

Department Administration and Delegation of Authority (8/23/06)

The Probation Department is administered by the Chief Probation Officer (CPO) who is appointed in accordance with the Welfare and Institutions Code, the Penal Code, and the Mendocino County Code. The CPO is responsible for all services provided by the Department within the County. All personnel employed within the Department work under his direction and on his behalf.

The CPO cannot take an active part in all matters in which the Department becomes involved, therefore, personnel acting on his behalf are expected to follow all Departmental procedures and guidelines, use personal initiative, and are encouraged in individuality of approach when carrying out the Department's functions. However, all official acts are in the Chief Probation Officer's name and ultimately, he/she alone is responsible to the community, the governing boards, and the courts for these actions.

The CPO has a vital interest in each and every matter in which staff is involved. Accordingly, the CPO reserves the right to intercede in any individual situation in which he/she considers his/her personal decision to be crucial to the issues involved.

102 Communication and Chain of Command Within the Department (8/22/06) (rev 4/26/22)

An effective workforce can be produced only if each person is aware of the department's organizational structure. It should be obvious and clear that effective communication between all staff members is essential and that a well-established "chain of command", properly utilized, is the most practical and productive mechanism by which this goal may be achieved and maintained. All Department employees shall use this means of conducting the Department's business in both verbal and written communications.

When a true emergency precludes utilization of regular channels of communication, and only in an emergency, shortcuts may be taken. When this occurs, as soon as possible after the emergency has been handled, steps shall be taken to transmit the information through the proper channels.

To ensure orderly administrative operations, the following chain of command shall apply within the following divisions / units of the Probation Department:

Adult Division

Unit Supervisor (SDPO)
Division Manager
Chief Probation Officer

Juvenile Division


Unit Supervisor (SDPO)
Division Manager
Chief Probation Officer

Business Services

Unit Supervisor
Business Services Manager
Chief Probation Officer

Contact with Other Mendocino County Departments (8/23/06)

Contact with the Board of Supervisors, County Administrator, County Counsel, Judges, County Commissions, and other Department Heads on matters concerning policy will be by the Chief Probation Officer.

	Mendocino County Probation Policy #200 Also Known As Lexipol Policy #300	<p style="text-align: center;">USE OF FORCE</p>
	ADOPTED: Unknown REVISED: 06-15-18 REVISED: 02-02-21 PAGE 1 OF 11	

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, members authorized to use force are expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques policy.

Nothing in this policy is intended to limit members' lawful ability to defend themselves.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when persons allow themselves to be searched, escorted, handcuffed, or restrained.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

The use of force by officers authorized to use force is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers authorized to use force must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of duties.

The Mendocino County Probation Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force in the performance of their duties requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)).

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

300.3 USE OF FORCE

Officers authorized by the Chief Probation Officer to use force in arresting a probationer or preventing a probationer from escaping custody shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Officers authorized by the Chief Probation Officer and California Penal Code § 830.5 may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance (Penal Code § 835).

An authorized officer who makes or attempts to make an arrest need not retreat or desist from the efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose the right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).

- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the individual or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, authorized officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence.

In the instance when force is used to seize evidence, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Mendocino County Probation Department for this specific purpose.

300.3.5 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE

Officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- Attempts to de-escalate a situation.
- If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Officers of this Department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this Department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force by authorized members is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to self, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer

or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until medically assessed.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 DIVISION MANAGER RESPONSIBILITY

The Division Manager shall review each use of force by any personnel within the Division Manager's command to ensure compliance with this policy.

300.8 TRAINING

Officers and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Manager should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 USE OF FORCE ANALYSIS

At least annually, the Division Manager should prepare an analysis report on use of force incidents. The report should be submitted to the Chief Probation Officer or the authorized designee. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 POLICY REVIEW


The Chief Probation Officer or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Chief Probation Officer or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 (Government Code § 7286(b)).

	Mendocino County Probation Policy #201 Also Known As Lexipol Policy #301	USE OF FORCE REVIEW BOARDS
	ADOPTED: 06-15-18 REVISED: 02-02-21 REVISED: PAGE 1 OF 3	

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Mendocino County Probation Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Mendocino County Probation Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer or the authorized designee may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training or recreational use.

The Chief Probation Officer or the authorized designee may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief Probation Officer or the authorized designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Manager or supervisor of the involved member to notify the Chief Probation Officer of any incidents requiring board review. The involved member's Division Manager or supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Chief Probation Officer or the authorized designee should staff the Use of Force Review Board with five individuals from the following, as appropriate:

- Representatives of each Division

- Staff representative from the involved member's chain of command
- Training Manager
- Non-administrative supervisor
- A peer officer/department member
- A probation officer from an outside agency, as appropriate
- Department instructor for the type of weapon, device, or technique used

The senior-ranking staff representative who is not in the same Division as the involved member will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief Probation Officer or the authorized designee will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

The review shall be based on those facts that are reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures, and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Mendocino County Probation Department disciplinary procedures, the Personnel Complaints Policy, the current memorandum of understanding, and any applicable state or federal law.

The board shall make one of the following recommended findings:

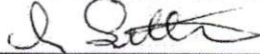
- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief Probation Officer.

The Chief Probation Officer shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations, or reviews are appropriate. Those findings will be forwarded to the involved member's Division Manager for review and appropriate action. If the Chief Probation Officer concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief Probation Officer.



Mendocino County Probation Policy # 202	USE OF LEG RESTRAINTS
Adopted: August 09, 2021	APPROVED BY CHIEF PROBATION OFFICER: 

202.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of leg restraints during the course of detention, arrest, or transportation.

202.2 POLICY

The Mendocino County Probation Department authorizes the use of leg restraints in accordance with this policy, the Use of Force Policy, and department training. Leg restraints should not be used to punish, to display authority or as a show of force.

202.3 USE OF LEG RESTRAINTS

Only members who have successfully completed Mendocino County Probation Department-approved training on the use of leg restraints described in this policy are authorized to use this device.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime or violation leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing in the front to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

202.4 APPLICATION OF LEG RESTRAINTS

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- a. Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- b. Whether it is reasonably necessary to protect the person from the person's own actions (e.g., hitting head against the interior of the agency vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- c. Whether it is reasonably necessary to avoid damage to property (e.g., kicking at the windows of the vehicle).

202.4.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- a. If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- b. Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- c. Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be laid face-down for an extended period, as this could reduce the person's ability to breathe.
- d. The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain prone in a face-down position.
- e. The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- f. When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).
- g. After each use, the leg restraints should be checked for damage and decontaminated.

202.5 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for leg restraints.

If a person is arrested, the use of leg restraints shall be documented in the related report. The officer should include, as appropriate:

- a. How leg restraints were applied.
- b. The amount of time the person was restrained.
- c. How the person was transported and the position of the person during transport.
- d. Observations of the person's behavior and any signs of physiological problems.

203 Media Relations (original policy)

The Division Managers are authorized to give information to the press as directed by the CPO. Cases of extreme public interest or seriousness, or inquiries concerning Department philosophy or program shall be handled by the Chief Probation Officer. When the media becomes interested in a case, staff will keep the Chief Probation Officer completely up to date on the status of the case.

In juvenile matters, the Juvenile Hall Superintendent and the Juvenile Division Manager shall be guided by the current order of the Presiding Judge of the Juvenile Court.

During the period of an adult investigation, no case information shall be released to the press. Once the probation report is filed, it becomes a public document for 60 (sixty) days and, therefore, available to the media through the court. Following the report and sentence date, if the media requests information other than the offense and period of probation, staff shall refer to Section 217 of this manual, Confidentiality. Only information allowed by law may be released.

Any individual indicating interest in writing a general article or series of published articles on any aspect of the Department shall be referred to the Chief Probation Officer for approval, or if appropriate, the Juvenile Hall Superintendent.

208 Citizen Complaints Against Department Personnel (rev 3-9-09) (rev 4-26-22)

It is the policy of the Probation Department to accept, record, and thoroughly investigate all alleged acts of misconduct and or fraud on the part of any employee of this Department.

Who Receives Complaints

Complaint Against	Submit to
Chief Probation Officer	See Mendocino County Policy 16
Probation Division Manager	Assistant Chief Probation Officer
Juvenile Probation Officers	Juvenile Division Manager
Adult Probation Officers	Adult Division Manager
Clerical / Accounting staff	Administrative Services Manager

How Complaints are Received

Initial complaints may be received by telephone, in person, or in writing with stipulation that there must be follow up by a signed Complaint of Misconduct form in order to take action. The form is included in this policy.

Complainants under the age of 18 must give the report in the presence of a parent or guardian.

Procedure for Registering Misconduct Complaints

All complaints of alleged acts of misconduct will require:

1. Personal contact with the complainant by the appropriate manager as detailed above.
2. Receipt of a signed Complaint of Misconduct form from the complainant describing the misconduct.
3. Admonitions are to be read orally to the complainant relative to Civil Code and Penal Code Sections prior to accepting the formal written complaint.
4. A copy of this complaint procedure shall be given to the complainant.

Disposition:

Upon completion of the investigation, the complainant will be notified as to the findings and disposition of the complaint.

Frivolous, unfounded or exonerated complaints shall be maintained in a separate confidential file marked "Citizen's Complaints" and retained for at least five (5) years.

False Allegations

The complainant must be aware that if the investigation discloses the complainant knowingly made false allegations, he or she may be held criminally and/or civilly liable.

1. Penal Code Section 148.5(b) states that every person who reports to any peace officer defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 (Probation Officers and Juvenile Hall Counselors) that a felony or misdemeanor has been committed, knowing each report to be false, is guilty of a misdemeanor if, (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer, and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer. Punishable by imprisonment in the County Jail not exceeding one year.
2. Civil Code Section 45 states that "Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation."
3. Civil Code Section 47.5 "Notwithstanding Section 47, a peace officer may bring an action of defamation against an individual who has filed a complaint with the officer's employing agency alleging misconduct, criminal conduct, or incompetence, if that complaint is false, the complaint was made with the knowledge that it was false and was made with spite, hatred, or ill will. Knowledge that the complaint was false may be proved by showing that the complainant had no reasonable ground to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth."

The following statement shall be read to the complainant

Penal Code 148.6(2)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT PROPERLY INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

**Mendocino County Probation Department
Complaint of Misconduct**

Complaining Party

Name _____
Address _____
City _____ State _____ Zip Code _____
Residence Phone _____ Business Phone _____

Name of Employee(s) Subject to Complaint _____

Case Name (if applicable): _____

Occurrence _____
Date _____ Time _____ Location _____

Witness Information

Name _____ Age _____
Address _____
Phone Number _____
Name _____ Age _____
Address _____
Phone Number _____

Actions complained of (attached additional sheets if necessary): _____

Complainant's Injury or Loss: _____

The above statements are true and correct to the best of my knowledge and belief and I am fully aware of the penalties for filing a false report or accusation. (CC45; CC47.5; PC148.5; PC148.6)

Complainant Signature (Parent Signature if complainant is _____ Date _____
Under 18 years of age)

Department Use Only

Received By: _____ Date & Time Complaint Received: _____

Original complaint received in writing ☐ by phone ☐ in person ☐ # of attached pages _____

**Mendocino County Probation Department
Complaint of Misconduct Investigation**

Report Number: _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. There are two vertical red margin lines, one on the left side and one on the right side, creating three columns of different widths. The paper appears to be from a notebook or a standard ruled document.

of additional sheets attached (if applicable): _____

Investigator _____ Date _____

**Mendocino County Probation Department
Complaint of Misconduct Disposition**

Date _____ Employee _____

Date and Time Signed Complaint Received : _____

Date and Time Complaint Reviewed: _____

Date and Time Investigation Began: _____

Investigative Findings

1. Complaint Unfounded: _____

2. Actions were justified: _____

3. Investigation Non-Conclusive: _____

4. Investigation Supports Allegations: _____

5. Other (explain): _____

Disposition: _____

By: _____ Date: _____

Corrective Action Taken: _____

Prepared By: _____ Date: _____

Division Manager

Reviewed and Approved By: _____ Date: _____

Chief Probation Officer

Employee: _____ Date: _____

Signature

Copies to: _____

Office Decor and Personal Items (03/31/06)

Office and hallway decor of this Department shall be orderly and professional. Decorations and personal items kept in staff offices may reflect personal touches of the occupant, but shall not make an uncomfortable environment for those occupying the same area. No material which is considered obscene, disrespectful or in poor taste, or that depicts political advocacy may be displayed. The Department maintains the right to make judgment on what is appropriate for display. Division Managers are held accountable for this policy and will decide any issue on a conservative basis.

All staff members are responsible for maintaining their offices in reasonable condition. Misuse or disregard for County facilities and property may be cause for disciplinary action.

PURPOSE:

Staff needs to maintain a professional appearance at the workplace and while interacting with the public, other agencies, clients, courts, and co-workers.

POLICY:

Staff will maintain a professional level of dress at all times. While on duty, all staff will choose clothing that are neat, clean, in good condition, of reasonable fit, and suitable for the function of which they are assigned. Those who meet with clients and/or the public in or out of the office are expected to dress in a conservative style suitable to normal business activities. Clothing, accessories, and duty equipment will be worn appropriately and in a professional manner. While in department facilities, staff may dress in business casual attire appropriate for conducting department business in a professional setting. Business casual attire does not include jeans. Probation officers must have the ability to convert to appropriate court or field attire on short notice. Unacceptable attire which is not considered business casual includes: t-shirts, workout clothes, sweatshirts, sweatpants, shorts, athletic shoes (unless working in field or on casual Fridays), bare midriffs, halter tops, slippers, flip flop style sandals, low cut shirts, see through shirts, jeans that are faded or torn, capri-pants that do not cover the knee when sitting, message shirts, clothing that is too tight, spaghetti straps, and anything faded, torn or dirty. Staff dressed in unprofessional attire will be directed to dress in accordance with this policy and will be sent home and may return to the work place when properly attired. If repeated offenses occur, disciplinary actions may be taken. Footwear should be clean, close toed (Court appearances excepted), and chosen with consideration of functionality and safety. Jewelry worn by staff should reflect a concern for safety. When safety concerns arise, administration may adjust dress codes to fit individual job duties.

COURTROOM ATTIRE:

Court officers are expected to wear business attire appropriate for court appearances. When appearing in court, men shall wear a dress shirt with a tie, and either a suit or slacks. Women shall wear business suits, pant suits, dresses, or a combination of skirt/slacks with a blouse or any other appropriate top.

FIELD ATTIRE:

Circumstances or the directions of a supervisor and/or administration will dictate what will be worn in the field. Approved uniform attire consists of BDU pants, polo shirt, appropriate shoes, and duty belts/vests. Baseball style hats are acceptable field or institution attire if the hat is a department approved hat with logo. Staff must clearly be identifiable as peace officers while working in the field. Officers may wear attire that allows for officer safety and comfort, and will not detract from the position of authority as a peace officer. Unless officer safety dictates otherwise, all staff shall wear the department issued badge and one

additional identifiable item of clothing issued by the department. Black or blue jeans and cargo style pants are considered appropriate for field activities. All field officers should have immediate access to clothing suitable for court if a situation arises. Armed officers shall refer to the Arming Policy for additional dress code while in the field.

INSTITUTION ATTIRE:

Juvenile hall staff will be provided clothing, replacement clothing and duty equipment in accordance with the current policy and procedure. Department issued attire will be worn in a professional manner. Department issued safety equipment will be worn in a manner that allows for immediate accessibility.

When involved in projects where informal attire is appropriate, such as moving furniture or files, casual attire may be worn with prior supervisory approval. Casual or dress down days and special occasion attire days may be designated by administration.

The department head or designate, upon request, may make exceptions of this policy to accommodate an employee's medical condition or religion as required by law. Exceptions may also be made by the department head or designate under special circumstances, to address particular employee job duties when the image of the department is not harmed, or the operation of the department is not adversely impacted.

If you have any questions about what to wear, please speak with your supervisor or division manager.

CLERICAL/BUSINESS SERVICES ATTIRE:

Staff shall maintain a professional appearance and, at a minimum, follow the business casual standard detailed in this policy. Women may wear open toe dress shoes. Questions regarding appropriateness of dress shall be directed to the Administrative Services Manager.

223 Field Supervision (revised 6/3/08)

In order to provide adequate monitoring of individuals on probation, field supervision is a necessary activity. All field supervision officers are required to perform this activity in the course of performing their duties.

Fieldwork takes the officer away from the controlled office environment and onto the probationer's "turf," where every situation is different and extra precautions must be taken. A visit to the residence of a probationer can be the occasion for the officer to make an arrest if the probationer is not in compliance with the court's order. The officer must know what he/she wants to accomplish and what tools are available to do the job. A constant state of environmental awareness and knowledge of option is required.

The purpose of a field contact can be anything from residence verification, to a complete search and/or arrest. Field contacts provide an opportunity for the officer to meet a probationer's family, friends and acquaintances, and to observe his/her lifestyle. Efforts should be made to initiate a relationship with the probationer's family and friends, always maintaining sensitivity to confidentiality, because they can be sources of valuable information. The officer should make it clear to these people that the goal of the probation process is the reorientation of the probationer to a non-criminal lifestyle.

Planning the Field Contact

Planning before going into the field is an integral part of the task. The probation officer should be prepared to deal with any emergency that might arise. When planning, the officer should remember that officer safety is the most important factor to be considered.

The probation officer should learn as much as possible about the case by reviewing the file and talking to other staff who might be familiar with the defendant. The initial interview with the defendant should be in the office. It should include a gathering of information about his/her residence, others who live there, etc.

Prior to going into the field, the officer should determine the purpose of the visit, i.e., employment verification, home/auto search, residence verification or drug/alcohol testing.

If recent information leads you to believe that the visit may be high risk (weapons, violence, mental health issues, etc.) or if an arrest is eminent, the case should be briefed with the supervisor to determine if additional personnel, law enforcement assistance, or search team request, is needed. Upon return to the office, any unusual/unexpected events should be reported to the supervisor and a formal incident report form completed.

If the field visit is expected to be a threat to officer safety, the officer shall contact local law enforcement to assist in the planning process and to provide backup.

No field visit should be perceived to be routine and not presenting any unusual circumstances. Although officers may make field contacts alone, it is strongly advised to have another officer along.

All officers working in the field should carry badges and I.D. cards for the purpose of identifying themselves to law enforcement agencies or the public when necessary.

Execution of the Field Contact

If, during the course of a field contact, a threat to officer safety is perceived, the officer should withdraw immediately, if practicable and safe, and call for law enforcement backup.

Officers should identify themselves when entering the residence of a probationer, unless for officer's safety reasons such identification could provoke an unwanted encounter with another(s). In such a situation, withdraw from the scene as soon as possible.

Officers should carefully observe the room(s) you enter, being particularly aware of who is present at the residence and on the lookout for evidence of illegal activity such as drug use/dealing.

With your partner, use "contact and cover" strategy on all encounters with probationers in the field, e.g., you talk to the probationer or others in the residence while your partner looks for and alerts you to anything that might be a potential threat.

Always maintain a professional, friendly demeanor but be assertive regarding your authority to carry out the task at hand and avoid confrontational conversations with the probationer in the presence of his/her family or friends.

If resistance or hostility from a non-probationer(s) is encountered, make an advisement of your peace officer status and an assurance that they will be inconvenienced as little as possible. If threatening behavior is displayed toward you, withdraw from the premises and do not return without sufficient law enforcement backup to ensure your safety.

Also important when making field contacts is that the officer acknowledge and encourage positive behavior and progress on the part of the probationer and make him/her aware of community resources that are available.

All field contacts should be documented by the officer in the case notes.

225 Search Policy (rev 11-08-10)

Probation Officers are tasked with the responsibility to enforce many terms and conditions of probation as ordered by the court. One of these terms includes the probationers submitting to a search of their person or property at any time as requested by a peace officer or probation officer.

To effectively enforce this term, searches should be conducted on a random basis, at differing times of the day and generally at the home of the probationers. When entering a probationer's home the probation officer is at an immediate disadvantage. The probation officer has no idea where anything in the home is located, including weapons, also many times when contacting a probationer at their residence, the probationer has guests or other occupants of the residence present. This causes probation officers to be at a disadvantage of being outnumbered, a main consideration of officer safety. It is also well known that the psychological advantage is with the probationer as we are on his or her "turf" so they feel more empowered. With proper training and adherence to department policies, our risks can be controlled.

The majority of searches include a thorough inspection of the probationer's home. When executing a field contact and we view contraband or suspected criminal activity, and officer safety is not an issue, the scene can be secured, the occupants detained and the jurisdictional law enforcement agency may be called to take over the investigation if necessary. Officers will remain on scene until relieved. If remaining on scene creates an officer safety hazard, then the officers are to leave the location, keep it under observation from a safe location and contact the jurisdictional agency for assistance.

The current policy is designed to provide guidelines when making plans to execute a thorough search (not a cursory search) of a probationer's home.

Prior to Commencing Search

The authority to conduct a thorough search of a probationer's residence should come via the chain of command, when circumstances are questionable or concerns are raised.

The probation officer must verify the existence and extent of a search-and-seizure clause in a probation order. The probation officer must verify the address of the person being searched is accurate and that the officer has a reasonable knowledge that the probationer actually resides at the address. Make sure that the probation grant is active.

When possible, the search should be coordinated with local law enforcement. Treatment of the probationer's property should be explained to members of other agencies. Also to be made clear to assisting officers is the object of the search, the layout of the residence, and any relevant factors pertaining to the probationer such as propensity toward violence, abuse of drugs/alcohol or mental instability.

It is desirable to drive by the residence prior to conducting the search in order to obtain advance information regarding who may be present at the address.

When approaching the residence, park away from the front of the house to be searched. Make sure the cars are locked.

Knock and Notice Rules

Knock loudly at the front door and announce your presence. Identify yourself and clearly state your purpose and authority. When knocking on the door, do not stand directly in front of it or in any area that would compromise your safety.

If a resident other than the person on probation answers the door, identify yourself and the purpose of the search.

If there is no response and you have probable cause that the probationer is present, follow departmental rules regarding forced entry.

Forced Entry

UNLESS EXIGENT CIRCUMSTANCES EXIST*, PROBATION STAFF SHALL NOT EXECUTE FORCED ENTRY. If the need to force entry is anticipated for other reasons, such as suspected criminal activity, prior approval of the Division Manager is to be obtained and law enforcement agencies more accustomed to such practices are to be asked to assist.

If exigent circumstances do exist, officers must announce their identity and purpose (Section 844 of the Penal Code requires that the probation officer knock, demand entrance, and explain the purpose before entering the residence or any room by force, unless officer safety will be compromised).

If the door to the residence is unlocked and there has been no response to knocking or verbal identification, officers may enter the location and conduct a check for occupants, while continuing to announce their identity and purpose. If the door is locked and the location is under the supervision of a complex or building manager an attempt should be made to obtain a key to the location to allow entry.

*Exigent circumstances is defined as, but not limited to: a call for assistance from inside the location; a possible medical emergency; any situation or circumstance that may threaten the safety of officers, subjects inside the location or the public.

Conducting the Search

Immediately upon entry to the residence, determine who else is in the home and have them come to a central location in the residence.

Conduct a preliminary search of all rooms in the residence (which may include but not be limited to closets) for potential threats to officers' safety, including areas not within our search jurisdiction.

Ask occupants if there are any weapons in the residence. Determine their location and type. For officers' safety, all weapons should be temporarily seized or controlled during the search to eliminate access by occupants. Pat-down searches of all persons present at the residence, is permitted for the purpose of officer safety. Handcuffing of any persons present at the residence may be done for the purpose of officer safety.

In commencing the search, at least one officer will supervise the residents while the search is being conducted. This officer is to closely observe these persons, being alert for any overt movements.

If the residence is shared with other occupants, the search is limited to the probationer's bedroom and common living areas, such as the garage, bathrooms, kitchen, vehicles, yards, etc., unless consent to search is obtained.

During the course of the search, all areas under the probationer's control and all common areas should be systematically searched on a room-by-room basis.

Officers should attempt to locate indicia evidence (i.e., mail, rent receipts, prescription bottles, etc.) with the probationer's name and address on it in order to verify the probationer's residency.

After the search has been completed, the probationer should be provided with a copy of the Evidence Log Sheet, which has been dated and signed, listing any items that were seized.

If entrance is gained through a landlord, innkeeper or co-occupant when the probationer is not home and the residence has been searched in his/her absence, a copy of the Evidence Log Sheet, listing any items that were seized, should be left at the residence.

Any contraband left in open view, whether or not it is in the possession of the probationer and subject to the search jurisdiction, shall be seized.

Some information or evidence of a new law violation(s) requires that local law enforcement be notified and search the scene, and any contraband or evidence, be turned over to law enforcement for criminal investigation at the probation officer's discretion.

The officer seizing contraband must maintain physical control of all items seized and transport them to the probation office, insuring the chain of evidence. All items should be numbered* tagged and bagged to correlate to the Evidence Log Sheet for later use when testifying in Court. Items then shall be stored in the department evidence locker.

Leaving the Residence After the Search

The residence that has been searched should be left in reasonable order and if possible secured by locking all entrances.

If any property damage occurred through entry or during the search, it shall be noted in an incident report and passed up through the chain of command.

If the probationer has been arrested, secure the residence if no one else is present. If minor children are present with no parental supervision, call Child Protective Services.

The safety and welfare of children is the responsibility of the searching officers. If evidence or information of child abuse is obtained, Child Protective Services must be called and a CPS report made. If searching officers are unsure of the ability of a resident or parent to care for children, CPS should be contacted so that they can make a determination regarding the disposition of the matter.

If animals are present with no means of care, Animal Control should be called.

In November 2004, the voters passed Prop 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act. The Act mandated that all adults and juveniles who are convicted or adjudicated of a qualifying offense* and/or are currently in custody or on probation or other supervised release, and under our control, for a felony conviction or adjudication of a qualifying offense, must provide a DNA sample and print impressions to the Department of Justice (DOJ).

* A qualifying offense includes all felonies and certain other offenses as listed in PC 296, PC 296.1 & PC 299.

General Probation Department Responsibilities

- Identify all qualifying offenders currently under the supervision of the probation department.
- Facilitate collection of DNA samples, specimens, and print impressions from any person, including any juvenile, who is on probation for any offense (felony or misdemeanor) and has a past or present qualifying offense in California, or an offense from another jurisdiction that would qualify in California, and whose DNA samples and print impressions are not in possession of DOJ (PC 296.1(a)(3)(A).
- Confirm the subject's identity before DNA collection.
- Confirm the subject is a qualifying offender before collecting DNA.
- Facilitate the collection samples only when the qualifying person is legally under the supervision or control of the probation department.
- Facilitate the collection of DNA samples on qualifying Out-Of-State offender under our jurisdiction and pursuant to interstate compact (PC 296.1(a)(5)(A) and 296.1(a)(5)(B).

Departmental Procedures

- Request and Review criminal history documentation on all offenders, adult and juvenile, who are charged with, or currently under our supervision, for a qualifying offense, to confirm that DNA samples and print impressions are not already in DOJ's possession.
- Confirm that the identity of the offender matches with the criminal history documentation.
- For qualifying offenders without DNA samples and impressions on file with DOJ and currently in the court process, request the Court to make the following orders:
 - S Adult Probation (at sentencing hearing)- Pursuant to section 296.1 of the Penal Code, you shall provide a Buccal swab sample (DNA sample) and palm print impressions for the California DNA data bank.
 - S Juvenile Probation (at disposition and only if adjudicated of a qualifying offense)- Pursuant to section 296.1 of the Penal Code, you shall provide a

Buccal swab sample (DNA sample) and palm print impressions for the California DNA data bank.

^ All Non Custody Adult and Juvenile Cases- Pursuant to section

296.1(a)(1)(B) of the Penal Code, you shall report to the County's designated DNA collection facility within 30 days per instructions by probation.

- Refer offender to the Sheriff Department per attached procedures*.
- Prior to losing jurisdiction on all cases, i.e., terminations or closures, confirm whether the offender is qualifying offender or not and (for all qualifying offenders) that DNA samples and print impression are in possession of DO J. If not, refer to Sheriff Department per departmental procedures**.
- * Upon assignment to a supervision officer (and only after confirming that DNA and print impressions are not already in DOJ's possession), the defendant/probationer is to be given a referral to the Sheriff's Department for DNA sample collection. It is up to the defendant/probationer to call the Sheriff Department and schedule an appointment. The Department's DNA Coordinator (one for Adult and one from Juvenile) will ensure copies of logs are obtained from the Sheriff's Department and then distributed to probation officer for entry into the computer. The log documentation we receive from the Sheriff's Department will be copied and distributed to all supervision officers. It's the officer's responsibility to review the log to determine if the defendant/probationer is in compliance. Upon verification, the officer should enter the event code "DNA" in the file.

Probation Office Contacts and Telephone Calls (10/03/06)

Probation Officers (DPOs) are expected to make every effort to meet with their probationers whether or not they have an appointment. Probation Officers shall notify their Supervisor if they will not be in the office and have scheduled appointments. The Supervisor will then notify the Receptionist and advise who will be taking over the scheduled appointments.

Probationers with Scheduled Appointments: The Receptionist will notify the DPO by either instant message or telephone advising that the client has arrived.

If the Probation Officer has not responded within 5 minutes of the initial notification, the DPO III, Division Manager or OD shall be contacted in that order according to availability.

Probationers without Scheduled Appointments: If the Probation Officer is in the office, the Receptionist will notify them using either instant messenger or telephone as detailed above. If the Probation Officer does not respond, the DPO III, Division Manager or OD shall be contacted in that order according to availability.

If the Probation Officer is away from the office, the Receptionist will notify the client that their Probation Officer is unavailable and when they are expected to return. If the Probation Officer is due to arrive in a short period of time, the probationer may decide to wait or they may leave a written message. If a written message is taken, it shall be placed in the Probation Officer's mailbox.

If the Probationer insists on seeing someone immediately and the assigned Probation Officer is not in the office, the Receptionist shall notify the Officer of the Day, the DPO III, or the Division Manager in that order according to availability.

Telephone Calls from Law Enforcement Agencies: The Receptionist may provide the name of the assigned Probation Officer to inquiring law enforcement representatives and may advise whether the case is active or closed. If the representative requires further information, the call shall be forwarded to the assigned Probation Officer. If that Probation Officer is not available, the call shall be forwarded to the Officer of the Day, the DPO III, or the Division Manager in that order according to availability.

Telephone Calls from Probation or Court Staff: When a call comes in from another Probation Department Employee who is in Court, or from Court staff, the Receptionist shall make every attempt to connect the call. The Receptionist shall stay on the line to determine whether or not the call is answered. If the Probation Officer cannot be located the Receptionist shall offer to connect the caller with

the Officer of the Day, DPO III, or Division Manager in that order in according to availability.

Telephone Calls from Probationers: All calls shall be forwarded to the assigned Probation Officer. If the Probation Officer is not available, and the client calls back, ask them if they left a voice mail and advise that the DPO will return their call as soon as possible. If the probationer does not want to leave a message and insists on speaking to a Probation Officer, the call shall be forwarded to the Officer of the Day, DPO III, or Division Manager in that order according to availability.

228 Contraband and Evidence Policy (revised 9-4-20)

Seizure of evidence

Probation Officers may take possession of property or contraband as the result of a home visit, search, or surrendering of items. These items may include drugs, drug paraphernalia, alcoholic beverages, weapons, or various items to be used as evidence of a violation of probation or new charges. Officers shall follow these procedures carefully in order to protect the chain of custody and themselves from accusations of mishandling.

If a firearm or narcotics in the amount of a sales case is located, officers should contact Mendocino Major Crimes Task Force (MMCTF) for possible case turnover. If MMCTF is unavailable, officers should contact the agency of jurisdiction in which the crime occurred. If no agency is available, officers shall take a new case. In all cases in which property/evidence is taken, a property receipt is required. If the property/evidence is likely to result in a new criminal offense, a crime report will also be required. If property/evidence is taken for a violation of probation only an incident report is required.

In the event that a Probation Officer takes possession of any property or contraband, they shall give a receipt for the property to the person it was received from or its owner, whoever is available at the scene to sign. This receipt shall be signed by the person it was received from or its owner. If the owner is not at the scene, you may have whoever is available at the scene sign the receipt. If no other person is available or willing to sign, you shall have your partner sign as witness and leave the original copy at the scene.

Storing Property/Contraband

All property/evidence/contraband will be deposited into the temporary storage lockers located in Ukiah Adult Probation and will then be booked into evidence by the Property Room Technician. Evidence/property shall not ever be "placed on exhibit", stored in an employee's desk, office, vehicle, home or any other location that would potentially interrupt the chain of custody. These items include, but are not limited to: gang indicia such as hats, belt buckles, jerseys, letters, photographs, and drawings, drug paraphernalia, military gear, and any part of a uniform. A receipt shall be given for any and all items taken, whether intended for violation or not.

Marijuana shall not be brought into the department. Arrangements shall be made with County of Mendocino Marijuana Eradication Team (COMMET) for storage.

Right of Refusal

Any item(s) that are packaged or submitted not according to policy may be returned to the submitting employee for corrections. The corrected items shall be

returned to the temporary storage lockers no later than the employee's next scheduled work shift, and the Property Technician notified that the items have been returned. Notification will be sent to the employee's immediate Supervisor and Division Manager if the items are not returned within the specified time given.

Retrieving

If/when a probation officer is in need of a particular piece of evidence, the Probation Officer will contact the Evidence and Property Room Technician. The Property Technician will meet the Probation Officer at the evidence room, retrieve the evidence, and fill out the chain of possession. When the Probation Officer is finished with the evidence, the Probation Officer will return the property to the temporary storage locker, and notify the Property Room Technician. If the evidence is needed for court, the Probation Officer must provide a copy of his or her subpoena before the evidence will be released.

Reporting

Whenever a Probation Officer seizes property or contraband that will likely result in a new criminal charge, a crime report shall be written and submitted to the unit supervisor no later than the next business day. If the confiscation of property or contraband results in the filing of a violation of probation the incident report shall be attached to the petition.

Retention/Disposal

Property or contraband seized by a probation officer shall be retained in evidence pursuant to section 1417 of the Penal Code pending final disposition. Evidence may be disposed sixty days after final disposition of the case pursuant to section 1417.5 of the Penal Code. Property and contraband must be disposed of or destroyed pursuant to section 1417-1417.8 of the Penal Code.

All controlled substances and related items including paraphernalia shall be destroyed pursuant to section 11473 and 11473.5 of the Health and Safety Code pending final disposition. Evidence may be disposed of sixty days after final disposition of the case pursuant to section 1417.5 of the Penal Code.

Property (scales, food sealers, storage bins etc.) may occasionally be retained for Departmental use once the item has been approved for destruction.

Mendocino County Probation Department
Section 200 - General Policies and Procedures

232 Reporting Fraud and Misuse of County Resources (Rev 07/11) (Rev 04/26/22)

Definition of Fraud

Fraud is an intentional act that results in the misstatement of financial records or theft of the County's assets. This includes but is not limited to misappropriation of funds, disclosing confidential information to outside parties, accepting or soliciting anything of material value from contractors, vendors, or persons providing services to the Department, destruction, removal or inappropriate use of Department resources. The misuse of County resources would include, for example, the use of a County computer to run an outside business.

Reporting Suspected Fraud

Any person suspecting fraud is encouraged to report it immediately. Reports of fraud should contain as much relevant information as possible such as:

- Date, time, and place of occurrence(s)
- Agency (if applicable)
- Individual(s) involved
- Amount/Value of theft or fraud
- Full description of events reported
- Other person(s) who may be aware of the fraud

Reports should be directed to the Assistant Chief Probation Officer. If desired, the person making the report may remain anonymous. Suspected fraud may be reported by County employees or members of the public as follows:

In Person or in Writing: 589 Low Gap Road, Ukiah, California 95482

By Telephone: (707) 234-6900

By Fax: (707) 463-5749

If the reported fraud is not directly linked to the Probation Department, such as welfare fraud, the complainant will be directed to the appropriate Department.

Whistleblower Protection

County employees wishing to report complaints are protected under the Whistleblower Law California Labor Code 1102.5 and 1106. The California Attorney General's Whistleblower Hotline number is (800) 952-5225. This information is also available in each Department break room on the large employment law posters.

Outcome of Investigation/Action Taken

In the event a fraud allegation is proven to be true, County employees will be subject to disciplinary action up to and including termination. Non county employees will be subject to criminal prosecution.

Data Collection and Department Records (8/28/06)

The Probation Department must provide numerous reports and records to various local, state, and federal levels of government. It is imperative that the statistical and other data in these reports be complete and accurate.

Statistical and other data making up various reports required of this Department is obtained from Probation Department records, forms, and documents which are both hand written and computerized. It is incumbent upon all members of the Department to complete accurately and totally all such documents, including face sheets, defendant reports, fiscal records, and all information recorded in Jalan (Department criminal justice automated information system). Intentional failure to do so will result in disciplinary action.

302 Removal of Probation Department Records

No records shall be removed from Department facilities except as provided below:

Records may be temporarily removed by staff when needed in the course of duty. Records needed for court appearances, field visits and department related meetings may be taken off-site and returned when the business at hand has been completed.

Records being removed for other reasons, such as working at home, may be removed with permission of the Division Manager in accordance with policies and guidelines established in each division. Each Division Manager will develop a process for recording the removal of records from the work area, including the employee's name, a description and/or serial number of the records or equipment.

Care should be taken when removing any record from offices, recognizing the personal and confidential nature of the contents. Any suspected loss or misuse of County records must be immediately reported via supervisory channels.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Mendocino County Probation Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief Probation Officer or the authorized designee. No alterations shall be made without supervisor approval.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 SUPERVISING DEPUTY PROBATION OFFICER RESPONSIBILITIES

The Supervising Deputy Probation Officer may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Incident forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or tactical vest. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.6.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.7 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot

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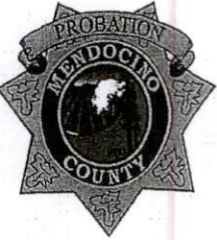

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demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

	Mendocino County Probation Policy #304	DISCLOSURE OF RECORDS
	ADOPTED: 8-8-18 PAGE 1 OF 3	APPROVED BY CHIEF PROBATION OFFICER: 

PURPOSE AND SCOPE:

This policy provides guidelines for the release of Department reports and records in accordance with applicable law.

POLICY:

The Mendocino County Probation Department follows rules of confidentiality imposed by local, state, and federal authorities. The records used and maintained by the department are the courts' files and are used for supervising juvenile and adult offenders, and preparing reports for the Court. Unauthorized use of these records for any other purpose is prohibited. The records contained in the Probation Department are considered temporary collections of information, notes, and memorandums for the Court, and not depositories of official court records; therefore, release of any record contained therein will be released only by authorization of the Mendocino County Superior Court.

I. Adult Probation Reports

Presentence and Supplemental reports (including 1203c reports and credit memos) are not available for public inspection. If a requesting person is authorized to obtain adult probation reports, the Department shall not make or release those copies. Reports shall only be reproduced or distributed by the Mendocino County Superior Court. The only exception shall be reports provided to peace officers and judicial officers as outlined in Mendocino County Superior Court Standing Order, *Authorization for Release of Adult Probation Records and Reports by Mendocino County Probation Department*.

A. Pursuant to Section 1203.05 of the Penal Code, any report of the probation officer filed with the court, including any report arising out of a previous arrest of the person who is the subject of the report, may be inspected or copied only as follows:

1. By any person, from the date judgment is pronounced or probation granted or, in the case of a report arising out of a previous arrest, from the date the subsequent accusatory pleading is filed, to and including 60 days from the date judgment is pronounced or probation is granted, whichever is earlier.
2. By any person, at any time, by order of the court, upon filing a petition therefor by the person.

3. By the general public, if the court upon its own motion orders that a report or reports shall be open or that the contents of the report or reports shall be disclosed.
4. By any person authorized or required by law to inspect or receive copies of the reports.
5. By the district attorney of the county at any time.

B. Pursuant to Mendocino County Superior Court Standing Order *Authorization for Release of Adult Probation Records and Reports by Mendocino County Probation Department*, the Department is authorized to disclose adult probation reports and records to the following requesting agencies:

1. Peace officers of the State of California, as defined in Section 830.1, 830.2(a), 830.2(d), 830.3(b), and 830.3(e) of the Penal Code.
2. Peace officers as equivalently defined by the applicable law of the United States or other states, territories, or possessions of the United States.
3. Judges or other judicial officers of all United States Federal Courts and all courts of states, territories, or possessions of the United States.

II. Adult Files

Pursuant to Section 1203.10 of the Penal Code, adult probation files shall at all times be open to the inspection of the Court or of any person appointed by, or allowed access by order of, the Court for that purpose, as well as of all magistrates, and the chief of police, or other heads of the police, and other probation agencies, unless otherwise ordered by the Court.

- A. All requests to inspect adult probation files, wherein the requesting person is not covered by Section 1203.10 of the Penal Code, shall be submitted to the Court.
1. Only upon receipt of a valid court order shall prohibited persons be authorized to inspect adult probation files.

III. Juvenile Reports and Files

Juvenile case files are defined as a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her

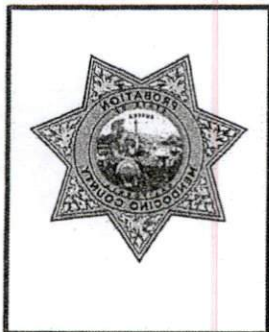
report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

- A. Juvenile case files may be inspected by only those listed in Section 827(a)(1) of the Welfare and Institutions Code.
- B. Juvenile case files may be copied to the persons listed in Section 827(a)(1)(A) thru (F) and 827(a)(1)(H) thru (J) of the Welfare and Institutions Code. The Department shall not make or release those copies. Reports shall only be reproduced or distributed by the Mendocino County Superior Court.

IV. Requests for Records

The California Public Records Act (Section 6250 of the Government Code) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute.

- A. Any member of the public may access unrestricted records of the Department by submitting a written and signed request to the Department, by submitting a written and signed request to the County or by submitting a request online by visiting Mendocino County's Public Record Portal at <https://mendocinocounty.nextrequest.com>
- B. All Department requests shall be submitted to the Administrative Services Manager.
- C. No record shall be inspected or released without prior review of the request and approval by the Department Administrative Services Manager, Assistant Chief Probation Officer or Chief Probation Officer.



**Mendocino County
Probation
Policy #305**

FIREARMS

**ADOPTED: Unknown
REVISED: 03-01-12
REVISED: 09-19-17
REVISED: 02-22-22
PAGE 1 OF 27**

APPROVED BY CHIEF PROBATION OFFICER:

A handwritten signature in black ink, appearing to read "L. Little", written over a horizontal line.

305.1 PURPOSE AND SCOPE

The purpose of this policy is to clearly establish policy, guidelines and procedures governing the arming of Mendocino County Probation Officers for their self-defense or the defense of other in life threatening situations. The policy will set forth the legal authority under which Probation Officers may carry, handle, store and use department issued firearms. It will also specify the training and qualification requirements needed before and authorization to be armed on duty is granted and the procedures to follow in the reporting and investigation of Probation Officer involved shootings.

EXCLUSIONS TO POLICY

All officers shall adhere to this policy. Exceptions to any portion thereof must be in writing and may only be granted by the Chief Probation Officer or their designee.

305.1.1 LEGAL AUTHORITY TO CARRY AND USE FIREARM

The "Peace Officer" status of Probation Officers is created in P.C. Section 830.5: "The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Except as specified in this section, these peace officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency: (a) Probation Officer or Deputy Probation Officer . . ."

A Probation Officer's use of the peace officer powers is limited by statute Penal Code Section 830.5, in that except as otherwise provided in penal code section 830.5 subdivision (a), the authority of Probation Officers shall extend only as follows:

To conditions of probation by any person in this state on parole or probation, mandatory supervision, or post-release community supervision.

To the escape of any inmate or ward from a state of local institution.

To the transport of such person.

To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of their employment.

To the rendering of the mutual aid to any other law enforcement agency.

A Probation Officer's authority to carry and use firearms shall be consistent with these provisions of the Penal Code and shall be limited by the terms and conditions specified by these policies. Nothing in these policies shall be considered or construed as conferring on the Probation Officer authority beyond that granted by the Penal Code.

Probation Officers authorized to carry firearms are required, pursuant to Section 830.5 (d) of the Penal Code, to meet the training requirements of Section 832 and to qualify with the firearm at least quarterly. Nothing in these policies shall be construed to modify these requirements of the Penal Code. Probation Officers authorized to carry firearms shall comply with the requirements of the Penal Code and these policies.

The California Attorney General has addressed the issue of the right of Chief Probation Officer to regulate the carrying of a firearm by an off-duty probation officer and the right of an off-duty probation officer to carry a firearm without a license. The Attorney General concluded that a Chief Probation Officer's authority to regulate the carrying of firearms by probation officers was limited to employment-related situations. Therefore, according to the Attorney General, a Chief Probation Officer may not prohibit deputies from carrying concealed weapons while off duty. Citation 72 Ops. Ca. Atty. Gen. 167 (1989)]

In addition, the Attorney General concluded that probation officers have the "status" of peace officers at all times, even though they only have "authority" while on duty. Because of this status as peace officers, probation officers are exempt from the proscriptions of section 25400 of the Penal Code, the carrying of concealed weapons without a permit.

305.1.2 SCOPE OF EMPLOYMENT

A firearm shall be regarded as a defensive weapon and Probation Officers who are given authorization to carry firearms are given such authorization only for defensive purposes to protect human life and/or to prevent serious bodily injury as further defined in these policies.

Any Probation Officer who carries a personal concealed weapon off duty (whether licensed or not) without the authorization of the Chief Probation Officer does so as a private citizen.

A Probation Officer carrying a concealed weapon off duty shall be deemed to be acting outside the scope and course of their employment and to be acting completely independent of the county. Any consequences or liability of any kind arising out of any act or incident involving the unauthorized use or carrying of any firearm is the personal responsibility of the officer taking the action or involved in the incident. The county assumes no liability or responsibility for such unauthorized use.

The authorization to carry a firearm shall not give, nor be inferred as giving, the Probation Officer any additional authority or jurisdiction over offenders or offenses.

305.1.3 SAFETY

The fact that officers are armed does not dictate that they shall aggressively pursue unplanned or situational circumstances in the field.

If an officer has prior knowledge of a serious threat from a probationer toward any person(s) or towards him/herself and an arrest and/or dangerous situation is anticipated, the officer's supervisor and the appropriate law enforcement agency should be contacted for assistance.

305.2 CARRYING A FIREARM: REQUIREMENTS

Possession or use of firearms by on-duty Probation Officers is strictly prohibited except under conditions provided for in this Chapter and with the written, expressed approval of the Chief Probation Officer.

305.2.1 DEPARTMENT REQUIREMENTS FOR CARRYING

At the request of the Department and prior to carrying a firearm in the course of duty, the officer shall:

Complete psychological testing and be certified psychologically fit to carry a firearm (See 1031 (f) GC).

Attain Deputy Probation Officer (DPO) II status or have been armed in some similar government capacity.

Satisfactorily complete the Departmentally approved training courses on legal aspects, basic firearms training, and understand the Department firearms policy.

Be qualified, by the Range Master, in the use of the Department approved firearm.

A Probation Officer shall voluntarily request to be armed. The Department will not order an officer to be armed.

305.2.2 REQUEST FOR AUTHORIZATION TO CARRY A FIREARM

On duty in the course of the job assignment:

The officer shall submit his or her request on the Department's firearm application request form to the officer's supervisor, and the form shall then be forwarded through the chain of command to the Chief Probation Officer. Supervisory personnel may make recommendations or comments concerning the request by way of endorsements to the form. Job duties and requirements should be considered as factors for endorsement.

The Chief Probation Officer shall approve or reject the request.

If the request is approved, the officer shall sign an acknowledgement that the officer has read and understands the Department Arming Policy.

Retired Probation Officer:

Eligibility for endorsement to carry a concealed or loaded firearm by an honorably retired peace officer is contained in Sections 25455, 25460 and 25465 of the Penal Code. Penal Code Section 25450(d) provides that an honorably retired peace officer who during the course and scope of their employment as a peace officer was authorized to, and did carry a firearm, shall be issued an identification certificate stamped with the endorsement "CCW Approved" (Carry Concealed Weapon Approved). **Refer to procedure - Arming of Retired Probation Officers.**

305.2.3 AUTHORIZATION TO CARRY FIREARM

Probation Officers may only carry firearms on duty when authorized pursuant to and in accordance with these departmental policies.

Probation Officers who are authorized to carry firearms on duty may carry their firearm while in route to work and from work. The carrying of firearms to and from work is strictly a transport function and is not to be construed as being on duty.

A Probation Officer is considered to be "on duty" during the normal working hours to which they are assigned and whenever they are called back to duty by a supervisor for their job assignment and required to respond to a probation-related situation. There may be a time while "off duty" that dictate permissible emergency action by the Probation Officer; all attempts should be made to contact the jurisdictional agency prior to engaging in any activity.

Probation Officers who are in authorized "on-call" status are not on duty for the purposes of this firearms policy unless they are responding to a probation related situation.

Probation Officers shall not carry departmental firearms when off duty unless specifically authorized in writing by the Chief Probation Officer or their designee.

An authorization to carry a firearm, shall be in writing and shall be signed by the Chief Probation Officer. No Probation Officer while on duty shall carry a firearm on their person at any time or have a firearm in their possession in the office or any other job location or in County owned vehicles without prior written authorization of the Chief Probation Officer obtained pursuant to these policies and procedures.

The authorization to carry a firearm shall contain the following information:

1. The name of the Probation Officer being authorized to carry a firearm

2. The specific start and expiration dates of the authorization, if applicable;
3. Verification that the Probation Officer has completed psychological testing and was certified psychologically fit to carry a firearm;
4. A statement of the training received by the Probation Officer and their score (pass/fail);
5. A description of the type of weapon and ammunition which the Probation Officer is authorized to carry and use;
6. A statement of any special conditions.

The authorization form must be countersigned by the Probation Officer indicating their understanding, acceptance of, and compliance with the following conditions:

The Probation Officer has read, understands and agrees to adhere to the Departmental Arming Policy.

The Probation Officer has been qualified by the Range Master in the use of the firearm approved by the authorization;

The Probation Officer has requested to be armed voluntarily.

The Probation Officer will be in possession of their badge and departmental identification at all times when carrying a firearm, pursuant to the Chief Probation Officer authorization under 830.5PC.

The Probation Officer has completed all required physical screening/qualifications including corrected vision and agrees to wear any corrective lenses/glasses while on duty.

Acknowledgement that the Chief Probation Officer may revoke the arming authorization at any time, for any reason.

The signed authorization to carry a firearm shall be kept in the Probation Officer's personnel file.

The authorization to carry a firearm shall be subject to ongoing review by the Chief Probation Officer and shall expire, if applicable, within the time period stated in the authorization. It shall be the Probation Officer's responsibility to request an extension of the authorization prior to the date of expiration.

The Chief Probation Officer may, at any time and for any reason, revoke the authority of any Probation Officer to carry a firearm. The Probation Officer shall immediately be informed of the revocation. A copy of the written determination shall be delivered to the employee within three (3) working days. If an employee is reassigned as a result of a change in arming status, they will receive five (5) days prior notice for any reassignment.

(See Chapter 7).

A Supervisor, Division Manager or Range Master may order any officer authorized to carry a firearm to cease carrying a firearm on a temporary basis. Any officer ordered to cease carrying a firearm shall immediately surrender their firearm/ammunition (if owned by the County).

When an officer is ordered to cease carrying a firearm, the Chief Probation Officer will be notified as soon as possible of the action and reason for such order. The Chief Probation Officer shall then determine whether to revoke the authorization.

305.2.4 RESTRICTIONS ON CARRYING FIREARMS

Probation Officers who have been authorized to carry and use a firearm on duty are prohibited from carrying or using firearms under the following conditions:

Probation Officers are prohibited from consuming alcoholic beverages or any controlled substance while on duty, including any meal periods and any break periods. This prohibition also applies when subsequent probationer and/or public contact is either planned and/or can be reasonably anticipated, or any other time frame prior to planned and/or reasonably anticipated duty contact.

While in a condition resulting from the use of alcohol, controlled substance and/or medication where the Probation Officer's motor skills, reflexes, vision, or judgment could potentially be adversely affected. It is the responsibility of the employee to inform their supervisor of any treatment or medication that may cause physical, mental or emotional impairment.

While injured or in a physical condition causing inability to utilize a firearm properly which includes restrictive or light duty.

While on leave of absence without pay, or other period of unpaid absence from the Department or while on workers' compensation status.

When ordered by the Chief Probation Officer or other superior officer not to carry a firearm, or when authorization to carry a firearm has been revoked.

305.3 TRAINING

It shall be the responsibility of the departmental Range Master in conjunction with the Training Officer to ensure that a program of training, providing at least the minimum standards of training required by these policies, is provided to Probation Officers authorized or applying for authorization to carry a firearm.

Any Probation Officer authorized or approved by the Department to carry a firearm must participate in all required departmental training and must meet all requirements set forth

in these policies or otherwise required by the department.

The departmental Range Master in conjunction with the Training Officer shall monitor all legislative and policy changes relating to the use of firearms by peace officers and shall provide necessary updated training in a timely manner.

The departmental Range Master in conjunction with the Training Officer shall maintain records of the training of all Probation Officers authorized to carry firearms and shall notify the appropriate Division Manager when any such Probation Officer is not in compliance with department's training requirements.

It shall be the joint responsibility of the Training Officer, Range Master and Division Manager to ensure that each Probation Officer, who is authorized to carry a firearm, complies with the training requirements of these policies, including any ongoing training and qualifications.

REQUIRED TRAINING AND QUALIFICATIONS

The following training and qualifications must be satisfactorily completed prior to approval of the Probation Officer to carry a firearm:

The successful completion of Basic Firearms Training pursuant to Section 832 of the Penal Code which consists of the following:

The law governing arrests and searches incident to arrests;

The law of self-defense and the use of force by peace officers;

The civil liabilities of peace officers;

The ethical and moral considerations of the use of firearms and deadly force;

The satisfactory completion of departmental training pursuant to Section 832 of the Penal Code which consists of the following:

Firearm safety;

Use of force;

The care and cleaning of the authorized weapon;

Shooting proficiency.

Prior to being armed, each armed Probation Officer shall have successfully completed the following training:

Defensive tactics;

Chemical agents;

Cardiopulmonary resuscitation and first aid certification.

Each armed Probation Officer through reoccurring training and/or competency testing shall maintain the skills, knowledge and required certifications.

The department Training Officer will monitor compliance with required training.

Firearm Qualification Requirements:

Any Probation Officer authorized to carry and use a firearm must be certified as currently qualified to do so by the Range Master.

The minimum qualifying score of each type of firearm shall be established by the Range Master and approved by the Chief Probation Officer.

Probation Officers shall comply with departmental policies and the directions of the Range Master.

The Range Master shall administer a firearms qualifications program that ensures reasonable competency among all Probation Officers authorized to carry firearms.

Each Probation Officer authorized or approved to carry a firearm shall qualify quarterly. Any missed qualifications will be made up in the same quarter when the Range Master is able to reschedule.

Any Probation Officer who fails to qualify shall have their authorization to carry a firearm suspended.

Probation Officers shall qualify with their department issued firearm and/or approved firearm. Officers not qualified with a particular weapon are not authorized to carry that weapon.

Any Probation Officer who requests to be rearmed must be deemed qualified to carry a firearm pursuant to these policies by the Range Master.

Qualification shall be during normal working hours. Requests for qualification outside regular working hours shall be approved by the requesting Probation Officer's supervisor and scheduled with the Range Master.

305.3.1 Range Master's Authority and Duties:

Range Masters must be qualified through an approved Range Master school.

Range Master duties shall include:

Conducting the firearms qualification and re-qualification as required by these departmental policies.

Conducting such shooting range and additional firearms related training, as the Range Master deems appropriate and necessary.

Providing a firing range program for use by Probation Department personnel.

Develop and administer remedial training plans per policy. Should the Probation Officer fail subsequent to remediation the Range Master will make a written report to the appropriate Division Manager delineating the specific reasons for failure after remediation.

Establishing and enforcing such rules of conduct on the shooting range as the Range Master deems necessary for the safe operation of the shooting range and the safety of those using it, in addition to any safety/conduct rules posted by the facility.

The Range Master has the authority to confiscate and/or take control of a department issued firearm or ammunition of any Probation Officer who acts in violation of established safety rules or acts in violation of this policy or who fails to achieve a qualifying score. A written report must be submitted by the Range Master to the appropriate Division Manager within three (3) working days on any incident involving the confiscation of a firearm or ammunition.

Notify the appropriate Division Manager, in writing, of any Probation Officer who fails to qualify. (A copy of said notification will be given to the Chief Probation Officer and to the Training Officer).

Maintain and provide copies to the department Training Officer of firearms' training records for all Probation Officers authorized to carry firearms.

Maintain an inventory of all weapons, ammunition, and equipment issued to Probation Officers and/or weapons, ammunition, and equipment, which Probation Officers have been authorized to use.

Inspect weapons, ammunition, and equipment for safety, maintain inspections records; and take any action which the Range Master deems necessary, including confiscation of a Probation Officer's weapon, ammunition, and equipment, when unsafe weapons, ammunition and/or equipment are discovered.

305.3.2 FAILURE TO SUCCESSFULLY COMPLETE REQUIRED FIREARMS TRAINING AND QUALIFICATIONS

(A) Initial Training:

If the officer fails to pass the Basic Firearms Training course, as mandated in Section 832 PC, they may retake the course upon approval of the appropriate Division Manager.

If the officer fails the departmental training and qualification, the Range Master will develop a remedial training plan not to exceed four (4) hours.

If the Officer fails to successfully complete the departmental training course after remediation, they may retake the course upon approval of the appropriate Division Manager.

(B) Failure to Re-Qualify (Quarterly Basis):

The Range Master will develop a remedial training plan not to exceed four (4) hours.

If the officer fails to qualify, one remedial qualification will be offered. If failed, the right to carry will be suspended. The officer will go through remedial training with the Range Master and have one further attempt to qualify.

If the officer still does not pass, the Range Master in coordination with the Training Officer and Division Manager will attempt to find additional training both in house and by outside sources to assist the officer in proficiency. At that time the officer may continue to attempt to qualify at the approval of the Chief Probation Officer.

**305.4 AUTHORIZED FIREARMS, AMMUNITION, HOLSTER, AND MAGAZINES,
MAINTENANCE, STOLEN OR LOST FIREARMS**

AUTHORIZED FIREARMS AND EQUIPMENT

Probation Officers authorized to carry firearms shall carry and use only the firearms and equipment issued by the department or "In Lieu Of" weapons/equipment authorized by the department.

The department will issue the appropriate firearm, holster and ammunition and three magazines for use by the Probation Officer.

Probation Officers are authorized to carry two additional magazines, for a total of five magazines. Should the Probation Officer choose to carry two additional magazines, it is their responsibility to purchase them at their own expense. Additionally, the magazines shall be Glock factory magazines, shall be inspected and approved by the Range Master(s) prior to use.

No alterations or modifications, including magazine extensions shall be made to any magazines.

The use of personal equipment must be pre-approved in writing by the Range Master.

The use of a shoulder holster, holster purses, "fanny pack" holsters, or other nontraditional holsters are prohibited from use unless approved in writing for a specific reason by the Chief Probation Officer. Issued firearms shall always be carried in a department approved holster.

The department issued firearms will be owned by and registered to the Probation Department. The department will maintain records indicating to whom the firearm is issued and the make, model and serial numbers.

All parts and safety devices on the firearm provided by the manufacturer will be intact and functioning at all times.

Probation Officers, if authorized, may carry a personal firearm "In Lieu Of" department issued firearm under the following conditions:

Permission in writing has been requested and granted from the Chief Probation Officer to carry an "In Lieu Of" firearm.

An "In Lieu Of" firearm shall meet the following criteria:

The firearm shall be a Glock .40 caliber, model 22, 23 or 42.

The Range Master/Armorer has certified the firearm as safe and no modifications to the factory model have been made.

The firearm shall be registered as required by law.

Use of either a department issued firearms or an "In Lieu Of" firearm shall be subject to the following restrictions:

All firearms shall be certified annually by the Range Master/Armorer. If an "In Lieu Of" firearm needs to be repaired by a certified armorer, it will be at the expense of the Probation Officer who owns it.

The department will issue the ammunition used. The ammunition may not be altered in any manner.

The ammunition issued shall not be Teflon, armor piercing, tracer, exploding or have incendiary design. Reloaded ammunition shall not be used.

Probation Officers are authorized to carry and use only those firearms that they have used to maintain current qualifications on the range.

No backup firearms shall be carried without the approval of the Chief Probation Officer

and qualification completed by the Range Master.

305.4.1 FIREARMS SAFETY AND STORAGE

Probation Officers authorized to carry firearms are charged with the responsibility to observe and practice the following safety regulations:

Every firearm handled shall be treated as a loaded firearm until the handler has physically and visually inspected the weapon to determine it is unloaded.

Firearms shall not be cleaned, repaired, exhibited, loaded or unloaded in any manner, which could result in an accidental discharge.

Firearms shall not be carelessly handled at any time.

Probation Officers shall not use any firearm, with which they have not qualified, except under the supervision of the Range Master.

Probation Officers engaged in searches, arrests and/or joint law enforcement activities shall wear body armor for the duration of the activity unless safety dictates otherwise.

Firearm security and safety is the responsibility of the Probation Officer to whom the firearm is assigned. Probation Officers authorized to carry firearms are charged with the responsibility to observe and practice the following regulations.

1. When not being carried or worn, the firearm shall be stored in a designated gun locker.
2. Firearms shall not be stored overnight in a county or private vehicle used on county business.
3. When the firearm is taken to the officer's residence, it shall be kept in a secure and safe place where it is inaccessible to other individuals, particularly children, pursuant to Penal Code Section 25100. Department issued firearms are not to be handled by anyone not authorized by the Department to do so.
4. No firearm, ammunition, and/or other items, which threatens the security of a correctional facility shall be left unsecured in a vehicle on institutional grounds.

Firearms, ammunition and other items should be checked into an area designated by facility staff for safekeeping.

If the facility does not have a storage area, the firearm shall be

locked in the trunk of the officer's vehicle.

5. An on-duty officer is not authorized to carry a firearm aboard a commercial aircraft unless the officer has complied with all regulations of the Federal Aviation Administration, the particular air carrier, and any local jurisdiction responsible for airport security.

Any accidental discharge of a firearm resulting from failure to comply with the above safety and storage regulations shall be considered an act of negligence and subject to disciplinary action.

305.4.2 FIREARM CARE AND MAINTENANCE

Cleaning and inspection:

All cleaning necessary to maintain the firearm in good working order is the responsibility of the officer to whom the firearm is assigned.

The cleaning of firearms in an office setting or vehicle is prohibited. Cleaning should be conducted at the range or designated area.

Maintenance:

All repairs and servicing of departmental firearms will be performed by or under the direction of the department approved Armorer. The only exception will be the normal cleaning of firearms (field stripping).

An officer who has a question regarding the safety, condition, or proper functioning of the firearm shall notify the Range Master who will have the firearm inspected by the department approved Armorer.

305.4.3 STOLEN OR LOST FIREARMS

The Probation Officer shall file a report with the appropriate law enforcement agency immediately upon discovery that their firearm is missing.

The Probation Officer shall immediately report a lost or stolen firearm to their supervisor who will notify the appropriate Division Manager.

The Probation Officer will file a written report with their supervisor by the end of the same working day. The written report shall be submitted to the Chief Probation Officer through the chain of command.

The Probation Officer may be required to reimburse the department in the event that a firearm and related equipment is lost through the negligence of the Probation Officer as per county policy. This requirement may be imposed irrespective of whether disciplinary action by the department is taken.

Arrangements may be made for the temporary or permanent issuance of another firearm if the Chief Probation Officer authorizes such issuance. The officer shall qualify with the newly issued firearm before authorization to carry the firearm on duty shall become effective.

305.5 USE OF FIREARMS

(A) Carrying a firearm:

Probation Officers authorized to carry firearms shall only carry firearms, which have been issued by the department or approved by the Chief Probation Officer as "In Lieu Of" firearms and with which the Probation Officer has qualified pursuant to these policies.

All officers authorized to carry a Department issued firearm must secure it in a level II approved holster or above unless specifically approved by the Range Master. Probation Officers may use concealment at their discretion, including during surveillance and undercover operations, but must be identified clearly as law enforcement officers during any operation in which an arrest or search is to be conducted.

Any Probation Officer authorized to carry a firearm shall have in their possession, whenever carrying a firearm, their department issued badge, and department identification card. The badge shall be displayed in an area in close proximity to the firearm. The firearm shall be fully loaded with a round chambered when carried.

The following shall be carried by the Probation Officer when armed and participating in field visits, special operations, searches and arrests:

The firearm shall be fully loaded with a round chambered when it is carried;

Two additional magazines/speed loaders of department issued ammunition when involved in an operation, which will result in an arrest or search;

An approved chemical agent;

Handcuffs.

(B) Upholstering a firearm:

Probation Officers are authorized to draw their weapon from its holster, or to display it in public, under the following conditions:

The circumstances surrounding a situation create a reasonable belief that it may be necessary to use the firearm in conformance with this policy;

For maintenance and inspection purposes. The Probation Officer shall ensure that the firearm is empty of ammunition prior to cleaning or inspection;

Training purposes: Whenever utilizing the firearm in an approved training course, practice session, or qualification with the Range Master.

The improper un-holstering, display, and/or discharge of a firearm may result in civil, criminal or departmental sanctions.

(C) Discharging a firearm:

To determine when discharging of a firearm is clearly necessary, the following three elements must all be present:

Opportunity, i.e., does the other person have the opportunity to do the individual harm;

Ability, i.e., does the other person have the ability and means to do the individual harm;

Jeopardy, i.e., does the other person's opportunity and ability actually place the life of the individual in danger.

In determining whether the circumstances justify the un-holstering and/or discharge of a firearm, the Probation Officer shall consider and give relative weight to the following factors:

Whether there has been a display of a firearm or any article that can be used as a weapon by an individual in a threatening manner, which might cause death or serious injury to the Probation Officer or another person.

Whether the individual is known to the Probation Officer to have a record and/or history of violent behavior.

Whether the Probation Officer has information from a reliable source (such as spouse, law enforcement official, employer, or landlord) that an individual is or may be armed or is dangerous.

Whether there are auditory or visual indications at the scene of the potential threat (such as the sound of gunshot(s), screaming or cries, or sounds or signs of an altercation in progress).

Whether, in the Probation Officer's judgment and assessment, there is observed behavior which places a life in danger and the drawing of a weapon will render the situation less dangerous.

Whether there are other, more reasonable alternatives available and it is reasonable to attempt them.

Whether the firearm can be safely utilized (e.g., whether there are crowds, small children, hostages, etc.).

Whether the un-holstering or use of a firearm will escalate rather than control the situation.

Probation Officers are authorized to discharge firearms in the line of duty under the following circumstances:

When there is a clear and present danger to the life of the Probation Officer and the Probation Officer has a reasonable belief that the use of deadly force is necessary to prevent serious bodily injury or death to the Probation Officer.

When there is a clear and present danger to the life of another person and the Probation Officer has a reasonable belief that the use of deadly force is necessary to prevent serious bodily injury or death to another person.

Justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the Probation Officer at the time the Probation Officer decides to shoot.

Facts unknown to the Probation Officer, which could not reasonably have been expected to be known by the Probation Officer, cannot be considered in later determining whether the shooting is justified.

Probation Officers shall consider all reasonable means of self-protection of others in the officer's presence before resorting to the use of a firearm.

Destruction/Defense of animals is authorized if an animal reasonably appears to pose an imminent threat to human safety and alternative methods are not available.

(D) The Following Actions are prohibited:

The firing of warning shots is prohibited.

Shooting at or from and moving vehicle is prohibited except when necessary because of an imminent threat of death or serious injury to the Probation Officer or another person.

Firing at a fleeing vehicle is prohibited except when necessary because of an imminent threat of death or serious bodily injury to the Probation Officer or another person.

Firearms should never be used to strike another person except as a last resort in a life-threatening situation.

A Probation Officer shall not surrender their firearm to any person other than departmental supervisor, the Range Master, firearms instructor, armorer, personnel in charge of a secure facility, or another law enforcement official.

A Probation Officer shall discharge their firearm only when the officer is compelled to do so by existing circumstances. The officer shall not discharge a firearm in the course and scope of employment except as permitted in these policies. The improper use of a firearm shall result in departmental sanctions, including disciplinary action up to dismissal and may result in civil or criminal sanctions being taken.

305.5.1 REQUIRED REPORTING OF THE DISCHARGE OF A FIREARM

(A) Whenever a Probation Officer intentionally or accidentally discharges a firearm in the course of their employment, the Probation Officer, as soon as safety permits, shall immediately:

Assess the situation and determine the condition of any injured person, and provide first aid if applicable.

Secure the scene of the incident to the best of the officer's ability until the law enforcement agency having jurisdiction arrives.

Notify the local law enforcement agency with jurisdiction.

Notify their supervisor, who will notify the appropriate Division Manager and the Chief Probation Officer.

Remain at the scene until dismissed by the local law enforcement agency and/or the department representative, unless it is unsafe to do so. The Probation Officer shall cooperate fully with any investigation related to the incident.

Protect the weapon for examination and submit the weapon to the appropriate investigator upon request.

The law enforcement supervisor at the scene shall be responsible for the evidence.

The Probation Officer who discharged the firearm shall not discuss the incident with anyone except persons directly involved in the investigation or their union representative.

Per Public Safety Officers Procedural Bill of Rights Act (Section 3303), no Probation Officer shall comment to anyone from the media, general public, or others not directly involved in the investigation. Only the Chief Probation Officer or a designee will respond

to the media.

The Probation Officer shall, by the end of the business day, submit a full, complete and accurate written report to their supervisor. The written report shall contain:

A complete and detailed description of the incident and specific criteria, which required the use of the firearm.

The names, addresses and telephone numbers of all persons present during the incident, noting their status as Probation Officer, probationer, and/or other persons.

The names, telephone numbers, and departments of law enforcement personnel and other participating agencies and/or other persons.

Incidents of discharge need not be reported when discharge occurs under direction of the Range Master during training, unless injury or property damage occurs.

305.5.2 STORAGE IN VEHICLES

When leaving a firearm in an unattended vehicle, officers shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

Officers are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

305.6 DEPARTMENT FOLLOW-UP OF SHOOTING INVOLVING INJURY OR DEATH

(A) INCIDENT SCENE PROTECTION

Whenever there is an intentional or accidental discharge of a firearm by a Probation Officer, their firearm will be surrendered, when requested, to the local law enforcement onsite or to an onsite department supervisor/manager, for the purpose of examination and/or for other investigative purposes. Chain of evidence procedures must be followed if the firearm is being relinquished for investigative purposes.

If there has been a death or injury as a result of the discharge of the firearm, a member of the Probation Department should be assigned to remain with the Probation Officer(s) involved in the shooting and to provide aid and assistance. The person so assigned should refrain from inquiring about the facts of the incident.

If the Probation Officer(s) involved in the shooting needs transportation, a member of the Probation Department should be assigned to provide transportation. The Probation Officer involved should avoid driving.

The Department may request an inspection of the firearm by the law enforcement

agency assigned to investigate the incident to determine its mechanical and/or functional condition, in addition to any other physical examinations that may be necessary as part the investigation.

During the period of time that an officer's firearm is being examined and/or tested, arrangements may be made for the temporary issuance of another firearm if authorized by the Chief Probation Officer.

The Probation Officer must qualify with the newly issued firearm prior to carrying it on duty.

When the testing of the officer's firearm is completed, it will be returned to the officer and the temporarily issued firearm shall then be promptly returned to the department.

(B) OFFICER RELIEVE OF FIELD DUTES OR PLACED ON ADMINISTRATION LEAVE

When the discharge of a firearm by a Probation Officer results in injury or death to another person, the officer shall be immediately relieved of field duties and reassigned to other duties within their classification or shall be placed on administrative leave, without loss of pay or benefits, until authorized to return to duty by the Chief Probation Officer. Neither action implies improper conduct by the officer.

While on administrative leave, the officer must remain available for official department interviews. The Probation Officer shall not discuss the incident with anyone except the law enforcement agency handling the investigation, the District Attorney, departmental personnel assigned to the investigation, the officer's private attorney, the officer's union representative, the officer's psychologist, the officer's chosen cleric, and the officer's immediate family.

(C) PSYCHOLOGICAL COUNSELING/DEBRIEFING

Any Probation Officer present at an incident involving the discharge of a firearm which results in the injury or death of another person shall be required to undergo a debriefing with a designated psychologist following the incident. The debriefing shall not be related to any departmental investigation of the incident. The debriefing session shall remain confidential and protected by the counselor-patient privilege, except when disclosure is allowed or required by law.

Any Probation Officer directly involved in a shooting incident will also be referred to the employee assistance program.

Before the Probation Officer returns to work from an administrative or other leave resulting from the shooting incident, they must undergo a psychological evaluation and

be cleared for return to duty.

305.7 INVESTIGATION OF SHOOTING

Division Manager will work with the Law Enforcement Agency having jurisdiction.

SHOOTING INQUIRY BOARD

If the incident results in a fatality refer to the Mendocino County Officer involved fatal shooting protocol.

All incidents involving the discharge of a firearm by a Probation Officer shall be investigated by the law enforcement agency having jurisdiction over the location of the incident.

305.8 REVOCATION OF AUTHORITY TO CARRY A FIREARM RESPONSIBILITY FOR REVOCATION

The Chief Probation Officer may revoke the authorization to carry a firearm at any time, at his/ her sole and absolute discretion. The Chief Probation Officer will notify the officer in writing of their decision within three (3) working days. The authority to revoke the authorization is also delegated to management personnel for "good cause." Good cause is defined as:

The failure to re-qualify in the required time frame or failure to achieve a minimum qualifying score.

Whenever the Probation Officer fails to attend required training.

Whenever the Probation Officer appears to lack the physical or mental capacity to carry and use a firearm in a safe manner.

Whenever the Probation Officer has been arrested for an offense punishable as a felony or a misdemeanor involving the carrying or use of a firearm, or an act of violence toward another person.

Whenever the Probation Officer has violated the department's policies concerning the carrying of firearms.

Whenever the Probation Officer has carried, exhibited or used the firearm in an unsafe, careless, or other inappropriate manner.

Whenever the Probation Officer has been administratively reassigned as a result of a certified stress related condition.

Whenever it is determined that the medical, psychological, or health condition of the Probation Officer or the use of alcohol/drugs by the Probation Officer would interfere with the safe use or handling of a firearm.

Whenever the Probation Officer has been terminated from the department or as a part of any other disciplinary action against the Probation Officer.

For such good cause as may relate to the Probation Officer's ability to carry a firearm.

REVOCATION BY OTHER THAN THE CHIEF PROBATION OFFICER

If a revocation of authorization to carry a firearm has been made pursuant to above, other than by the Chief Probation Officer, the person ordering the revocation shall submit a written report, within two (2) working days, to the Chief Probation Officer, indicating the circumstances which led to the revocation. A copy of the report shall be made available or mailed to the Probation Officer within one (1) working day following the submission of the report.

REVIEW OF REVOCATION

A written request for a review of any revocation decision may be made by the Probation Officer to the Chief Probation Officer, clearly stating the reason the authorization should be reinstated or specific objections to the decision.

REINSTATEMENT OF AUTHORIZATION TO CARRY A FIREARM

A written request for reinstatement of the authorization to carry a firearm may be made to the Chief Probation Officer via the chain of command, clearly stating the reason why the authorization should be reinstated.

305.9 ARMING POLICY ACKNOWLEDGMENT

The Mendocino County Probation Department has armed officers. Policies, procedures and protocols have been established which govern the use and handling of firearms as well as the conduct of armed officers.

POLICY AND PROCEDURE

Arming Policy

Each officer must sign and date an acknowledgement that they have read and understands the Arming Policy prior to becoming armed.

A copy of the Arming Policy Acknowledgment will be kept in the employee's personnel file and a copy in the training file.

The Arming Policy Acknowledgment form will be signed and dated each time there is an update to the policy.

305.9.2 ARMING OF RETIRED PROBATION OFFICERS

Discussion:

Eligibility for endorsement to carry a concealed or loaded firearm by an honorably retired peace officer is contained in Sections 25455, 25460, and 25465 of the Penal Code.

Penal Code Section 25455 provides that an honorably retired peace officer who during the course and scope of their employment as a peace officer was authorized to, and did carry a firearm shall be issued an identification certificate stamped with the endorsement "CCW Approved" (Carry a Concealed Weapon Approved).

POLICY AND PROCEDURE

I. Applicability

This policy shall apply to any qualified honorably retired probation officer who at any time during the course and scope of their employment as a peace officer was authorized to, and did carry a firearm.

II. Eligibility

A. All deputized Probation personnel who have satisfactorily completed firearms training requirements in accordance with Departmental guidelines are eligible for consideration of an endorsement to carry a concealed or loaded firearm upon honorable retirement.

1. Honorable retirement is defined as a full-time peace officer employed by the Mendocino County Probation Department who has qualified for and accepted a service or disability retirement.

2. Honorable retirement does not include retirement in lieu of termination or an officer terminated for misconduct or failure to satisfactorily perform his or her duties.

B. An endorsement to carry a concealed or loaded firearm shall not be authorized, or shall be revoked if previously issued for an officer:

1. Who violates any Departmental rule, or 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 Department, or

2. For good cause, including but not limited to the illegal use of drugs or narcotics, the excessive use of alcohol, brandishing/discharging or misuse of firearm(s), acts of violence, or for acts as determined by the Chief Probation Officer, which jeopardizes the safety of the public.

C. An honorably retired Officer's privilege to carry a concealed or loaded firearm may also be denied when circumstances indicate the officer is not qualified due to a physical or psychological disability. An officer may be deemed to be physically or psychologically disabled when, prior to or after retirement the officer:

1. Has suffered an emotional or nervous disorder, or

2. Suffered a physical impairment that rendered him/her unable to exercise proper care and safety in the use and control of a firearm, or

3. Is/was admitted/committed, voluntarily or involuntarily to any hospital, mental institution or other facility for treatment of a mental or emotional disorder, or for the use of alcohol, drugs or narcotics.

III. Revocation of Authorization

Authorization to allow an honorably retired officer to carry a concealed firearm may be revoked or denied upon a showing of good cause determined at a hearing.

A. Any retired peace officer whose authorization to carry a concealed firearm is to be revoked has a right to a hearing.

1. Notice of the hearing shall be served personally on the retiree or sent by first class mail, postage paid, return receipt requested to retiree's last known address.

2. From the date the Department receives the signed registered receipt or from the date the retiree is personally served, the retiree has 15 days to respond to the notification.

3. Failure to respond to the notice of hearing will result in forfeiture of the right for a hearing.

B. The hearing shall be held before a three member hearing board.

The board shall be comprised of: One member selected by the Department, one member selected by the retiree or their employee organization, and one member

selected jointly by the retiree and an employee organization and the Department. In the case of a non-represented officer, the board shall be comprised of one member selected by the Department, one member selected by the retiree, and one member selected jointly, by the Department and retiree.

Any decision by the hearing board shall be binding on the Department and the retiree.

C. Authorization to carry a concealed firearm may be denied prior to a hearing.

1. The retiree has 15 days from date of denial to request a hearing.

2. Failure to request the hearing within 15 days will result in forfeiture of the right to a hearing.

D. A retired officer shall immediately surrender their identification card to the Department upon notification of revocation of authorization to carry a concealed firearm after the hearing or upon forfeiting their right to a hearing.

E. The Department shall issue a new identification card without an endorsement.

F. Any deviation from this policy must be approved by the Chief Probation Officer or in the absence of a Chief Probation Officer by their designee.

305.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry their Mendocino County Probation Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.


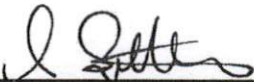
(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Mendocino County Probation Policy #305	FIREARMS	Page 25 of 25
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Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

	Mendocino County Probation Policy #513.8	ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
	ADOPTED: 5-20-21 REVISED: REVISED: PAGE 1 OF 1	APPROVED BY CHIEF PROBATION OFFICER: 

513.8 Administration of Opioid Overdose Medication

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Management Service Agency.

513.8.1 Opioid Overdose Medication User Responsibilities

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should request response by EMS as soon as possible.

513.8.2 Opioid Overdose Medication Reporting

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

513.8.3 Opioid Overdose Medication Training

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication.

Training should be coordinated with the local health department and comply with applicable standards.

Mendocino County Probation Department

Izen Locatelli
Chief Probation Officer



PROCEDURE 513.8

Administration of Naloxone by Public Safety First Aid Personnel for Suspected Opioid Overdose

DEFINITION/PURPOSE

- Probation Officers trained and on duty with an department issued Intranasal Naloxone (IN) are authorized to administer IN Naloxone
- IN Naloxone Indication (both must apply):
 1. Environment is suspicious for use of opioids, AND
 2. Victim is unconscious/poorly responsive and respiratory (breathing) rate appears slow ($< 6/min$) or shallow/inadequate with possible choking or gurgling/snoring sounds or victim is unconscious and not breathing

PROCEDURE

Ensure that appropriate EMS units have been requested

- Utilize personal protective equipment
- Stimulate victim to determine if the person will awaken
- Assess respiratory status, manage airway and assist ventilations as appropriate
- If pulseless, begin chest compressions
- If no response to stimulation and continued poor/absent breathing, administer Naloxone

Note: If any advanced Airway is in place do not administer Naloxone

1. Use department issued Naloxone Nasal Spray 4 mg preloaded single dose device
2. Administer full dose in one nostril
3. If the patient does not respond or responds briefly and relapses – administer another dose (device) into the other nostril
4. Observe for improved breathing and increasing level of consciousness
5. If breathing and level of consciousness do not improve assist with breathing
6. Begin CPR
7. Naloxone usage can illicit sudden agitated behavior or symptoms of opioid withdrawal such as vomiting, abdominal cramps or sweating, be aware and prepared to assist the person
8. Report administration of Naloxone to the appropriate EMS provider
9. Complete Department Incident Report documentation and submit to supervisor by end of work day

601 Liability and Cost of Misuse (8/22/06)

The use of County vehicles for any purpose other than conducting County business is strictly prohibited.

Traffic citations, parking citations, and towing and/or storage charges for county vehicles resulting from misuse or law/ordinance violation shall be the responsibility of the employee operating or parking the vehicle.

602 Use of Department Vehicles (12-21-15)

All County vehicles are to be driven and stored in accordance with County policies. Department vehicles may be reserved in advance with approval of the Division Manager. To reserve a vehicle, indicate your name and the start and end date you will be using the vehicle on the appropriate sign-out sheet.

Staff is responsible for checking the vehicle for damage prior to use. If new damage is noted, staff must complete an incident report and submit it to your supervisor or Division Manager for review. After final review and signature by the Department Head, all incident reports will be forwarded to the Staff Assistant IV for further processing.

The Mendocino County General Services Department requires that a vehicle use log be maintained on each Department car. These log sheets must be filled out each time the vehicle is driven and shall be submitted to the Supervising Staff Assistant no later than the 5th of the month following the month of the report. Division Managers are responsible for ensuring that the logs are maintained and submitted in a timely manner.

No Department vehicle may be taken home overnight unless authorized by the Division Manager. Overnight use may only be authorized in the event you will be traveling prior to 7 A.M. the following morning or returning after 7 P.M. in the evening.

At the end of each vehicle use, it is the responsibility of the employee to close all windows, turn off all radios, and lock all of the doors. Keys must be immediately returned to their designated place in each office. Refueling is required if the gas tank gauge reads ½ full or less prior to returning the vehicle to the Department. It is the responsibility of each employee to remove all litter and clean spills and stains after using a Department vehicle. Cleaning supplies are available at each office.

Refueling Department Vehicles:

Ukiah: All department vehicles are to refuel at the County Garage when in the Ukiah area. If gas must be purchased after normal working hours in the Ukiah area, staff shall use the pumps at the County Garage. Each vehicle has been issued a County Garage gas card for this purpose.

Fort Bragg and Willits: General Services has negotiated a purchase agreement with Pacific Pride, Redwood Coast Fuels, and North Bay Petroleum for county vehicles assigned to the Fort Bragg and Willits office and/or and

Refueling Department or Garage Cars When Traveling Out of the Local Area:

Voyager gas credit cards have been assigned to each department. The cards are kept in the key pouch for each vehicle. Each card corresponds to a specific vehicle and the vehicle number is imprinted on the card. Only certain gas stations accept these cards and are listed on the back of each card. Staff shall be held accountable for all purchases made during the period of time beginning when the car is signed out and ending when the car is returned to the office. If a gas card is lost, staff shall immediately notify the Supervising Staff Assistant. When returning from out of the area travel, staff should make every effort to refuel the car upon return to the County Garage in order to keep expenses down. County vehicles shall only be fueled with Regular Unleaded gasoline (least expensive grade).

Accidents:

Any accident shall be reported immediately. Staff shall complete an incident report and submit it to your immediate supervisor or the Division Manager for review. After review, the report shall be forwarded to the Chief for signature then to the Supervising Staff Assistant for processing.

Mechanical Problems:

If you experience mechanical problems while traveling out of town, call the County Garage at 463-4248 and they will make arrangements for repairs.

If you experience mechanical problems in a Department car while traveling locally, contact the Supervising Staff Assistant, or if she is not available, call the County Garage at the number listed above.

Vehicle Maintenance:

The Supervising Staff Assistant will make all arrangements for vehicle maintenance. Mileage stickers are placed on the dash or inside the door. If you notice that the odometer has reached the mileage listed on the maintenance sticker, contact the Supervising Staff Assistant.

Use of Private Vehicles (8/22/06)

Department employees must provide proof of insurance with County specified minimum required coverage limits to the Staff Assistant IV prior to using their personal vehicles for County business. Insurance records on file must be current.

Employees electing to use their personal vehicle for conducting County business shall be reimbursed for mileage in accordance with County policy. There will be no reimbursement for gas as this is included in the "per mile" rate of reimbursement. A County Travel Reimbursement form or a Probation Department Local Travel Log and Mileage Claim form shall be completed and submitted to the Division Manager or Unit Supervisor for approval/signature as detailed in Section 904 – Requesting Reimbursement for Travel Expenses.

There are certain conditions under which Probation Department employees will not be permitted to use their personal vehicles for County business. Those conditions deal primarily with "in custody" situations when the employee is performing transportation and/or security functions as a peace officer pursuant to section 830.5 of the California Penal Code. At no time will a Probation Department employee transport an "in custody" client using their personal vehicle. Only Probation Department security (caged) cars are to be used for that function.

Should an employee desire to use their personal vehicle for routine job functions; i.e. caseload supervision or investigation interviews, this will be acceptable. However, the employee must keep in mind that should a situation develop that requires taking a client into custody, the employee will call a law enforcement agency for transportation. Employees shall NOT transport an "in custody" client in a private vehicle.

604 Reporting Automobile Accidents (08/22/06)

Any Department employee involved in an automobile accident causing property damage or bodily injury, while conducting County business using a County vehicle or privately owned vehicle, shall report it immediately to their Division Manager and the County Garage. The following should be adhered to:

- At the scene of an accident, employees shall not make any statements concerning settlement of liability. Drivers are required by law only to produce operator's license, proof of insurance and to state their full name and address.
- An employee involved in an accident where injury occurs to a passenger or any other person, shall notify the County Garage and their Division Manager immediately.
- As soon as possible after an accident, the employee should obtain all necessary information and data. The employee should get the names and addresses of others involved in the accident and of all witnesses.
- Accidents in county cars should be reported initially by completing the preliminary report at the scene of the accident in the form of a card contained in the "Accident Instructions" packet located in the glove compartment of all County-owned vehicles. The card should be sent directly to the County Garage. Employees must follow up with the Vehicular Accident/Injury/Incident Report Form.

Office Supplies (8/22/06)

The Staff Assistant IV has the responsibility of overseeing and maintaining a supply inventory for use by Probation Department staff. Items used on a daily basis shall be maintained in quantities sufficient for use by all staff for a period of 15 days. Inventory shall be stored in a central location in each office. The Staff Assistant IV shall monitor use of supplies. Any significant variation from normal usage shall be reported to the Business Services Manager.

The Staff Assistant IV shall designate one person from each Probation Office to be in charge of supplies. That person shall submit a request for supplies twice monthly. The request shall be submitted no later than the 1st and 15th of each month. It may be faxed or sent through the inter-office mail to the attention of the Staff Assistant IV. Supply requests shall include those items used on a regular basis. Supply requests shall be filled as soon as possible after receipt. If there will be a delay in filling the request, the Staff Assistant IV shall notify the individual who placed the order.

Requests for a specific or specialty item shall be in accordance with section 702-Requests for Non-Supply Items.

Requests for Specialty or Non-Supply Items (8/22/06)

Requests for specialty or non-supply items shall be made using a Department Office Supplies/Equipment Request Form. Staff shall complete the sections, which include name, date of request, the name of the item, catalog number, color, size, quantity, and price. Each Division Manager has a catalog for staff use. If the item is not available from the regular office supply catalog, please include a specific description of the item you want including the brand, size, quantity, estimated cost and possible vendor(s). Include a detailed justification for your request, such as "required for probation files" or "to replace broken chair." If the order is time sensitive, note the date needed in the justification section and highlight that information.

Submit the request to your Unit Supervisor for review and approval. If approved, the request will be forwarded to the Division Manager for authorization, then to the Staff Assistant IV for processing. The Business Services Manager will review all requests for budget availability. In the event the item is not authorized for purchase, the person who declines the authorization will notify the individual who requested the item.

703 **Department Forms** (8-22-06)

In order to maintain uniformity within the Probation Department and to ensure staff use current versions of Department forms, a Master Forms Binder will be maintained by the Staff Assistant IV. New forms and revised forms may not be used in the Probation Department until they have been reviewed, approved, and included in the Master Forms Binder.

REVISIONS: Revisions to Department forms must be pre-approved by the Unit Supervisor. Once approved, the Unit Supervisor will forward the draft form to the Staff Assistant IV for processing. If there are questions regarding changes to the form, the Staff Assistant IV will contact the Unit Supervisor for clarification. Once the form has been modified, the Staff Assistant IV will insert the revision date next to the form number and insert a copy into the Master Forms Binder. The original will be returned to the Unit Supervisor requesting the modification. If it is necessary to order a supply of the revised form, the Staff Assistant IV will place the order.

NEW FORMS: In the event there is a new form to be used within the Probation Department, a draft copy of that form will be submitted to the Staff Assistant IV by the Unit Supervisor for processing. If a form is in need of modification before it can be finalized, the form will be returned to the Unit Supervisor with instructions on what modifications are needed. When the form has been completed, it will be issued a Department form number and date, and a copy will be placed into the Master Forms Binder. The original will be returned to the Unit Supervisor who initially submitted it. If it is necessary to order a supply of the new form, the Staff Assistant IV will place that order.

Department Issued Supplies and Equipment (rev 5-08)

All staff will be issued business cards and Department identification. Other items may be issued such as handcuffs, badges, utility belts, cellular phones, firearms, and protective body armor. Employees will be required to sign for all items issued to them.

All supplies and equipment issued to Department staff remain the property of the Department. In the event an item is damaged or lost, a report shall immediately be made to the Supervising Staff Assistant.

Some items, such as handcuffs, pepper spray, etc. will not be issued until the employee has completed the corresponding mandated training. Once training has been completed, the employee may request items as follows:

1. Contact the Department's training officer and request a Completion of Training form.
2. Complete a supply request form and obtain your Supervisor's signature on that form. Supply Request forms can be found on the Department's Resource Directory in the Department Forms folder.
3. Submit both forms to the Supervising Staff Assistant who will issue the requested item to the employee.

Some items issued to employees, such as pepper spray, have an expiration date. Employees should monitor the expiration date and request replacement items in a timely manner by completing a supply request form.

At the discretion of the Chief Probation Officer, an employee who is out of the office for a period of more than 30 days for any reason other than Department mandated training may be required to return all Department issued items to the Supervising Staff Assistant until such time as they return to work. All items will be reissued upon return to work.

705 **Furniture and Equipment** (8/22/06)

All Department furniture and equipment are the property of the County of Mendocino. Staff members are responsible for maintaining these items in good condition. In the event an item is not functioning properly, a report shall be made to the Probation Department Staff Assistant IV to arrange for repair or replacement. Staff shall refrain from attempting any major repairs to furniture or equipment unless advised to do so by the Division Manager or the Staff Assistant IV.

The Probation Department Staff Assistant IV is responsible for maintaining a department inventory of all items purchased and/or assigned to the Probation Department. In order to maintain these inventories with correct property locations, no furniture or equipment may be moved between assigned offices or buildings without the authorization of the Staff Assistant IV.

Purchases of furniture and equipment shall be arranged by the Staff Assistant IV. These purchases are generally planned in advance to ensure meeting budget constraints. No staff person shall authorize any purchase on behalf of the Department without the authorization of the Staff Assistant IV or Division Manager.

If a staff member requires the temporary use of Department furniture or equipment in a location other than a Department building, they must receive permission from their Division Manager to remove the items. The Division Manager will note the removal, the date and time the items are to be returned and the name of the staff member responsible for the item.

Photocopiers and Fax Machines (8/22/06)

The unauthorized use of Department photocopy and fax equipment for other than County business is strictly prohibited.

Photocopy and fax service shall not be provided to other departments or individuals without the authorization of the Business Services Manager.

707 Use of Department Telephones (3/12/08)

Telephones, including Department issued cell phones, are to be used only for official Department business. Personal calls shall be limited in length and frequency. Excessive use of the telephone for personal business will be cause for disciplinary action.

Staff shall not accept collect telephone calls unless that call is from a Department employee.

708 **Mail Service** (8/22/06)

County mail procedures issued by General Services are posted near the out-going mail receptacles in each Probation Office. These procedures shall be followed when sending regular mail through the County's mail processing system.

Staff shall utilize the County's inter-office mail service when sending correspondence or documents to other County Departments.

In the event staff have a document or package requiring special handling such as overnight or certified delivery, instructions on processing can be obtained from the Staff Assistant IV.

Personal mail shall not be delivered to staff at the Probation Department unless pre-approved by the Chief Probation Officer.

Reporting Damage to County Buildings and Equipment (08-22-06)

Accidental or intentional damage to County buildings or equipment shall be reported to the Division Manager. The Division Manager shall, at a minimum, complete a County Accident and Injury Report Form and forward it to the Business Services Manager for processing. Intentional damage to equipment or buildings in the Probation Department shall result in a Criminal Police Report pursuant to California Penal Code Section 594(a).

The decision to book or arrest an individual responsible for damage shall be the responsibility of the Law Enforcement Officer handling the report.

710 **Damage to Personal Property** (8/22/06)

Personal property not required to perform Department duties (i.e. personal radios, office decorations) is not eligible for County reimbursement if damaged, stolen, or destroyed. Clothing and property designated and approved in advance by the Chief Probation Officer are exempt under this policy.

Assignment and Transfer of Staff (8/22/06)

A transfer is defined as a request initiated by an employee. A reassignment is defined as a change in assignment initiated by Department administration. Transfers, reassignments and rotation of staff may be based upon the needs of the Department, the Department's appraisal of the skills of the individual, and the individual need for a new assignment to enhance skills.

Requests for transfer shall be processed in a manner that is efficient and fair to all parties concerned. The assignment and/or reassignment of an employee within the Probation Department is made at the discretion of the Chief Probation Officer or his/her designee.

It is the responsibility of the employee to submit transfer requests in writing and to keep administration informed as to changes in preferred assignments. Anticipating future openings and Department needs, requests will be kept on file and referred to when openings occur, as well as when the Chief Probation Officer makes reassignments. Factors that will be considered in transfer decisions include, but are not limited to the following:

- Seniority in job class
- Variety of experience
- Performance evaluations and past assignments
- Length of time in present assignment
- Willingness and ability to carry out responsibilities

In the event an employee is transferred or reassigned, current workload and assignments shall be up to date.

To prevent certain job assignments from being filled exclusively with experienced or inexperienced staff, the Department may appoint personnel to any position in the Department whether or not personnel have a current transfer request on file for the positions in question. The decision to fill a vacancy via transfer or with newly appointed personnel shall be made by the Chief Probation Officer and/or Division Managers. It is the intent of the Department to promote cross training and develop employee expertise/knowledge in all positions within the Department.

Inquiries or appeals to transfers or reassignment shall be submitted in writing to the Division Manager.

802 **Nepotism** (8/22/06)

The employment of a member of an employee's immediate family shall be permitted only as follows:

- The related employees are not supervised by the same individual
- The course and nature of the work is independent and does not cause interaction or a close working relationship
- No family member shall have supervisory responsibility for one of their immediate family members.

For the purpose of this section, immediate family is defined as a spouse, child, parent, brother, sister, co-habitant, grandparent, grandchild, spouse's parent or any corresponding step-relationship.

This policy does not apply to persons currently employed by the County of Mendocino who were hired prior to 1982 (County Ordinance Number 3405).

Employees are required to report their current address and telephone number to the Probation Department Administrative Assistant. The home address and telephone numbers of Department staff are confidential and for Department use only. Any use of this information for other than department purposes shall result in disciplinary action.

Staff shall report any change of their home address, telephone number, legal name, emergency contact person, or beneficiary to the Administrative Assistant as soon as those changes take place.

804 **Drivers License** (8/22/06) (Rev 4/26/22)

Certain employees are required to maintain a valid California Driver's License. Prior to operating any County Vehicle, employee driver's license numbers and personal vehicle insurance information (if staff intends to use personal vehicle for work) shall be submitted to the Probation Department Administrative Assistant as required by the County.

Staff required to maintain a driver's license must report the revocation, restriction, suspension or loss of driving privileges for any reason to their Division Manager.

Reporting Arrests/Prosecution/Convictions (8/22/06)

Employees of the Probation Department are in a unique status within County employment in that many hold peace officer status by virtue of their job classification, and most have access to the processing of criminal and juvenile record information. For these reasons, criminal record checks are conducted prior to an offer of employment with the Department.

It is the policy of the Probation Department that all employees advise the Division Manager of any criminal arrest of which they are the subject, including traffic citations for felony or misdemeanor violations (excluding traffic infractions). Staff shall keep management informed as to the status of any criminal prosecution resulting from such arrest and all dispositions in those matters. Management shall advise employees of any information pertaining to such matters, which will be placed in Department personnel files.

It is expected that everyone employed, as a representative of the Mendocino County Probation Department will behave in a professional manner that maintains a high standard of personal behavior and associates on and off the job. Staff shall comply with existing laws, local ordinances, and Department policies. Client contacts shall be maintained on a professional, not social level, and visits to clients will be conducted during appropriate and assigned hours.

Personal conduct on and off the job that is of concern will be evaluated in relationship to the nature of the employee's job assignment and classification. Any misconduct will be evaluated very closely and will be of particular concern.

Staff, who by position classification, are peace officers, must be held to a higher standard of personal conduct. Any arrest, prosecution, or conviction will be carefully assessed as to its relationship to or effect on the job and could preclude further employment. Staff members, especially those in peace officer classifications, are expected to maintain their own lives in a manner that will enable them to carry out their duties effectively, as well as be a role model for those they are responsible for on the job.

Each staff member is responsible for the working atmosphere within the Department. Staff shall maintain professional working relationships with one another based on respect and open communication. Any Department personnel who are found to knowingly initiate or spread false information that maligns any other person of this Department will be subject to disciplinary action up to and including termination.

It is the policy of the Department that discipline be viewed as a constructive process, designed to ensure that the programs, philosophy, and the functions of the Department will be fulfilled. It is the policy, further, that each employee shall be kept informed of any deficiencies in work and attitude that may affect his or her standing within the Department. Employees have the right to be heard in matters they believe need clarification or rebuttal.

It shall be the responsibility of Department Managers and Supervisors to make every effort to resolve problem areas with the employee prior to recommending or initiating disciplinary action. When appropriate, Managers and Supervisors may issue verbal and/or written reprimands or warnings, or may recommend more stringent disciplinary action. When appropriate, a verbal reprimand may be followed by written documentation routed through supervisory channels to the employee's personnel file. A copy of such documentation shall be provided to the employee, and shall verify the date and confirm the nature of the discussion, its general content, and any corrective action or conclusions. A written reprimand shall be given directly to the employee with a copy routed through supervisory channels to the personnel file.

Recommendations for more stringent action shall be discussed and reviewed with the Division Manager. Matters of discipline shall be in accord with the appropriate sections of the applicable MOU and Mendocino County employer-employee relation policies. Disciplinary action which may be initiated by the Division Manager with the approval of the Chief Probation Officer are as follows:

- Formal Letter of Reprimand with a copy to administrative Personnel File
- Suspension
- Withholding of Step Increases.
- Reduction in Compensation
- Demotion
- Termination of Employment