18. Employees injured in the line of duty shall report in writing the circumstances of such injury on the prescribed form. Injury reports shall be completed as soon as practical after the occurrence of the injury, and in accordance with departmental policy and procedures.

SUBJECT: EMPLOYEE RULES ON CONDUCT

NUMBER: 4.10

19. An employee who strikes or injures any person in any way shall report the circumstances in writing. Such reports shall be completed no later than at the end of the working day or shift.
20. No employee shall willfully assault any person for any reason, except to prevent or interrupt the commission of a public offense. Nor will he/she use more force than is necessary to affect an arrest or to maintain the custody of a prisoner or a juvenile detainee.
21. Employees shall not use the department as a mailing address for private purposes including as the address of a privately owned motor vehicle registration or operator's license. Pursuant to California Vehicle Code Section 12500(a) all department employees are required to have in their possession a valid California Driver's License Class B while operating any Class B vehicle owned or leased by Tulare County.
22. No employee, while on active duty, will use any controlled substance steroid, or even an over-the-counter medication that has the medically established possibility of altering the user's personality. This would not preclude taking medication under the direct supervision of a physician. But if the medication could impair facilities, it is the employee's responsibility to take appropriate action, including notifying the immediate supervisor.
23. No employee shall socialize with any probation client during non-duty hours, except employees who are members of the immediate family.
24. Any employee who observes or is aware of an employee violating the law and/or departmental policy and procedure must report this to a supervisor at the earliest possible opportunity. All employees are responsible for reporting any situation that poses a threat to the health and safety of staff and clients under the Probation Department jurisdiction. An employee who knowingly fails to report misconduct may be subject to disciplinary action.
25. Employees are not to violate the legal or civil rights of others or to commit any criminal act while on duty. Any such violations is to be immediately reported to Management via the chain of command, with follow-up written reports as required by departmental policies, procedures, and directives. When it appears an employee has committed a criminal act while on duty, the matter will be referred to the appropriate law enforcement agency for investigation. Civil Rights violations will be investigated per County and Departmental procedures and referred via the chain of command to Management for review.
26. No employee of the Probation Department will use his/her position, badge, or County identification for any purpose other than official business.

SUBJECT: PERSONNEL RULE 12

NUMBER: 4.11

12. Discourteous treatment of the public or other employees.
13. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a County employee.
14. Violation of these rules, department policies, or any written policies, which may be prescribed by the County.
15. Acceptance by an employee of any bribe, gratuity, kickback, or other form of remuneration in addition to regular compensation with an attempt to influence the action or opinion of an employee in the performance of the employee's duties.



ADMINISTRATIVE MANUAL

SECTION: IV **NUMBER: 4.12**

**SUBJECT: INTERNAL AFFAIRS
INVESTIGATION**

EFFECTIVE: February 2005

LAST ADOPTED: February 2005

GENERAL STATEMENT

An Internal Affairs Investigation is the process for determining the validity of allegations where significant probability exists of an employee law violation, policy violation or other misconduct, which, if substantiated, will result in formal disciplinary action.

The department has an ethical and legal obligation to investigate all complaints that are received regarding employees. The Internal Affairs policies and procedures have been developed to provide a method of holding employees accountable who are involved in misconduct, while at the same time, clearing the reputation of those who are wrongly accused of misconduct and also provide a liability protection to the department by ensuring consistent investigative procedures and record retention.

INTERNAL AFFAIRS PROCEDURES

The Chief Probation Officer will authorize the Internal Affairs Investigation based on information of employee misconduct received from Division Managers, or other staff.

The Chief Probation Officer or Division Manager will, with the authority of the Chief Probation Officer, assign the case to the Internal Affairs Investigator.

The Department Personnel Officer will enter the referral in the Internal Affairs log. Completion of the investigation will be entered in the Internal Affairs log.

STORAGE

Internal Affair files will be stored in a secure file cabinet located within the office of the Personnel Officer, Visalia Courthouse, Rm. 206. Only authorized individuals will have access to the Internal Affair files.

INTERNAL AFFAIRS / CITIZEN'S COMPLAINT RECORDS

Citizen's Complaints are retained for at least five (5) years, pursuant to Penal Code 832.5. Citizen Complaint records are secured in the Department Secretary's office. Internal Affair records are secured in the supervisor of the Human Resource Unit's office.

SUBJECT: INTERNAL AFFAIRS INVESTIGATION

NUMBER: 4.12

RECORD KEEPING

Records of personnel complaints must be kept a minimum of five years by law. It is the policy of the Probation Department to maintain departmental Internal Affairs files on unfounded/not sustained Internal Affairs files for five years, after which, they will be destroyed. Investigations in which allegations were substantiated, will be retained for five years after the subject's employment has ended. No Internal Affairs files will be destroyed while litigation is in progress.

AUTHORIZATION

Internal Affair files will be stored in a secure file cabinet located within the office of the Personnel Officer, Visalia Courthouse, Rm. 206. Only authorized individuals will have access to the Internal Affair files.

Access to completed Internal Affairs files requires justification based on a "need to know." Persons requesting to review completed Internal Affairs files will be required to submit a "Request for Review of Internal Affairs File" form to the Office of the Chief. Court orders are exempt from this requirement.

Contents of completed Internal Affair files will remain intact. Anytime copies of the file or related tapes, documents, photos, etc. are authorized for release by the Chief Probation Officer, a "Document Release Log" will be completed and placed into the file indicating the individual requesting the information, their title, date of the release, and specific items requested.

PROCESS

Investigators should familiarize themselves with Government Code 3300-3312, otherwise known as the Peace Officer Bill of Rights, prior to beginning any Internal Affair Investigations to avoid procedural errors and ensure fair and impartial treatment of any and all staff subject to this section.

INVESTIGATIVE STEPS

1. Review the allegation and identify the law or regulation violated.
2. Review all available information including, but not limited to, police reports, incident reports, court records, DMV and criminal record checks, citizen complaints, etc., as indicated by the nature of the investigation.
3. List all witnesses to be interviewed, including the complainant and the departmental employee.
4. Prepare a list of questions for each interview to be conducted.
5. Interview all witnesses, including complainant and departmental employee.
6. Witnesses to the incident need not be served with a notice of intent to interview, nor are they entitled to representation during the interview.

SUBJECT: INTERNAL AFFAIRS INVESTIGATION

NUMBER: 4.12

7. All interviews are to be conducted face to face when possible, telephone interviews are acceptable in some circumstances, when the individual to be interviewed is otherwise unavailable. All interviews will be recorded, and transcribed as soon as possible.
8. The employee (subject of investigation), must be served with a notice of a "Right to Representation Interview" at least 24 hours in advance of the interview date and time. The notice must contain specific information regarding the allegation(s) being investigated. The notice time is set per MOU with the representative union. They will indicate at that time if they will be represented, and whom the representative will be.
9. If the employee is to be represented by an attorney, the investigator is to immediately contact County Counsel to request a representative be present at the interview.
10. Re-interview witnesses and employees as needed, ensuring proper notice and providing a copy of the prior interview if the subject employee is being re-interviewed on the same matter.
11. Dictate report on departmental format.
12. File report with Chief Probation Officer or his/her designee.

INTERVIEW

1. The setting for the interview should be as private as possible with a table and chairs set up in such a way that the recorder can pick up all parties to the interview.
2. It is important that the investigator develop a lead-in paragraph stating the investigators name and rank, the date, time, and location of the interviews. Everyone present during the interview must be identified on tape prior to beginning the questioning.
3. When interviewing witnesses, they are to be admonished that they are not to discuss the matter they are being interviewed about or face disciplinary action themselves. Further, they are to be advised if the information they provide results in disciplinary actions, they may be required to provide testimony as part of the appeal process.
4. The employee (subject of investigation), may have a representative of choice. The representative shall not be a person subject to the same investigation.
5. The interview should take place during the employee's normal workday or shift. If other arrangements are required, the employee is to be compensated in line with County and department policy.
6. All questions directed to the employee under investigation shall be asked by and through no more than two (2) investigators at one time.
7. The investigator should prepare a list of questions aimed at obtaining the necessary information in order to complete the investigation.

SUBJECT: INTERNAL AFFAIRS INVESTIGATION

NUMBER: 4.12

8. If there is a possibility that the department employee's conduct is criminal in nature, they will first be given the department approved Miranda warning.
9. Should the employee under investigation invoke his/her Miranda rights, the Department's Lybarger Admonition will be read. This admonition requires that the employee cooperate fully and provide all requested information or face disciplinary action, up to and including dismissal.
10. The investigator should note the time the recorder is turned on or off and make it a point to leave the recorder on until the interviewee has left the room. If the recorder is turned off for any reason, the investigator is to indicate that no off the record discussion took place.
11. It is essential that the investigator maintains control of the interview and not allow the employee or the representative to control the interview.
12. The questions asked should be directed toward the employee and the responses to the questions received from the employee.
13. There may be times when it is more informational for the employee to respond in a narrative fashion; however, try to keep the employee on track and seek answers to the list of questions previously formulated.

ROLE OF EMPLOYEE REPRESENTATIVE

The right to a representative by a sworn department employee is covered in the "Peace Officer Bill of Rights". The representative must comply with the following course of conduct:

1. May not be implicated in the conduct that brought rise to the investigation
2. May not answer the questions for the subject
3. May not "object" to questions or be disruptive.
4. May ask questions to clarify issues or bring out information not developed by the investigation.
5. In situations where the representative is disruptive or intrusive, the investigator may terminate the interview and reschedule for a later time.

PROVIDING NOTES / REPORTS PRIOR TO INTERVIEW

Pursuant to Government Code Section 3303(f), all notes and reports including witness interviews can be withheld by the agency as confidential. This should be done in all cases.

County of Tulare

3421 W. NOBLE AVENUE
VISALIA, CA 93277
TELEPHONE: (559) 608-9000
FAX: (559) 713-3755



**CHIEF PROBATION OFFICER
MICHELLE BONWELL**

PROBATION DEPARTMENT

LYBARGER WARNING

Warning of consequences of an officer's refusal to respond to internal affairs question by investigators.

You have refused to answer questioning by internal affairs investigators.

You are hereby ordered to respond to internal affairs investigators.

You are being question in the context of an administrative inquiry into possible misconduct, which may include criminal misconduct.

Your continued refusal to respond to Internal Affairs questions, even if on advice of your attorney, shall be deemed insubordination leading to serious administrative disciplinary action against you. The disciplinary action may include dismissal from your position as a consequence of your refusal to respond to internal affairs questioning.

You are hereby advised that statements made by you to internal affairs investigators under compulsion of the treat of administrative disciplinary action cannot be used against you in subsequent criminal proceedings, except for impeachment purposes. However, these statements may and will be used against you in subsequent departmental disciplinary proceedings.

Advising Officer

Rank

I have read and understand the above Lybarger Warning.

I will answer Internal Affairs questions.

Officer Signature

Date

I continue to refuse to respond to Internal Affairs questioning.

Officer Signature

Date

County of Tulare

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**CHIEF PROBATION OFFICER
MICHELLE BONWELL**

PROBATION DEPARTMENT

INTERNAL AFFAIRS OFFICERS ADMONITION (MIRANDA/LYBARGER)

Date: _____ Time: _____ Location: _____

Investigator: _____

Additional Investigator: _____

Employee: _____

Representative: _____

Additional: _____

Nature of Investigation: _____

OFFICER ADMONITION / MIRANDA WARNING:

Because of facts discovered during this investigation, it appears that you may be charged with a criminal offense. Therefore, I will now read to you your constitutional rights pursuant to Miranda and Government Code Section 3303(h).

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer, and have one present with you while you are being questioned.

4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Do you understand these rights as I have read them to you? _____ (Yes/No)

Having these rights in mind, do you wish to talk with me now? _____ (Yes/No)

Signature _____

OFFICER ADMONITION:

You are about to be questioned as part of an official administrative investigation of the Tulare County Probation Department, under the direction of Chief Probation Officer Michelle Bonwell.

We are conducting an administrative investigation. It is not a criminal investigation. You will be asked questions specifically directed and related to the performance of your official duties and/or your conduct as it relates to and is required by the orders and standards of the Tulare County Probation Department.

Although you have a right to silence in a criminal investigation, this is not a criminal investigation but an administrative investigation. You are now ordered as an employee of this department to answer truthfully, all questions asked by investigators and to give a full, detailed and complete statement regarding your knowledge of/or involvement in the matter now under investigation. Failure to answer questions directly related to this administrative investigation may result in discipline up to and including termination.

This is an administrative investigation and neither your statements, nor any information or evidence which is gained by reason of such statements, can be used in subsequent criminal proceedings, if any. However, these statements may be used against you in relation to any subsequent departmental administrative charges.

You have the right to have a representative of your choice, who is not involved in this investigation, present with you during the interview.

Do you wish to have a representative present with you during the interview? Yes_____ No_____

This interview is being audio-recorded. You may audio-record this interview yourself if you wish. You may also request a copy of this recorded interview.

Do you wish to audio record this interview? Yes_____ No_____

Do you want a copy of this recorded interview? Yes_____ No_____

Only use this paragraph if the matter involves other employees who could impact the outcome or delete (Confidentiality Admonition: Only use when deemed a “business necessity” (to either: 1. Protect witnesses; 2. Avoid any possible tampering of evidence; 3. Avoid any fabrication of testimony; or 4. Prevent a cover-up). Absent any of the above listed reason(s), an employee’s discussion of the perceived matter with other employee’s is protected and cannot be infringed upon without cause. Delete paragraph below.)

Due to the need to (select reason: protect witnesses; avoid any possible tampering of evidence; avoid any fabrication of testimony; or prevent cover-up) you are being directed to refrain from discussing any matters that may have resulted in the investigatory interview with other employees that could affect the integrity of the investigation, however you are not prohibited from exercising any of your protected rights, including discussing any matters with your representative and/or counsel.

Do you understand this order? Yes _____ No _____

Do you understand this admonition? Yes _____ No _____

Date: _____ Time: _____

Employee’s Signature: _____

Representative: _____

Investigator: _____

Tulare County Human Resources Officer: _____

Other: _____

County of Tulare

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VISALIA, CA 93277
TELEPHONE: (559) 608-9000
FAX: (559) 713-3755



CHIEF PROBATION OFFICER
MICHELLE BONWELL

PROBATION DEPARTMENT

TULARE COUNTY PROBATION DEPARTMENT INTERNAL AFFAIRS OFFICER'S ADMONITION

Date: _____ Time: _____ Location: _____

Investigator: _____

Additional Investigator: _____

Employee: _____

Representative: _____

Additional: _____

Nature of Investigation: _____

OFFICER ADMONITION:

You are about to be questioned as part of an official administrative investigation of the Tulare County Probation Department, under the direction of Chief Probation Officer Michelle Bonwell.

You will be asked questions specifically directed and related to the performance of your official duties and/or your conduct as it relates to the Orders and Standards of the Tulare County Probation Department.

Although you have a right to silence in a criminal investigation, this is not a criminal investigation but an administrative investigation, and you are now ordered as an employee of this department to answer all questions asked by investigators and give a full detailed and complete statement regarding your knowledge of, or involvement in the matter now under investigation. You are ordered to answer questions completely and truthfully. Failure to answer questions directly related to this administrative investigation may result in discipline up to and including termination.

This is an administrative investigation. Neither your statements, nor any information or evidence which is gained by reason of such statements, can be used in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent departmental administrative charges.

You have the right to have a representative of your choice, who is not involved in this investigation, present with you during the interview.

Do you wish to have a representative present with you during the interview?

Yes _____ No _____

This interview is being recorded. You may record this interview yourself if you wish.

Only use this paragraph if the matter involves other employees who could impact the outcome or delete (Confidentiality Admonition: Only use when deemed a "business necessity" (to either: 1. Protect witnesses; 2. Avoid any possible tampering of evidence; 3. Avoid any fabrication of testimony; or 4. Prevent a cover-up). Absent any of the above listed reason(s), an employee's discussion of the perceived matter with other employee's is protected and cannot be infringed upon without cause. Delete paragraph below.)

Due to the need to (select reason: protect witnesses; avoid any possible tampering of evidence; avoid any fabrication of testimony; or prevent cover-up) you are being directed to refrain from discussing any matters that may have resulted in the investigatory interview with other employees that could affect the integrity of the investigation, however you are not prohibited from exercising any of your protected rights, including discussing any matters with your representative and/or counsel.

Do you understand this order? Yes _____ No _____

You are advised that retaliation against an employee, who complained, and/or who assisted or participated in any manner in an investigation, proceeding or hearing, is subject to disciplinary action.

Do you understand this advisement? Yes _____ No _____ Initials: _____

Do you understand this admonition? Yes _____ No _____ Initials: _____

Date: _____ Time: _____

Signature: _____

Representative: _____

Investigator: _____ Tulare County HRO _____

Other: _____ Other: _____

Tulare County Probation Department Complaint Summary and Preliminary Investigation Form

Complainant Information	<input type="checkbox"/> Citizen's Complaint	Reporting Person: (Last, First)
	<input type="checkbox"/> Probation Employee	Address:
	<input type="checkbox"/> Department Supervisor	City:
	<input type="checkbox"/> Outside Agency	Work Location/Agency:
	<input type="checkbox"/> Other:	Date Reported:

Staff Name: (Last, First)	Staff Work Location
Date of Occurrence	Time of Occurrence

One year date, pursuant to POBAR, Gov Code Section 3304(d):

Alleged Violations: (Cite policy numbers violated and attach copies)

Brief Summary of Complaint:

Reporting Supervisor:	Phone Number:	Date:
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Preliminary Case Screening

Complaints that are too serious or too great a magnitude to be handled at the office/facility level.

- Criminal Behavior that may be prosecuted.
- Possible termination or substantial discipline of the employee
- Complaints from other law enforcement agencies.
- High Profile Case.

(Check then complete sections A and B on the reverse)

(A) Internal Affairs Referral

Background Information: (Use additional pages if needed)

(B) Preliminary Investigation Attachments:

List of witnesses and involved persons (addresses and phone numbers)

- Signed statements of witnesses.
- Documentation (E-mails, memos, records, audio tapes, video tapes, photographs, etc...).
- Copies of Manual sections violated.
- Signed training documentation.
- Additional items collected.

Employee's Site File.

Investigation halted by: Division Manager Deputy Chief Chief

Reason:

Resolution:

Approved for I.A. Referral

Refer to Staff Supervisor

Probation Division Manager

Date

Concur

Do Not Concur

Deputy Chief

Date:

Approved

Denied

Chief Probation Officer

Date



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.13

SUBJECT: CITIZEN'S COMPLAINT/EMPLOYEE MISCONDUCT POLICY

EFFECTIVE: September 2011

ADMINISTRATIVE MANUAL

LAST ADOPTED: September 2011

AUTHORITY

CHIEF PROBATION OFFICER

STATUTES

California Penal Code Section 832.5, 832.7, and 148.6, Tulare County Personnel Rules 11 and 12.

POLICY

It is the policy of the Probation Department to be responsive to complaints from citizens and reports of misconduct at any level. In order to maintain the high regard in which the Tulare County Probation Department is held, it is necessary for citizen complaints and reports of employee misconduct to be dealt with quickly, efficiently and appropriately. It is also important that these matters be carefully investigated.

It will be the policy of this department that complaint forms be available at all locations to allow citizens to report employee misconduct.

GENERAL PROCEDURE

Any employee receiving a citizen complaint or a report of an employee's misconduct shall ask the complainant if they desire to put their complaint in writing and sign the document. The employee shall prepare a memo regarding the complaint and submit it the same working day to his/her own supervisor who shall immediately provide it to the supervisor of the employee involved. Upon receipt of the complaint, the supervisor shall contact the Chief's Secretary, who will document the complaint in a log and provide a complaint/incident number to be attached to the complaint form. The Supervisor shall be responsible for investigating the complaint if so directed by the Division Manager, and shall communicate the results through the chain of command to the Chief Probation Officer. The complaint may also be referred to the Internal Affairs Investigator. The Chief Probation Officer shall be responsible for guiding the handling of the complaint, working with the manager and supervisor.

COMPLAINT AGAINST A PEACE OFFICER

Section 832.5 requires that: (a) Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies and shall make a written description of the procedure available to the public.

**SUBJECT: CITIZENS COMPLAINT/EMPLOYEE
MISCONDUCT PROCEDURE**

NUMBER: 4.13

All area offices and institutions shall have available the attached Personnel Complaint form.

The complainant shall in all cases, be provided with a copy of their complaint summary, and copy of this procedure.

NON-CRIMINAL CONDUCT

In the event that it appears no criminal activity is involved in the citizen complaint or report of employee misconduct, the matter may be referred to the Internal Affairs Investigator within the Probation Department. The investigator, after completing the investigation, shall refer the matter to the Chief Probation Officer with a finding of:

Unfounded – allegation is false, not factual.

Exonerated – incident occurred, but was lawful and proper.

Not sustained – could not be proven or disproved.

Sustained – incident occurred and disciplinary action is indicated.

COMPLAINT SUSTAINED

If the complaint is sustained, it is then referred to the Chief Probation Officer for determination of appropriated discipline. This decision may be reviewed with County Counsel. The employee will be notified of any proposed discipline by the Supervisor or Division Manager in charge via a Notice of Proposed Discipline.

CRIMINAL CONDUCT

If the incident involves a violation of the law, the Chief Probation Officer will refer the matter to the law enforcement agency having jurisdiction. All information received by the Probation Department, but not obtained through an Internal Affairs Investigation, will be made available to the appropriate law enforcement officials. The individual under investigation will be notified.

NOTIFICATION UPON COMPLETION OF INVESTIGATION

The complainant and affected staff member shall be notified of the results of the investigation and the action taken. All documents and written material concerning the case shall be retained for a period of five (5) years in accordance with Section 832.5 of the California Penal Code.

If the investigation resulted in disciplinary action being taken, the information generated by the investigation will be stored in the individual's personnel file. All other dispositions will be stored in an administrative file for the required five (5) years.

While peace officers personnel records are confidential pursuant to Section 832.5 of the California Penal Code, 832.7(e) PC required

The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days. It is not required that the individual request that information, it is a mandate upon the agency to provide it.

**SUBJECT: CITIZENS COMPLAINT/EMPLOYEE
MISCONDUCT PROCEDURE**

NUMBER: 4.13

The department is only required to provide information as to “sustained, not sustained” exonerated, or unfounded.” The agency or department is not to identify the individuals (officers) involved.

The department is also required in the case of peace officers, to “release to the complaining party a copy of his or her own statements at the time the complaint is filed.”



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.14

SUBJECT: PEACE OFFICERS BILL OF RIGHTS

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

POLICY

The sworn Probation Officers in the Tulare County Probation Department are Public Safety Officer as described in Section 3301 of the Government Code. As Public Safety Officers, Probation Officers are fully entitled to all the protections afforded by provisions of this act. It is the policy of the Tulare County Probation Department to see that no Public Safety Officers' rights under this act are violated. In order for this to be accomplished, a review of the different rights outlined in each section of the Government Code follows:

SECTION 3302

Except as otherwise provided by law, or whenever on duty or in uniform, no Public Safety Officer shall be prohibited from engaging, or be coerced or required to engage in political activity.

No Public Safety Officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district.

SECTION 3303

When any Public Safety Officer is under investigation and subjected to interrogation by his commanding officer, or any other member of the employing Public Safety Department, which could lead to punitive actions, such interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action is defined as any action which may lead to dismissal, demotion, suspension and reduction in salary, written reprimand, or transfer for purposes of punishment.

The interrogation shall be conducted at a reasonable hour, preferably at a time when the Public Safety Officer is on duty, or during the normal waking hours of the Public Safety Officer, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off duty time of the Public Safety Officer being interrogated, the Public Safety Officer shall be compensated for such off duty time in accordance with regular department procedures, and the Public Safety Officer shall not be released from employment for any work missed.

The Public Safety Officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

The interrogation session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend his/her own personal physical necessities.

SUBJECT: PEACE OFFICERS BILL OF RIGHTS

NUMBER: 4.14

The Public Safety Officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of regard shall be made as an inducement to answering any question. The employer shall not cause the Public Safety Officer under interrogation to be subjected to visits by the press or news media without his/her express consent, nor shall his/her home address or photograph be given to the press or news media with his/her express consent.

The complete interrogation of a Public Safety Officer may be recorded. If a tape recording is made of the interrogation, the Public Safety Officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The Public Safety Officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The Public Safety Officer being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.

If prior to or during the interrogation of a Public Safety Officer it is deemed that he may be charged with a criminal offense, he shall be immediately informed of his constitutional rights.

Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against any Public Safety Officer, that officer, at his/her request, shall have the right to be represented by a representative of his/her choice who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for non-criminal matters.

This section shall not apply to any interrogation of a Public Safety Officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other Public Safety Officer, nor shall this section apply to any investigation concerned solely and directly with alleged criminal activities.

No Public Safety Officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

SECTION 3304

No Public Safety Officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a Public Safety Officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him/her with insubordination.

SUBJECT: PEACE OFFICERS BILL OF RIGHTS

NUMBER: 4.14

No punitive action, non-denial of promotion on grounds other than merit, shall be undertaken by public agency without providing the Public Safety Officer with an opportunity for administrative appeal.

SECTION 3305

No Public Safety Officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for personnel purposes by his/her employer, without the Public Safety Officer having first read and signed the instrument containing the adverse comment indicating he/she is aware of such comment, except that such entry may be made if after reading such instrument the Public Safety Officer refuses to sign it. Should a Public Safety Officer refuse to sign, the fact shall be noted on that document and signed or initialed by such officer.

SECTION 3306

A Public Safety Officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

SECTION 3307

No Public Safety Officer shall be compelled to submit to a polygraph examination against his/her will. No disciplinary action or other recrimination shall be taken against a Public Safety Officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the Public Safety Officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding judicial or administrative, to the effect that the Public Safety Officer refused to take a polygraph examination.

SECTION 3308

No Public Safety Officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his/her property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his/her family or household) unless such information is obtained or required under State Law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his/her official duties, or is necessary for the employing agency to ascertain the desirability of assignment of the Public Safety Officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

SECTION 3309

No Public Safety Officer shall have his/her locker, or other place for storage that may be assigned to him searched except in his/her presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

SUBJECT: PEACE OFFICERS BILL OF RIGHTS

NUMBER: 4.14

SECTION 3309.5

It shall be unlawful for any Public Safety Department to deny or refuse to any Public Safety Officer the rights and protections guaranteed them by this chapter.

The Superior Court shall have initial jurisdiction over any proceeding brought by any Public Safety Officer against any Public Safety Department for alleged violations of this section.

In any cases where the Superior Court finds that a Public Safety Department has violated any of the provisions of this chapter, the Court shall render appropriate injunction or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary or permanent injunction prohibiting the Public Safety Department from taking any punitive action against the Public Safety Officer.

SECTION 3310

Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same right or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

SECTION 3311

Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any Public Safety Officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdiction or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.



PROBATION DEPARTMENT

ADMINISTRATIVE MANUAL

SECTION: IV

NUMBER: 4.15

SUBJECT: ORAL & WRITTEN REPRIMANDS

EFFECTIVE: February 2005

LAST ADOPTED: February 2005

GENERAL STATEMENT

Employee discipline is authorized pursuant to the Tulare County Personnel Rules 1, 2, 7, 11, 12, and 13.

Oral reprimands and written reprimands (Personnel Rule 12), are the first formal disciplinary considerations available to Department supervisors/managers when implementing a continuum of progressive discipline to remedy the problem behavior.

When employee discipline problems arise, they usually fall into one of the following categories:

1. Attendance
2. Misconduct
3. Insubordination
4. Discourteous treatment of co-workers or the public
5. Failure to follow established County or Departmental policy and procedure
6. Unsatisfactory performance of duties
7. Law violations

Based on the nature of the discipline problem category and before formal disciplinary measures are taken, informal remedial actions should be considered, such as discussions, coaching, and counseling. These actions are not part of an employee's permanent personnel record, but are documented by the supervisor/manager.

Formal disciplinary actions may be initiated if the informal actions fail to mediate the problem, or if the initial problem is of such seriousness that immediate formal intervention is warranted. Types of formal discipline include:

1. Oral reprimand
2. Written reprimand
3. Disciplinary suspension
4. Administrative salary reduction
5. Disciplinary demotion
6. Dismissal

SUBJECT: ORAL AND WRITTEN REPRIMANDS

NUMBER: 4.15

POLICY

When a supervisor/manager is contemplating employee discipline, it is incumbent upon that supervisor/manager to fully discuss the merits of the identified employee problem and the type of disciplinary actions contemplated with his/her immediate manager. After completing the oral discussion with the immediate manager, the supervisor/manager will document or write the reprimand notations or letter and review the documentation with the immediate manager. This review is mandatory and will take place prior to the scheduled conference with the affected employee.

Any type of escalated disciplinary actions above an oral reprimand or written reprimand must be authorized by the Chief Probation Officer.

All employees have the right to respond to adverse comments entered into their personnel files.

All disciplinary action regarding employees in peace officer classifications (Probation Officer, Probation Correctional Officer), which results in an adverse notation in their personnel file will be administered pursuant to the Public Safety Officer's Procedural Bill of Rights Act, (Sections 3301-3311). It is the supervisor/manager's responsibility to set and conduct the employee conference within the guidelines of the Public Safety Officer's Procedural Bill of Rights Act. This conference may be tape recorded.

Upon completion of the conference, the supervisor/manager will forward the originals of all documented action to the Probation Department Personnel Unit for filing. This will be done within two working days of the employee conference.

An oral or written reprimand is not subject to the appeal to the Tulare County Human Resource Director. However, an administrative appeal to the Chief Probation Officer or his/her designee is authorized pursuant to due process provisions for employees in peace officer classifications.



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.16

SUBJECT: GRIEVANCE PROCEDURE

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

Administrative Regulation No. 17
TCCA MOU, Article 24

The grievance procedures are contained in Administrative Regulation No. 17, Tulare County Correctional Officers Association (TCCA), Memorandum of Understanding and Article 24. At the present time, the grievance procedure is different for different employees. Probation Management and staff covered by the extended original version of the grievance procedure.

SUBJECT: GRIEVANCE PROCEDURE

NUMBER: 4.16

**COUNTY OF TULARE
OFFICE OF THE COUNTY ADMINISTRATOR**

ADMINISTRATIVE REGULATION NO. 17
Resolution No. 96-1060

SUBJECT: EMPLOYEE GRIEVANCE PROCEDURE

EFFECTIVE DATE: 12/10/96 (Or upon completion of meet and confer where required)

I. DEFINITION, SCOPE, AND RIGHT TO FILE

- A. A grievance is a claimed violation, misinterpretation, inequitable application, or non-compliance with provisions of a County:
1. Collective bargaining agreement
 2. Ordinance
 3. Resolution
 4. Rule
 5. Regulation
 6. Existing practice affecting the status or working conditions of County employees
 7. Law and/or rule against discrimination.
- B. The following are not grievable through this process:
1. Matters reviewable under some other County administrative procedure.
 2. Examinations (except allegations of discrimination)
 3. Appointments to a position (except allegations of discrimination)
 4. Disciplinary actions
 5. Performance evaluations
- C. A grievance may be filed by an employee in his/her own behalf, or jointly by any group of employees.
- D. If it is asserted that a grievance is outside the scope of procedures or definitions contained herein, such assertion shall be evaluated and ruled upon at each step. Such claim shall not halt the further processing of the grievance until Step 3 is reached. At Step 3, the panel shall evaluate the assertion, and make a ruling prior to hearing the grievance on the merits.

II. INFORMAL GRIEVANCE

- A. Within five (5) work days of the event giving rise to the grievance, the grievant shall present the grievance informally for disposition by the immediate supervisor or at any appropriate level of authority within the department. The immediate supervisor (or other appropriate level of authority) shall respond informally within five (5) work days.
- B. Except as provided under III below, presentation of an informal grievance shall be a prerequisite to the institution of a formal grievance.

III. DISCRIMINATION GRIEVANCES

- A. If a grievance alleges discrimination, the Human Resources officer shall be immediately informed and, upon completion of his or her review, shall advise the County Administrative Officer (CAO).

IV. FORMAL GRIEVANCE

- A. If the grievant believes that the issue(s) of the grievance have not been resolved within five (5) work days of the informal presentation he/she may initiate a formal grievance within five (5) work days thereafter.

A formal grievance can be initiated by completing and filing with the Personnel Department a form provided by the Personnel Department for this purpose. This form shall contain:

1. Name(s), class title(s), department(s), and mailing address(es) of the grievant(s)
2. A clear statement of the nature of the grievance (citing the applicable ordinance, rule, regulation, or contract language)
3. The date upon which the event giving rise to the alleged grievance occurred
4. The date upon which the informal discussion with the supervisor or Human Resources Officer took place
5. A proposed solution to the grievance
6. The date of the execution of the grievance form
7. The signature of the grievant(s)
8. The name of the organization, if any, representing the grievant followed by the signature of the organization's representative

B. Step 1

Within ten working days after a formal grievance is filed, the Department Head shall investigate the grievance, confer with the grievant in an attempt to resolve the grievance, and make a decision in writing.

C. Step 2

1. If the grievance is not resolved in Step 1 to the satisfaction of the grievant, he/she may, within not more than five (5) work days from his/her receipt of the Department Head's decision, request consideration of the grievance by the County Administrative Officer, by so notifying the Personnel Department in writing.
2. Within ten (10) work days after such a notification, the County Officer shall commence investigation of the grievance, confer with persons affected and their representatives (if any) to the extent he deems necessary, and render a decision in writing. In the case of a complaint alleging discrimination, as defined by applicable law, the Human Resources Officer shall be present in any hearing process as a formal participant at this step. He/she may question witnesses and render an opinion to the County Administrative Officer.
3. If the written decision of the Administrator resolves the grievance to the satisfaction of the grievant, it shall bind the Department Head and the County.

D. Step 3

1. A final appeal may be filed by the grievant, in writing, with the Personnel Department not more than five (5) work days from his/her receipt of the Administrative Officer's decision.
2. The grievance will be reviewed by the Grievance Panel consisting of one County employee selected by the grievant, one person selected by the Department and one member of the Board of Supervisors selected by the Board Chairman. The Board member shall chair the committee.
3. Failure on part of the County or the grievant to appear before the Grievance Panel, without good cause as determined by the Panel Chairman, shall result in forfeiture of the case.
4. The decision of the Grievance Panel shall be made in writing within thirty (30) calendar days after the filing of the appeal at Step 3. The decision of the Grievance Panel shall be final and binding on all parties, subject to ratification by the Board of Supervisors if the decision requires an unbudgeted expenditure.

V. GENERAL CONDITIONS

- A. The Personnel Department shall act as the central repository for all grievance records. The Personnel Department will be sent a copy of the decision at each level or step.
- B. Any time limit may be extended only by mutual agreement in writing.

SUBJECT: GRIEVANCE PROCEDURE

NUMBER: 4.16

- C. An aggrieved employee may be represented by any person or organization certified as the representative for the Representation (Bargaining) Unit in which the aggrieved employee is included. The representative shall be a non-attorney lay advocate unless otherwise mutually agreed in advance that both parties may be represented by attorneys. The representative is entitled to be present at all formal meetings, conferences, and hearings pertaining to the grievance.
- D. At any level, in order to provide a timely and appropriate response, the named County Administrative Official may delegate the handling of the grievance.
- E. The processing of an appeal shall be considered County business with the aggrieved employee and the representative (if a County employee) receiving reasonable release from duty for this purpose without loss of pay.

SUBJECT: HARASSMENT

NUMBER: 4.17

The Three Basic Component of Sexual Harassment:

1. Sexual harassment is contrary to County policy. The County has a firmly established policy that employment decisions such as hiring, discipline, promotion, transfer, and assignments are to be based on job-related criteria and not on factors such as race, religion, color, sex, or age. This policy is explicitly established in the Affirmative Action Program and has been restated by the Board of Supervisors on several occasions. Sexual harassment is a form of sex discrimination. It refers to actions or comments which implicitly or explicitly tie a term or condition of employment (e.g., a promotion or reassignment to some form of sexual relationship).
2. All County employees and employee organizations share an obligation to maintain a County working environment which does not include this kind of harassment. If you know or have reason to believe that sexual harassment is occurring in your department, your obligation is to take reasonable and effective steps to eliminate it.
3. County Personnel Rule 13 "Grievance Procedure" is available to applicants or employees who have complaints concerning sexual harassment.

COUNTY OF TULARE
OFFICE OF THE COUNTY ADMINISTRATOR

ADMINISTRATIVE REGULATION NO. 19
(Resolution No. 96-1060)

SUBJECT: DISCRIMINATION / SEXUAL HARASSMENT POLICY

EFFECTIVE DATE: 12/10/96 (or upon completion of meet and confer where required)

This regulation, in conformance with Federal and State requirements, provides a policy on discrimination and sexual harassment. This regulation supersedes the previous policy and has been approved by the Board of Supervisors. This regulation applies to all unrepresented employees immediately upon adoption by Board of Supervisors and to represented employees by bargaining unit upon completion of meet and confer for their unit, where required.

A. Policy Against Discrimination/Sexual Harassment:

Tulare County, as part of its continuing affirmative action efforts and pursuant to the guidelines on discrimination issued by the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, and/or the Labor Commission, fully supports efforts to protect and safeguard the rights and opportunities of all people to seek, obtain, and hold employment without discrimination or sexual harassment.

Discrimination and/or sexual harassment are violations of Labor Code Section 1102, Title VII of the Civil Rights Act of 1964 and Government Code Section 12941 et. Seq... It is against the policies of the County for any employee, male or female, to discriminate against or sexually harass another employee.

Discrimination and/or sexual harassment can decrease work productivity, undermine the integrity of employment relationships, decrease morale, and cause severe emotional and physical stress.

1. All employees shall be informed of the discrimination complaints process and be assured of their right to file complaints without fear of reprisal. All employees, including supervisors and managers, should be trained regarding behavior that constitutes discrimination or sexual harassment. Employees should also understand the importance of reporting incidents immediately to assure that further incidents do not occur.
2. The Board of Supervisors expects County department heads to convey to their employees strong disapproval of discrimination and sexual harassment, and to clearly inform them regarding behavior that constitutes discrimination or sexual harassment and the consequences of such actions. The department head should make employees aware that discrimination or sexual harassment of another employee is grounds for disciplinary action up to and including termination.

B. Definition of Discrimination

Discrimination, as defined in State and Federal law, is any unlawful consideration or use of race, color, religion, national origin, sex, sexual orientation, creed, political affiliation, ancestry, marital status, age, disability, or any other criteria prohibited by law (except where such criteria is a bona fide occupational qualification) in recruitment, hiring, training, promotion, transferring, discipline, termination, or other personnel action.

C. Definition of Sexual Harassment

1. Sexual harassment is a form of discrimination based on sex. Sexual harassment, as used in this policy, includes any unsolicited and unwelcome sexual overtures or actions by any employee, supervisor, or manager, whenever:
 - a. Submission is made either explicitly or implicitly, a term or condition of employment.
 - b. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; or,
 - c. Such conduct effects an employee's work performance negatively or creates an intimidating, hostile, or otherwise offensive work environment.

Sexual harassment also includes any unsolicited and unwanted sexual overtures or actions directed to an employee by a client, citizen, or member of the public in the workplace or while the employee is performing their duties for the County.

2. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature that would not be considered sexual harassment by a reasonable person. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:
 - Verbal Sexual innuendos, suggestive comments, whistling, jokes of a sexual nature, sexual propositions, sexual threats.
 - Visual Sexually suggestive objects, pictures, or cartoons, graphic commentaries, leering, obscene gestures.
 - Physical Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Sexual harassment may be overt or subtle. Some behavior which may be appropriate in a social setting away from the work site, may not be appropriate in the workplace. But whatever form it takes, verbal, non-verbal, or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace.

D. Improper Conduct

For the purpose of this section, the following behavior by County officials, managers, and/or supervisory employees also constitutes improper conduct.

- a. Failing to take corrective action when the officials or supervisory employees know, or reasonably should know, that an employee is being subjected to prohibited sexual harassment or discrimination on the job by anyone; or,
- b. Retaliation against an employee or applicant for employment who complained of sexual harassment or discrimination, or who testified on behalf of one who made a complaint, or who assisted or participated in any manner on behalf of a complainant in an investigation, proceeding, or hearing conducted under this policy.

E. Department Obligation and Responsibility

Every department has an obligation to assure that the work environment is free from all types of unlawful discrimination – including sexual harassment. Prevention is the best tool. Prompt, appropriate action may help to avoid, or at least minimize the incidence of discrimination or sexual harassment.

By law, department heads other managers, and supervisors may be held responsible for the actions of their employees. Department heads must ensure that employees, supervisors, and managers are aware of the County's policy. Supervisory training and employee orientation programs should include information about the County's non-discrimination/sexual harassment policy. This policy will be distributed to all employees annually with each employee signing an acknowledgment of receipt and understanding of the requirements of the policy.

F. Employee Action

Many persons are not aware that their behavior is offensive or potentially discriminatory or harassing. Often, simply advising someone of the offensive nature of their behavior will resolve the problem. Whenever possible, employees should inform the discriminator/harasser that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. If this does not resolve the concern or if an employee feels threatened, or has difficulty expressing his/her concern and therefore does not feel comfortable confronting the discriminator/harasser, the complaint procedure should be used.

G. Complaint Procedure

The Grievance Procedure is the most appropriate means for registering a complaint of discrimination or sexual harassment and ensuring appropriate and timely investigation and resolution. Complainants pursuing other methods will be redirected to this procedure.

Nevertheless, department heads, other managers, and supervisors have a legal obligation to effectively deal with any and all reported or observed incidents that may constitute sexual harassment whether or not a complaint has been registered through the appropriate procedure.

Managers and Supervisors shall:

- a. Immediately report all reported and/or observed incidents and their supporting facts to their department head.
- b. Thoroughly document all reported and/or observed incidents and their supporting facts.

Department Heads shall:

- a. Immediately report all reported and/or observed incidents and their supporting facts to the Human Resources Officer who will inform the HR & D Director.
- b. Thoroughly document all reported and/or observed incidents and their supporting facts.

Within the Content of the Grievance Procedure:

1. Any employee who believes he or she has been the subject of discrimination or sexual harassment shall report the alleged act immediately to his or her department supervisor, or, if the complaint is against actions of the supervisor, the alleged acts shall be reported to his or her department head, or the County Human Resources Officer. When a complaint is made through the Human Resources Officer, the HR & D Director will inform the Department Head of the complaint unless the complaint is against the Department Head.

A supervisory employee receiving a complaint of discrimination or sexual harassment shall immediately inform their department head of the complaint even if the complainant request the incident(s) be kept confidential. The Department Head will immediately notify the County Human Resources Officer of the complaint.

The County HR & D Director and/or County Human Resources Officer have full authority to investigate all aspects of the complaint.

The County HR & D Director and/or Human Resources Officer have the authority to investigate all aspects of the complaint.

2. The results of the investigation shall be reported to the County Administrative Officer (CAO) along with a recommended action and remedy, if deemed appropriate. The CAO will review the results of the investigation and any recommended actions, then take whatever action he deems necessary and appropriate.

SAMPLE LETTER:

OFFICE MEMORANDUM*

TULARE COUNTY PROBATION DEPARTMENT

(559) 713-2750

To: [Subject of Complaint]

Date:

From: Department Head

Subject: [State type of complaint received e.g., Sexual Harassment Complaint]

On [DATE] the Probation Department received a complaint alleging that you engaged in conduct constituting [state type of complaint].

The County of Tulare takes very seriously any complaint alleging harassment and/or discrimination. Under current County regulations, claims of this nature are to be investigated by the County Administrative Office (CAO) and therefore the complaint has been forwarded accordingly for a complete and thorough review and investigation, if warranted.

Please be aware that no preconceived opinion regarding the validity of this particular claim exists. If information is discovered that suggests a violation of policy may have occurred, a representative from the CAO's office and/or a representative from this department will give you the opportunity to address the specifics of the complaint at that time.

To ensure the validity of the investigation, you are hereby directed not to:

1. Discuss this issue, or any topic related to this issue, with anyone other than your legal representative, if any. Moreover, if you presume to know the specific individual(s) and/or alleged incidents involved in the complaint, you are not to discuss your assumptions with anyone;
2. Engage in conduct, in any manner whatsoever, which could be interpreted as retaliatory in nature.

Also, if you engaged in conduct as alleged, you are to immediately cease.

Failure to adhere to these directives may result in discipline, up to and including dismissal.

You will be notified in writing when the investigation is completed. If you have any questions, you may contact the [identify person who will field inquiries for the department] at the number indicated above.

Cc: CAO [if harassment or discrimination based on protected class characteristic]
Dept. File

SAMPLE LETTER:

OFFICE MEMORANDUM*

TULARE COUNTY PROBATION DEPARTMENT

(559) 713-2750

To: [Subject of Complaint]

Date:

From: Department Head

Subject: [State type of complaint received e.g., Sexual Harassment Complaint]

On [DATE] the Probation Department received a complaint alleging that you engaged in conduct constituting [state type of complaint].

The County of Tulare takes any complaint alleging harassment and/or discrimination very seriously. A thorough review and investigation of this complaint was conducted, based upon which it was determined that this complaint was not supported by the evidence.

Cc: CAO [if harassment or discrimination based on protected class characteristic]
Dept. File

SAMPLE LETTER:

OFFICE MEMORANDUM*

TULARE COUNTY PROBATION DEPARTMENT

(559) 713-2750

To: [Subject of Complaint]

Date:

From: Department Head

Subject: [State type of complaint received e.g., Sexual Harassment Complaint]

On [DATE] the Probation Department received a complaint from you alleging [state type of complaint].

[Add if harassment is or discrimination alleged]:

The County of Tulare takes any complaint alleging harassment and/or discrimination very seriously. Under current County regulations, claims of this nature are to be investigated by the County Administrative Office (CAO) or designee and therefore the complaint has been forwarded for a complete and thorough review and investigation.

[Add if complaint is other than harassment or discrimination]:

This is to advise you that the department will conduct a complete and thorough investigation of the allegations raised in your complaint.

AND:

You will receive notification at the conclusion of the investigation; however, because of the nature of the current law regarding confidentiality, the level of corrective action taken will not be divulged. Please be assured that if the evidence establishes a violation(s) of policy, rules, laws and/or practices, appropriate corrective action will be taken.

To ensure the validity of the investigation, you are directed not to discuss this issue, or any topic related to this issue, with anyone, other than the individual(s) in your direct chain of command to whom this was reported, or your designated representative.

Thank you for bringing this situation to our attention. If during the course of the investigation, or at any time thereafter, you witness additional conduct of this nature, please notify your supervisor [or other person or entity] immediately. If you have any questions, you may contact [identify person who will field inquiries for the department] at the number indicated above.

Cc: CAO [if harassment or discrimination based on protected class characteristic]
Dept. File

SAMPLE LETTER:

OFFICE MEMORANDUM*

TULARE COUNTY PROBATION DEPARTMENT

(559) 713-2750

To: [Subject of Complaint]

Date:

From: Department Head

Subject: [State type of complaint received e.g., Sexual Harassment Complaint]

On [DATE] the Probation Department received a complaint alleging [state type of complaint] which has been thoroughly investigated based upon the facts and witnesses presented.

FOUNDED:

It has been determined that the complaint was supported by the evidence. As a result, the County has taken appropriate action.

UNFOUNDED:

It has been determined that the complaint was not supported by the evidence. The County is concerned any time there is an allegation of [harassment or discrimination] and will take appropriate steps to eliminate [harassment or discrimination] from the workplace. If there are any future incidents that you believe are [harassing/discriminatory], please contact [person or department] immediately so that we may investigate.

Cc: CAO [if harassment or discrimination based on protected class characteristic]
Dept. File

**SUBJECT: IDENTIFICATION CARDS &
BELT BADGES**

NUMBER: 4.19

Belt Badges, Issuance, Care, and Display

Badges will be issued to all authorized Probation Officer personnel and any other department employee as deemed appropriate. The Probation Institution Supervisors will be issued belt badges which reflect Institution Supervisor status.

It will be the employee's responsibility to maintain the badge and prevent loss or damage. Probation Institution Supervisors shall wear their badges only while in the institution, and must secure them from view while outside the institution.

Officers issued belt badges shall display them at all times while on duty. The belt badges are issued to readily identify the Probation Officer/Probation Institution Supervisor as a Peace Officer with powers of arrest and the right to carry out other specified Peace Officer duties.

Display of Belt Badges

Officers shall display the belt badge to the front of their trousers either on the belt or waistband.

The display of the belt badge is not an option.

Officers issued the badge shall display them at all times while on duty.

Care of the Identification Badges

The badge, and the identification card shall be protected from abuse and handled with respect. The badge may be cleaned and polished with the application of a light coat of badge cleaner.

Lost or stolen badges or identification cards shall be reported immediately to the employee's supervisor. A written report describing the circumstances is required. The supervisor shall make a copy of the report for the employee's personnel file and forward the copy, along with the original, through the chain of command, to the Chief Probation Officer. Any of the supervisors in the chain of command may attach their own remarks, comments, and recommendations on a separate attachment. The Chief Probation Officer is the only person authorized to issue a replacement of lost or missing identification.

**SUBJECT: TRANSFER & REASSIGNMENT
POLICY**

NUMBER: 4.20

SPECIFIC PROVISIONS

Requests for Reassignment

1. When an employee has remained in a specific assignment for a minimum of 24 months, with satisfactory performance, the employee may submit a Request for Reassignment, on the appropriate form, to the Executive Team, through the immediate supervisor, who shall route the request to the Division Manager, who then routes it to the Chief Probation Officer for review.
2. The employee requesting reassignment shall list, in order of preference, three (3) specific job assignments to be considered.
3. The Unit Supervisor and Division Manager shall include a recommendation regarding the employee's request for reassignment to be forwarded to the Executive Team.

ADMINISTRATIVE REVIEW

The Executive Team shall make appropriate transfers, considering all Requests for Reassignment forms on file, and all those eligible for consideration for administrative review, using the following guidelines:

1. The Executive Team shall attempt to implement the reassignment of staff commensurate with the needs of the department and the preference of the employee.
2. Employees in a position longer than three (3) years shall be considered for reassignment pursuant to this policy.
3. If it meets the needs of the department and the employee, the employee may remain in an assignment indefinitely upon approval of the Executive Team and the Chief Probation Officer, subject to periodic review.
4. In the selection process, consideration will be given to assisting the employee in the systematic acquiring of cross training, enrichment of skills, and the promotion of career growth.

FILLING VACANCIES

1. When a vacancy occurs, the Executive Team will first consider active requests for reassignment on file.
2. If the vacancy is not filled from the active requests on file, the Executive Team will request all interested personnel to submit a memo of interest.
3. Prior to making the final selection, the Executive Team will consult the affected Unit Supervisors.
4. If the vacancy is not filled with present staff pursuant to these procedures, it may be filled with a new hire.
5. When a vacancy occurs within the department that cannot be filled using the specific provisions for a voluntary Request for Reassignment, the vacancy will be filled through the provisions provided in the "Administrative Review" section.

**SUBJECT: TRANSFER & REASSIGNMENT
POLICY**

NUMBER: 4.20

ADMINISTRATIVE SELECTION

Where the needs of the service dictate, the Executive Team shall screen all persons who are potential candidates. In the process of administrative selection, the following factors shall be considered:

1. The length of time the employee has been in their present assignment.
2. The needs of the department as identified by the specific skills, knowledge, and abilities required of the vacant position.
3. Training needs and experience to enhance career development of the employee.

The Executive Team shall give advance notice to and discuss the reassignment with the employee prior to the official posting of the reassignment.

Involuntary reassignment procedures are contained in the Tulare County Correctional Officers Association (TCCA) Memorandum of Understanding.

MANAGEMENT AND SUPERVISORY PERSONNEL

1. Personnel in unrepresented classifications are exempt from this policy and shall be assigned and reassigned based upon department need and Article II.
2. Managers and Supervisors shall be assigned at the discretion of the Chief Probation Officer.

SUBJECT: TRAINING STAFF

NUMBER: 4.21

EXPECTATIONS OF STAFF

- It is the responsibility of each staff member to recognize that training is their job for the day and that they have individual responsibilities to derive positive benefits from training.
- Staff is expected to fill out any and all registration material as it relates to the provider's needs along with all STC mandated forms.
- Staff is expected to be punctual and return from breaks and lunch at designated times and will remain in training until the class is dismissed. They are to be attentive and non-disruptive during training sessions. During training, staff are expected to have before them only those training.
- Staff is expected to wear proper attire to training in accordance with the department dress code.
- Staff will ensure that cell phones and pagers are either turned off or on "vibrate" while in class.
- Violations of this policy are subject to departmental discipline policy.



PROBATION DEPARTMENT

ADMINISTRATIVE MANUAL

SECTION: IV

NUMBER: 4.22

SUBJECT: CONFLICT OF INTEREST POLICY

EFFECTIVE: February 2005

LAST ADOPTED: February 2005

Providing the best service possible to clients and the community is a goal of the Probation Department. The activities of department employees during work hours should reflect this priority. It is not this department's intent to deny an employee the right to earn a second income or add to their education. However, there is legal basis to prohibit such activity from occurring under certain circumstances. The purpose of this policy is to assure the integrity of the department as it relates to outside employment.

It is the responsibility of each employee to demonstrate by word and action that he/she is performing their duties at a very high standard and is beyond reproach in both attitude and demeanor. The unacceptable conduct of one employee will reflect unfavorably on the department as a whole. The importance of professional conduct by each and every Probation Department employee cannot be stressed enough.

OUTSIDE EMPLOYMENT

Any employee who desires to work for more than one County department, or hold outside employment in addition to County employment, shall submit a request through the Chief Probation Officer to the Human Resource & Development Director for permission to hold such position(s). Requests must be submitted prior to any work performed in the secondary position.

The Human Resource & Development Director shall review the request and determine if a conflict of interest exists. If he determines that a conflict exists, he shall reject the request. If not, the request shall be approved for the purpose of multiple employment allowance only.

This policy affects those employees involved in educational programs which require internship or fieldwork hours to obtain educational credits, if these activities are to occur during normal working hours.

VOLUNTEERING

No employee may volunteer any time for any other County department without the prior written approval of the Human Resource & Development Director and the Chief Probation Officer.

PRIVATE BUSINESS ACTIVITIES

1. No employee shall be engaged in any outside employment or activity that creates a conflict of interest with the employee's duties as a County employee.

SUBJECT: CONFLICT OF INTEREST POLICY

NUMBER: 4.22

2. Any activities performed during working hours for the purpose of promoting a second income are prohibited. Such activities include, but are not limited to the following:
 - a. Telephone or electronic communications regarding outside business interest.
 - b. Solicitation of business.
 - c. Financial transactions related to outside business interests.
 - d. Displaying or delivering products.

3. The use of Probation Department facilities by Department employees to conduct activities that promote or result in personal income is prohibited.

The solicitation and conducting of Non-County business by salesmen, peddlers, collectors, or other similar persons is prohibited in County offices.

ACCEPTANCE OF GRATUITIES

Probation Department personnel shall not accept any gratuity from a person, especially probationers or relatives of probationers. The acceptance of any gratuity may be inferred to be either a reward for service provided or to influence the employee on the carrying out of official duties.



PROBATION DEPARTMENT

SECTION: IV

NUMBER: 4.23

SUBJECT: VOLUNTEERS IN PROBATION & STUDENT INTERNS

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: December 2012

AUTHORITY: CHIEF PROBATION OFFICER

PURPOSE

To develop an orderly system for the utilization of volunteers in the department. To describe the scope of the volunteer programs of the department and the role of the Tulare County Volunteer Coordinator.

VOLUNTEER GUIDELINES

A. DEFINITION OF TERMS

1. For the purpose of this policy, volunteers shall include persons contributing time, talents, monetary, and material goods for the enhancement of the program and services provided by the Probation Department.
2. For the purpose of this policy, the term "Volunteer" may be interchanged with the term "Student Intern".

B. RESPONSIBILITY

1. The Volunteer Coordinator is responsible for the Volunteer Program. It is the responsibility of all employees to be aware of the Departmental Volunteer Programs and to utilize them according to opportunity and need.
2. The Volunteer Coordinator has the responsibility and authority to recruit, screen, interview, train, and place volunteers and students in the department. The scope of the program is department wide, with the objective being to use volunteers in as many areas as possible that can coincide with the best interest of the department, the community, and the client.
3. The Volunteer Coordinator stays current with national, state, and local movements, innovations, and trends in volunteerism and utilizes the positive concepts when appropriate.
4. The Volunteer Coordinator makes sure that the volunteer or student intern is familiarized with the workings of the Probation Department and matched with the appropriate assignment in conjunction with staff needs.

SUBJECT: VOLUNTEERS IN PROBATION & STUDENT INTERNS

NUMBER: 4.23

5. Respective staff will be responsible for orienting and training the volunteer to specific work tasks to be performed.
6. Individual supervisors will determine how much responsibility to give the volunteer, which will depend upon the skill and ability of the volunteer.
7. The Volunteer Coordinator will be responsible for recording and maintaining accurate record-keeping on each volunteer and student intern.

C. REQUIREMENTS

1. Must file an application, be fingerprinted, and meet record clearance criteria.
2. Must be eighteen years of age or older.
3. Must have the ability to relate well with people.
4. Must have the time to do the hours which they commit to do.
5. Cannot be on probation, parole, or diversion programs.
6. Must pass a criminal record check (Chief can allow special compensation).

POLICIES

The Tulare County Probation Department requires that all volunteers in Probation adhere to the following policies:

- A. Observe confidentiality of information. Under no circumstances, divulge to others.
- B. Report violations of the law and infractions of rules to the Probation Officer.
- C. Report all accidents to the Probation Officer immediately.
- D. All discussions of a religious nature must be cleared with the Probation Officer in advance and shall be limited to those probationers who expressly request such service.
- E. When first introduced to a probationer by a Probation Officer, explain who you are and why you are there. Be natural and friendly. Do not be overly sympathetic. Do not give a gift to a probationer unless clearance has been received from the Probation Officer.
- F. Return your Volunteer Identification Card to the Volunteer Coordinator at the end of your service period or termination. If you lose your card, contact the Volunteer Coordinator's office (733-6207).
- G. The Probation Officer or Probation Correctional Officer defines the role of the volunteer. This includes setting guidelines and limits for the volunteer, recommends frequency of contact, defines casework goals, sets standards for reporting, defines situations to be reported, and provides other guidance as needed. The volunteer who receives proper guidance can be a great asset to the Tulare County Probation Department.

- H. The Volunteer and Confidential Material. Volunteers in Probation may have access to confidential material as required by assignments and access is at the discretion of the Probation Officer or Probation Correctional Officer.
- I. Skill and responsibility are the measure of how much casework can be given to the volunteer. As the volunteer becomes experienced, the Probation Officer or Probation Correctional Officer may delegate additional responsibility.
- J. Volunteer presence in Court. The volunteer may go to court in a juvenile matter with the Probation Officer's or Judge's permission. Adult court matters are open to adults and interested persons.

RESPONSIBILITY OF THE VOLUNTEER

- 1. Authority – Chief Probation Officer
- 2. Purpose – To define the responsibilities for Probation Volunteers.
- 3. Responsibility – All staff and volunteers shall be aware of and comply with this policy.
- 4. Definition of Terms:
 - a. **Volunteer:** Unpaid staff who contribute time, talent, money, or materials for the enhancement of the programs and services of the Probation Department.
 - b. **Student Intern:** Any persons enrolled in an accredited college or university internship program, usually in criminology or in one of the social services, working unpaid for the Probation Department and receiving class units for their services.

For the purpose of this standard practice, the terms **Volunteer** and **Student Intern** shall be synonymous.

- 5. General Provisions:
 - a. Probation volunteers are expected to conduct themselves at all times in a manner which will avoid any hint of abuse of their official position. Their personal and professional affairs must be conducted with integrity.
 - b. Probation volunteer identification cards shall not be used to the personal advantage of the volunteers or to obtain information or services that are not directly related to their official duties.
 - c. Volunteers shall not accept gifts or money from anyone for personal benefit when related to their work as a volunteer.

**SUBJECT: VOLUNTEERS IN PROBATION &
STUDENT INTERNS**

NUMBER: 4.23

- d. All information concerning Probation Department clientele shall be strictly confidential.
- e. Volunteers shall not knowingly participate in any personal or business relationship with Probation clients.
- f. Volunteers shall not have Probation clientele to their own home or anyone else's home without specific approval of the office of the Chief Probation Officer.
- g. Volunteers shall not take any Probation client on any departmental, social, recreational, or educational activity without prior departmental approval. If the client is of the opposite sex, there must be another staff person or volunteer of that sex present. It will be acceptable for a volunteer to supervise a mixed group (male and females) with specific approval of the Division Manager. If the activity involves several clients, a ratio of not less than one volunteer or staff person for every five clients will be observed.
- h. Every volunteer shall abide by all of the rules and regulations established for a Probation Department program of which they become a part.
- i. Violation of the above provision may result in the volunteer being terminated.

POLICIES

- A. No County property or equipment is to be used for personal benefit or gain.
- B. Political activity by employees and volunteers is encouraged but not on County time or premises as it interferes with the orderly performance of County business.
- C. No smoking is allowed in any County buildings by employees or volunteers. Tulare County has a non-smoking policy in all County buildings.
- D. Safety First: You will see safety posters and bulletins throughout County offices advising of the correct method of lifting, using electrical equipment, etc. Please follow them. If you see a potential hazard, report it to your supervisors and/or the safety officer.
- E. Telephone Use: Personal long distance calls are not to be made.
- F. Photocopying is for County business only.
- G. A report must be filled out in your department if injured during the course of your duty.

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

Authorization Standards

Any qualified, honorably retired peace officer of this Department must meet the following standards in order to obtain an identification card with a “CCW” endorsement (Penal Code Section 26305 and Title 18 U.S. Code Section 926(c):

1. Sign a waiver of liability relieving the Department and the County for all post-retirement acts or omissions related to firearms qualifications, or the carrying a concealed firearm. The decision to carry a firearm post-retirement is solely that of the retiree, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by California law, and also that these acts were not taken as an employee or former employee of the Department. The County of Tulare will provide neither a legal defense nor indemnification for any claim arising from a retiree carrying a firearm in accordance with the signed Waiver of Liability.
2. Remain subject to all Department policies and Federal, State, and Local laws.
3. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
4. Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving, owning, or possessing a firearm.
5. Identify a Department approved firearm, holster, and ammunition the retiree intends to carry if authorized to carry a concealed firearm.
6. Qualify with the authorized firearm at a course approved by this Department no more than ninety days prior to his/her retirement or post-retirement application for a CCW endorsement.
7. The Department shall bear no expenses related to a retiree’s pre-retirement firearm qualifications. Retiree’s expenses may include, but are not limited to: the cost of targets, ammunition, range fees, qualified range master compensation, membership fees or any other costs associated with the firearm qualifications.
8. Upon the Chief Probation Officer’s approval, the honorably retired peace officer shall be issued an identification card with a “CCW Approved” endorsement (Penal Code Section 25455).

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

California Retired Peace Officer CCW Identification Card Format

Any qualified, honorably retired peace officer who meets the qualifications and standards and has been granted authority by the Chief Probation Officer to carry a concealed firearm upon retirement may be issued a California Retired Peace Officer CCW Identification card by the Department. The identification card shall be 2 inches by 3 inches, and minimally contain (Penal Code Section 25460 (c) and 25910 (a).

1. A photograph of the retiree.
2. The retiree's name and date of birth.
3. The date of retirement.
4. The name and address of the Department.
5. A stamped "CCW Approved" endorsement along with date by which the endorsement must be renewed. Each endorsement must be renewed annually or will expire on the date of renewal.
6. If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".

Authorization to Carry a Concealed Firearm.

Any qualified, honorably retired peace officer that meets the qualifications and standards and has been granted authority to carry a concealed firearm upon retirement may carry a concealed firearm only when he/she is (Title 18 U.S. Code Section 926C):

1. In possession of his/her Department-issued, valid California Retired Peace Officer CCW Identification card.
2. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. Not prohibited by federal or State law from receiving, possessing or owning a firearm.
4. Not in a location prohibited by California law or by a private person or entity on his/her property, if California law permits such prohibition.

Maintaining a California Identification Card CCW Endorsement

In order to maintain a "CCW Approved" endorsement on an identification card issued by this Department under California law, the honorably retired peace officer shall (Penal Code Section 263200, 26305, and 25465):

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

1. Qualify annually with authorized firearm, holster, and ammunition at a course, and under the supervision of a Department Range Master and at the retiree's own expense. Expenses may include, but are not limited to: the cost of targets, ammunition, range fees, qualified range master compensation, membership fees or any other costs associated with the firearm qualifications.
2. Only be authorized to carry a concealed firearm, holster, and ammunition inspected and approved by the Department.
3. Remain subject to all Department policies and federal, State and local laws.
4. Not engage in conduct that comprises public safety,

Denial or Revocation of State CCW Endorsement

The CCW endorsement under Penal Code Section 25470 for any peace officer retired from this Department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 US Code Section 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Chief Probation Officer, or his/her designee, when the conduct of an honorably retired peace officer violates any department policy, State or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency; or for any conduct which compromises public safety. Good cause, if challenged, shall be determined in the manner listed below.

In the event that a CCW endorsement is initially denied, the retired peace officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing, absent written agreement between the parties, shall be deemed a waiver of such right and shall result in the permanent revocation of the retired peace officer's CCW endorsement. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code Section 26315).

1. The retiree shall have 15 days from the date of service, absent written agreement between the parties, to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code Section 26320).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
4. The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members: one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code Section 26320).

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

5. The decision of such hearing board shall be binding on the Department and the retiree.
6. Any retiree who waives the right to a hearing shall immediately surrender his/her identification card. The Department will then issue a new identification card which will be stamped "No CCW Privilege"

Reporting Responsibilities

Honorably retired peace officers of this Department who are authorized to carry a concealed firearm are required to notify the Department within 48 hours, excluding weekends, if he/she becomes the subject of a criminal investigation or arrest. Employees who have reason to suspect a retiree has engaged in conduct that violates any department policy, State or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency; or for any conduct which compromises public safety, should notify a Division Manager or Assistant Chief as soon as possible. The Division Manager or Assistant Chief shall immediately take the following action:

1. Notify the Chief Probation Officer or his/her designee who shall immediately notify County Counsel.
2. Take appropriate steps to promptly investigate the matter.
3. If warranted, contact the retiree in person and advise him/her in writing of the following:
 - a. The retiree's CCW endorsement is immediately and temporarily revoked.
 - b. The retiree will have 15 days, absent written agreement between the parties, to request a hearing to determine whether the temporary revocation should become permanent.
 - c. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails, absent written agreement between the parties, to respond to the notice of hearing within the 15 day period.
4. A current copy of Penal Code Section 26305, 26312 and 26315 shall be attached to the notice.
5. If the retiree is contacted in person, every effort shall be made to confiscate the retiree's identification card with the CCW endorsement during the period the retiree's CCW endorsement is temporarily revoked.

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

6. In the event that the personal contact with retiree cannot be reasonably achieved in a timely manner, the assigned Division Manager, Assistant Chief or designee shall attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the assigned supervisor or manager may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
7. Notification of the temporary suspension shall also be promptly mailed to the retiree via first class mail, postage pre-paid, return receipt requested (Penal Code Section 26312).
8. The assigned Division Manager, Assistant Chief or designee shall document in the form of a memorandum, the investigation, the actions taken and if applicable, any notification made to the retiree, The memo shall be forwarded to the Chief Probation Officer as soon as practical.

POST Retirement Firearm Qualifications

1. A Department Range Master shall provide honorably retired peace officers from this Department, who are authorized for a CCW endorsement, an opportunity to qualify at the retiree's expense.
2. The Department shall bear no expense related to a retiree's annual qualification. The retiree shall bear the expenses which may include, but are not limited to: the cost of targets, ammunition, range fees, qualified range master compensation, membership fees or any other costs associated with the firearm qualifications.
3. The retiree must meet the most current range qualification standards established by the Probation Department for armed employees.
4. If the retiree fails to qualify on the initial qualification or re-qualification, the retiree will be provided one additional attempt at qualifying at the next normally scheduled qualification date.
5. If the retiree fails to qualify on the second qualification date, the retiree will need to wait one calendar year from the date the CCW endorsement was subject to renewal to re-qualify.
6. If the retiree fails to qualify on the second qualification date, the retiree will turn in his/her expired CCW Approved Identification Card to the Range Master on that date.
7. Written evidence of the range qualification, dates of qualification/dates of attempts at qualification and the weapon(s) used will be stated in records maintained by the Department Range Master.

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

8. An honorably retired peace officer from this Department who meets the requirements to maintain a CCW endorsement shall be issued a new retiree identification card with a CCW endorsement (Penal Code Section 25465 and 25915).
 - a. The new identification card shall be updated with a current photograph of the retiree, physical description, and expiration date in accordance with this policy.

9. An honorably retired peace officer from this Department who does not meet the requirements to maintain a CCW endorsement shall be issued a new retiree identification card stamped “No CCW Privilege” that also includes a current photograph of the retiree and physical description in accordance with this policy (Penal Code Section 25470 and 25920).

(Please read this policy, sign below and return to the Department Range Master.)

I have read and understand my rights and obligations under this policy. I agree to comply with this policy. I understand that violation of this policy will likely result in the permanent revocation of my authorization to carry a concealed firearm as a retired peace officer and the permanent revocation of my CCW endorsement as issued by this Department.

Printed Name: _____ Date: _____

Signature” _____

SUBJECT: USE OF COUNTY COMPUTERS

NUMBER: 5.2.0

Employees utilizing County computer equipment or fax machines are required to identify themselves clearly and accurately. Any attempt to obscure the true identity of the person sending or receiving a communication and/or avoid review of a communication by County authorized personnel constitutes a separate and distinct basis for disciplinary action against an offending employee.

For the purposes of this policy, "communication" includes material sent or received through County or departmental fax machines, email, internet connections, or any other means, and also includes visits to internet websites, and any data transmitted during such visits, and material or floppy or compact discs owned by the County or read utilizing County computer equipment.

PASSWORDS

Passwords and other message protection devices and programs may only be used when specifically authorized. Use of a password does not make the material private. Personnel must provide a supervisor/manager with their password when requested.

PROGRAMS

Only approved programs may be loaded on County computers. (This includes graphics packages and screen savers).

INTERNET USE

The purpose of this section is to describe a department's and individual person's responsibility when using the Internet and other online services, and minimizes Internet security risks to daily business and County-owned assets.

All use of the internet must be consistent with the general purpose of the internet and within the spirit of this policy. This section governs the use of the internet, including, but not limited to, the World Wide Web (WWW), File Transfer Protocol (FTP), Bulletin Board Services (BBS), and other online services (e.g., America Online), personal internet messenger system (e.g., Yahoo).

- Download files only from reputable, commercial, or government organizations. Downloading of shareware, freeware, or similar files is prohibited without departmental approval.
- Respect appropriate laws and copy rights.
- Be aware that any data transferred via the internet is prone to be monitored and/or intercepted by unintended destinations.
- All County email is a Public Record and may be subject to public inspection.
- Do not share passwords with others or use passwords not belonging to you.
- Do not access any type of personal messenger systems such as Yahoo, or MSN chat.

SUBJECT: USE OF COUNTY COMPUTERS

NUMBER: 5.2.0

- Do not access any web based chat rooms without prior approval from the Department Head or his/her designee.
- Do not use Net-meeting, or similar programs without departmental approval.
- Many file transfer sites allow individuals to illegally download music or videos. Do not access file transfer sites.
- Personal, internet email accounts should not be forwarded to County email systems and vice versa. Web based email personal accounts created on web based email servers shall not be accessed from County computers without specific approval from a supervisor. This includes but is not limited to Hotmail, Yahoo, and AOL accounts.
- County email may be accessed from personal computers with supervisor permission and use of designated passwords.

CONSEQUENCES OF MISUSE

Misuse of the internet and/or use in violation of this policy may result in revocation of access to the County LAN/WAN and may also subject the employee to disciplinary action up to and including dismissal.

**SUBJECT: TRANSPORTATION & TRAVEL
RELATED EXPENSES**

NUMBER: 5.3.0

OUT OF COUNTY TRAVEL REQUESTS

It is required by all personnel traveling out of Tulare County (with the exception of travel to Kings, Kern, and Fresno Counties), to complete the Out-of-County Travel Request Form (attached) and obtain permission for all such travel from the Division Manager and the Chief Probation Officer. The Juvenile Detention Facility Transport Unit is exempt from the above requirement as they are allowed to travel as necessary upon the authority of the Chief Probation Officer.

USE / STORAGE OF COUNTY GASOLINE CREDIT CARDS

Gasoline credit cards are kept in the vehicle glove compartment.

All in-county travel fuel shall be obtained from the County Motor Pool or other designated gasoline refueling depot. This is done to ensure that gasoline used for in-county travel is obtained as cheaply as possible.

TRAVEL REIMBURSEMENT

All automobile travel will be reimbursed at the current County rate. Mileage reimbursement forms are to be completed and submitted on a monthly basis. Forms are available in all Probation Department office sites.

VERIFICATION OF LICENSE / INSURANCE POLICY

The County of Tulare requires that any employee who submits a mileage reimbursement claim be properly licensed to drive a vehicle and maintain the proper insurance on the vehicle. Each employee will become familiar with County Driving Standards. It is the responsibility of each individual employee to maintain his/her driver's license and automobile insurance. Each time the employee submits a mileage claim, he/she is stating that these items are current. Once individuals are approved to drive private vehicles for County business, they are expected to advise their immediate supervisor of any changes with their license status.

SUBJECT: CAR CARE

NUMBER: 5.3.7

GAS CARDS

A gas card is issued to each vehicle that may be used at Motor Pool. Those that work in outlying areas may request a card from Motor Pool that will allow purchase of gas in the Porterville or Pixley area.

The card is inserted and then removed in a box located near the pumps. A readout located above the card insert will ask for the vehicle number, mileage, and number of the pump to be used. Once this information is entered, the pump will engage and the vehicle may be refueled. Take care not to overfill the vehicle by not “topping” off the tank.

VOYAGER CREDIT CARDS

Motor Pool has established the following guidelines for Voyager Credit Cards.

1. The card is only to be used outside County limits or in case of emergency. The user should always attempt to find the least expensive fuel price available in the area where they are in operation.
2. The cards are assigned to the vehicle and when possible, shall remain with the vehicle.
3. Drivers shall always make it his/her first priority to use the County operated fueling stations before leaving town to reduce the need to use the Voyager card.
4. If there are any problems with the Voyager credit card, call the Motor Pool office before paying for the fuel. It might save having to apply for reimbursement later.

IT IS ADVISABLE TO NOT STORE GAS OR CREDIT CARDS IN THE GLOVE COMPARTMENT OF ASSIGNED VEHICLES. BREAK-IN THEFTS HAVE OCCURRED AND CARDS HAVE BEEN STOLEN THROUGH GENERAL KNOWLEDGE THAT COUNTY GAS CARDS ARE STORED IN THIS AREA.

ROADSIDE SERVICE / ASSISTANCE

The County provides a roadside service through “Fleet Rescue” available 24 hours a day at 1-800-328-7272. A brochure located in the glove compartment of the vehicle and a window sticker with the 1-800 number on it, in case of a lockout, is provided.

The only time a driver would need to contact this help line directly would be when they are unable to make contact with Motor Pool at 733-6728 or after hours through the Sheriff’s Department at 733-6218. After making contact with either of these numbers, a County mechanic will be dispatched or the Fleetmaster 800 helpline will be called by Motor Pool personnel, depending on the workload and availability of mechanics.

To receive service from Fleetmaster you must provide them with the NAC account number located on the back side of the Fleetmaster brochure. There will be no forms to fill out and no out of pocket expense.

SUBJECT: CAR CARE

NUMBER: 5.3.7

Fleetmaster provides for:

1. Towing
2. Jump Starts
3. Tire Change
4. Lockouts
5. Fuel and water delivery
6. Mechanical first aid

ACCIDENTS / COLLISIONS

There is a "Certificate of Insurance" located in the glove compartment that certifies that policies of insurance have been issued and are in force in respect to the operation of Tulare County vehicles. Located in the glove compartment of a County assigned vehicle is a "Driver's Report of Collision" form. This form provides some basic information and guidance as well as the documentation of required information should you be involved in a collision.

What to do in case of a collision:

1. Take precautions necessary to protect the scene from further incidents.
2. If someone is injured, and or fire is involved, dial 9-1-1 for emergency assistance.
3. Be courteous. Answer police questions. Give identifying information to the other party involved, but make not comments about assuming responsibility.
4. While at the scene, complete the "Report of Collision" form. This information will be used to complete Departmental/County reports.
5. If injuries are involved, notify Risk Management as soon as possible.
6. Submit the "Report of Collision" form to the Motor Pool/Your department supervisor and make arrangements for repair appraisal through Motor Pool.
7. In case of damage to property, other than County property, or injuries, submit appropriate reports to Risk Management.

Police Report:

Indicate if a policeman took a report or not. If they did, include the following:

1. Name the officer
2. Badge number and station assigned
3. Agency (TCSO, VPD, CHP, etc.)
4. Police Report Number

SUBJECT: CAR CARE

NUMBER: 5.3.7

Description of Collision:

A description of the collision shall include the following:

1. Date and time
2. Condition of the road
3. Weather and light condition
4. Diagram of the scene, which should include a sketch showing the exact relationship of roadways and vehicles at the time of the collision. The sketch should indicate “north”, show measurements if possible, and identify the County vehicle as #1 with all other vehicles as #2, #3, etc.

Witnesses/Passengers/Injured Persons:

It is important to list as many witnesses as possible in your “Report of Collision”. All injured persons are to be listed as well. Document name, address, and phone number of all available witnesses or injured persons.

Damage to Property:

The following shall be documented in any case where property has been damaged.

1. Owner of property
2. Address of owner
3. Description of damaged property
4. Extent of damage to property

**SUBJECT: PROPER USE OF COUNTY
CREDIT CARDS**

NUMBER: 5.4.0

Occasionally, personal expenses are included on an otherwise valid County expenses bill charged to the credit card. For example, a hotel bill may indicate charges for personal telephone calls. In such instances, the employee shall pay these charges separately and ensure they are not charged to the County of Tulare.



SECTION: VI NUMBER 6.1.0

SUBJECT: COMMUNICATION - MEDIA

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

GENERAL STATEMENT

The primary mission of the Tulare County Probation Department is to protect the public interest and safety. As a public protection agency, the Probation Department has a responsibility to effectively and accurately communicate its policies, procedures, and operational goals to the general public.

POLICY

It is the policy of the Probation Department that all requests for information or communication with members of the media are immediately conveyed to the Chief Probation Officer or his/her designee. The Chief Probation Officer or his/her designee will coordinate all requests for information from the media and may designate a specific individual to respond to the media. No member of the Probation Department shall respond to requests for information by representatives of the media without prior authorization from the Chief Probation Officer or his/her designee.



PROBATION DEPARTMENT

SECTION: VI

NUMBER: 6.2.0

**SUBJECT: COMMUNICATION-NOTIFICATION
OF DEPARTMENT ADMINISTRATION**

EFFECTIVE: February 2005

ADMINISTRATIVE MANUAL

LAST ADOPTED: February 2005

POLICY

The Chief Probation Officer is legally accountable to the Courts, County Administrative Officer, and the Board of Supervisors for the acts of employees in their jobs, for the welfare of clients in institutions, and programs of the Probation Department. The Chief Probation Office is held responsible by the public and news media for being knowledgeable about incidents that reflect on public safety, criminal acts, and juvenile delinquency, as well as other matters that attract media attention. The Chief Probation Officer is expected to have information almost instantaneously, so he/she must depend on staff to keep him/her informed.

It is important that communications to the Chief Probation Officer proceed through the chain of command where possible, but the unavailability of some individual along that chain should not prevent information from reaching the Chief Probation Officer without delay.

NOTIFICATION OF DEPARTMENTAL ADMINISTRATION:

1. Immediate notification (Regardless of hour).

The Chief Probation Officer and the appropriate member of Executive Management Team shall be notified regardless of the hour when:

- a. A departmental employee dies or is seriously injured in the course of duty.
- b. A minor who is in confinement or placement dies or is seriously injured.
- c. There are major disturbances within the institution.
- d. There are escapes from confinement.
- e. A departmentally authorized firearm is discharged other than on the firing range.
- f. There is conflict regarding inter-departmental actions, which appear to require the immediate involvement of departmental administration.
- g. There is a situation requiring immediate action or advice from the Chief Probation Officer.

**SUBJECT: COMMUNICATION-NOTIFICATION
OF DEPARTMENT ADMIN**

NUMBER: 6.2.0

2. Prompt Notification (8:00 am – 5:00 pm, Monday through Friday)

The Chief Probation officer and the Executive Management Team member should be notified of the earliest possible time during regular working hours when:

- a. Minors who are in confinement or placement make serious suicide attempts.
- b. There have been non-violent escapes from confinement.
- c. There is violence or serious property damage committed by individuals under the department's care or custody.
- d. There is an incident involving personnel employed by contract with or under the jurisdiction of the department that is expected to attract great public attention.
- e. When an employee is (a) interviewed by law enforcement as a suspect; (b) cited by law enforcement for a misdemeanor or felony; (c) detained by law enforcement; (d) arrested for a misdemeanor or felony; or (e) convicted of a misdemeanor or felony. The employee will notify his or her immediate supervisor the following workday regarding the occurrence of items (a) through (e).
- f. Employees are involved in incidents or accidents resulting in significant property damage or injury to another person.
- g. A case that could generate significant media attention is identified.

3. Institution Notification

Division Manager of the Juvenile Detention Facility or the Division Manager of the Youth Facility shall be immediately notified of the following when, in the estimation of the Institution's Building Supervisors, such notification is needed. This notification policy also includes all listed examples occurring to, or by, minors participating in any institutional electronic monitoring program. If immediate notification is not necessary, the appropriate manager should be notified at the beginning of the following workday of:

- a. Attempted escape
- b. Accidents involving minors or staff, resulting in injury or property damage
- c. Violence by minors that produce serious injury
- d. Suicide attempts
- e. Serious illness of minors
- f. Medical situations involving quarantine or other unusual treatment imposed by medical staff.

**SUBJECT: COMMUNICATION-NOTIFICATION
OF DEPARTMENT ADMIN**

NUMBER: 6.2.0

- g. Serious damage to equipment or building
- h. Breaches of security, i.e., loss of keys, non-locked doors, etc.
- i. Overpopulation
- j. Racial and/or gang problems developing within the units
- k. Information regarding planned riots, escapes, and acts of violence

RESPONSIBILITY

Any department employee who becomes aware of any incidents or situations as described above is personally responsible for the implementation of this notification procedure.

**SUBJECT: TRANSPORTATION OF JUVENILE
602'S**

NUMBER: 6.9.0

USE OF PRIVATE VEHICLES

Officers shall not utilize private vehicles to transport.

ALL OTHER TRANSPORT

Probation Officers may transport in County vehicles, any person who is currently employed by Tulare County, under the jurisdiction of the Probation Department by Court Order, or an employee of a related agency involved in an activity or objective of common interest.

Individuals participating in an authorized Ride-Along Program are not subject to this policy. For further information regarding this matter, refer to the Ride-Along Program Policy.

SUBJECT: CARRYING A FIREARM

NUMBER: 6.10.0

program, or other state or local public facility or program responsible for the custody, supervision, treatment, or rehabilitation of persons accused of, or adjudged responsible for, criminal or delinquent conduct, (PC 6031.5). Except as otherwise provided in this subdivision, the authority of these Parole or Probation Officers shall extend only as follows:

1. To conditions of Parole, Probation, Mandatory Supervision, or Post Release Community Supervision by any person in this State on Parole, Probation, Mandatory Supervision, or Post Release Community Supervision.
2. To the escape of any inmate or ward from a state or local institution.
3. To the transportation persons on Parole, Probation, Mandatory Supervision, or Post Release Community Supervision.
4. To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
5. To the rendering of mutual aid to any other law enforcement agency.

The carrying of a firearm by Probation Officers in the performance of their duties is strictly prohibited except under the conditions provided for in this policy. The decision of whether or not to arm an officer rests at the sole and absolute discretion of the Chief Probation Officer. An officer may be armed only upon the receipt of the written, expressed authorization of the Chief Probation Officer. Permission to carry a firearm will be considered only when an officer expressly requests in writing to do so and where one of the following circumstances exists:

The officer is assigned to a specific job or unit, which has been designated by the Chief Probation Officer for consideration to carry firearms.

The officer is otherwise qualified, assigned to a specific emergency detail and/or special circumstances exist which require the temporary arming of the officer during the scope of their workday for the immediate protection of his/herself or others.

SPECIAL REQUIREMENTS FOR ARMED POSITIONS

Any employee having been in an unarmed position for over 1 year, must successfully pass the standard psychological examination prior to being transferred to an armed position.

If unsuccessful, the officer will remain in an unarmed position subject to standard appeals process.

A. Required Training:

All officers shall participate in training and upon completion of the following training, submit documentation of completion or re-certification to the Chief Probation Officer.

SUBJECT: CARRYING A FIREARM

NUMBER: 6.10.0

1. Laws of Arrest, Search, and Seizure pursuant to Section 832 P.C. subject to renewal/review as required. Successful completion of CORE training and probationary period as a DPO I.
2. Chemical agents (O.C. Pepper Spray)
3. Initial firearms course pursuant to Section 832 P.C.
4. Passage of the Department's standardized qualification firearms course.
5. A signed statement acknowledging having read and understood Department policy and procedures regarding the carrying and use of firearms.
6. Demonstrated proficiency in Weapon Retention and Unarmed Defense taught by a qualified STC instructor. Armed officer shall demonstrate proficiency in Weapons Retention and Unarmed Defense during range.
7. Current First Aid and CPR certification. Armed officers shall renew First Aid and CPR certification biennial.
8. Armed officers shall participate in the Weaponless Defense course annually.

B. Authorization:

Original certificates shall be maintained in the officer's training file. Copies will be placed in the officer's department personnel file.

Copies of all such documents will be provided to the officer, the officer's supervisor for placement in the worksite file, and the Range Master.

On Duty Arming Authorization Includes:

- Commuting to and from work
- Conducting probation related activities
- Pre-planned searches with other armed Deputy Probation Officers
- Suppression activities with other law enforcement agencies
- Joint Task Force activities
- Search Warrant services with other law enforcement agencies

ISSUING A FIREARM

When a Probation Officer is scheduled to attend PC 832 Firearms Training, the Probation Officer and Range Master will receive notification by the Training Unit. The Officer and Range Master(s) will then need to complete the following procedure:

SUBJECT: CARRYING A FIREARM

NUMBER: 6.10.0

1. A Range Master will contact the Probation Officer(s) to schedule a Firearms Familiarization Class and date and time to be issued a weapon for the class.
2. Two Range Masters issuing the firearm will complete an entry on the Inventory Check Out/In Log, documenting the date, serial number of the firearm issued, and the Probation Officer's name.
3. The Probation Officer will complete a Receipt of Firearm form.
4. At the time the firearm is issued, the Probation Officer(s) will be notified of the date and time to return the firearm to the Range Master.
5. On the date the firearm is returned, two Range Masters will document the firearm was returned on the Inventory Check Out/In Log.
6. The Probation Officer must complete the Receipt of Firearm form, in the section indicating the firearm was returned, and the Range Master will acknowledge with his/her signature.

When issuing a firearm to a newly authorized Probation Officer, a Range Master will contact the Probation Officer(s) to schedule an appointment to be issued a firearm. The Officer and Range Master(s) will then need to complete the following procedure:

1. Two Range Masters issuing the firearm will complete an entry on the Inventory Check Out/In Log, documenting the date, serial number of the firearm issued, and the Probation Officer's name.
2. The Probation Officer will complete a Receipt of Firearm form.
3. The Probation Officer will be responsible to transport the firearm to the range for qualifications.
4. If the Probation Officer qualifies, they will be assigned the firearm until they are no longer assigned to an armed position or fail to meet arming requirements.
5. If the Probation Officer does not pass qualifications, fail to meet arming requirements, or is no longer assigned to an armed unit; the Probation Officer will be given an appointment by a Range Master to return the firearm.
7. The Probation Officer must complete the Receipt of Firearm form, in the section indicating the firearm was returned, and the Range Master will acknowledge with his/her signature.
8. On the date the firearm is returned, two Range Masters will document the firearm was returned on the Inventory Check Out/In Log.

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CARRYING THE FIREARM

The officer shall carry the firearm in an approved holster on his/her person. The officer shall be aware of public sensibilities and related issues arising from the introduction of a visibly worn firearm in public and during professional interaction. In any event, ready access to the weapon should not be compromised for the sake of concealment.

Whenever carrying a firearm, the officer shall wear on his/her person a department issued badge, displayed in close proximity to the weapon, be in possession of a department issued identification card. Only shirts and jackets as authorized by policy section 4.7.0 and 4.7.1 shall be worn. **Officers shall wear safety equipment including ballistic vests and approved department identification clothing whenever in the field.**

The officer shall not carry a firearm when boarding an aircraft unless specific written approval is given by the Chief Probation Officer. Upon receipt of such permission, the officer shall comply with the Federal Aviation Administration, local jurisdiction, and the particular air carrier regulations.

AUTHORIZED FIREARMS, AMMUNITION, AND HOLSTERS

An officer shall only carry the firearms, ammunition, and holster issued by the department unless otherwise authorized to do so by the Chief Probation Officer.

The officer may carry only that firearm, ammunition, and holster with which the officer has qualified on the range.

The Tulare County Probation Department's authorized firearms, ammunition, and holsters are as follows:

- Glock, Model 19, using 9 mm factory controlled expansion ammunition
- The department will issue an approved holster with each department issued weapon
- Only department issued ammunition will be carried on duty
- No firearm or holster or ammunition will be altered in any manner, unless previously approved in writing after review by the department armorer.

Firearm Care and Maintenance:

It is the responsibility of each armed officer to ensure that their firearm and equipment are maintained in good working order.

Before and after each training use of the weapon, the Range Master will conduct a weapon safety inspection. The firearm is to be cleaned after range work and before it is again carried on duty.

All firearms will be serviced, internally cleaned, and inspected at least every year by a competent, trained gunsmith or armorer designated by the department.

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STORAGE PROCEDURES

It is the personal and individual responsibility of the officer to ensure that the firearm and ammunition are stored in a safe and secure manner.

In the Office:

During the working hours, the firearm shall either be carried by the officer or the firearm and ammunition shall be stored in a locked cabinet or desk drawer (that can be separately locked) in the officer's office. Firearms and ammunition shall not be stored in the unit office overnight.

In the Car:

Firearms may be locked in the trunk of the officer's vehicle or other attached storage container in vehicles such as trucks or vans, however, they shall not be stored in this manner overnight. Prolonged storage of the holster in a vehicle may result in damage from extreme heat. Firearms shall not be visible from outside of the vehicle at any time.

In the Residence:

Personnel who are issued firearms will take precautions to ensure that the firearm is safely stored to prevent misuse or theft.

In Facilities:

Weapons assigned to facility personnel will be securely stored in a designated area at the Juvenile Detention Facility, subject to a check-in/check-out system.

DISPLAY AND USE OF FIREARMS

A. Drawing or Displaying Firearm:

Except for cleaning or training purposes, firearms should be drawn only when the officer reasonably believes that a risk of death or serious bodily injury to the officer or another person may develop.

In situations encountered by *an Officer, where the firearm is drawn because of demonstrated threat* to the officer's safety or the safety of others exists, a report on the presenting situation is to be completed and routed to the Chief Probation Officer through the chain of command as soon as is reasonably possible.

B. Use of Firearm:

The officer shall follow the department's Use of Force (Response to Resistance or Aggression Policy) regarding the decision to discharge a firearm.

The need for preservation of public safety compels staff to use caution when firearms are used, the potential for injury or death to bystanders is always present. If reasonable belief of imminent danger to the officer or to other persons in the officer's presence exists, other means including later apprehension and seeking assistance should become the alternative when possible.

Officers should bear in mind that the use of firearms or other deadly force may result in a homicide. California Courts have ruled that for a homicide to be justified, it must be in defense of one's life or the life of an innocent third party against an imminently dangerous aggressor or to stop the commission of an assault which could result in the probability of great bodily injury.

Firearms may be used on an approved range or during other approved training practice or qualification when supervised, or otherwise approved by an authorized Range Master.

The improper use of firearms can result in disciplinary action and may result in civil/criminal action.

DISCHARGE OF A FIREARM**A. Firearms should not be discharged under the following circumstances:**

1. As a warning.
2. At a moving or fleeing vehicle unless the officer reasonably believes that such use is necessary to prevent the death or serious bodily injury of the officer or a third party.

B. Upon discharge of a firearm other than during training, the officer shall, as soon as safety permits:

1. Immediately notify the local law enforcement agency with jurisdiction and request medical assistance if needed.
2. Notify his/her supervisor, who in turn shall notify the Chief Probation Officer as soon as possible.
3. A Supervisor will notify the Tulare County Sheriff's Department Office to conduct the investigation.
4. Secure the scene of the incident to the best of the officer's ability.

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5. Remain at the scene until dismissed by the designated department representative, unless it is unsafe to do so, or the officer is injured and needs medical treatment.
6. Cooperate in the Probation Department's review and investigation of the incident.
7. Protect the firearm for examination and submit the firearm to the designated Probation Department representative or authorized representative of the law enforcement agency conducting the investigation into the incident.

Armed officers, when working, shall consider all situations encountered pursuant to the authority granted by Penal Code Section 830.5. Officers should be aware of their unique Peace Officer powers, and the intent of the Department in arming them.

- C. The officer shall submit a written report through the chain of command to the Chief Probation Officer within 24 hours giving a summary of the incident. If the officer is unable to submit a written report, it is to be submitted by a supervisor or designated departmental representative.
- D. Upon an unintentional discharge of a firearm, the supervisor shall request an inspection of the firearm by the Range Master/Certified Armorer to determine its mechanical/functional condition.

ADMINISTRATIVE REVIEW PROCEDURE

- A. An administrative review will be conducted for the purpose of determining the facts in each instance where the discharge of a firearm is required to be reported by the department's firearm policy.
- B. The review shall be conducted under the direction of the Chief Probation Officer who may select a Division Manager, the Internal Affairs Investigator, or another supervisor to obtain specific information about the incident. Upon conclusion of the review, a report will be submitted to the Chief Probation Officer containing the following information:
 - A summary of the incident as determined by the facts developed in the review.
 - Any investigation results from law enforcement and an opinion from the District Attorney's Office as to whether the discharge conformed with the law.
 - An opinion as to whether the discharge conformed with departmental policies.
 - Findings, determined after a review of all available information, actions, and relevant policies.

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CONTINUING QUALIFICATION REQUIREMENTS

Each armed officer shall re-qualify quarterly utilizing the standard department course during scheduled dates and times. Officers will have three initial opportunities to pass qualification. Should an officer fail to qualify on the first attempt, they will receive remediation training with the Range Master. Remediation training will include technical instruction as necessary regarding stance, grip modification, target alignment, and trigger control.

Following remediation training, should an officer fail to qualify on the second attempt, they will again receive remediation instruction by the Range Master. The officer shall have the option to attempt to qualify for a third time or reschedule for another day due to fatigue. An officer that fails to re-qualify on a third attempt shall be issued a memorandum by a Range Master stating they are not allowed to carry the firearm while on duty. The firearm shall be maintained by the officer for the purpose of dry firing and practice. The officer will be re-scheduled for a make-up qualification where they will be given one further opportunity to pass qualification. Should an officer fail to pass the make-up qualification, they shall not be re-issued a firearm.

The Range Master shall forward a memorandum to the Chief Probation Officer forthwith in regard to any officer who fails to pass qualification. The officer will be reassigned to a non-armed position. While the officer may request the opportunity to re-qualify after a 180 day period, said reassignment shall remain in effect based upon the needs of the department.

REVOCAION OF AUTHORITY TO CARRY A FIREARM

- A. The Chief Probation Officer may revoke the authority to carry a firearm at any time. Supervisory and management personnel may suspend an officer's authority to carry a firearm for "good cause", subject to later review by the Chief Probation Officer.
- B. If the authorization to carry a firearm has been suspended by a person other than the Chief Probation Officer, the person ordering the suspension shall submit a written report, within two working days, to the Chief Probation Officer, indicating the circumstances which led to the suspension.
- C. The officer may submit a written request to the Chief Probation Officer to review any decision regarding suspension or revocation of the officer's authorization to carry a firearm. The officer shall clearly state the reason the authorization should be reinstated or specific objections to the decision.
- D. Immediately upon being advised of suspension or revocation of authorization to carry a firearm by a superior, either verbally or in writing, the officer shall surrender the firearm to the Probation Department Range Master.

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STOLEN OR LOST FIREARMS

An officer shall immediately report to his/her supervisor any incident of a lost or stolen firearm, ammunition, or holster that the officer is authorized to carry, pursuant to the department's policy.

The officer shall submit a written report to the supervisor, as well as file a report with the appropriate law enforcement agency having jurisdiction, no later than the close of the same working day upon discovering such a loss.

ANNUAL INSPECTION

A Range Master will schedule an appointment with each Probation Officer annually, to complete a firearm inspection, safety function check, and cleaning. The Probation Officer will remain present while the firearm inspection is completed and findings discussed with them.

MONTHLY INVENTORY OF FIREARMS

At each qualification, practice, or make up qualification, a minimum of two Range Masters will conduct an inventory on all assigned firearms. In addition a minimum of two Range Masters will conduct a monthly inventory check of all unassigned firearms.

CARRYING FIREARMS OFF DUTY

Officers are not authorized by the Department to carry weapons while off duty. The Department recognizes that some personnel may have a right to carry weapons while off duty pursuant to State or Federal law. Carrying any weapon issued by the Department off duty is strictly prohibited by this policy. Officers may not possess or access personal weapons while on duty, upon County property, or within County vehicles. Officers do not have peace officer authority while off duty. For the purpose of this firearms policy deputized staff are considered to be "on duty" during normally assigned work hours or during specially assigned work hours approved by their supervisor. Deputized staff who are required to return to duty for emergency situations, as directed by a supervisor, are considered to be on duty for the purposes of this policy.

Authorized exception: Off duty officers may transport their department issued weapon to and from a shooting range in accordance with applicable state laws. Officers voluntarily choosing to visit a range in an effort to improve their proficiency shall be responsible for the cost of all ammunition, targets, cleaning supplies, etc. Only factory ammunition shall be fired from a department issued weapon – NO RELOADS! Under no circumstances should lead bullets be used. Officers shall not allow any person, except other officers employed and armed by the department, to handle or fire a department issued weapon.

FORCE RESPONSES

- A. Force is used by an Officer to overcome resistance to affect an arrest, prevent an escape, or to protect the Officer or another from harm. Force is never used for retribution (getting even) or as punishment. Because of the myriads of factors that are involved in a use of force situation, mechanical applications or precise definitions of when and what level of force should be used are inappropriate.

The force response applied to a subject depends on the totality of the situation.

- B. The force response must be consistent with the “reasonable officer” standard which is the standard being used by the Courts in determining the reasonableness of responses to resistance or aggression.

The “reasonable officer” standard is a common sense evaluation of what any “reasonable officer” would do, given the totality of facts at the times of the incident. Implicit in this standard is the severity of the offense, the immediacy of the threat, the level of resistance to be overcome, the level of training the Officer has received, and the force responses available to the officer at the times of the incident. Reasonable force is the only lawful response that may be used.

- C. Juvenile Detention Facility and Youth Facility staff are directed to their respective facility policy manuals regarding responses to resistance or aggression.

RESPONSE TO RESISTANCE OR AGGRESSION OPTIONS

The Officer’s response to resistance or aggression will be reviewed as to the reasonableness of those actions, from the standard of what a reasonable officer would do in the same situation.

A. Resistance or Aggression Responses:

Command presence and verbal skills are foundational to any response to resistance or aggression application. Command presence and actions may often negate the need for the use of any force. Therefore, any review of an incident involving response to resistance or aggression will always start with how the Officer presented his or herself and what they said to diffuse or escalate the situation.

B. Non-Lethal Response:

Non-lethal force is any physical restraint or control that would not normally result in injury if applied correctly. This level of force, if correctly applied and submitted to, may cause discomfort, but not normally injury. Restraining and detaining includes an officer physically placing hands on a subject with the intention of gaining control of the subject. Included in this level would be the application of temporary restraining devices such as handcuffs and leg restraints. These responses, though not normally lethal, are still more likely to cause injury than non-lethal force applications. This level of response includes department authorized control holds including:

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- a. Arm Bars
- b. Twist Bars
- c. Escape from Hand Grabs
- d. Ground Control Holds

Responses also include restraining techniques related to the above indicated holds and chemical agents such as Oleoresin Capsicum Spray.

C. Aerosol or Chemical Agents:

1. Policy relating to use by field services personnel

- a. Aerosol chemical agents are considered to be defensive weapons and will be used as such with discretion and care.
- b. Oleoresin Capsicum is the only tearing agent authorized by the Tulare County Probation Department. Only sworn staff (including extra help) that have completed training and obtained certification as approved by the department for use of chemical agents that includes training on the use of Oleoresin Capsicum, will be permitted to carry and use the department approved tearing agent.
- c. Aerosol chemical agents are intended primarily for use in those cases where the officer is attempting to subdue and attacker or a violently resisting suspect. Aerosol chemical agents may be used when it appears reasonably necessary to affect an arrest or overcome resistance, or where it appears reasonably necessary to protect one's self or third parties from physical injury or death.
- d. Refer to Section IV, Number 6.10.2 for Tulare County Probation Department Administrative Manual – Use of Aerosol Chemical Agents procedure. Institutional services personnel should refer to Juvenile Detention Facility manual or Youth Facility manual for specific information regarding use of OC in Probation Department facilities.

2. The officer shall submit a written report through the chain of command to the Chief Probation Officer within 24 hours giving a summary of the incident requiring the use of OC. If the officer is unable to submit a written report, it is to be submitted by a supervisor or designated departmental representative.

D. Use of Deadly Force – Firearms:

1. Lethal Response:

Lethal force is that force application likely to cause serious physical injury or death.

2. Strategic Disengagement:

At any time when an officer can safely disengage from a potentially lethal or violent situation, they shall do so.

- a. Officers may use deadly force in an official capacity in the following circumstances:
 1. When it reasonably appears necessary for the defense of the officer or the defense of another.
 2. To affect the capture or prevent the escape of a serious felon when the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
 3. To destroy an animal when it reasonably appears to the officer that the officer or another person is in danger of attack by an animal.

RESPONSE TO RESISTANCE OR AGGRESSION REPORTING REQUIREMENTS**A. When a Report is Required:**

1. Any response to resistance or aggression by an officer, other than incidents resolved through verbal or command presence, must be reported and reviewed by a supervisor who may require a written report.
2. A report, when required by a supervisor, shall be submitted no later than the day after the incident occurred, except whenever there are injuries sustained by any of the participants in the use of force. The officer will contact their immediate supervisor, or in that supervisor's absence, any other department supervisor, by telephone to brief the supervisor of the incident.
3. It is the responsibility of the supervisor to report the circumstances regarding any use of force incident resulting in injuries, or other special interest incidents, to the Division Manager, who shall contact the Chief Probation Officer, or the Chief Probation Officer's designee, immediately upon notification.

B. Reporting Format:

1. Memorandums may be used whenever there has been a response that did not result in detention or arrest of the subject.
2. A chrono may be used whenever the subject is arrested for a violation of probation.
3. A crime report may be used whenever the subject is arrested for a new offense.

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4. No matter what report format is used, the report shall contain the following information:

- a. An accurate description of the incident.
- b. The amount and type the response.
- c. Any injuries that occurred to any participant of the incident and what medical treatment, if any, took place.
- d. A list of all participants and witnesses involved in the incident.

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Searches will be used as a means of monitoring compliance with the law, and the terms and conditions of probation. These searches may occur with or without prior information that the probationer is out of compliance on these mandates. Searches will also occur in conjunction with the making of an arrest or in other situations where officer safety is an issue.

In cases where an agency assisted search using Probation's terms and conditions occur, in these situations as in all probation-conducted searches, the officer may never delegate to another agency the authority to conduct the search or the manner in which the search is to be conducted.

A refusal by occupants to allow your entry does not then allow for "kicking down the door" to gain entrance. If there is imminent danger to an occupant if you fail to act or you observe a law violation occurring, these situations may present "exigent circumstances". The key words are "immediate or or imminent". If the officer does not act, the probationer may perpetrate preventable harm. In a situation such as this, the officer is to immediately contact a supervisor for direction.

In all instances, Probation Officers, conducting a supervisory search for the purposes delineated above, shall ensure the search is conducted in a reasonable manner and within the limits of the approval granted. The search should not be more intrusive than is reasonably necessary to locate the objective of the search. The Deputy Probation Officer must be in control of the search at all times.

Each situation must be evaluated on its merits and anticipated results. All searches other than those completed routinely for purposes of compliance are to be staffed with a supervisor prior to the occurrence.

LEGAL AUTHORITY

Peace Officer Authority: Penal Code Section 830.5 defines a Peace Officer, Probation Department Transportation Officers, as well as, employees having custodial responsibilities in an institution operation by a Probation Department. Penal Code Section 830.5(a), defines Deputy Probation Officers as Peace Officers whose authority extends as follows:

1. To conditions of probation of any person in this state on probation
2. To the escape of an inmate or ward from an institution
3. To the transportation of persons on probation.
4. To a violation of any penal provision of law discovered while performing the usual or authorized duties of employment.
5. To the rendering of mutual aid to any other law enforcement agency.

WHEN PROBATION OFFICERS MAY CONDUCT A PROBATION SEARCH

If officers confirm a probationer is subject to a search clause, they may immediately conduct a probation search, even if there is not reason to believe the probationer has committed a crime or is otherwise in violation of probation. In other words, a probation search, "need not be founded on any report, or suspicion, or belief of continued misconduct."

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In fact, Probation Officers may conduct a probation search just to ensure the probationer is not engaging in further criminal behavior. As the Court of Appeal observed, “unexpected unprovoked searches are permitted since they are reasonably calculated to monitor the probationer’s compliance with the law.”

People vs. Turner (1976) 543 Cal App 3d, 500, 507

HARRASSMENT AND ARBITRARY SEARCHES

Although Probation Officers need not justify their decision to conduct a probation search, the search will be invalidated if a court finds it was arbitrary or was conducted for the purpose of harassing the probationer. In the words of the California Supreme Court, “A waiver of Fourth Amendment rights as a condition of probation does not permit searches undertaken for harassment or searches for arbitrary or capricious reasons.”

People vs. Bravo (1987) 43 Cal 3d 600, 6101 – People vs. Biddinger (1996) 41 Cal App 4th 1219, 1224. In re Marcellus (1991) 229 Cal App 3d 134, 142

Summary revocation of defendant’s probation upon issuance of a warrant does not terminate a probation search clause. Consequently, until a defendant’s probation has expired, or has been revoked as a result of formal revocation proceedings, the search clause remains in effect.

People vs. Barkings (1978) 81 Cal App 3d, 20, 23-22

“ON REQUEST” SEARCH CLAUSES

An “on request” limitation has been interpreted to mean that officers must notify the probationer that a search is about to occur. In the words of the Court of Appeal, [A] probationer whose search condition includes an “as requested” provision has a right to be made aware a search is taking place.”

This does not mean a probationer has a right to refuse a “request” to conduct a search; nor does it give a probationer the right to be present when the search takes place. It simply requires that the probationer be notified of the search at some point before it begins.

People vs. Biddinger (1996) 41 Cal App 4th 1219, 1227, and People vs. Mason 1971 5 Cal 3d, 759, 763

SEARCH CLAUSE PRECLUDES STANDING

Neither an adult nor a juvenile probationer has standing to challenge a search that was expressly permitted by the terms of probation. This is because a probationer cannot reasonably expect privacy as to places and things he agreed could be searched at any time without a warrant.

People vs. Brown (1987) 191 Cal App 3d 761, 766: People vs Bravo (1987) 42 Cal 3d 600, 610: in re Tyrell J. (1994) 8 Cal 4th 68, 85: In re Marcellus L. (1991) 229 Cal App 3d 134, 145: People vs. Biddinger (1996) 41 Cal App 4th 1219, 1224, United States vs Knights No. 001260.

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CONSENT SEARCH

A Probation Officer may conduct a search in the absence of a term of probation allowing a search if the probationer gives written consent for the search. *To ensure that consent is freely and voluntarily given, the Probation Officer shall advise the probationer before the consent is given whether the consent may be refused without adverse consequences, such as a report or a return to court.* A search based upon consent may not exceed the scope of the consent.

Even if the probationer is cooperative and consenting, all searches must be carefully planned with officer safety in mind. Since no policy can anticipate the individual circumstances of field situations, consent searches are permissible when an officer can articulate reasons why the search is reasonable and safe absent a search condition. Supervisory approval should be obtained prior to all searches. If this is not possible in an unusual situation, the supervisor must be informed as soon as possible after the search. The Court must also be advised and when indicated, a search condition requested. (See Consent to Search Form)

KNOCK NOTICE

Officers who conduct a probation search of a residence must comply fully or substantially with the knock-notice requirements unless compliance is excused for good cause.

People vs. Lajocies (1991) 119 Cal App 3d, 9447, 952 / Penal Code Section 1531

Full Compliance

Peace Officer Authority: Penal Code Section 830.5 defines a Peace Officer, Probation Department Transportation Officers, as well as, employees having custodial responsibilities in an institution operation by a Probation Department. Penal Code Section 830.5(a), defines Deputy Probation Officers as Peace Officers whose authority extends as follows:

1. Knock on the door or take another action to get the attention of someone inside.
2. Announce their authority; e.g., "Probation Officer."
3. Announce their purpose; e.g., "Probation Search... Open the door."
4. Wait until they have been granted or refused entry, (expressed or implied)
5. Leave area or consider forced entry. (Refer to Forced Entry Section)

Substantial Compliance

Under certain circumstances, substantial compliance with some of the knock notice requirements may be sufficient. For example, if officer(s) have a reasonable belief that at least one of the occupants is aware of their presence, identity and purpose.

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FORCED ENTRY

Forced entry for the purpose of this policy is entry through any access, window, door, etc., without the occupant allowing entry. Such entry should be avoided primarily as officer and public safety are jeopardized by such action. Secondly, such entry may result in damage or destruction of private property. Yet in some situations, including that of exigent circumstances, forced entry may be warranted.

If the officer reasonably believes that:

- The presenting situation is urgent and critical and
- The residence is the probationer's residence
- Someone is in the residence and aware of the officer's presence
- Failure to force entry could result in destruction of vital evidence
- Failure to force entry could frustrate an arrest
- Failure to force entry could result in preventable harm to the probationer, the community, or the officer(s).

Then forced entry may be considered.

Forced entry **shall not** be made without sufficient law enforcement presence and the expressed permission of a Supervisor. *This permission may be eliminated if the delay to obtain is likely to result in death or serious bodily injury to another.*

SEARCH PROCEDURE

The procedure for conducting probation searches generally involves the following:

1. Having confirmed knowledge of the existence of a court order allowing a search.
2. Determining what places and things may be searched.
3. If a residence will be searched, taking steps to determine the residence is the probationer's, and comply with knock-notice rules before making entry.
4. Conducting a search that is reasonable in scope.

WHAT PLACES AND THINGS MAY BE SEARCHED

During a probation search, a list of the places and things that may be searched will be found in the probation order. Typically, the order will authorize a search of the probationer's person, residence, car, and property under his control; a so-called "four way search clause".

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RESIDENTIAL SEARCHES; WHOSE HOME IS IT?

Before entering a residence, to conduct a probation search, officers must reasonably believe the probationer actually lives there. Although absolute certainty is not required, officers must possess some information that reasonably indicates the residence is in fact, the probationer's. Such information may be provided by neighbors, reliable information, recent booking forms, court records, probation records, hotel registrations, utility and phone records, employers, surveillance of the premises, and phone calls by undercover officers to the probationer at the residence.

Upon arrival at the premises, officers will sometimes encounter a probationer who denies living there. In such cases, officers are not required to accept such denials as true. This is because false denial by an occupant might be expected in order to prevent a search, especially when there is contraband on the premises. If a denial is made, however, further inquiries may be required depending on the strength of the evidence that the probationer actually lives there.

WHAT ROOMS MAY BE SEARCHED

Officers may search those rooms, which they reasonably believe are (1) controlled solely by the probationer, or (2) commonly used by the probationer and another person(s), such as a spouse, parent, or roommate.

WHAT PROPERTY MAY BE SEARCHED

Personal property may be searched when there is reasonable suspicion to believe it is owned or controlled solely by the probationer or jointly with another person. Such a reasonable suspicion may be based on direct evidence or reasonable inference.

Direct evidence that an item belongs to a probationer might be found if the probationer's name was marked on the item, or if the probationer acknowledged he owned the item, or if a joint occupant stated the item belonged to the probationer, or the item is found with his personal property.

As noted, officers may also rely on reasonable inference in determining whether an item of personal property is owned or controlled by a probationer. For example, unless there is reason to believe otherwise, officers may usually infer that a probationer has control over all containers and other property in his bedroom and the common area. The typical search conducted by officers of this department results from a routine home visit, wherein the case officer attempts to find his/her probationer in his/her natural environment.

A second form of search results from information received during the course of the officer's daily duties. This information may come from a fellow officer, outside agencies, concerned family members, or even anonymous searches. The case officer should evaluate this information and if it is his/her opinion that it has value, it should normally be staffed with a Supervising Probation Officer prior to conducting the search.

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If it is determined that substantial risks are present (weapons, drug sales, or other contraband), which could lead to any physical confrontation, additional officers will be requested and the case officer will be responsible for planning out the field operation. The case officer will be responsible for staffing the matter with a supervisor or Division Manager prior to coordinating the search detail. If it is determined that there is not substantial possibility of harm to the officers or probationer or family members, a search will be initiated within a reasonable time frame.

Officer safety will be the primary focus in the preparing and planning of all field operations. It shall be a requirement that on all initial home visits, officers will create a diagram of the residence and document it on the field sheet with a copy attached in the file. This diagram will then be available for a pre-operation briefing, which should be conducted by the lead, or case officer with participants who will be utilized in the action. This briefing will make certain that every officer is aware of his/her duties and that each individual is aware of the potential hazards or risk associated with the operation. If in the judgment of the lead or case officer and supervisor a high degree of danger exists, assistance from local law enforcement will be sought. However, irrespective of the circumstances, whether as a result of a routine home visits, planned field operation, or planned search, at no time should a lone probation officer conduct anything other than a cursory search.

OPERATION ASSIGNMENTS

Lead or Case Officer coordinates the following:

1. Collects/distributes all information to necessary individuals, such as purpose of search, occupants, possible dangers, location to be searched, location of emergency services, etc. Confirms all officers involved in the detail have necessary safety equipment including weapon, ammunition, body armor, identification clothing, handcuffs, etc.
2. Collects any intelligence available to assure the safety of the officers, probationer, or community.
3. Disseminates all information to the officers involved during the briefing.
4. Coordinates the action with appropriate outside agencies.
5. Radio notification to TCSO dispatch of search activity, involved units, and location.
6. With assistance from the Supervisor, make assignments based on officer's experience and expertise.
 - a. Entry Team
 - b. Security Team
 - c. Perimeter Team
 - d. Search/Evidence Team
7. Since the lead or case officer is recognizable to the probationer to be searched, he/she should be in the entry team and most likely the one who knocks and announces Probation's presence, unless otherwise determined.
8. Responsibility for any follow-up after the operation.

SUBJECT: SEARCH AND SEIZURE

NUMBER: 6.11.0

Entry Team

Makes entry into the target location (high risk operation). An entry team should never consist of fewer than two officers, who will be wearing body armor, department issued weapons, identification clothing and belt badges. Depending on the nature of the information and the situation which is being acted upon, the entry team may request assistance from other law enforcement agencies in the area.

Security Team

Once entry into the target location has been affected, at least one probation or police officer shall control the individuals who are temporarily detained. The area of temporary detention and the individuals shall be thoroughly searched and secured prior to the remaining team members proceeding with the residential property search. Those detained should be informed that their detention is temporary and for their safety, the safety of the officers, and evidence retention purposes. Where warranted, those detained may be handcuffed for officer safety purposes. When appropriate and applicable, a record check from the TCSO should be performed.

Perimeter Team

Upon arrival at the target location, the perimeter team members shall immediately go to their assigned locations. Officers assigned shall have department armor. Identification clothing and badges shall be worn in plain view for easy identification.

Search/Evidence Team

Prior to leave the pre-operation briefing, the case officer shall assign specific officers to search specific areas. The officers shall conduct thorough searches of their assigned area. If other agencies are involved in the probation search, Probation staff shall control and oversee the search operation.

Although all searches are to be thorough, all efforts will be made to not damage any property or unnecessarily disturb the personal effects of those being searched. A pat-down search of all occupants will be conducted for officer safety. Upon entry, the occupants should be asked if there are any firearms or illegal contraband in the residence.

Areas which can be searched are those delineated in the probation search clause, as well as common areas, (such as living room, kitchen, bathrooms, closets, accessible outside buildings).

If searching officers find evidence of a new law, violation of evidence of weapons, all personnel will be immediately notified. All weapons discovered will be unloaded by qualified officers, inventories, and secured in the trunk of a vehicle as soon as possible. As evidence is located, the assigned officer should be notified so that the evidence log can be completed. A receipt for items seized or damaged will be left at the residence.

SUBJECT: SEARCH AND SEIZURE

NUMBER: 6.11.0

CLEARING / SECURING THE LOCATION

At the time, the case officer will determine what, if any, arrest(s) will be made. If forced entry was made and/or occupants of the premises are arrested, it is the case officer's responsibility to attempt to secure the residence.

CWS will be contacted if necessary, to take custody of minor children who may be present and in need of care.

In the event officers discover a clandestine lab where drugs are being manufactured, or discover chemicals used in the manufacturing of drugs, the residence will be cleared of all occupants and secured. Appropriate law enforcement will be notified immediately.

If it appears that the search will result in new charges being filed, law enforcement may be notified, (if not present), to secure and control the evidence discovered and to take a crime report.

If a search is abandoned because of a danger to the officer or another person, and there are reasonable grounds to believe there exists a danger to the public, the officer shall notify a supervisor and appropriate law enforcement authority as soon as possible.

PROBATION ASSISTED SEARCHES INVOLVING OTHER AGENCIES

When requested by other law enforcement agencies to perform a probation search, the Deputy Probation Officer will staff the case with a supervisor or Division Manager. The supervisor or Division Manager may contact the Deputy Chief Probation Officer or Chief Probation Officer if the circumstances appear to warrant such action.

The following general rules for searches apply:

1. A search of the person, property/residence, office, or vehicle of a probationer may be conducted by a Probation Officer only pursuant to a condition of probation, voluntary consent of the probationer, or when exigent circumstances exist. If exigent circumstances exist, the police officer may have no need of Probation Department assistance for entry.
2. A search shall not be conducted if the contemplated scope of the search will result in other than minor damage to the property to be searched. The search should be no more intrusive than is reasonably necessary to locate the objective of the search.
3. The Probation Officer may never delegate to another agency the authority to conduct the search of the manner in which the search is to be conducted. The Probation Officer may never delegate to another agency the authority to conduct the search of the manner in which the search is to be conducted. The Probation Officer must be in control of the search at all times.
4. The search shall conform to Probation Department Policy and Procedure.

SUBJECT: SEARCH AND SEIZURE

NUMBER: 6.11.0

SEARCH BY ANY PEACE OFFICER

In cases in which a law enforcement agency contacts a Probation Officer requesting information as to the existence of a search term, and the term of Probation allows a search by any Peace Officer, there is no legal requirement for a Probation Officer to be present while the search is being conducted. If it is requested that the Probation Officer be present and assist with the search, the Probation Officer may do so based on their availability and staffing with a supervisor. In an instance such as the described above, the search becomes the responsibility of the Probation Officer, to be conducted in compliance with the Probation Department policy.

If the law enforcement agency requests a copy of the court order, and a copy of the signed terms and conditions of probation, to confirm the term of probation, and this request can be reasonably accommodated, every effort should be made to provide the requested information.

SUBJECT: URINE TESTING

NUMBER: 6.11.1

6. Once the RDS cup is filled, have the probationer being tested secure the cap on the cup ensuring that it is on tight. Place the RDS cup in a safe area in full view of the probationer until the test can be read.

Upon reading the results of the RDS, the Probation Officer shall take the following actions that apply.

- a. The result of the RDS is negative. Have the probationer empty the urine in the toilet, place the RDS cup in a rubber glove, and dispose of it in the trash. Enter the result of the test in Caseload Explorer. Fill out the "Court Ordered to Pay" section on a drug test slip and send it to the Office Assistant assigned to the Porterville Office.
- b. The result of the RDS is positive. If the positive result **will not be** used for a violation of probation, enter the result into Caseload Explorer and dispose of the sample in the same manner as above. Fill out the "Court Ordered to Pay" section on a drug test slip and send it to the Office Assistant assigned to the Porterville Office.
- c. The result of the RDS is positive. The sample **will** be used to support a violation of probation, proceed to the next section of this policy regarding confirmation of a urine sample.

SENDING URINE SAMPLES TO THE LAB FOR CONFIRMATION

Tulare County Probation contracts with Mineral King Lab located at 880 E. Merritt, Suite 107, Tulare, Ca. 93274, Ph. 685-3456, to perform conformation on presumptive RDS samples. In most cases, confirmation tests results will be available in one week. If there is a delay beyond one week, verbal confirmation may be requested from the lab by phone if deemed necessary.

A urine sample shall only be sent to Mineral King Lab to confirm a presumptive positive RDS when the result will be used in the submission of a violation of probation.

To confirm an RDS sample for a presumptive positive, proceed with the following steps.

- a. Fill out a Mineral King Lab label and affix it to the RDS cup.
- b. Fill out the tamperproof strip that comes with the RDS kit and affix it from one side of the cup, over the lid, and down the opposite side of the cup.
- c. Place the RDS cup into the plastic bag supplied by the Mineral King Lab and seal it by removing the tape at the top of the bag then pressing it together.
- d. Fill out a chain of evidence slip and place it into the pocket on the side of the plastic bag.

SUBJECT: URINE TESTING

NUMBER: 6.11.1

- e. Fill out a Drug Test slip. The slip is a white form with an attached yellow carbon. Be certain that all information on the form is filled in completely. The “Test Taken By” section only needs to be filled out if the test was administered by another officer. The “Court Ordered to Pay” section is to be filled in with “Yes” if there is any doubt in this area. The bottom half of the form starting with “Results” will be filled out by the lab technician. The completed drug test slip is to be sent interoffice mail or delivered directly to the Office Assistant assigned to the Porterville Office.
- f. Fill out the log and place the completed urine sample in a designated locked cabinet for pickup by Mineral King Lab. Ensure the cabinet is re-secured to preserve the chain of evidence.

Completed urine samples shall be logged in and secured at a designated pickup location by the end of the workday. Designated login/pickup storage areas are located at the Juvenile Justice Center, Fairway, Center Avenue, and Porterville offices.

- g. **IT IS ESSENTIAL THAT ALL PAPERWORK IN REGARD TO URINE SAMPLES BE FILLED OUT COMPLETELY AND ACCURATELY. MINERAL KING LAB WILL REJECT SAMPLES NOT FILLED OUT PROPERLY OR THE RESULTS OF THE TEST WILL BE DELAYED.**

SUBJECT: PROPERTY AND EVIDENCE

NUMBER: 6.11.2

CATEGORIES OF PROPERTY DEFINED

A. Evidence:

Any item deemed contraband under the authority of a court order, statute or term of supervised release, which requires a seizure to support an allegation of a violation or a new charge.

1. Illegal Narcotics:

When illegal narcotics are discovered, the appropriate law enforcement agency shall be contacted. In the event the law enforcement agency is unwilling or unable to respond, or the illegal narcotics do not warrant a new law violation, the following procedure will be followed:

The substance will be photographed in its original location and upon arrival at the office, the substance will be weighed and placed in a property/evidence envelope and a property/evidence chain of custody document, with a property/evidence report number, will be completed. The substance will be logged into the nearest evidence locker and a report will be completed.

If the substance needs identification:

- The substance will be placed in a toxicology cup and a Toxicology Specimen label and Tamper Evidence Seal will be completed with the following information (Name, Agency, Collected by, Date and Time, Collector's Signature). The cup, with appropriate labeling will be placed in a biohazard bag and sealed.
- The Probation Officer will complete the Mineral King Lab Chain of Custody form and a property/evidence chain of custody document will be completed.
- The Probation Officer will contact Mineral King Lab at (559) 685-3456 to schedule an appointment prior to dropping off the substance. The substance will then be transported to the Mineral King Lab by the Probation Officer at the designated time.
- If a substance is taken after conventional hours, a toxicologist is not available, or the substance does not need identification, the substance will be booked into the nearest evidence locker following seizure. The substance will be placed in a property/evidence envelope and a property/evidence chain of custody document, with a property/evidence report number, will be completed. The substance will be logged into the nearest evidence locker and a report will be completed.
- Once the substance is identified by Mineral King Lab, the Property Room Manager will be contacted via telephone to pick up the residual substance within three days. The substance will be retrieved, transported to the Center Street Office, weighed again prior to logging the substance into the Central Property locker and the evidence/property file card will be completed.

2. Drug Paraphernalia:

In the event that drug paraphernalia is located, that may or may not result in an alleged violation of a court order or a term of supervised release, the paraphernalia located will be photographed in its original location, destroyed and disposed of at the scene. All destruction must be completed in a manner that ensures the safety of the public.

3. Needles:

Needles seized shall be photographed and placed into a hazardous waste/sharps container located in the trunk of the probation vehicle.

4. Alcohol:

When alcohol needs to be removed from the home, a photograph will be taken and the alcohol will be disposed of at the scene.

5. Firearms and Ammunition:

All firearms shall be treated as loaded and operable. In the event that a firearm is discovered, it shall be made safe. Officers who are unfamiliar with the firearm, should not attempt to make it safe and shall contact local law enforcement who will be responsible for filing new charges and/or confiscating the evidence.

Ammunition that will not be used for a new law violation, will be confiscated and placed in a property/evidence envelope and a property/evidence chain of custody document, with a property/evidence report number, will be completed. Ammunition will be logged into the nearest evidence locker by the end of the shift and a report will be completed.

6. Weapons (Knives/Brass Knuckles/Billy Club):

In the event that a weapon, as defined by statute, other than a firearm, is located and a new law violation will be sought, local law enforcement will be contacted. In the event the law enforcement agency is unwilling or unable to respond, the weapon will be placed in a property/evidence envelope and a property/evidence chain of custody document, with a property/evidence report number, will be completed. The weapon will be logged into the nearest evidence locker and a report will be completed.

B. Safekeeping:

If a legal firearm is located at the scene, it is the Probation Officers' responsibility to direct the homeowner to secure the firearm in a locked container.

SUBJECT: PROPERTY AND EVIDENCE

NUMBER: 6.11.2

PROPERTY/EVIDENCE ROOM MAINTENANCE

There will be a Central Property/Evidence Room located at the Center Avenue Probation Office with additional property/evidence lockers located in the satellite probation offices: Porterville and the Juvenile Justice Center. Property/evidence placed in the lockers must be inventoried by the Property Room Manager, Supervising Probation Officer, or Division Manager and secured in the locker in the presence of the person who inventoried the items. The person who inventoried the property/evidence will sign the property/evidence inventory sheet located in the locker.

The assigned Property Room Manager will respond to the satellite offices to collect and transport property/evidence to the Central Property/Evidence Room. The Property Room Manager will review the property/evidence, sign the property/evidence chain of custody document and transport all items to the Central Property/Evidence Room. The Property Room Manager will also conduct an inventory of the Central Property/Evidence Room every 90 days to ensure items are not maintained longer than necessary.

All evidence with a misdemeanor disposition will be maintained for 30 days from the disposition date and all evidence with a felony disposition will be maintained for 60 days from the disposition date.

DESTRUCTION

Any property/evidence logged into the Tulare County Probation Department property/evidence locker will be handled and/or destroyed by the Property Room Manager.

Pursuant to Health and Safety Code 11473 and 11473.5 all controlled substances shall have a signed destruction order from the Court. Pursuant to Health and Safety Code section 11474 the court order shall specify the agency responsible for the destruction.

The Property Room Manager will be responsible for completing and submitting destruction orders. The property/evidence will be destroyed as follows:

- Narcotics, Marijuana, and Weapons (other than a firearm):

The narcotics and marijuana will be weighed and packaged by the Property Room Manager and be placed in an appropriate sized container. All weapons will also be packaged in an appropriate sized container. The Property Room Manager or assigned Probation representative will collaborate with the Tulare County Sheriff bi-annually to transport property/evidence to Covanta for destruction. The Property Manager will sign out the property/evidence on the chain of custody document and physically accompany the Tulare County Sheriff's representative to Covanta.

- Ammunition:

The Property Room Manager will make arrangements with the Tulare County Sheriff's Department Bomb Squad to detonate the ammunition.

SUBJECT: PROPERTY AND EVIDENCE

NUMBER: 6.11.2

DEADLY WEAPONS PURSUANT TO 16590 PC

16110 - .50 BMG rifle
16140 – Air guage
16160 – Antique cannon
16170 – Antique firearm
16180 – Antique rifle
16200 – Assault weapon
16220 – Ballistic knife
16250 – BB device
16260 – Belt buckle knife
16270 – Blowgun
16330 – Cane gun
16340 – Cane sword
16405 – Composite knuckles
16420 – Dagger
16430 – Deadly weapon
16460 – Destructive device
16470 – Dirk/Dagger
16510 – Explosive
16520 – “Firearm”
16530 – Firearm capable of being concealed upon the person; pistol; revolver.
16570 – Flechette dart
16590 – Generally prohibited weapon
16640 – Handgun
16680 – Hard wooden knuckles
16700 – Imitation firearm
16760 – Leaded cane
16780 – Less lethal weapon
16830 – Lipstick case knife
16865 – Long gun
16880 – Machinegun
16920 – Metal knuckles
16940 – Nunchaku
16950 – Handgun carried openly
17010 – Pistol
17080 – Revolver
17090 – Rifle
17140 – Semiautomatic pistol
17160 – Shobi-zue
17170 – Short barreled rifle
17180 – Short barreled shotgun
17190 – Shotgun
17200 – Shuriken
17220 – SKS rifle
17230 – Stun gun

SUBJECT: PROPERTY AND EVIDENCE

NUMBER: 6.11.2

17235 – Switchblade knife
17250 – Tear gas weapon
17270 – Unconventional pistol
17280 – Undetectable firearm
17290 – Undetectable knife
17295 – Handgun or other firearm deemed unloaded
17300 – Unsafe handgun
17310 – Used firearm
17330 – Wallet gun
17350 – Writing pen knife
17360 – Zip gun



PROBATION DEPARTMENT

ADMINISTRATIVE MANUAL

SECTION: VI **NUMBER: 6.12.0**

SUBJECT: RECORDS RETENTION POLICY

EFFECTIVE: February 2005

LAST ADOPTED: February 2005

Probation Accounting Services Records

Probation account records are kept for five (5) years after the date Probation terminates pursuant to Penal Code Section 1203.10. Probation account information is also recorded into the Probation database. Closed file records are kept in locked storage.

CLETS Records

Logs and records are kept three (3) years in separate locked storage, pursuant to DOJ requirements.

Adult Probation Records

Adult Probation files are kept for five (5) years, after Probation terminates, then they are destroyed, pursuant to Penal Code Section 1203.10. The files are kept at the Adult Record unit. Adult files for defendants committed to state prison are kept for five (5) years after sentencing. Adult files for defendants who have been convicted of murder or high-risk sex offenses are retained indefinitely, as are files for defendants receiving CRC commitments. Adult sentencing information is recorded into the Probation database and onto an index card, which is a permanent record.

Juvenile Probation Records

Juvenile Probation files are kept for five (5) years after the Court terminates jurisdiction over the minor, pursuant to Welfare & Institutions Code 826(a). California Youth Authority commitment files are kept indefinitely. Juvenile disposition information is recorded into the Probation database.

Destruction of Records

Files and records, identified for destruction, are turned over to and subsequently destroyed by a contracted company.

**SUBJECT: VEHICLE GPS DEPLOYMENT,
OPERATION, AND USE**

NUMBER: 6.13.0

The California Public Records Act may require that the Tulare County Probation Department disclose specified public records. In response to requests for such disclosure, it may be necessary to examine Electronic Tracking Technology records to determine whether they are public records that are subject to disclosure. Additionally, the agency may be required to produce information obtained from Electronic Tracking Technology pursuant to a court order, subpoena, or statute.

Live active monitoring of vehicle deployment and location will be available to Division Managers. If a Division Manager is not available and critical issues arise, a Supervising Probation Officer may contact Tulare County Sheriff Dispatch and request a check on the location of a specific vehicle.

Employees shall not drive Probation Department vehicles when they are in an unsafe mechanical condition. Employees shall inspect their assigned vehicle before each tour of duty and immediately report any damage or mechanical failure to their supervisor.

Employees are prohibited from altering or attempting to alter or disable Electronic Tracking Technology in Probation Department vehicles.

**SUBJECT: CONTINUOUS ELECTRONIC
MONITORING SYSTEM**

NUMBER: 6.14.0

2. Continuous electronic monitoring shall be used on those probationers where there is a need for enhanced monitoring and where public safety needs will be served by the enhanced monitoring. Consideration will be given to the following factors in determining the need for enhanced monitoring:
 - a. Current offense
 - b. Criminal history
 - c. Victim concerns
 - d. Compliance with terms/conditions of probation;
 - e. Substance use
3. A risk assessment instrument shall be completed for every probationer placed on continuous electronic monitoring pursuant to this policy to assist in determining the probationer's risk, unless documented special circumstances exist. (Section 2 is Stanislaus County's practice, but I think it could certainly work for us as well, both adults and juveniles).
4. No individual shall be required to participate in continuous electronic monitoring for any period of time longer than the term of probation. (PC 1210.12(a)). In all instances, individuals subject to continuous electronic monitoring pursuant to this policy shall be evaluated every 30 days by the officer and supervisor for continuance on continuous electronic monitoring. Evaluation determinations shall be documented. (Stanislaus County practice, I like it).
5. The Chief Probation Officer may revoke, in his or her discretion, the continuous monitoring of any individual. (PC 1210.13).
6. The continuous electronic monitoring system shall be used for legitimate governmental purposes only. (PC 1210.11).
7. Only those persons designated by the Chief Probation Officer are authorized to have access to or use information obtained through the use of continuous electronic monitoring (PC 1210.11(a)).
8. Continuous electronic monitoring devices shall not be used to eavesdrop or record any conversation, except a conversation between the probationer and the person supervising the probationer that is to be used solely for the purposes of voice identification. (PC 1210.11(b)).
9. No public or private agency or entity may operate a continuous electronic monitoring as authorized by Penal Code Section 1210.7 without a written contract with the County's Probation Department. (PC 1210.16(a)).

III. ELECTRONIC MONITORING DEVICES

1. Continuous electronic monitoring may include the use of worldwide radio navigation system technology, known as the Global Positioning System, or GPS. (PC 1210.7(d)).

**SUBJECT: CONTINUOUS ELECTRONIC
MONITORING SYSTEM**

NUMBER: 6.14.0

2. The Probation Department will utilize continuous electronic monitoring devices that have all the following attributes: (PC 1210.8 (a), (b), (c), (d)).
 - a. A device designed to be worn by a human being.
 - b. A device that emits a signal as a person is moving or is stationary. The signal shall be capable of being received and tracked across large urban or rural areas, statewide, and being received from within structures, vehicles, and other objects to the degree technically feasible in light of the associated costs, design, and other considerations as are determined relevant by the department.
 - c. A device that functions 24 hours a day.
 - d. A device that is resistant or impervious to unintentional or willful damage.

IV. ACTUAL OR SUSPECTED VIOLATIONS OF PROBATION / NON-COMPLIANCE

1. The continuous electronic monitoring devices may have the capacity to immediately notify the department of violations, actual or suspected, of the terms of probation that have been identified by the monitoring system deemed necessary with respect to an individual person. (PC 1210.9(a)).
2. Notifications of actual or suspected violations of terms or probation including geographic location and tampering may be used as evidence to prove a violation of the terms of probation. (PC 1210.9(b)).
3. Whenever an officer supervising a probationer has reasonable cause to believe the probationer is not complying with the rules or conditions set forth for the use of continuous electronic monitoring as a supervision tool, the officer may, without a warrant of arrest, take the probationer into custody for a violation of probation. (PC 1210.14).

V. TRANSMISSIONS AND ACCURACY OF INFORMATION

1. The device used for monitoring an individual on continuous electronic monitoring shall, at a minimum, attempt to acquire a GPS point at least once a minute. The acquired point should be communicated to the host computer in one-minute increments provided there is cellular coverage. If no cellular coverage exists, then the GPS location data shall be held in memory until cellular service is restored and then sent to the host computer.
2. Standards for the minimum time interval between transmissions of information about the location of the person under supervision shall be established after an evaluation of, at a minimum, all of the following: (PC 1210.10 (a) (1), (2), (3)).
 - a. The resources of the department.
 - b. The criminal history of the probationer under supervision.
 - c. The safety of the victim of the probationer under supervision.

**SUBJECT: CONTINUOUS ELECTRONIC
MONITORING SYSTEM**

NUMBER: 6.14.0

3. Acquisition and communication of the GPS location data shall be based on the officer using the equipment in the manner described in training from the equipment provider. Standards for the accuracy of the information identifying the location of the probationer under supervision shall be established after consideration of, at a minimum, all of the following: (PC 1210.10 (b) (1), (2), (3)).
 - a. The need to identify the location of person proximate to the location of a crime, including a violation of probation.
 - b. Resources of the department.
 - c. The need to avoid false indications of proximity to crimes.

VI. TRANSMISSIONS AND ACCURACY OF INFORMATION

1. Upon finding of an ability to pay, probationers may be charged for the costs of supervision that utilizes continuous electronic monitoring devices (PC 1210.15(a)).
2. The department may charge a probationer for the cost of continuous electronic monitoring provided the probationer has first satisfied all other outstanding basic fines, state and local penalties, restitution fines, and restitution orders. (PC 1210.15(b)).
3. The department shall waive any or all of the payment upon a finding of an inability to pay. (PC 1210.15(a)).
4. Inability pay shall not preclude use of continuous electronic monitoring, and eligibility for probation shall not be enhanced by reason of ability to pay. (PC 1210.15(a)).