CHIEF'S PREFACE
CHIEF'S PREFACE
MISSION STATEMENT
As a member of the criminal justice system, the Fresno County Probation Department’s mission is to provide protection for the community, support victim advocacy, and deliver essential services to the Courts.

This mission is accomplished through collaboration and partnerships, which encompass a continuum of sanctions including prevention/intervention, investigation, supervision, and incarceration with treatment.
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Chapter 1 - Probation Role and Authority
Probation Authority

100.1 PURPOSE AND SCOPE
This policy is to identify the authority of Fresno County Probation Department officers.

100.2 POLICY
This department recognizes the power of officers to use discretion in the exercise of the authority granted to them. Officers are encouraged to use sound discretion in the exercise of their duties. This department does not tolerate abuse of authority.

It is the policy of this department for all officers to exercise their authority fairly and objectively without inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

100.3 OFFICER AUTHORITY
Officers are authorized to supervise persons as provided in this manual, applicable court orders, and state law (Penal Code § 1202.8; Penal Code 1203.71).

100.4 ARREST AND OTHER POWERS
Officers authorized by the Chief Probation Officer may exercise peace officer powers at any place in the state while engaged in the performance of official duties. The authority extends only to (Penal Code § 830.5; Penal Code § 1203.71; Penal Code § 3455):

(a) Conditions of any person being supervised by this department who is on parole, probation, pre-trial, mandatory supervision, or post-release community supervision.

(b) The escape of any inmate or ward from a state or local institution.

(c) The transportation of persons on parole, probation, pre-trial, mandatory supervision, or post-release community supervision.

(d) Violations of any penal provisions of law discovered while performing the usual or authorized duties of his/her employment.

(e) Rendering mutual aid to any other law enforcement agency.

100.5 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and California constitutions.
Chief Probation Officer

101.1 PURPOSE AND SCOPE  
Chief Probation Officers employed within the State of California are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Probation Officer of the Fresno County Probation Department, who is required to exercise the powers and duties of the office as prescribed by state law (Government Code § 27771).

101.2 POLICY  
It is the policy of the Fresno County Probation Department that the Chief Probation Officer meets the minimum standards for exercising the authority granted by law.

101.3 CHIEF PROBATION OFFICER REQUIREMENTS  
The Chief Probation Officer of this department, as a condition of employment, shall be appointed and retained pursuant to Government Code § 27770 and Section 21 of the Charter of the County of Fresno, State of California.

101.4 CHIEF PROBATION OFFICER REQUIREMENTS  
The Chief Probation Officer of this department shall be appointed and retained by the Regional Juvenile Justice Commission (Government Code § 27770).

101.5 CHIEF PROBATION OFFICER REQUIREMENTS  
The Chief Probation Officer of this department shall be appointed and retained pursuant to the provisions of the county charter (Government Code § 27770).

101.6 CHIEF PROBATION OFFICER REQUIREMENTS  
The Chief Probation Officer of this department shall be appointed and retained pursuant to provisions of the merit or civil service system (Government Code § 27770).
Oath of Office

102.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY
It is the policy of the Fresno County Probation Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE
All department members, within 10 days of appointment, shall take and subscribe to the oaths or affirmations applicable to their positions as determined by the Chief Probation Officer (Government Code § 1192).

102.4 MAINTENANCE OF RECORDS
The oath of office shall be filed in accordance with the established records retention schedule.
Policy Manual

103.1 PURPOSE AND SCOPE
The manual of the Fresno County Probation Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY
Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER
The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Fresno County Probation Department, and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials, or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The Fresno County Probation Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY
The Chief Probation Officer shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws. The Chief Probation Officer or the authorized designee is authorized to issue Temporary Departmental Orders, which shall modify those provisions of the manual to which they pertain. Temporary Departmental Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS
The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

FCP - The Fresno County Probation Department.
Department - The Fresno County Probation Department.

Employee - Any person employed by the Department.


May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Fresno County Probation Department, including:
  - Full- and part-time employees
  - Volunteers

Officer - Those employees of the Fresno County Probation Department who engage in the supervision of persons and engage in duties as determined by the Chief Probation Officer.

On-duty - A member’s status during the period when actually engaged in the performance of assigned duties.

Order - A written or verbal instruction issued by a superior.

POST - The Commission on Peace Officer Standards and Training.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

STC - Standards and Training for Corrections.

Supervisor - A person in a position of authority that may include directing the work of other members, the authority to adjust grievances, and responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members. The supervisory exercise of authority may not be merely routine or clerical in nature, but requires the use of independent judgment.

The term “supervisor” may also include any person (e.g., officer-in-charge, or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member’s off-duty supervisor or an on-call supervisor.

103.5 ISSUING THE POLICY MANUAL
An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief Probation Officer or the authorized designee.
Each member shall acknowledge that the member has been provided access to and has had the opportunity to review the Policy Manual and Temporary Departmental Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL
The Chief Probation Officer, or the authorized designee, will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES
All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that the member has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Director will ensure that members under the Division Director's command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Directors, who will consider the recommendations and forward them to the command staff as appropriate.
Code of Ethics

104.1 CODE OF ETHICS
I will render professional service to the justice system and the community at large in effecting the social adjustment of the person.

As a peace officer and member, my fundamental duty is to serve the community, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality and justice.

I will uphold the law with dignity, displaying an awareness of my responsibility to persons while recognizing the right of the public to be safeguarded from criminal activity.

I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.

I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office. I will never engage in acts of corruption or bribery, nor will I condone such acts by other peace officers and members. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I will cooperate with my co-workers and related agencies, and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.

I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.

I will encourage policy, procedures and personnel practices, which will enable others to conduct themselves in accordance with the values, goals and objectives of the Fresno County Probation Department.

I recognize my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the Fresno County Probation Department.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE
This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY
The Fresno County Probation Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS
The Chief Probation Officer is responsible for administering and managing the Fresno County Probation Department. These are the divisions in the Department:

- Adult Services Division
- Adult Realignment Services Division
- Administrative Services Division
- Juvenile Services Division
- Juvenile Justice Campus - Commitment Division
- Juvenile Justice Campus - Detention Division
- Personnel Development and Research Division

200.3.1 ADULT SERVICES DIVISION
The Adult Division is commanded by an assigned Director, whose primary responsibility is to provide general management, direction, and control for the Adult Division.

200.3.2 ADULT REALIGNMENT SERVICES DIVISION
The Adult Realignment Division is commanded by an assigned Director, whose primary responsibility is to provide general management, direction, and control for the Adult Realignment Division.

200.3.3 ADMINISTRATIVE SERVICES DIVISION
The Administrative Division is commanded by an assigned Director (non-peace officer), whose primary responsibility is to provide general management, direction, and control for the Administrative Services Division.

200.3.4 JUVENILE SERVICES DIVISION
The Juvenile Division is commanded by an assigned Director, whose primary responsibility is to provide general management, direction, and control for the Juvenile Division.
Organizational Structure and Responsibility

200.3.5 JUVENILE JUSTICE CAMPUS - COMMITMENT DIVISIONS
The Juvenile Justice Campus Commitment Division is commanded by an assigned Director, whose primary responsibility is to provide general management, direction, and control for the Commitment Division.

200.3.6 JUVENILE JUSTICE CAMPUS - DETENTION DIVISION
The Juvenile Justice Campus Detention Division is commanded by an assigned Director, whose primary responsibility is to provide general management, direction, and control for the Detention Division.

200.3.7 PERSONNEL DEVELOPMENT AND RESEARCH DIVISION
The Personnel Development and Research Division is commanded by an assigned Director, whose primary responsibility is to provide general management, direction, and control for the Personnel Development and Research Division.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND
The Chief Probation Officer exercises command over all members of the Fresno County Probation Department. During periods of unavailability, the Chief Probation Officer will designate a Division Director to serve as the acting Chief Probation Officer. In the event the Chief Probation Officer becomes incapacitated, the Fresno County Superior Court Presiding Judge will appoint an Interim Chief Probation Officer.
Administrative Communications

205.1 PURPOSE AND SCOPE
This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members and separations; individual and group awards and commendations; or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY
The Fresno County Probation Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and will comply with the established letterhead, signature, and disclaimer guidelines as applicable.

205.3 EMAILS
Emails may be issued periodically by the Chief Probation Officer or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations; individual and group awards and commendations; or other changes in status.

205.4 CORRESPONDENCE
To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief Probation Officer. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender’s department-approved signature and electronic communications disclaimer language.

205.5 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief Probation Officer or the authorized designee.

205.6 OTHER COMMUNICATIONS
Temporary Departmental Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief Probation Officer or the authorized designee (see the Temporary Departmental Orders Policy).
Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Fresno County Probation Department identification cards to qualified retired law enforcement officers under the Law Enforcement Officers Safety Act (LEOSA, 18 USC § 926C) and California law (Penal Code § 25455).

206.2 POLICY
It is the policy of the Fresno County Probation Department to provide identification cards to qualified officers to facilitate the lawful carrying of concealed weapons by those individuals.

206.3 AUTHORIZATION
206.3.1 AUTHORIZATION
Any qualified retired officer of this department may transport a concealed firearm across state lines under 18 USC § 926C when:

(a) In possession of photographic identification that identifies the retiree as having been employed as a peace officer, and one of the following:
   1. An indication from the retired person’s former probation agency that the retiree has, within the past year, been tested or otherwise found by the agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
   2. A certification, issued by either the state in which the retiree resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty peace officers within that state, indicating that the retiree has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by state law or restricted by private entity on private property.

(e) Has not been found by a qualified medical professional employed by the Probation Department to be unqualified for reasons relating to mental health.

(f) Served as a law enforcement officer for at least 10 years prior to retirement.
206.4 CALIFORNIA IDENTIFICATION CARD
The Chief Probation Officer shall issue an identification card with an endorsement to carry a
concealed firearm to a retiree who (Penal Code § 26300):

(a) Honorably retired following service as a full-time sworn officer of this department who
was authorized to, and did, carry a concealed firearm during the course and scope of
his/her employment (Penal Code § 25455).

1. Honorably retired includes all peace officers who have qualified for, and
accepted, a service or disability retirement, however, it shall not include any
officer who retires in lieu of termination or who is retiring because of a
psychological disability (Penal Code § 26305).

(b) Honorably retired as a peace officer from any jurisdiction that this department now
serves under the following conditions (Penal Code § 25905):

1. The retiree's previous agency is no longer providing law enforcement services
or the relevant government body is dissolved.

2. This department is in possession of the retiree’s complete personnel records or
can verify the retiree’s honorably retired status.

3. The retiree is in compliance with all of the requirements of this department for
the issuance of a Concealed Carry Weapon (CCW) Approved endorsement.

(c) Was a qualified retired reserve officer under the requirements of Penal Code 26300(c)
(2) and who met the department requirements for a CCW Approved endorsement
(Penal Code § 26300).

206.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT
The card shall be 2 inches by 3 inches and minimally contain (Penal Code § 25460):

(a) Photograph of the retiree.

(b) Retiree’s name and date of birth.

(c) Date of retirement.

(d) Name and address of this department.

(e) A stamped endorsement "CCW Approved" with the date the retiree was tested and
qualified to carry a concealed firearm, as well as the date by which the endorsement
must be renewed (not more than one year). In the case in which a CCW endorsement
has been denied or revoked, the identification card shall be stamped "No CCW
Privilege."

206.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The Fresno County Probation Department shall provide an identification card with a CCW
Approved endorsement to honorably retired peace officers from any jurisdiction that this
department now serves under the following conditions (Penal Code § 25905):

(a) The retiree’s previous agency is no longer providing law enforcement services or the
relevant government body is dissolved.
(b) This department is in possession of the retiree’s complete personnel record or can verify the retiree’s honorably retired status.

(c) The retiree is in compliance with all of the requirements of this Department for the issuance of a CCW Approved endorsement.

206.5 RETIRED OFFICER RESPONSIBILITIES
A retired officer with a card issued under this policy shall immediately notify the Chief Probation Officer or the authorized designee of an arrest or conviction in any jurisdiction, or that the retiree is the subject of a court order, in accordance with the Reporting of Arrests, Convictions, and Court Orders Policy.

206.5.1 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 25475):

(a) Qualify at least annually with the authorized firearm at a course approved by this department at the retired officer’s expense.

(b) Remain subject to all applicable department policies and federal, state, and local laws.

(c) Not engage in conduct that compromises public safety.

206.6 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

206.6.1 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief Probation Officer or the authorized designee when the conduct of a retired peace officer compromises public safety.

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

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

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. Failure to submit a timely written request for a hearing shall be deemed a waiver of such right to a hearing, and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification card to the Department. (Penal Code § 26315(c)).

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or the retiree's employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.

2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender the identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief Probation Officer or the authorized designee as soon as practicable. The Chief Probation Officer or the authorized designee should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise the individual in writing of the following:

1. The retiree’s concealed firearm CCW endorsement is immediately and temporarily suspended.

2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.

3. The retiree will forfeit the right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief Probation Officer or the authorized designee should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief Probation Officer or the authorized designee may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

5. Notification of the temporary suspension should also be promptly mailed to the retiree via first-class mail, postage prepaid, return receipt requested.

(a) The Division Director should document the investigation, the actions taken, and, if applicable, any notification made to the retired member. The memo should be forwarded to the Chief Probation Officer.

206.7 FIREARM QUALIFICATIONS
The Rangemaster may provide retired officers from this Department an opportunity to qualify with a legal firearm. Written evidence of the qualification and the weapons used will be provided and will
Retiree Concealed Firearms

contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.
Chapter 3 - General Operations
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.

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).

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.

300.2 POLICY
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 Fresno County Probation Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Entrusting 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 officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes a member use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

300.3 USE OF FORCE
Officers authorized by the Chief Probation Officer to use force in arresting a person or preventing a person from escaping custody shall use only that amount of force that reasonably appears necessary given the totality of the circumstances known to or perceived by the officer at the time of the event (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
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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.

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 this 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 a member to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST
An officer authorized by the Chief Probation Officer and California Penal Code § 830.5 who has reasonable cause to believe that a person has committed a public offense may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance (Penal Code § 835 a(b)).

An authorized officer who makes or attempts to make an arrest need not retreat or desist from 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 his/her right to self-defense by the use of reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a(d)).

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 shall be taken into consideration, as time and circumstances permit. 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 person being confronted, as reasonably perceived by the officer at the time, including the conduct of the person leading up to the use of force (Penal Code § 835a(e)(3)).
(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of available officers vs. subjects).
(d) The conduct of the involved officer (Penal Code § 835a).
(e) The effects of drugs or alcohol.
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(f) The person’s apparent physical, mental (including current mental state), developmental, or intellectual disabilities (Penal Code § 835a).

(g) The person’s apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) The proximity of weapons or dangerous improvised devices.

(i) The degree to which the person has been effectively restrained and the person’s ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options (resources reasonably available to the officer under the circumstances) and the possible effectiveness of each of those other options (Penal Code § 835a).

(k) The seriousness of the suspected offense or reason for contact with the person.

(l) The training and experience of the officer.

(m) Potential for injury to officers, suspects, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(o) The risk of escape and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the person or a prompt resolution of the situation.

(q) Whether the conduct of the person being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the person 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 arresting a passively or actively resisting person. Officers may only apply those pain compliance techniques for which they have successfully completed Department-approved training, and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to:

(a) The potential for injury to the officer(s) or others if the technique is not used.

(b) The potential risk of serious injury to the person being controlled.

(c) The degree to which the application of the technique may be controlled given the level of resistance.

(d) The nature of the offense involved.

(e) The level of resistance of the person(s) involved.

(f) The need for prompt resolution of the person(s) involved.
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(g) If time permits, other reasonable alternatives.
(h) Whether the person can comply with the direction or orders of the officer.
(i) Whether the person 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 SPECIALITY ASSIGNMENTS
The Department recognizes that officers may work in partnership with other agencies, and may use levels of force and types of equipment not specifically addressed by this policy. The actions of officers assigned to those duties may be guided by extraordinary situations, special tactical considerations, and special training. However, officers in those assignments shall use only that force which is reasonable given the facts and circumstances perceived by the officer at the scene, at the time of the event, to effectively bring the incident under control.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE
Authorized officers may use reasonable force to lawfully seize evidence of a crime or a violation of supervision and to prevent its destruction.

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

300.3.6 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE
Officers shall not force solely to prevent a person from swallowing evidence or contraband (See the Medical Aid and Response Policy.)

300.3.7 USE OF FORCE AND SUICIDAL PERSONS
Officers shall not use deadly force against a person based on the danger that person poses to themselves, 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.

300.4 DEADLY FORCE APPLICATIONS
If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force by authorized members is only justified when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons (Penal Code § 835a(c)(1)):

(a) To defend against the imminent threat of death or serious bodily injury or to the officer or another person.
(b) 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. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify him/herself as an 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.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, 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(c)(2)).

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 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 imminent harm is not merely a fear of future harm no matter how great the fear, and no matter how great the likelihood of the harm, but is one that from appearances, must be instantly confronted and addressed. (Penal Code § 835a(e)(2)).

300.4.1 SHOOTING FROM OR AT MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective. An officer shall only discharge a firearm from or at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Under such circumstances, a verbal warning shall precede the use of deadly force when feasible. Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

Unless it reasonably appears that it would endanger officers or the public, officers should move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or any of its occupants.

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 member shall articulate the factors perceived by the member, and why the member 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.

300.5.1 NOTIFICATION TO SUPERVISORS
In addition to the report required in the Reporting the Use of Force Section, supervisory notification shall be made as soon as practicable after the application of force in any of the following circumstances:

(a) The application of force appears to have caused physical injury.

(b) The application of force would lead a reasonable officer to conclude that the person may have experienced more than momentary discomfort.
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(c) The person subjected to the force complains of injury or continuing pain.
(d) The person indicates intent to pursue litigation.
(e) Any application of any controlled device.
(f) Any application of a restraint device. This excludes handcuffs, shackles, or belly chains, unless a reasonable officer concludes that the person may have experienced more than momentary discomfort.
(g) The person subjected to the force was rendered unconscious.
(h) The person was struck or kicked.
(i) A person alleges any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Department shall annually furnish a report, in the manner defined and prescribed by the Attorney General, of all instances of officer-involved shootings and incidents involving use of force resulting in serious bodily injury or death to the California Department of Justice as required by Government Code § 12525.2 (see the Records Maintenance and Release Policy.)

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

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

Persons 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 and should be examined by qualified medical personnel as soon as practicable. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical
emergency shall request medical assistance as soon as practicable and have medical personnel stage right away (see the Medical Aid and Response Policy).

300.7 SUPERVISOR RESPONSIBILITIES
When a supervisor is able to respond to the scene of an incident in which there has been a reported application of force, the supervisor shall:

(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 person upon whom force was applied. If this interview is conducted without the person having voluntarily waived Miranda rights, the following shall apply:
   1. The content of the interview shall not be summarized or included in any related criminal charges.
   2. The fact that a recorded interview was conducted shall be documented in an incident report.
   3. The recording of the interview shall 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 person may pursue civil litigation.
   1. If there is an indication of potential civil litigation, the supervisor shall 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. The Chief Probation Officer shall be notified as soon as practicable.

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

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300.7.1 DIVISION DIRECTOR RESPONSIBILITY
The Division Director or the authorized designee shall review each use of force by any member within the Division Director's command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING
Officers will receive periodic training on this policy and shall demonstrate their knowledge and understanding.

300.9 USE OF FORCE ANALYSIS
At least once annually, the Division Director shall prepare an analysis report on use of force incidents. The report shall be submitted to the Chief Probation Officer or the authorized designee. The report shall not contain the names of officers, subjects, or case numbers, and shall include:

(a) Identification of any trends in the use of force by members.
(b) Training needs recommendations.
(c) Equipment needs recommendations.
(d) Policy revision recommendations.
Use of Force Review Boards

301.1 PURPOSE AND SCOPE
This policy establishes a process for the Fresno 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 Fresno 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 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 serious injury or death to another person.

The Use of Force Review Board shall 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 Director or supervisor of the involved member to notify the Chief Probation Officer of any incidents requiring Use of Force Board review. The involved member’s Division Director or supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Use of Force Review Board.

301.4.1 COMPOSITION OF THE USE OF FORCE REVIEW BOARD
The Chief Probation Officer or the authorized designee shall staff the Use of Force Review Board with five individuals from the following, as appropriate:

- Staff representative from the involved member’s chain of command
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- 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 shall serve as chairperson for the Use of Force Review Board. Any member who perceives a conflict with a person on the board may appeal the issue with the Chief Probation Officer.

301.4.2 RESPONSIBILITIES OF THE USE OF FORCE REVIEW BOARD

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

The Use of Force Review 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 Use of Force Review Board and may choose to have a representative through all phases of the review process.

The Use of Force Review Board does not have the authority to recommend discipline.

The Chief Probation Officer or the authorized designee shall delay the Use of Force Review Board 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 Use of Force Review Board shall be provided all relevant available material from these proceedings for its consideration.

No more than two designated Board members may ask questions of the involved member. Other Use of Force Review Board members may provide questions to the Use of Force Review Board members designated to ask questions of the involved member.

The Use of Force Review Board 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 Use of Force Review Board shall be in accordance with Fresno County Probation Department disciplinary procedures, the Personnel Complaints Policy, the current memorandum of understanding, Government Code §3303, and any applicable state or federal law.

The Use of Force Review 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.
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A recommended finding requires a majority vote of the Use of Force Review Board. The Use of Force Review 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 Use of Force Review Board chairperson shall submit the written recommendation of the Use of Force Review Board 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 Director 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.
Officer-Involved Shootings and Deaths

302.1 PURPOSE AND SCOPE
The purpose of this policy is to establish policy and procedures for reporting of incidents involving the discharge of firearms, as well as the investigation of incidents in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief Probation Officer may decide that the investigation will follow the process provided in this policy.

This policy is for internal use only and does not increase the Department’s, the County’s, or an officer’s civil or criminal liability in any way.

302.2 POLICY
The policy of the Fresno County Probation Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

302.3 TYPES OF INVESTIGATIONS
Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect’s actions.
- A criminal investigation of the involved officer’s actions.
- An administrative investigation into policy compliance by involved officers.
- A civil investigation to determine potential liability.

302.3.1 CRIMINAL INVESTIGATIONS
The Chief Probation Officer shall request that the law enforcement agency in whose jurisdiction the conduct occurred perform a criminal investigation into both the involved officer and the suspect.

302.3.2 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the Fresno County Probation Department should conduct an administrative and civil investigation of each involved officer. (See Memorandum of Understanding with Fresno County Sheriff’s Office in department’s case management system).

See attachment: FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf

302.4 INVESTIGATION PROCESS
These procedures are guidelines used in the investigation of an officer-involved shooting or death.

302.4.1 OFFICER RESPONSIBILITIES
The officer shall, as appropriate:

(a) Immediately request appropriate emergency medical services and render first aid if safe to do so.
(b) Notify a supervisor.
(c) Notify the appropriate local law enforcement agency.
(d) Request additional resources from the Department or other law enforcement agencies.

302.4.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the Fresno County Probation Department supervisor should ensure completion of the duties outlined above, plus:

(a) In the event a law enforcement investigator has not arrived, attempt to obtain a brief overview of the situation from any uninvolved officers.
   1. In the event there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
(b) Each involved Fresno County Probation Department officer should be given an administrative order not to discuss the incident with other involved officers or Fresno County Probation Department members pending further direction from a supervisor.
(c) As soon as practicable, in coordination with the supervising officer of the law enforcement investigator in charge of the criminal investigation, request that involved officers are transported (separately, if feasible) to a suitable location for further direction.
   1. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with appropriate security. At the direction of the Chief Probation Officer, the officer may be provided with a replacement weapon as soon as practicable.

302.4.3 NOTIFICATIONS
The supervisor is responsible for notification to the following persons as soon as practicable:
- Chief Probation Officer
- District Attorney
- County Counsel
- Outside agency investigators
- Psychological personnel
- Clergy, if requested
- Involved officer’s agency representative, if requested

302.4.4 INVOLVED OFFICERS
The following shall be considered for the involved officer:
(a) Any request for individual legal representation shall be accommodated.
1. Involved Fresno County Probation Department officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

(b) Discussions with licensed attorneys are considered privileged attorney-client communications.

(c) Discussions with employee groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed clinician shall be provided by the Department to each involved Fresno County Probation Department member. A licensed psychotherapist may also be provided to any other affected Fresno County Probation Department members, upon request.

1. Interviews with a licensed psychotherapist are privileged.

2. An individual interview or session with a licensed clinician may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the involved member's equipment or clothing, such as blood or fingerprints, until law enforcement investigators or lab personnel can properly retrieve it.

Each involved Fresno County Probation Department member should be given reasonable paid administrative leave after an officer-involved shooting or death. It shall be the responsibility of the Chief Probation Officer to make schedule adjustments to accommodate such leave.

302.5 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the determination as to whether criminal charges will be filed as a result of any officer-involved shooting involving injury or death.

Criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) Fresno County Probation Department supervisors shall not participate directly in any voluntary interview of Fresno County Probation Department officers by criminal investigators. This will not prohibit supervisors from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) Any voluntary statement provided by an involved officer shall be made available for any related investigation, including administrative investigations (Lybarger or
Garrity). However, no administratively coerced statement shall be provided to any criminal investigators unless the officer consents.

302.5.1 REPORTS BY INVOLVED FRESNO COUNTY PROBATION DEPARTMENT OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved Fresno County Probation Department officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved Fresno County Probation Department officer may write the report, it is generally preferred that such reports be limited to the report completed by the criminal investigators.

Nothing in this section shall be construed to deprive an involved Fresno County Probation Department officer of the right to consult with legal counsel prior to completing any such criminal report.

302.6 ADMINISTRATIVE INVESTIGATIONS

In addition to all other investigations associated with the incident, this department will conduct an internal administrative investigation of involved Fresno County Probation Department officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief Probation Officer or the authorized designee and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

(a) Any involved officer may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, or a valid subpoena issued by a court, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If further interview of the officer is deemed necessary to determine policy compliance, the inquiry shall be limited, to new areas of questioning with minimal duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information. This interview shall be conducted in accordance with the requirements of Government Code §3303.

1. If prior to or during the interview of an officer it is deemed that he or she may be charged with a criminal offense, he or she shall immediately be informed of his or her constitutional rights ((Government Code § 3303(h))).
2. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview (Government Code § 3303(d)).

3. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

4. Administrative interviews shall be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

5. The officer shall be informed of the nature of the investigation prior to any interview (Government Code § 3303(c)). If an officer refuses to answer questions, the officer shall be given Lybarger or Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

6. The officer under investigation shall be informed prior to the interview of the rank, name and command of the officer in charge of the interview, the interrogating officers, and all other persons to be present during the interview. All questions directed to the officer shall be asked by and through no more than two interrogators at a time (Government Code §3303(b)).

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

8. The assigned investigator shall compile all relevant information and reports necessary for the Chief Probation Officer to determine compliance with policies.

9. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.

10. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

302.7 AUDIO AND VIDEO RECORDINGS
Any officer involved in a shooting or death may be permitted to review any video or audio recordings prior to providing a recorded statement or completing reports if available and allowed.
Upon request, non-department witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available video or audio recordings with the approval of assigned investigators or a supervisor.

Any video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or agency counsel, as appropriate.

### 302.8 DEBRIEFING

The Fresno County Probation Department should conduct both a critical incident stress debriefing and a tactical debriefing.

#### 302.8.1 CRITICAL INCIDENT STRESS DEBRIEFING

A critical incident stress debriefing should occur as soon as practicable. The Division Director is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Any communication made during a debriefing should be taken not to release or repeated unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include those members of the Department directly involved in the incident. Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory personnel and personnel assigned to conduct administrative investigations of this incident.

#### 302.8.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief Probation Officer should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

### 302.9 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the investigating law enforcement agencies. Releases will be available to the Chief Probation Officer and assigned investigators in the event of inquiries from the media.

No involved Fresno County Probation Department officer shall comment to the media unless authorized by the Chief Probation Officer and the assigned law enforcement agency.

### 302.10 REPORTING

If the death, or shooting, of a person occurs in any incident involving an officer of the Fresno County Probation Department and qualifies to be reported to the state, the Chief Probation
Officer will ensure that the Division Director is provided with enough information to meet the reporting requirements (Government Code § 12525.2; Government Code § 12525).
Firearms

303.1 PURPOSE AND SCOPE
This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those officers who are authorized by law and the Chief Probation Officer to carry firearms.

303.2 POLICY
The Fresno County Probation Department may authorize and equip certain officers with firearms for specified duties. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided.

See Procedures Manual on Firearms for further information.

- FIREARMS PROCEDURES

303.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS
Officers may carry firearms consistent with any written authorization of the Chief Probation Officer identifying when a firearm may be carried and any limitations.

Authorized officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons, or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Chief Probation Officer. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

303.3.1 HANDGUNS
The authorized department-issued handgun is the Glock 17 9mm.

303.3.2 SHOTGUNS AND RIFLES
Armed officers are authorized to carry and/or use the shotgun issued by the Department when assigned to a special task force, as a Juvenile Correctional Officer assigned to the Transportation Unit or when specifically authorized to do so by the Chief Probation Officer or the authorized designee. Officers must have completed a shotgun course of instruction approved by the Fresno County Probation Department.
Firearms

When not deployed, shotguns and rifles shall be properly secured consistent with department training in an approved locking weapons rack/safe.

303.3.3 SHOTGUN/RIFLE DEPLOYMENT
Officers should deploy a shotgun or rifle only in circumstances when the officer can articulate a reasonable expectation that a shotgun or rifle may be needed. Officers participating on a specialized team should refer to the Task Force Policy regarding authorization for specific operations.

Examples of some general guidelines for deployment of a shotgun or rifle may include but are not limited to:

- Situations when the officer reasonably anticipates an armed encounter or an encounter with a person wearing body armor.
- Situations when an officer reasonably expects the need to meet or exceed a person's firepower or may require long-range accuracy.
- When authorized or requested by a supervisor.

See Procedures Manual on Firearms for further information.

FIREARMS PROCEDURES

303.3.4 AUTHORIZED SECONDARY HANDGUN
Officers authorized by the Chief Probation Officer or the authorized designee to carry a firearm in the performance of their duties who desire to carry a secondary handgun must receive written approval from the Chief Probation Officer or the authorized designee and are subject to the following restrictions:

(a) The handgun shall be in good working order and approved by the Chief Probation Officer or the authorized designee.
(b) Only one secondary handgun may be carried at a time.
(c) The purchase of the handgun and ammunition shall be the responsibility of the officer unless the handgun and ammunition are provided by the Department.
(d) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(e) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief Probation Officer or the authorized designee shall approve the ammunition.
(f) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
(g) Officers shall provide written notice of the make, model, color, serial number, and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.
Firearms

(h) Exceptions to this policy may only be authorized by the Chief Probation Officer or the authorized designee.

303.3.5 AMMUNITION
Officers shall carry only department-authorized ammunition. Officers shall be issued duty ammunition in the specified quantity for all department-issued firearms during the officer’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining duty ammunition in accordance with the above, at their own expense.

303.4 EQUIPMENT
Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual officer.

303.4.1 REPAIRS AND MODIFICATIONS
Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the officer’s personally owned firearm shall be done at the officer's expense and must be approved by the Rangemaster.

303.4.2 HOLSTERs
Only department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. All personally-owned holsters worn on-duty must be approved by the Rangemaster prior to use.

303.4.3 TACTICAL LIGHTS
The department-issued tactical light is considered part of the department-issued firearm and may only be removed for cleaning/maintenance purposes.

303.5 SAFE HANDLING, INSPECTION, AND STORAGE
Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Officers shall not unnecessarily display or handle any firearm.
(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice draws except as instructed by the Rangemaster or other firearms training staff.

(c) Officers shall not clean, repair, load, or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in a safe manner or by utilizing a clearing barrel.

(e) Officers shall not carry or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the facility or any part thereof when securing or processing an arrestee, but shall instead place all firearms in a secured location.

(f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm except with approval of a supervisor, or in exigent circumstances.

(g) Any department-issued firearm authorized to be carried on- or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service and a replacement firearm will be issued to the officer until the duty firearm is serviceable.

303.5.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the department vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-owned firearms not in service shall be stored in the appropriate storage room. Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate storage room.

303.5.2 STORAGE AT HOME
Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).
303.5.3 STORAGE IN VEHICLES
When leaving a handgun in an unattended vehicle, officers shall ensure that it is locked in the
trunk, or in a locked container that is placed out of view, or in a locked container that is permanently
affixed to the vehicle’s interior and not in plain view, or in a locked toolbox or utility box permanently
affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, the firearm should be locked within the
center utility console that can be locked with a padlock, keylock, combination lock, or other similar
locking device (Penal Code § 25140).

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

303.5.4 ALCOHOL AND DRUGS
Firearms shall not be carried by any officer, either on- or off-duty, who has consumed any amount
of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that
would adversely affect the officer’s senses or judgment.

303.6 FIREARMS TRAINING AND QUALIFICATION
All officers who carry a firearm while on-duty are required to successfully complete training with
their duty firearm. Officers will also qualify with duty and secondary firearms quarterly. Training
and qualifications must be on an approved range course (Penal Code § 830.5). Qualifications
shall be during on-duty hours.

At least annually, all officers carrying a firearm should receive practical training designed to
simulate field situations, including low-light shooting.

303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION
If any officer fails to attend firearms training or qualification for any reason, including injury, illness,
duty status, or scheduling conflict, that officer shall submit notification in writing to their immediate
supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify shall be provided remedial training and will
be subject to the following requirements:

(a) Additional range training may be scheduled to assist the officer in demonstrating
consistent firearm proficiency.

(b) Officers shall be given credit for a range training or qualification when obtaining a
qualifying score or meeting standards after remedial training.

(c) No range credit will be given for:
   1. Unauthorized range make-up.
   2. Failure to meet minimum standards or qualify after remedial training.
Officers who repeatedly fail to meet minimum standards will have their firearm removed, and additional training will be provided. A Rangemaster shall notify the Chief Probation Officer or the authorized designee of any officer who fails to qualify after the third attempt on the same day.

303.7 FIREARMS DISCHARGE
Except during training, any officer who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to the officer's supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the officer shall file a written report with the Division Director or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the officer shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

303.7.1 DISPATCHING OF ANIMALS
Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., presence of local law enforcement or animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

303.7.2 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe.

303.8 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster. All officers attending the range will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Training Manager after each range date.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster
has the authority to deem any department-issued or personally owned firearm unfit for service. The officer will be responsible for all repairs to the personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each officer meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the officer is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and, on a form that has been approved by the Department, a list of each officer who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, weapons inventory or other records as directed by the Training Manager.

303.9 FLYING WHILE ARMED
The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers required to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Fresno County Probation Department identification card, bearing the officer’s name, a full-face photograph, identification number, the officer’s signature, and the signature of the Chief Probation Officer or the official seal of the Department; Department-issued badges; and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver’s license, passport).

(c) The Fresno County Probation Department or the authorized designee must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Fresno County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) ail the itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer’s responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier’s check-in counter.
Firearms

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.
Handcuffing and Restraints

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

This policy does not address the handcuffing and restraint of juveniles appearing in court or those already detained in, or committed to, a local secure juvenile facility, camp, ranch, or forestry camp.

304.2 POLICY
The Fresno County Probation Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

See Procedures Manual on Handcuffing and Restraints for further information.

- HANDCUFFING AND RESTRAINTS PROCEDURES

304.3 USE OF RESTRAINTS
Only officers who have successfully completed Fresno County Probation Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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 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.

304.3.1 RESTRAINT OF DETAINEES
Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion on the detainee. Restraints should be removed as soon as it is determined that the detainee will not be arrested. When a detainee is restrained and released without arrest, a written report of the incident shall be made to document the details of the detention and need for restraints.
Handcuffing and Restraints

304.3.2 RESTRAINT OF PREGNANT PERSONS
Persons who are known to be pregnant or in recovery after delivery shall be restrained in the least restrictive manner that is effective for officer safety. Officers shall not restrain pregnant persons or persons in recovery after delivery by leg irons, waist chains, or handcuffs behind the body. Penal Code § 3407(a)

A pregnant person who is in labor, during delivery, or in recovery after delivery shall not be restrained by the wrists, ankles or both, unless a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, the officers or the public. Penal Code § 3407(b).

Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant arrestee during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary. Penal Code § 3407(c)

304.3.3 NOTIFICATIONS
Whenever an officer transports a person in restraints other than handcuffs, the officer shall inform the detention facility staff upon arrival at the facility that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the detention facility.

304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS
Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is not an absolute requirement of the Department unless required by law, other policy, or facility regulations. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person’s size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.
304.5 APPLICATION OF SPIT HOODS/MASKS
Spit hoods/masks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods/masks may be placed upon a person in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods/masks should ensure that the spit hood/mask is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person’s vision. Officers should avoid comingling those wearing spit hoods/masks with other detainees.

Spit hoods/masks should not be used in situations when the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood/mask, the spit hood/mask should be promptly removed and discarded. Persons who have been sprayed with oleoresin capiscum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood/mask.

Those who have been placed in a spit hood/mask should be continually monitored and shall not be left unattended until the spit hood/mask is removed. Spit hoods/masks shall be discarded after use.

304.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES
Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, but while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

304.7 APPLICATION OF LEG RESTRAINT DEVICES
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 leg restraints, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
Handcuffing and Restraints

(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).

304.7.1 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 shall 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).

304.8 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 handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in writing. The officer should include, as appropriate:

(a) How handcuffs were applied (e.g., double locked and gapped).

(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.

(e) Any known or suspected drug use or other medical problems.

(f) Any complaint regarding restraints being too tight and how the complaint was resolved.
Handcuffing and Restraints

304.9 TRAINING
The Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
Control Devices

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

This policy does not address the application of a control device on a juvenile who has already been detained.

305.2 POLICY
In order to control persons who are violent or who demonstrate the intent to be violent, and to reduce and minimize altercation-related injuries to officers and individuals, the Chief Probation Officer may authorize officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

See Procedures Manual on Control Devices for further information.

- CONTROL DEVICES PROCEDURES

305.3 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.

Only those members who have been authorized by the Chief Probation Officer and who have successfully completed department-approved training on this policy and 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 person who is violent or who demonstrates the intent to be violent and using the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

305.4 RESPONSIBILITIES

305.4.1 TRAINING MANAGER RESPONSIBILITIES
The Training Manager shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated, or expended control devices are properly disposed of, repaired, or replaced.

Every control device will be periodically inspected by the Training Manager or the designated instructor for a particular control device. The inspection shall be documented.
305.4.2 USER RESPONSIBILITIES
All normal maintenance, charging, or cleaning shall remain the responsibility of members using the devices.

Any damaged, inoperative, outdated, or expended control devices, along with documentation explaining the cause of the damage, shall be returned to the Training Manager for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

305.5 BATON GUIDELINES
The baton is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the person. The need to immediately control a person 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 person poses an imminent threat of serious bodily injury or death to self or others.

When carrying a baton, officers shall carry the baton in its authorized holder.

305.6 OLEORESIN CAPSICUM GUIDELINES
As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control a person engaging in, or about to engage in, violent behavior. OC spray should not be used against persons who do not reasonably appear to present a risk to the safety of department members or the public.

Members carrying the OC spray shall carry the device in a department-approved manner.

305.6.1 TREATMENT FOR 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 who complain of further severe effects shall be examined by appropriate medical personnel.

305.7 POST-APPLICATION NOTICE
Whenever OC has been introduced into a residence, building interior, vehicle, or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner’s expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

305.8 TRAINING FOR CONTROL DEVICES
The Training Manager shall ensure that those members 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.
Control Devices

(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 member’s training file.

(c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

305.9 REPORTING USE OF CONTROL DEVICES
Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
Foot Pursuits

306.1 POLICY
Department policy is that officers shall avoid foot pursuits, unless specific and articulable exigent circumstances exist that render the pursuit necessary to ensure the safety of officers or the public. Mere flight by a person suspected of a probation violation, violation of a term of supervision, or criminal activity shall not serve as the sole justification to engage in a foot pursuit.

306.1.1 DEFINITIONS
Foot Pursuit - A foot pursuit is an attempt by an officer to follow or track on foot, a fleeing person attempting to avoid apprehension. Any additional terminology that generally describes a foot pursuit (i.e. “chasing to follow”) shall be subject to the following procedures set forth in this policy.

306.2 EXIGENT CIRCUMSTANCES
Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened awareness. When there are specific and articulable exigent circumstances that immediately threaten the safety of officers or the public, it may be necessary to pursue a person on foot. The safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Any officer who engages in a foot pursuit should be in attire that clearly identifies the officer as a probation/peace officer. Officers should consider reasonable alternatives to foot pursuits whenever possible.

Reasonable alternatives may include, but are not limited to, the following:

(a) Apprehension at another time when additional information is available
(b) Containment of the area
(c) Requesting assistance from law enforcement agencies
(d) Saturation of the area with additional officers

Once a foot pursuit is initiated, it is the pursuing officer’s duty and responsibility to constantly conduct an on-going assessment as to whether it is reasonable to continue the foot pursuit. Early radio communication is essential from the involved officers so that adequate resources can be coordinated and deployed.

Once a foot pursuit has been initiated the following information needs to be broadcasted:

(a) Call sign
(b) Location and direction of travel
(c) Reason for the foot pursuit
(d) Number of person(s) and description
(e) Whether the person is known to be armed
Foot Pursuits

Officers should be mindful that radio transmissions may be difficult to understand and may need to be repeated. Once a foot pursuit terminates, the officer shall notify dispatch of their location and the status of the pursuit (i.e. person in custody, lost sight).

Involved officer(s) should consider their own abilities, experience, training, the uncertainty of their direction of travel, and/or physical limitations when determining if a pursuit is reasonable and warranted. The safety of the officer(s) involved and the safety of the public shall be paramount to any other objective.

306.3 TERMINATING FOOT PURSUITS
Justified foot pursuits should be immediately terminated if the pursuing officer loses visual of the person or if the pursuing officer is acting alone. Foot pursuits shall be terminated as directed by an acting supervisor or ranking officer, or if radio communication is not available. There are many other reasons justifying the termination of a foot pursuit, and this statement is not all-inclusive.

306.4 EXCLUSIONS

306.4.1 LINE OF SIGHT APPREHENSION
This policy does not restrict officers from apprehending persons that are within the officer’s line of sight, when the officer reasonably believes the person can immediately be detained in a manner that does not expose the arresting officer(s) or the public to unnecessary danger. Officer(s) should consider the following: seriousness of the incident; nature of the violation or offense; history of the person; potential jeopardy to involved officer(s), the person and the public; availability of necessary tools and resources; and the abilities of the officer(s), experience, training, and/or physical limitations.

306.4.2 APPREHENSION WITHIN CONTAINED PERIMETER
This policy does not restrict officers from apprehending persons that are within an established containment zone. Whenever possible, a perimeter should be established to prevent a person from fleeing the contained area. An ideal perimeter ensures that officers have visual contact with the target area and the ability to communicate with assisting officers at all times.

When determining whether it is necessary to prevent a person from fleeing an established perimeter, officer(s) should consider the following: seriousness of the incident; nature of the violation or offense; history of the person; potential jeopardy to the involved officer(s), partners, the person and the public; the availability of necessary tools and resources; and the abilities of the officer(s), experience, training, and/or physical limitations.

306.5 SPECIALITY ASSIGNMENT
Officers in specialty assignments as designated by the Chief Probation Officer or the authorized designee are authorized to engage in foot pursuits in the course of their assignment whenever it is reasonably necessary to assist other peace officers or to achieve a directive or objective related to their assignment. The safety of department personnel and the public should be the primary
consideration when determining whether a foot pursuit should be initiated or continued. Officers should consider reasonable alternatives to foot pursuits whenever possible.

306.6 MUTUAL AID
This policy does not restrict officers from assisting law enforcement/peace officers in foot pursuits when summoned during an emergency situation. Situations may arise in which immediate assistance is requested by another peace officer, and at the time of the request, the reasons for the initiation of the foot pursuit may not be known. Assisting officers shall only assist when based on the facts and circumstances known to them at the time, they believe it reasonably necessary to provide assistance. Foot pursuits should be immediately terminated if the pursuing officer is acting alone.

306.7 REPORTING
Any officer who initiates or participates in a foot pursuit shall contact their Division Director, Probation Services Manager, or Supervisor as soon as practical following the incident and provide a verbal report. The initiating officer shall follow-up with an Incident Report in a timely manner, to their Division Director, Probation Services Manager, or Supervisor.

At minimum the Incident Report shall include:

(a) The reason for initiating the foot pursuit
(b) The identity of involved personnel
(c) The course and approximate distance of the pursuit
(d) Whether a person was apprehended as well as the means and methods used (any force used shall be documented accordingly
(e) Any injuries or property damage

Assisting officers shall follow-up with a verbal report and any necessary supplemental reports as required by their Division Director, Probation Services Manager, or Supervisor.

306.8 EXCEPTIONS
The Chief Probation Officer or the authorized designee may for good cause, make exceptions to this policy in writing.
Search and Seizure

307.1 PURPOSE AND SCOPE
Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Fresno County Probation Department officers to consider when dealing with search and seizure issues.

307.2 POLICY
It is the policy of the Fresno County Probation Department to respect the fundamental privacy rights of persons. Officers of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards, and prosecutorial considerations regarding specific search and seizure situations.

See Procedures Manual on Search and Seizure for further information.

• SEARCH AND SEIZURE PROCEDURES

307.3 SEARCHES GENERALLY
The U.S. Constitution generally provides that a valid search warrant, executed by a neutral magistrate, is required in order for a search to be valid. There are, however, several exceptions to the rule which permit a warrantless search under certain specific circumstances.

Examples of probation supervision activities that are exceptions to the general warrant requirement include but are not limited to searches pursuant to:

• Authorization under the terms or conditions of a person’s release or supervision or by statute.
• Valid consent.
• Incident to a lawful arrest.
• Vehicle searches under certain circumstances (e.g. motor vehicle exception).
• Exigent circumstances (for example, when the officers may in good faith believe they or someone within are in peril of bodily harm, or that the person to be arrested is fleeing, or attempting to destroy evidence, Miller v. U.S., 357 U.C.301, 78 S.Ct.1190, (1958).

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property on open public areas.
Search and Seizure

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each officer of this department is expected to act in each situation according to current training and the officer’s familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

307.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, these guidelines should be followed whenever circumstances permit:

(a) Officers of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. When practicable, property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, these guidelines should be followed:
    1. Another officer or a supervisor should witness the search.
    2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

307.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient, including, at a minimum, documentation of:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search, including a description of any property or contraband seized.
Search and Seizure

• If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

If a report is deemed necessary, supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.
Canines

308.1 PURPOSE AND SCOPE
This policy establishes guidelines for the use of canines to augment services in the community, including but not limited to locating narcotics and related contraband.

308.2 POLICY
It is the policy of the Fresno County Probation Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

See Procedures Manual on Canines for further information.

- CANINE PROCEDURES

308.3 ASSIGNMENT
Canine teams should be assigned to assist and supplement the department to function primarily in assist or cover assignments, field operations, agency assists, and institutional support based on the current operational needs.

Canine teams generally should not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Division Director.

308.4 CANINE SUPERVISOR
The canine supervisor shall be appointed by and directly responsible to the Division Director or the authorized designee.

The responsibilities of the canine supervisor include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining a liaison with the vendor kennel, if applicable.
(c) Maintaining a liaison with other department supervisors.
(d) Maintaining a liaison with other agency canine coordinators when needed.
(e) Maintaining accurate records to document canine activities.
(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
(g) Scheduling all canine-related activities.
(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
(i) Ensure that canine vehicles and all related equipment are in good working order and that necessary repairs or replacements are made.
308.5 REQUESTS FOR CANINE TEAMS
Members are encouraged to request the use of a canine. The canine team can be arranged by contacting the canine handler directly or through the canine supervisor.

308.5.1 OUTSIDE AGENCY REQUEST
When possible, all requests for canine assistance from outside agencies should be approved by the supervisor, and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment the handler deems unsuitable.

(c) Calling out off-duty canine teams requires supervisor approval.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

308.5.2 PUBLIC DEMONSTRATION
All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

308.6 REPORTING DEPLOYMENTS, BITES AND INJURIES
Whenever a canine deployment results in a bite, or causes injury to an intended suspect, a supervisor should be promptly notified, and the injuries documented in a critical incident evaluation report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the canine supervisor. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed, and the time for any related civil proceeding has expired.

308.7 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:
Canines

(a) An officer who has completed their probationary period of employment.
(b) Residing in an adequately fenced, single-family residence (with supervisor-approved fencing and locking gates).
(c) Having a garage that can be secured and can accommodate a canine vehicle.
(d) Proximity to work environment may be considered when selecting a canine handler.
(e) Agreeing to be assigned to the position for a minimum of at least five years.

308.7.1 NARCOTIC DETECTION
A canine trained in the detection of narcotic odor may be used in accordance with current law, and under certain circumstances, including:

(a) The search of residences, vehicles, buildings, bags, and other articles.
(b) Assisting during probation searches and search warrant service.
(c) Obtaining a search warrant by using the narcotic-detection trained canine in support of probable cause.

A narcotic-detection trained canine should not be directed to sniff a person.

308.8 HANDLER RESPONSIBILITIES
The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
(b) The handler shall maintain all Department equipment under the handler's control in a clean and serviceable condition.
(c) When not in service, the handler should maintain the canine vehicle in a locked garage, away from public view.
(d) Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their homes and their canine vehicles, to verify that conditions and equipment conform to this policy. When requested, handlers shall provide a canine supervisor with any keys or codes necessary to access any area subject to inspection.
(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine supervisor as soon as possible.
(f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
Canines

(g) The canine should be permitted to socialize in the home with the handler’s family for short periods of time only and under the direct supervision of the handler. The canine shall not be left unattended with children.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or Division Director.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor or Division Director.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.

(k) Providing for 24 hour a day call-out service to probation staff and other law enforcement agencies when directed or approved by the canine team supervisor or the authorized designee.

(l) Rendering assistance to outside agencies upon approval of the supervisor or designee.

(m) Participating in public relations, such as demonstrations and activities within the community.

(n) Provide for timely back-up and assistance requests from probation personnel.

308.8.1 CANINE IN PUBLIC AREAS
The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

308.9 HANDLER COMPENSATION
The canine handler shall be available for call-out under conditions specified by the canine supervisor.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding and the County (29 USC § 207).
308.10 CANINE INJURY AND MEDICAL CARE
If a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine supervisor or Division Director as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler’s personnel file.

308.11 TRAINING
Before assignment in the field, each canine team shall be trained and certified. Canine teams or those canine teams trained exclusively for the detection of narcotics also shall be trained and certified to meet current POST and/or California Narcotic Canine Association (CNCA) guidelines, nationally recognized standards, or other recognized and approved certification standards established for their particular skills.

All canine training shall be conducted while on-duty unless otherwise approved by the canine supervisor or Division Director.

Training is crucial to the effectiveness of the canine team and ensures field readiness of the handlers and their canines, and mitigates liability. Canine team training shall be paramount to all other duties that the canine handler might have.

308.11.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive 16 hours of training monthly as defined by POST and/or CNCA guidelines in addition to training identified in the current contract with the Fresno County Probation Department canine training provider, if applicable.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor may train to a standard not reviewed and approved by the department.

308.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING
Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler may be assigned additional duties.

308.11.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler’s office.
308.11.4 TRAINING AIDS
Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with applicable federal and state requirements. Alternatively, the Fresno County Probation Department may work with outside trainers with the applicable licenses or permits.

308.11.5 CONTROLLED SUBSTANCE TRAINING AIDS
Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health and Safety Code § 11367.5).

The Chief Probation Officer or the authorized designee may authorize an officer to seek a court order to allow controlled substances seized by the Fresno County Probation Department to be possessed by the member or a narcotic-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief Probation Officer or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled substances.

308.11.6 CONTROLLED SUBSTANCE PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the danger of the accidental ingestion of these controlled substances by the canine or children:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times except during training. The locked cases shall be secured in the trunk of the canine handler’s assigned vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
(g) Any unusable controlled substance training samples shall be returned to the Property and Evidene room for appropriate destruction.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

308.12 RETIREMENT OF THE CANINE

(a) The determination of the suitability for service shall be made by the Canine Team supervisor and director, in conjunction with the input from the handler, trainer and the veterinarian. Some factors to be considered, but not limited to, will be:

1. The present performance and level of the canine.
2. The length of time which the canine can be expected to remain serviceable.
3. The canine’s health.

(a) If the determination has been made to retire a canine from service, the handler presently assigned to the canine will be given the opportunity to assume ownership and liability of the canine. If the present handler does not desire to assume ownership of the canine, and the canine has had a previous handler, that handler should be given the opportunity to assume ownership. Ownership of the canine may be transferred to another party if the above-mentioned alternatives are not available. It is preferable that the considered party have canine training experience.

(b) The transfer of ownership of the canine does not include any equipment other than the installed kennel at the handler’s residence, unless approved by the Canine Team supervisor or director.

(c) Upon assuming ownership of the canine, the new owner will sign the Fresno County Assumption of Risk, Release of Liability, and Defense and Indemnification Agreement, or other related forms. The handler or new owner will present, with the release form, a personal check payable to the County of Fresno in an appropriate amount.

(d) The canine will now be the sole responsibility of the purchasing party, and he/she will assume all liability for the actions of the canine from that point on. The County will have no responsibility for the care and maintenance of the canine once ownership has been transferred from the County.

(e) The County will provide for the burial of all active duty probation canines. Canines will be interned at a place designated by the County.
Mandatory Reporting

309.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for abuse notification to the appropriate social services entities and local law enforcement in the case of encountered, reported, or suspected abuse.

This policy also addresses documentation specific to the discovery of abuse.

309.2 POLICY
It is the policy of the Fresno County Probation Department to ensure documentation and abuse notification to the proper entity, as may be required by law, in the case of encountered, reported, or suspected abuse.


- MANDATORY REPORTING PROCEDURES

309.3 CHILD ABUSE

309.3.1 NOTIFICATION
Members of this department who are mandated reporters of child abuse pursuant to Penal Code § 11165.7 shall notify law enforcement or the County Welfare Office (Department of Social Services) when the member has knowledge of or observes a child who the member knows or reasonably suspects has been the victim of child abuse or neglect (Penal Code § 11165.9; Penal Code § 11166).

When the Fresno County Probation Department receives a report of abuse or neglect, notification shall be made to the law enforcement agency having jurisdiction and the County Welfare Office. The District Attorney’s office shall also be notified in all instances of known or suspected child abuse or neglect reported to the Fresno County Probation Department (Penal Code § 11166) except for situations below:

(a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child, (Penal Code § 11165.2), shall be reported to the County Welfare Office (Penal Code § 11166(j)(1).

(b) A report of a positive toxicology screen at the time of the delivery of an infant, unless there is an indication of maternal substance abuse, shall only be reported to the County Welfare Office pursuant to Penal Code § 11165.13.

(c) A report based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent’s substance abuse shall only be made to a county welfare department (Penal Code 11165.13).
When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person (Penal Code § 11165.6); sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); willful harm or injury to a child or endangering the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer (Penal Code 11165.6).

309.3.2 NOTIFICATION PROCEDURE
Notification should occur as follows (Penal Code § 11166):

(a) When the member is making an initial notification:
   1. Notification shall be made immediately, or as soon as practicable, by telephone.
   2. A written follow-up mandated report (Suspected Child Abuse Report) shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.

(b) When the Fresno County Probation Department is making notification:
   1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
   2. A written report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
   3. For cases involving the commercial sexual exploitation of a child who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over a case.
   4. For cases involving a child who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children.

309.3.3 EMERGENCY REMOVAL
An officer may take temporary custody of a minor without a warrant when the officer reasonably believes that the minor (Welfare and Institutions Code § 300; Welfare and Institutions Code § 305):

(a) Is in immediate need of medical care.
(b) Is in immediate danger of physical or sexual abuse.
Mandatory Reporting

(c) Is in a physical environment that poses an immediate threat to the minor’s health or safety.

(d) The minor is left unattended, posing an immediate threat to the minor’s health or safety.
   1. Officers shall attempt to contact the parent or guardian to take custody of the unattended child.
   2. If contact with the parent or guardian of the unattended minor cannot be made, the County Welfare Office shall be contacted to assume custody of the minor.

(e) The minor is in the hospital and release to the parent poses an immediate threat to the minor’s health or safety.

(f) The minor is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.

(g) That the minor has left any placement ordered by the juvenile court.

(h) Requires medical or other care after having been found suffering from injury or sickness in a public place.

309.4 ELDERS AND ADULT DEPENDENT ABUSE

309.4.1 NOTIFICATION
Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall notify the county adult protective services agency when the member reasonably suspects, has observed, or has knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the individual has experienced abuse.

For purposes of notification, a dependent adult is an individual between 18 and 64 years of age who has physical or mental limitations that restrict the ability to carry out normal activities or to protect the person’s rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering, financial abuse, or neglect (Welfare and Institutions Code § 15610.07). Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

Because additional notifications may also be required, depending on where the alleged abuse occurred, the supervisor is responsible for ensuring that proper notifications are made to the District Attorney’s Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) (Welfare and Institutions Code § 15630).
Mandatory Reporting

309.4.2 NOTIFICATION PROCEDURE
Notification should occur as follows (Welfare and Institutions Code § 15630):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.

(b) A written report of Suspected Abuse of Dependent Adults and Elder Form shall be forwarded within two working days.

309.5 DOCUMENTATION
In all encountered, reported, or suspected cases of abuse, members shall, after making the notifications above, document the notification and the circumstances surrounding discovery of the abuse. It will be forwarded to a supervisor and the Division Director.

309.6 CONFIDENTIALITY OF REPORTS
Information related to incidents of abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 11167.5; Welfare and Institutions Code § 15633).
Information Technology Use

311.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software, and systems.

See Procedures Manual on Information Technology Use for further information.

• INFORMATION TECHNOLOGY USE PROCEDURES

311.1.1 DEFINITIONS
Definitions related to this policy include:

Computer system - Includes all computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Fresno County Probation Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

311.2 POLICY
It is the policy of the Fresno County Probation Department that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

311.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a
database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct or member violation of applicable laws and regulations, provided that the social media is used solely for purposes of that investigation or a related proceeding (Labor Code § 980).

311.4 RESTRICTED USE
Members shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to their supervisor.

Members shall not use another person’s access passwords, login information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

311.4.1 SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer. Any files or software that a member finds necessary to install on department computers or networks shall be installed only with the approval of department information systems technology (IT) staff and only after being properly scanned for malicious attachments.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief Probation Officer or the authorized designee.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or County-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.
Information Technology Use

311.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

311.4.3 INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

311.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

311.5 PROTECTION OF SYSTEMS AND FILES
All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, login information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.
311.6 INSPECTION AND REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

311.7 SECURITY OF DATA
The Chief Probation Officer will select a member of the Department to oversee the security of data.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.
(b) Ensuring federal and state compliance with the Criminal Justice Information Services Security Policy and the requirements of any state or local criminal history records systems.
(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.

Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.
Department Use of Social Media

312.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a compliance monitoring (see the Compliance Monitoring Policy).

312.1.1 DEFINITIONS
Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

312.2 POLICY
The Fresno County Probation Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

312.3 AUTHORIZED USERS
Only members authorized by the Chief Probation Officer or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief Probation Officer may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by the Chief Probation Officer or the authorized designee prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

312.4 AUTHORIZED CONTENT
Only content that is appropriate for public release, which supports the department mission, and which conforms to all department policies regarding the release of information may be posted.
Department Use of Social Media

Examples of appropriate content include:

(a) Announcements.
(b) Tips and information related to crime prevention.
(c) Investigative requests for information.
(d) Requests that ask the community to engage in projects that are relevant to the department mission.
(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
(f) Traffic information.
(g) Media releases.
(h) Recruitment of personnel.
(i) Community engagement events
(j) Recognitions
(k) Information related to enforcement, and programming events.

312.4.1 INCIDENT-SPECIFIC USE
In instances of active incidents where speed, accuracy, and frequent updates are paramount, the Chief Probation Officer or the authorized designee will be responsible for the compilation of information to be released. (see Media Relations Policy),

312.5 PROHIBITED CONTENT
Content that is prohibited from posting includes but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
(c) Any information that could compromise an investigation.
(d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Fresno County Probation Department or its members.
(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, persons, or the public.
(f) Any content posted for personal use.
(g) Any content that has not been properly authorized by this policy or a supervisor.
(h) A juvenile (picture, name, etc.) without parental/guardian consent.

Any member who becomes aware of content on this department’s social media site that the member believes is unauthorized or inappropriate should promptly report such content to a
supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

312.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.

312.6 MONITORING CONTENT
The Chief Probation Officer will appoint a supervisor to review the use of department social media account(s).

312.7 RETENTION OF RECORDS
The Chief Probation Officer will appoint a supervisor to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

312.8 TRAINING
Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on department sites.
Media Relations

314.1 PURPOSE AND SCOPE
This policy provides guidelines for the release of official department information to the media.

314.2 POLICY
It is the policy of the Fresno County Probation Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect inter- or intra-agency investigations will not be released, except as required by law.

314.3 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer. In situations not warranting immediate notice to the Chief Probation Officer and in situations where the Chief Probation Officer has given prior approval, designated supervisors and the designated Public Information Officer (PIO) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

314.4 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of department members and other persons, advance information about planned actions by probation personnel, such as movement of persons in custody or the execution of an arrest or search warrant, shall not be disclosed to the media, nor shall media representatives be invited to be present at such actions except with the prior approval of the Chief Probation Officer.

Any exceptions to the above should only be considered for the furtherance of legitimate probation purposes. Prior to approving any exception, the Chief Probation Officer will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

314.5 MEDIA REQUESTS
Any media request for information or access to department members shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
(c) Under no circumstance shall any member of this department make any comment to the media regarding any probation incident not involving this department without prior approval of the Chief Probation Officer. Under these circumstances the member shall direct the media to the agency handling the incident.

314.6 CONFIDENTIAL OR RESTRICTED INFORMATION
It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media. When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

314.6.1 EMPLOYEE INFORMATION
The identities of officers involved in shootings or other critical incidents may only be released to the media upon the written consent of each involved officer, or upon a formal request filed. Any requests for copies of related reports or additional information shall be referred to the PIO. Requests shall be reviewed and fulfilled by the Custodian of Records or, if unavailable, the Chief Probation Officer or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., California Public Records Act).

314.7 RELEASE OF INFORMATION
The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects or persons with warrants. This information may also be released through the department website or other electronic data sources.
Outside Agency Assistance

316.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or assistance from a law enforcement agency.

316.2 POLICY
It is the policy of the Fresno County Probation Department to respond to requests for mutual aid or assistance by law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department. Pre-planned operations with multiple law enforcement agencies shall be approved by the Chief Probation Officer or the authorized designee.

316.3 ASSISTING OUTSIDE AGENCIES
Mutual aid or assistance may be provided by this department when a law enforcement agency requests assistance. The Division Director may authorize an appropriate number of available officers to assist. Officers rendering assistance shall comply with applicable laws and the policies of this department.

Officers who respond to a request for assistance shall notify a supervisor of their activity as soon as practicable.

316.3.1 EMERGENCY ASSISTANCE
Officers should not respond to any emergency calls except as authorized in this policy. If an officer believes that an emergency response is required in any other situation, the officer should immediately request a response by local law enforcement.

316.4 REQUESTING OUTSIDE ASSISTANCE
If assistance is needed from an outside agency, the officer requesting assistance should, if practicable, first notify a supervisor. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

316.5 REPORTING REQUIREMENTS
Incidents of outside assistance shall be documented in a general case report or as directed by the Division Director.

316.6 SHARED EQUIPMENT AND SUPPLIES
A plan should be prepared by the Administrative Services Division Director or the authorized designee regarding equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies.
The plan should include:

(a) An itemization of the equipment.
(b) The conditions relative to sharing.
(c) The training requirements for:
   1. The use of the equipment and supplies.
   2. The members trained in the use of the equipment and supplies.
(d) Any other requirements for use of the equipment and supplies.

Copies of the plan should be provided to the Division Director to ensure use of the equipment and supplies complies with the sharing agreements.

The Training Manager should see that appropriate members have received the required training on the plan.
Child and Dependent Adult Safety

321.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are provided appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult abuse investigation. These are covered in the Mandatory Reporting Policy and Procedures.

321.2 POLICY
It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children and dependent adults may have when their parent or caregiver is arrested. The Fresno County Probation Department will endeavor to create a strong, cooperative relationship with local, state, and community-based social services agencies to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

321.3 PROCEDURES DURING AN ARREST
When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the person has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider asking witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of a child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that appropriate care will be provided.
321.3.1 AFTER AN ARREST
Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases, the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
   1. Officers should consider allowing the person to use the person’s phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence that it would not be in the child or dependent adult's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends who the child or dependent adult knows and trusts because familiarity with surroundings and consideration for comfort, emotional state, and safety are important.
   1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Adult Protective Services, if appropriate.

(e) Notify the supervisor or Division Director of the disposition of children or dependent adults.

(f) Local records check of adult that will be responsible to care for the child if not the parent, guardian, or primary caregiver.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer shall contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

321.3.2 DURING THE BOOKING PROCESS
During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents...
reasonable accommodations for making necessary calls), a supervisor should be contacted to
determine the appropriate steps to arrange for care. These steps may include additional telephone
calls or contacting a local, county, or state services agency.

321.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting
member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where, and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the
reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether the person reasonably appears able to engage in self-care
5. Disposition or placement information if the person is unable to engage in self-care

321.3.4 SUPPORT AND COUNSELING REFERRAL

If the handling officers believe the child or dependent adult would benefit from additional
assistance, such as counseling services, contact with a victim advocate, or a crisis response
telephone number, they should provide appropriate referral information.

321.3.5 SELF-SURRENDER

If an officer allows a person to self-surrender, the officer should, where practicable, allow the
arrestee reasonable time to arrange for care of children and dependent adults. Temporary
placement with family or friends may be appropriate.

321.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any
child or dependent adult, the handling officer should contact the appropriate welfare service
or other department-approved social service agency to determine whether protective custody
is appropriate.
**Child and Dependent Adult Safety**

Only when other reasonable options are exhausted should a child or dependent adult be transported to the Probation facility, transported in accordance with child safety laws in a marked law enforcement vehicle, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

**321.5 TRAINING**

The Training Manager is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian, or caregiver is arrested.
Service Animals

322.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

322.1.1 DEFINITIONS
Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks to benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

322.2 POLICY
It is the policy of the Fresno County Probation Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

322.3 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including, but not limited to:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
Service Animals

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.
- Alerting and assisting a person during a seizure.
- Alerting persons to the presence of allergens.

322.4 MEMBER RESPONSIBILITIES
Service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Fresno County Probation Department affords to all members of the public (28 CFR 35.136).

322.4.1 INQUIRY
If it is apparent or if a member knows that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What work or task has the service animal been trained to perform?

If the person explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The person should not be questioned about the disability nor should the person be asked to provide any license, certification, or identification card for the service animal.

322.4.2 CONTACT
Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

322.4.3 REMOVAL
If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services.
Service Animals

that are reasonably available to an individual with a disability, with or without a service animal (28 CFR 35.136(c)).
Off-Duty Law Enforcement Actions

324.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for officers of the Fresno County Probation Department with respect to taking law enforcement action while off-duty.

324.2 POLICY
It is the policy of the Fresno County Probation Department that officers generally should not exercise their authority while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider recording the activity for the purpose of completing a report to be forwarded at a later time. However, any officer with authority to arrest who becomes aware of an incident or circumstance that the officer reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

324.3 DECISION TO INTERVENE (OFFICERS)
There is no legal requirement for off-duty probation officers to exercise their authority. Officers should wait for on-duty uniformed law enforcement personnel to arrive instead of immediately taking action and, while waiting, gather as much information as possible. However, if an officer does take action, the officer must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The potential to be misidentified by other law enforcement personnel.
(b) The potential to be misidentified by members of the public, who may be armed or who may take action.
(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
(d) Limited off-duty firearms capabilities and ammunition.
(e) The inability to communicate with responding law enforcement personnel.
(f) The lack of equipment, such as body armor, handcuffs, or control devices.
(g) Unfamiliarity with the surroundings, including escape routes.
(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

324.3.1 INTERVENTION PROCEDURE
If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance and give the dispatcher a description of the off-duty probation officer for broadcast to responding law enforcement personnel.

Whenever practicable, the officer should loudly and repeatedly identify as an officer with the Fresno County Probation Department until acknowledged. Official identification should also be displayed when possible.
324.4 NON-OFFICER RESPONSIBILITIES
Members who are not officers should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

324.4.1 INCIDENTS OF PERSONAL INTEREST
Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, members should call the responsible law enforcement agency to handle the matter.

324.5 REPORTING
If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify a supervisor regarding any law enforcement action taken as a probation officer while off-duty. The supervisor may respond to the location.

The supervisor shall determine whether a crime report or an administrative report should be completed by the involved officer.
Community Relations

325.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Suspicious Activity Reporting Policy.

325.2 POLICY
It is the policy of the Fresno County Probation Department to promote positive relationships between Department members and the community. This is accomplished by treating community members with dignity and respect, engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

See Procedures Manual on Community Relations for further information.

325.3 MEMBER RESPONSIBILITIES
Members should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses, community treatment programs, service providers, and faith-based organizations.

(c) Work with community members and the community engagement committee to identify issues and attempt to address problems related to community relations and public safety.

(d) Members who desire authorization to represent the department in community activities during working hours or after normal work hours must obtain approval from their supervisor.

325.4 COMMUNITY ENGAGEMENT COMMITTEE
The community engagement committee will report directly to the Division Director responsible for oversight of the community engagement committee and is responsible for:

(a) Responding to requests from members and the community for assistance in identifying issues and solving problems related to community relations.

(b) Working with community groups, members, and other community resources:
1. Organizing programs and activities that help build positive relationships between members and the community and providing community with an improved understanding of department operations.

   (c) Working with all of the divisions to develop opportunities that allow members the time to participate in community engagement activities.

   (d) Recognizing Department and community for exceptional work or performance in community relations efforts.

   (e) Attending community meetings to obtain information on community relations needs.

   (f) Informing the Chief Probation Officer or the authorized designee and others of developments and needs related to the furtherance of the Department’s community relations goals, as appropriate.

325.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations committee should organize or assist with programs and activities that create opportunities for members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

   (a) Probation-community get-togethers (e.g., cookouts, meals, charity events).

   (b) Youth leadership and life skills mentoring.

325.6 INFORMATION SHARING

The community engagement committee should work with the department and County Public Information Officers to develop methods and procedures for the sharing of information between the Department and community. Examples of information-sharing methods include:

   (a) Community meetings.

   (b) Social media (see the Department Use of Social Media Policy).

   (c) Department website postings.

   (d) Media outlets (e.g., television, radio, periodicals)

Information should be regularly refreshed to inform and engage the community continuously.

325.7 PROBATION DEPARTMENT OPERATIONS EDUCATION

The community engagement committee should develop methods to educate the community on general probation Department operations. Examples of educational methods include:

   (a) Development and distribution of informational cards/flyers.

   (b) Department website postings.

   (c) Presentations to schools and community organizations.

   (d) Department ride-alongs (see the Ride-Alongs Policy).

   (e) Student internships at the Department.
Critical Incident Review and Notification

326.1 PURPOSE AND SCOPE
The purpose of this policy is to provide consistent and complete review of the circumstances surrounding critical incidents to ensure that its members(s) used appropriate techniques and acted within the law and department policy, to identify training needs or necessary changes to enhance the safety of members, to ensure that members have the knowledge and skills to properly handle the incidents they encounter, and to reduce the number of future incidents, if possible.

326.2 POLICY
It shall be the policy of the Fresno County Probation Department to investigate and review the following incidents from a Critical Incident perspective.

   (a) Use of Force: Chemical agents, bodily force and impact weapons used on another person (Use of Force Evaluation Report).

   (b) Forcible Entry: Any forced entry into a premises or building when there is refusal by the occupants (see Search and Seizure procedures). (Use Forcible Entry Evaluation Report).

   (c) Major Injury While on Scene: Any incident in which a person requires emergency medical treatment for any injury occurring while Probation Department personnel were on-scene, and the injury or need for medical treatment was not due to forcible entry or use of force by an officer (Use Major Injury Evaluation Report).

   (d) Injury Caused by Probation Department Personnel: Any injury directly or indirectly caused by Probation Department member (Use Major Injury Evaluation Report).

   (e) Injury Caused by Probation Department Canine: Any injury directly or indirectly caused by a canine while on or off-duty. This includes accidental or intentional bites on any person or animal, or any other type of injury resulting from an action by the canine (Use Canine Evaluation Report)

   (f) Where the Chief Probation Officer or the authorized designee determines it is necessary.

326.3 PROCEDURE

326.3.1 MEMBER
It shall be the responsibility of the member(s) involved in an occurrence, which may be considered a critical incident, to immediately notify their supervisor. The member involved shall document the incident in an Incident Report and prepare any required supplemental reports. However, there may be times when a member will be interviewed by law enforcement regarding a critical incident via an electronic device, which may constitute their written report.
326.3.2 SUPERVISOR/PROBATION SERVICES MANAGER (PSM)
The Supervisor/PSM shall respond to the scene of all critical incidents reported. The supervisor shall assess the incident, conduct an investigation ensuring that any witnesses to the incident are interviewed, and that all evidence is collected and retained. The Supervisor/PSM shall prepare a Critical Incident Investigation/Review Report, using the appropriate report form and the appropriate supplementary evaluation report for the type of incident subject to review. The Supervisor/PSM shall provide an Executive Council member with the following information: case number, date of occurrence, name of Supervisor/PSM, names of members involved, and the type of critical incident.

The Critical Incident Investigation/Review Report shall include applicable laws, department policies, and techniques specific to the incident, as well as an assessment of whether the member(s) acted within the law, and policy, and used appropriate techniques. The Supervisor/PSM shall also identify any training issues, and recommend when appropriate any training needs. When appropriate, Supervisor/PSM shall document whether the training needs were addressed with the involved member(s).

The Supervisor/PSM shall gather all reports related to the incident, including those prepared by any other agency(s) and submit them to the appropriate Division Director.

The Critical Incident Investigation/Review Report shall not include disciplinary recommendations.

326.3.3 DIVISION DIRECTOR
The Division Director shall gather all reports related to the incident, including those of other agency(s) if made available.

The Division Director shall review the Critical Incident Investigation/Review Report for completeness, accuracy, and consistency, and determine if actions taken were within policy.

The Division Director shall ensure that witnesses to the incident were interviewed, evidence was collected and retained, appropriate photos were taken, and appropriate tapes, radio, audio, or video, are preserved. The Division Director shall identify all training needs as part of the review process, if applicable, and make other non-disciplinary recommendations deemed appropriate.

The Division Director shall document the review on the appropriate Critical Incident Review Evaluation forms, and include if and how identified training needs have been satisfied at the Division level. Upon completion, the review package shall be forwarded by the Division Director to the Chief Probation Officer as soon as possible.
Chapter 4 - Intake, Orientation, and Supervision
Risk and Needs Assessments

401.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines for the selection and administration of risk and needs assessment tools (RNAs) and the use of resulting information.

401.2 POLICY
It is the policy of the Department to use RNAs fairly, properly, and consistently to assist in making informed decisions regarding a person's levels of risk, intervention strategies, treatment, and supervision.

401.3 AGENCY RNA SELECTION
The Chief Probation Officer or the authorized designee is responsible for:

(a) Identifying and approving any RNAs to be used by officers considering state or other jurisdictional requirements.
   1. Any/All State-Authorized Risk Assessment Tools used for the evaluation of Sex Offenders (SARATSO) (Penal Code § 290.04).
   2. All other RNAs to be used by Department members.

(b) Creating and maintaining procedures for the administration of RNAs, including but not limited to:
   1. Procedures to collect initial and updated information.
   2. Reassessments based on a person's life changes or other dynamic risk factors.

(c) Periodically reviewing assessments and results to identify any training or RNA adjustments or improvements.

(d) Working with other agencies and entities, including courts, prosecutors, treatment providers, and other providers, to facilitate coordination and implementation of department-approved RNAs and related procedures.

401.4 MEMBER RESPONSIBILITIES
Members should not administer or score RNAs before completing department-approved training.

Only Department-approved RNAs should be used.

Members should supplement information collected during the administration of RNAs with information from an official records check, such as a criminal history records check or from collateral sources.

Members who reasonably believe the results of an RNA may be inaccurate or incomplete should consult with a supervisor or their designee to determine whether presentation to the court or other resolution is appropriate.
If the Department believes an individual static SARATSO score does not represent the person’s true risk level, based on factors in the offender’s record, the Department may submit the case to the experts retained by the SARATSO Review Committee to monitor the scoring of the SARATSO (Penal Code § 290.05(e)).

401.4.1  STATE REQUIREMENTS

(a)  Officers shall submit SARATSO results to the Department of Justice not later than 30 days after the assessment as provided in Penal Code § 290.09(b)(2).

(b)  The Department shall, prior to sentencing, assess every eligible person, as defined in Penal Code § 290.06(c), whether or not a report is prepared pursuant to Section 1203 (Penal Code § 290.06).

401.5  TRAINING

Members using RNAs should receive periodic training on the use of approved RNAs. The training should include, as applicable and as resources allow:

(a)  The purpose of the RNA, including the types of offenders for which the RNA was developed.

(b)  Information required for administration of the RNA.

(c)  How to administer the RNA.

(d)  Limitations of the RNA.

(e)  The types of decisions that may be made based on data produced by the RNA.

(f)  How the RNA calculates risk and needs and what, if any, other assessment information may be provided by the tool (e.g., strengths, responsivity factors).

401.5.1  SEX OFFENDER RISK ASSESSMENT TRAINING REQUIREMENTS

Only officers trained as required by Penal Code § 290.05 may administer a static SARATSO.

401.5.2  APPROVAL OF RNA BUSINESS RULES

At the direction of the Chief Probation Officer or the authorized designee, business rules for RNAs will be completed by a multidisciplinary committee, with final approval from the Chief Probation Officer or the authorized designee.
Supervision of Persons

402.1 PURPOSE AND SCOPE
This policy establishes guidelines for the supervision of persons by assigning persons to an appropriate level of supervision and developing an appropriate case management plan for each person.

This policy does not address compliance monitoring, modifications and violations of release conditions, risk and needs assessments, and intake, which are addressed in other policies.

402.2 POLICY
It is the policy of the Fresno County Probation Department to use case management practices to facilitate effective and safe supervision of persons in accordance with federal and state law and department procedure.

It is the policy of this department to implement case management practices without regard to actual or perceived characteristics such, but not limited to, as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

402.3 RESPONSIBILITIES
The Chief Probation Officer or the authorized designee should:

(a) Establish and maintain procedures to assign persons to approved levels of supervision.

(b) Establish and maintain procedures for the development and implementation of case management plans.

(c) Establish and maintain procedures to ensure that persons are provided with guidance identifying appropriate community-based resources required or recommended for the person, and with assistance accessing those resources.

1. This should include maintaining a list of resources and services available and approval of necessary additions or substitutions.

(d) Review and approve the level of supervision to which each person is assigned.

1. This should include the initial assignment and periodic reviews to determine if adjustments in the level of supervision are appropriate.

(e) Conduct periodic reviews of case management plans to assess the need to adjust a plan for reasons including the person’s compliance with conditions of supervision, life changes, or other risk factors.
402.4 LEVELS OF SUPERVISION
Each person should be assigned a level and type of supervision pursuant to Penal Code § 1202.8; Welfare and Institutions Code § 725; Welfare and Institutions Code § 727 and other applicable statutes.

402.4.1 ASSIGNMENT TO A LEVEL OF SUPERVISION
Officers shall follow department procedures when assigning each person to a level of supervision. The assignment of a person to a level and type of supervision should be based on, but not limited to, the following:

(a) Court-ordered directives related to supervision pursuant to Penal Code § 1202.8; Welfare and Institutions Code § 725; Welfare and Institutions Code § 727) and other applicable statutes.

(b) Results and findings of the risk and needs assessment administered pursuant to the Risk and Needs Assessments Policy.

(c) Results and findings of other relevant evaluations, including but not limited to mental and physical health evaluations and substance abuse evaluations.

(d) Information collected at intake pursuant to the Initial Intake to Probation Services Policy.

(e) Nature and severity of the offense requiring supervision.

(f) Past criminal history and past performance on probation/parole supervision.

(g) Other information relevant to a level and type of supervision determination.

402.4.2 LEVELS OF SUPERVISION FOR SEX OFFENDERS
Adult sex offenders who are determined by a risk and needs assessment to pose a high risk to the public of committing a sex crime shall be assigned to intensive and specialized supervision as required by Penal Code § 1203f.

Juvenile sex offenders who pose a high risk of committing a sex crime or require long-term treatment or require out of home placement pursuant to WIC 727, should be considered for assignment to intensive and specialized supervision.

402.5 CONFLICT OF SUPERVISION
Cases where the county/department may have a conflict supervising a person in our county will be reviewed on a case-by-case basis, with the ultimate authority coming from the Chief Probation Officer or the authorized designee, to either supervise the case, or ask another county to supervise the case.

402.6 ESTABLISHMENT OF A CASE MANAGEMENT PLAN
A case management plan shall be established for all supervised persons according to department procedures. Prior to developing a case management plan, officers shall review with the person
Supervision of Persons

the results of any risk and needs assessment, the pre-sentence investigation, if applicable, and the information collected during intake.

Case management plans should outline supervision strategies, including supervision, monitoring, needs screening, and referrals to appropriate programming such as treatment, education, and training programs.

Officers shall review the materials used to develop the case management plan with the person, as appropriate.

A case management plan shall identify all terms of release. Additions and modifications to court-ordered conditions shall be consistent with the Modifications of Conditions of Supervision Policy.

402.6.1  JUVENILE CASE MANAGEMENT PLAN
When establishing a case management plan with a juvenile, a parent or guardian shall be present. Documentation shall identify all persons present during the review.

402.6.2  REVISIONS TO CASE MANAGEMENT PLAN
Officers shall conduct routine reviews of the case management plan and adjust when it reasonably appears appropriate, including anytime modifications are made to the conditions of release of the person. Updates to the case management plan shall be approved by a supervisor.

402.7  POST-RELEASE SUPERVISION FOR ADULTS
Persons subject to post-release community supervision pursuant to Penal Code § 3451 shall be supervised in accordance with this policy and state law. The person under supervision shall be required to comply with the following terms of post-release supervision (Penal Code § 3453):

Any additional post-release supervision conditions shall be reasonably related to the offense for which the person was incarcerated, their risk of recidivism, and their criminal history (Penal Code § 3454).

402.8  MANDATORY SUPERVISION FOR ADULTS
Persons on mandatory supervision pursuant to Penal Code § 1170 (h)(5)(B) shall be supervised in accordance with this policy and Penal Code § 1170.

402.9  ADULT AND JUVENILE HOME DETENTION PROGRAM
If the Department provides for a home detention program, officers supervising a person on home detention shall confirm pursuant to applicable statutes:

(a) That the person is informed in writing of the rules and regulations of the program and the requirement to comply with those rules and regulations during the term of their home detention.
(b) That the person remains inside the home during the designated hours.
(c) That the person permits access to the home by the officer at any time to confirm the individual’s compliance with the conditions of the home detention.
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402.10 NOTICE TO PROBATIONER
Once a case management plan has been established, officers should review and discuss any instructions or requirements with the person and provide written notification to the person (Penal Code § 1203.7; Penal Code §1203.12; Penal Code § 3453).

Officers should also provide persons with an overview of what they can expect while under the supervision of the Fresno County Probation Department including:

(a) Reporting and other requirements
(b) Applicable rules

Updates to any instructions or requirements should be reviewed with the person.

Officers should obtain a written acknowledgement from the person that they have received a copy of their supervision conditions and requirements.

402.10.1 NOTICE TO SEX OFFENDERS OF PROOF OF REGISTRATION DEADLINE
At least six days prior to the deadline, officers supervising persons required to register as sex offenders under state law shall inform the person that they are required to provide proof of their registration as a sex offender within six working days of release. Officers shall inform such persons that they must notify their supervising officer of any change or update to the registration within five working days of the change (Penal Code § 290.85).

402.10.2 NOTICE TO PARTICIPANTS IN HOME DETENTION PROGRAM
Officers shall provide written notice of the rules governing the home detention program to persons subject to mandatory home detention.

402.11 ADULT CASE RECORD
Officers shall keep a complete and accurate record of the history of each adult person assigned to their supervision. The record shall include (Penal Code § 1203.7; Penal Code § 1203.10):

(a) The history of the person’s case in court.
(b) The name of the assigned officer.
(c) The acts taken by the officer in connection with the case.
(d) The age, sex, nativity, residence, education, habits of temperance, marital status, conduct, employment, occupation, parents’ occupation, and the condition of the person during the term of probation.
(e) The result of probation.

402.11.1 JUVENILE CASE RECORD
Officers shall keep a complete and accurate record for each juvenile person assigned to their supervision pursuant to established department procedures.
402.12 TRAINING
Officers shall receive training on assigning of levels of supervision and developing and implementing case management plans before supervising persons.
Modification of Conditions of Supervision

405.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

405.2 POLICY
It is the policy of this Department that officers will communicate with the courts and the person to modify conditions of supervision.

405.3 APPROVALS
Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or the Department.

If court approval is not required and the modification would decrease the intensity of supervision, officers should obtain written supervisor approval or the authorized designee approval prior to the modification.

405.4 MODIFICATIONS
When an officer determines modification of a person’s conditions of supervision may be appropriate, the officer should within a reasonable time:

- Identify the proposed modification and document the reason(s) for the proposed modification.
- Notify the person of the proposed modification and ask whether the person will agree to the modification.
- If the person is a minor, proceed with the Modification Hearing subsection (even if the person agrees to the modification).

An agreement by the person to the modification should be in writing and a copy provided to the person.

405.4.1 MODIFICATION WITHOUT HEARING
If the person agrees to the modification and the court has expressly authorized modifications without a hearing, the officer shall (Penal Code § 1203.2; Penal Code § 3455; Welfare & Institutions Code § 775, 776, & 778):

(a) Obtain a written waiver of the hearing from the person.
(b) Submit to the court a copy of the modification along with the rationale for the modification and the person’s agreement and waiver of hearing.
(c) For juvenile matters, officers will complete the Application for Modification and Order.

Prior to submission of court documents, the officer shall notify the person of the right to an attorney, and if indigent, the right to a court-appointed attorney (Penal Code § 1203.2; Welfare & Institutions
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Code § 634). If a person waives the right to an attorney, the officer should obtain a signature from the individual on the written waiver. If the person consults with an attorney and thereafter agrees to the modification and waiver of personal appearance at the hearing, the officer shall obtain a signature from the attorney as to the agreement (Penal Code § 1203.2; Penal Code § 3455; Welfare & Institutions Code § 775, 776, & 778).

405.4.2 MODIFICATION HEARING
Before the hearing is scheduled, the officer shall:
(a) Arrange to have a court date set.
(b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Pretrial; Welfare and Institutions Code § 778). A copy of the court report shall be provided to the following: Defense counsel, District Attorney, the person under supervision, and the person's parents/guardian if applicable.
(c) Notify the person of the hearing date.
1. Notice shall be in writing signed by the person, a copy provided to the person. Submit the notice to appear form electronically to the court.
2. Officers filing a petition to juvenile court to modify or set aside a condition(s) of supervision shall serve a copy of the petition on the District Attorney, the minor's attorney of record, or, if there is no counsel of record, to minor and the parents or guardians (Welfare and Institutions Code § 775, 776, 778).

405.5 MODIFICATION HEARING REQUESTED BY A SUPERVISED PERSON
If a matter is placed on the court calendar by a supervised person, an officer will follow the procedures as set forth by the Court.

405.6 CASE MANAGEMENT PLAN
Officers should review any resulting modifications with the person and update the Probation Case Management system.

The case management plan shall be modified as appropriate. See the Supervision of Persons Policy.

405.7 DOCUMENTATION
Documents associated with modifications of conditions of supervision, including any reports, notice, waivers, terms and conditions, and approvals, shall be filed in the person's case file and retained in accordance with the Records Maintenance and Release Policy.
Subpoenas and Court Appearances

407.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the Fresno County Probation Department to cover any related work absences and keep the Department informed about relevant legal matters.

407.2 POLICY
Fresno County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

407.3 SUBPOENAS
Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the member of the department or by delivery of two copies of the subpoena to the member's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328(c)).

Any party that issues a civil subpoena to member to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service may be accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named member with sufficient time for the named member to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named member within sufficient time for the named member to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

Members who receive subpoenas related to their employment with the department are subject to the provision of this policy. Members should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. Members are expected to cooperate with the prosecution to ensure successful conclusion of the case. When a member receives a subpoena and it is determined they are on annual leave or a leave of absence, the member or their supervisor shall immediately contact the District Attorney's office for further direction.
407.3.1 REQUESTING SUBPOENAS FOR A VIOLATION OF PROBATION HEARING (ADULT CASES)
When a person under supervision contests the allegations of their violation, and the Court sets the matter for a contested hearing, the assigned officer or designee will complete a witness sheet for the District Attorney’s office or any other prosecution agency to subpoena witnesses.

See Procedures Manual on Subpoenas and Court Appearances for further information.

407.3.2 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of their official capacity, is a party.
(b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.
(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
(d) Any civil action stemming from the member’s on-duty activity or because of their association with the Fresno County Probation Department.
(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Fresno County Probation Department.

The supervisor will then follow the chain of command and notify the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer or the authorized individual should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

407.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

407.3.4 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member. There may be instances where the member may be required to take their own annual leave.
407.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

See Procedures Manual on Subpoenas and Court Appearances for further information.

Subpoenas and Court Appearances Procedures

407.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes location during the day, the member shall notify the designated department member of how the member can be reached, and the agency that issued the subpoena. Members are required to remain on standby until released by the court or the party that issued the subpoena.

407.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
(b) Dress in Department uniform or court attire.
(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

407.6.1 TESTIMONY
Before testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

407.6.2 EVIDENCE
When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

(a) Notify the Property and Evidence Section Officer promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
(b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
(c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
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(d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.

(e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

407.7 OFF-DUTY APPEARANCES
When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.
Interstate Transfer of Supervision

408.1 PURPOSE AND SCOPE
The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the Fresno County Probation Department’s compliance with ICAOS, and ensure the Department’s compliance with ICAOS.

408.1.1 DEFINITIONS
Compact Administrator - The individual in each compacting state responsible for the administration and management of the state’s supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

Interstate Compact for Adult Offender Supervision (ICAOS) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines (Penal Code § 11180).

Interstate Compact Offender Tracking System (ICOTS) - A web-based system that facilitates the transfer of supervision for persons from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

408.2 POLICY
It is the policy of the Fresno County Probation Department to use ICOTS when planning for and organizing the movement and supervision of persons across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PERSON
When a person requests a transfer of supervision to another state, the officer should:

- Access the ICOTS transfer procedures in the Department’s Case Management System.
- Discuss the person’s request with them, including the person’s reasoning and the person’s supervision plan for compliance in the potential receiving state. Consideration should be given to victim location and restitution when practicable.
- Review the person’s supervision plan to ensure it meets criteria for transfer as specified in ICAOS rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the person’s supervision status, including the person’s current compliance status with any past or present conditions of supervision.

408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES
The Department shall follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and shall cooperate with the state Compact Administrator. Interstate Compact Step-by-Step
The Department shall utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

408.5 RECEIPT OF TRANSFERRED PROBATIONERS
Transferred persons received by the Department shall be given an orientation consistent with the Initial and Post Sentence Intake with Probation Services Policy.

408.6 TRAINING
The Department shall provide training to members involved in ICAOS cases. Training will be coordinated through the Compact Administrator.
Interstate Transfer of Supervision of Juveniles

409.1 PURPOSE AND SCOPE
The purpose of this policy is to guide processing of cases related to the Interstate Compact for Juveniles (ICJ) and ensure the Fresno County Probation Department’s compliance with ICJ.

409.1.1 DEFINITIONS
Compact Administrator - The individual in each compacting state responsible for the administration and management of the state’s supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California’s ICJ office.

Interstate Compact for Juveniles (ICJ) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles ICJ (4 USC § 112).

Juvenile Interstate Data System (JIDS) - A web-based system that facilitates the goals of the ICJ.

409.2 POLICY
It is the policy of the Fresno County Probation Department to use JIDS when planning for and organizing the movement and supervision of persons across state lines. All interstate transfer and receipt of supervision activities will comply with the uniform framework of ICJ.

409.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PERSON
When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the person and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the youth’s supervision status, including their current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules.
- Ensure compliance with all applicable victim notification requirements.

409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES
The Fresno County Probation Department shall follow the ICJ rules and will cooperate with the state Compact Administrator.
The Fresno County Probation Department shall utilize JIDS for all notifications of departures, arrivals, progress, violations, and case closures.

409.5 RECEIPT OF REQUEST FOR TRANSFER OF SUPERVISION BY A PERSON
When a request for receipt for transfer of supervision by another state is made, the assigned officer should:

- Confirm an appropriate legal guardian(s) exists.
- Discuss the request with the legal guardian(s), including the reasoning and case plan for compliance.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Complete and submit applicable forms required by ICJ rules.

409.5.1 RECEIPT OF TRANSFERRED CLIENTS
Transferred clients received by the Fresno County Probation Department should be given an orientation consistent with the Initial and Post Sentence Intake with Probation Services Policy.

409.6 TRAINING
The Fresno County Probation Department should provide training to officers involved in ICJ cases.
Biased-Based Supervision

412.1 PURPOSE AND SCOPE
This policy provides guidance to Fresno County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in probation activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

412.1.1 DEFINITIONS
Definitions related to this policy include:

Bias-based supervision - An inappropriate reliance on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics), as the basis for providing differing supervision services or enforcement of court orders or by operation of law. Members may also refer to the Conflict of Interest Policy.

412.2 POLICY
The Fresno County Probation Department is committed to providing supervision services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide probation services and to enforce the law and conditions set by the court or by operation of law equally, fairly, objectively, and without discrimination toward any individual or group.

412.3 BIAS-BASED SUPERVISION PROHIBITED
Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit members from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

412.4 MEMBER RESPONSIBILITIES
Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members shall, when reasonable to do so, intervene to prevent any bias-based actions by another member. Members shall follow Federal and State laws and County of Fresno policies related to discrimination and harassment.

412.4.1 REASON FOR CONTACT
Members contacting a person shall be prepared to articulate legally sufficient reason for the contact, independent of the protected characteristics of the individual.
Biased-Based Supervision

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved member shall include the facts giving rise to the contact.

Except for required data-collection forms or methods, nothing in this policy shall require any member to document a contact that would not otherwise require reporting.

412.5 SUPERVISOR RESPONSIBILITIES
Supervisors shall monitor those members under their command for compliance with this policy, and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors shall discuss any issues with the involved member and the Division Director in a timely manner.
   1. Supervisors shall document these discussions.
(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
(c) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

412.6 ADMINISTRATION
The Chief Probation Officer or the authorized designee should review the efforts of the Department to provide fair and objective supervision. Complaints, including public concerns should be reviewed by the Chief Probation Officer to identify any changes in training or operations that should be made to improve service.

412.7 TRAINING
Training on fair and objective supervision and review of this policy should be conducted as directed by the Training Manager.
Chapter 5 - Field and Special Operations
Ride-Alongs

501.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for a ride-along with officers of the Fresno County Probation Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

501.2 POLICY
Ride-along opportunities may be provided to members of the public, County employees, and members of this department to observe and experience, firsthand, various functions of the Fresno County Probation Department. The term “ride-along” includes riding as a passenger with an officer performing field supervision or observing the work day of members engaging in other functions within the Department facility, such as office contacts with persons or supervised persons as determined by a supervisor.

501.3 ELIGIBILITY
A ride-along is available to Fresno County residents and business owners, consultants, students currently attending class in Fresno County, and individuals employed within Fresno County. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified from participating without cause.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being younger than 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the County.
- Denial by any supervisor.
- Termination of a prior ride-along.

501.4 AVAILABILITY
A ride-along or job observation is available Monday through Friday from 8:00 a.m. to 5:00 p.m. Exceptions to this schedule may be made as approved by the supervisor.

501.5 REQUESTS TO PARTICIPATE
Generally, ride-along and job observation requests will be maintained and scheduled by the supervisor. The applicant will complete and sign a ride-along or job observation waiver form. This form will be located in the Probation Case Management System. Information requested will include a valid state-issued identification card or driver's license number, birth date, address, and telephone number.
Ride-Alongs

The supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

501.6 PROCEDURES
Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Fresno County Probation Department applicants
- Any others with approval of the supervisor
- Student workers or interns

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

501.6.1 OFF-DUTY PARTICIPATION
Off-duty members of this department or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or County employee shall not:

(a) Be considered on-duty.
(b) Represent themselves as members of this department or any other law enforcement agency.
(c) Participate in any law enforcement activity except as emergency circumstances may require.

501.6.2 CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check prior to approval of the ride-along.

501.6.3 SUITABLE ATTIRE
Any person approved to participate in a ride-along is required to be suitably dressed in accordance with the Personal Appearance Standards Policy and Uniforms and Civilian Attire Policy. The supervisor, or a lead staff member in the absence of a supervisor, may refuse a ride-along to anyone who is not dressed appropriately.
501.7 MEMBER RESPONSIBILITIES
The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about conditions that necessarily limit participation. Instructions should include:

(a) The participant will follow the directions of the department member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims, supervised persons or suspects, reading a person’s criminal history or other protected information, or handling any probation department equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member’s duties.

1. If the ride-along is in progress, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not probation or law enforcement officers shall not be permitted to accompany the department member into a private residence.

The member assigned to provide a ride-along shall advise the supervisor, or lead staff in the absence of a supervisor, that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lit public place. The supervisor, or lead staff in the absence of a supervisor, will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride-along, or is otherwise inappropriate, should be immediately reported to the supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the supervisor.
Hostage and Barricade Incidents

503.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain, or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

503.1.1 DEFINITIONS
Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against the person's will under threat or actual use of force.

503.2 POLICY
It is the policy of the Fresno County Probation Department to address hostage and barricade situations by immediately contacting local law enforcement.

503.3 COMMUNICATION
When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. The focus of communication should be to stabilize the situation while awaiting local law enforcement.

503.4 CONSIDERATIONS
Officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

Officers should immediately contact local law enforcement when it is determined that a hostage or barricade situation exists.

The primary officer should brief the arriving local law enforcement officers on the incident, including information about suspects and victims, the extent of any injuries and current perimeters and evacuation areas.
503.4.1 BARRICADE SITUATION
Unless circumstances require otherwise, officers confronted with a barricade situation should attempt to avoid a confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting local law enforcement, specialized personnel, and trained negotiators.

503.4.2 HOSTAGE SITUATION
Officers presented with a hostage situation should attempt to avoid a confrontation in favor of controlling the incident in anticipation of the arrival of local law enforcement, specialized personnel, and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats.

503.5 RESPONSIBILITIES
Upon being notified that a hostage or barricade situation exists, the supervisor should immediately be notified. The primary officer or supervisor at the scene should assume the role of Incident Supervisor until properly relieved by local law enforcement.

503.6 REPORTING
The primary officer at the scene is responsible for completion of an incident report, and supplemental reports may be requested as appropriate.
Response to Bomb Threat Calls

504.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Fresno County Probation Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents, or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

504.2 POLICY
It is the policy of the Fresno County Probation Department to place a higher priority on the safety of persons and the public than over damage or destruction to public or private property.

504.3 RECEIPT OF BOMB THREAT
Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including:

(a) The name of the caller.
(b) Confirm the nature of the threat
(c) The specific location of the device.
(d) The detonation time of the device.

The member shall immediately contact their supervisor or nearest available supervisor, inform that person of the information, and immediately contact local law enforcement agency (9-911) to convey the information. The Chief Probation Officer shall be notified by the on-site supervisor after law enforcement and other safety agencies have been notified.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

504.4 FRESNO COUNTY PROBATION DEPARTMENT FACILITY
If the bomb threat is against the department facility, the member who received the threat should immediately contact their supervisor or nearest available supervisor, inform that person of the information, and immediately contact the appropriate local law enforcement agency. The supervisor, in coordination with local law enforcement, will direct and assign member(s) as required for coordinating an evacuation of the department, as deemed appropriate.

504.5 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the County that is not the property of this department, the member who received the threat should immediately contact their supervisor or nearest available supervisor, inform that person of the information, and
immediately contact the appropriate local law enforcement agency. The supervisor, in coordination with local law enforcement, will direct and member(s) as required for coordinating an evacuation of the building, as deemed appropriate.

504.6 ASSISTANCE
The Chief Probation Officer or the authorized designee shall be notified when department assistance is requested. The Chief Probation Officer or the authorized designee will make the decision whether the Department will render assistance to responding law enforcement and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including evacuation and giving officers control over the facility.

Should the Chief Probation Officer or the authorized designee determine that the department will assist law enforcement with such an incident, the Chief Probation Officer or the authorized designee will determine:

(a) The appropriate level of assistance.
(b) The plan for assistance in consultation with responding local law enforcement.
(c) Whether to evacuate and/or search the facility.
(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The safety of all participants is the paramount concern.
(e) The need for additional resources, including:
   1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request local law enforcement’s assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

504.7 SUSPECTED DEVICE
When handling an incident involving a suspected explosive device, the following guidelines, while not all-inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
(c) Personnel should limit transmissions on any equipment that is capable of producing radio frequency energy within the evacuation area (largest perimeter reasonably possible) around the suspected device. This includes:
   1. Two-way radios.
   2. Cell phones.
3. Other personal communication devices.

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Consider evacuation of buildings and personnel near the device or inside the danger zone and with the safest exit route.

(h) Promptly relay available information to local law enforcement and the Chief Probation Officer or the authorized designee including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

504.8 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, a supervisor may be confronted with a multitude of considerations. As in other catastrophic events, a rapid evacuation may help to minimize injury to victims, contamination of the scene, or any additional damage from fires or unstable structures.

504.8.1 CONSIDERATIONS

Members present at the scene of an explosion, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries, where safe and practicable.

(b) Request through 9-1-1 additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens, and hazardous materials, where safe and practicable.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices only if trained to do so or where necessary to establish an evacuation route for self and others.

(g) Preserve evidence, where safe and practicable.

(h) Establish an outer perimeter and evacuate, if necessary.

(i) Identify witnesses.
Response to Bomb Threat Calls

504.8.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified, as appropriate:

- Local law enforcement
- Chief Probation Officer/Supervisor
- Fire department
- Bomb squad
- Additional department personnel, as necessary
- Other agencies, as appropriate

504.9 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. Pending the arrival of local law enforcement, a supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact evidence may be embedded in nearby structures, objects, or hanging in trees and bushes.

504.9 CROWD CONTROL
Only authorized individuals with a legitimate need should be permitted access to the scene and only at the direction of local law enforcement. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.
Crisis Intervention Incidents

505.1 PURPOSE AND SCOPE
This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. Such an interaction often requires an officer to make difficult judgments about a person’s mental state and intent in order to effectively and legally interact with the individual.

505.1.1 DEFINITIONS
Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person’s internal ability to manage behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior that may be accompanied by impaired judgment.

505.2 POLICY
The Fresno County Probation Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members’ interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

505.3 SIGNS
Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness
(b) Threats of or attempted suicide
(c) Loss of memory
(d) Incoherence, disorientation, or slow response
(e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness, or guilt
(g) Social withdrawal
(h) Manic or impulsive behavior, extreme agitation, or lack of control
(i) Lack of fear
(j) Anxiety, aggression, rigidity, inflexibility, or paranoia
Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

505.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS
The Chief Probation Officer should designate the Training Manager and appropriate supervisors to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with persons who may be in crisis.

505.5 CRISIS INTERVENTION RESPONSE
Safety is a priority during any crisis intervention. It is important to recognize that persons under the influence of alcohol, drugs, or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These persons may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises, and unusual behavior alone are not criminal offenses. Persons may benefit from treatment as opposed to incarceration.

Officers interacting with a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request local law enforcement and/or available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible without compromising safety, turn off flashing and bright lights.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person’s mental and emotional state and potential inability to understand commands or to appreciate the consequences of action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime and report the same to local law enforcement, if applicable.

(i) Notify a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining the cause or motivation for the person’s actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.
Crisis Intervention Incidents

(l) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

505.6 DE-ESCALATION
Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm and courteous, and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent, or suicidal.
- Argue, or use threats to obtain compliance.

505.7 INCIDENT ORIENTATION
When encountering an incident that may involve mental illness or a mental health crisis, the officer should request critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication or may not be taking medication as prescribed.
(b) Whether there have been prior incidents or suicide threats/Attempts, and whether there has been previous probation or other law enforcement response.
(c) Contact information for a treating physician or mental health professional.

Additional resources should be requested and a supervisor should be notified as warranted.

505.8 SUPERVISOR RESPONSIBILITIES
If necessary, a supervisor should do the following:
Crisis Intervention Incidents

(a) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
(b) Conduct an after-action tactical and operational debriefing, if needed.
(c) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

505.9 INCIDENT REPORTING
Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

505.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS
Members, including but not limited to clerical staff, may interact with persons in crisis in an administrative capacity, such as during records requests or phone calls.

(a) Members should treat all persons equally and with dignity and respect.
(b) If during an interaction, a member believes a person is in crisis, the member should proceed patiently and in a calm manner.
(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may self-harm or be harmful to others, an officer should be promptly summoned to provide assistance.

505.11 EVALUATION
Each incident should be reviewed with analysis by the supervisor and Division Director input. The findings and any recommendations shall be submitted to the Chief through the chain of command.

505.12 TRAINING
In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide education and training to all department members to enable them to effectively interact with persons in crisis.
Rapid Response and Deployment

507.1 PURPOSE AND SCOPE
Violence that is committed in schools, workplaces, and other locations by individuals or a group of individuals who are determined to kill persons and to create mass casualties presents a difficult situation for peace officers. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

507.2 POLICY
The Fresno County Probation Department will plan for rapid response to crisis situations, and strive to coordinate response planning with other emergency services as well as with those who are responsible for operating potential sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

507.3 CONSIDERATIONS
When dealing with a crisis situation, members should:

(a) Attempt to attain a tactical advantage over the suspect by reducing, preventing, or eliminating any known or perceived threat.

(b) Obtain, explore, and analyze sources of intelligence and known information regarding the circumstances, location, and suspect involved in the incident.

(c) Assess the immediate situation and take reasonable steps to maintain operative control of the incident until relieved by responding law enforcement agency.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of any hostages.

507.4 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action, officers should consider:
(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of defensive weapons, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

507.5 PLANNING
The Chief Probation Officer or the authorized designee should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites at the Fresno County Probation Department, such as buildings, including detention facilities, and parking areas.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Field supervision first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

507.6 TRAINING
The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites at the Fresno County Probation Department, such as buildings, including detention facilities, and parking areas.
Rapid Response and Deployment

(b) Communications interoperability with other law enforcement and emergency service agencies.
(c) Field supervision first-response training, including shotgun familiarization and control device training.
(d) First aid, including gunshot trauma.
(e) Reality-based scenario training.
Immigration Violations

508.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Fresno County Probation Department relating to immigration and interacting with federal immigration officials.

508.1.1 DEFINITIONS
The following definition applies to this policy (Government Code § 7284.4):
Immigration enforcement – Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

508.2 POLICY
It is the policy of the Fresno County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.


IMMIGRATION VIOLATION PROCEDURES

508.3 VICTIMS AND WITNESSES
To encourage cooperation, all persons, regardless of their immigration status, must feel secure that contacting or being addressed by members of the Fresno County Probation Department will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all persons equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

508.4 IMMIGRATION STATUS AND DETENTIONS
Immigration status may be reported to the court as required. Any reasonably discovered change in the immigration status of any person or any discrepancy in the record about the person's immigration status should be documented and reported to the court.

No persons should be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).
Immigration Violations

508.4.1 IMMIGRATION INQUIRIES PROHIBITED
Officers shall not inquire into a person’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

508.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Additionally, members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual’s record (Government Code § 15160).

508.5 FEDERAL REQUEST FOR ASSISTANCE
Requests by federal immigration officials for assistance from this department shall be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance is permitted under the California Values Act (Government Code § 7284.2 et seq.).

508.6 INFORMATION SHARING
Nothing in this policy restricts sharing information that is permissible under the California Values Act.

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any person (8 USC § 1373):

(a) Sending information to or requesting or receiving such information from federal immigration officials
(b) Maintaining such information in department records
(c) Exchanging such information with any other federal, state, or local government entity

508.6.1 INFORMATION SHARING FOR JUVENILES
All juvenile information, including, but not limited to, name, date or place of birth, and immigration status, shall remain confidential absent a court order of the Judge of the Juvenile Court pursuant to a Welfare and Institutions Code 827 petition (831 WIC).

508.7 U VISA AND T VISA NONIMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.
508.8 TRAINING
The Training Manager shall ensure officers receive immigration training on this policy. Training shall include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
Mobile Computer Use

509.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Computer system in order to ensure proper access to confidential records from local, state, and national law enforcement databases.

See Information Technology Use and Protected Information policies for additional guidance.

509.2 POLICY
Fresno County Probation Department members using the Mobile Computer shall comply with all appropriate federal and state rules and regulations and shall use the Mobile Computer in a professional manner, in accordance with this policy.

509.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received, or reviewed on any department technology system.

509.4 RESTRICTED ACCESS AND USE
Members shall immediately report unauthorized access or use of the Mobile Computer by another member to their supervisors.

Use of the Mobile Computer system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the Mobile Computer system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the Mobile Computer system unless directed to do so by a supervisor. Members are required to log off the Mobile Computer or secure the Mobile Computer when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

509.4.1 USE WHILE DRIVING
Use of the Mobile Computer by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical, or safety needs shall be transmitted over the radio.
Mobile Computer Use

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

509.5  STATUS CHANGES

509.5.1  STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) should be transmitted over the department radio or through the Mobile Computer system. This is applicable for mobile computers with department-issued software.

Officers responding to in-progress calls shall advise changes in status over the radio to assist other officers responding to the same incident. Other changes in status can be made on the Mobile Computer when the vehicle is not in motion.
Medical Aid and Response

512.1 PURPOSE AND SCOPE
This policy recognizes that members may encounter persons in need of medical aid and establishes an appropriate response to such situations.

512.2 POLICY
It is the policy of the Fresno County Probation Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

512.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.
   6. Whether the person has any known medical conditions.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.
512.4 TRANSPORTING ILL AND INJURED PERSONS
Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

Officers shall accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

512.5 PERSONS REFUSING EMS CARE
If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a member shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision, and the lack of immediate medical attention may result in serious bodily injury to or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Civil Commitments Policy.

If the officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member of the person to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer shall require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

512.5.1 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.
Medical Aid and Response

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

512.6 MEDICAL ATTENTION RELATED TO USE OF FORCE
Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints and Control Devices policies.
Task Force

514.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members when participating in task force (TF) operations.

514.2 POLICY
It is the policy of the Fresno County Probation Department to improve public safety and reduce violent crime through proactive collaboration with law enforcement task forces.

514.3 AGENCY INVOLVEMENT
Participation in TF operations provides access to multi-jurisdictional resources for apprehending persons who have absconded from supervision or who have otherwise violated the law and/or supervision conditions.

Department participation in TF operations is subject to the approval of the Chief Probation Officer or the authorized designee.

Department will not participate in task force activities where the sole intent is to apprehend subjects in violation of federal immigration laws. Refer to California Values Act (Government Code § 7284.6).

514.3.1 REQUESTS FOR AGENCY INVOLVEMENT
Initial requests for participation in a TF or TF operation should be routed to the Chief Probation Officer for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests.

514.3.2 OFFICER OPERATIONAL ACTIVITY
Officers involved in TF operations should confirm the existence of, time period of coverage, and prior Chief Probation Officer approval for any MOU or established protocol prior to engaging in TF operational activity.

When engaged in TF operational activity or when rendering assistance pursuant to a TF agreement, officers must conform to applicable laws and the policies of this department unless previously approved by the Chief Probation Officer.

Requests for emergency assistance unrelated to TF operations and enforcement action taken outside the jurisdiction of the department unrelated to TF operations are governed by the Outside Agency Assistance and Probation Authority policies.

514.4 TEMPORARY DETENTION AND TRANSPORT
TF operation arrestees should only be temporarily detained and/or transported by this department pursuant to the Transporting Persons in Custody Policy unless previously approved by the Chief Probation Officer.
514.5 REPORTING REQUIREMENTS
Original reports of investigations, evidence seized, and other materials generated or collected by the TF operation should be retained by the agency responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate pursuant to the Property Policy. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, TF rules, and Records Maintenance and Release Policy.

514.6 MANDATORY SHARING AND TRAINING
When equipment and/or supplies maintained by the department have been purchased with federal funds or grants and are subject to agency sharing requirements, the Chief Probation Officer or the authorized designee should regularly document:

(a) The conditions relative to sharing.
(b) The training requirements for:
   1. The use of the equipment and supplies.
   2. The members trained in the use of the equipment and supplies.
(c) Any other requirements in the use of the equipment and supplies.

Copies of this documentation should be maintained by the Chief Probation Officer or the authorized designee.

The Training Manager should maintain records documenting that the appropriate members have received the required training.

514.7 NEWS MEDIA
Media inquiries should be referred to the Task Force Coordinator of the agency responsible for coordinating the activities of the TF.
Transporting Persons in Custody

516.1 PURPOSE AND SCOPE
This policy provides guidelines for transporting persons who are in the custody of the Fresno County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy.

516.2 POLICY
It is the policy of the Fresno County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

516.3 CHIEF PROBATION OFFICER RESPONSIBILITIES
The Chief Probation Officer or the authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief Probation Officer or the authorized designee should establish related procedures for safely transporting persons in custody who have their legs restrained in some manner other than leg shackles.

516.4 TRANSPORTING MEMBER RESPONSIBILITIES
Members transporting a person in custody in a department vehicle should ensure:

(a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
(b) All persons in custody are searched prior to a transport.
(c) All persons are properly restrained in the vehicle’s safety restraint system in a seated position.
(d) Any person behaving in a manner so violent or uncooperative that the person cannot or will not sit upright is considered as possibly being in need of medical aid, see the Medical Aid and Response Policy.
(e) A verbal welfare check is made with a person in custody every 10 minutes or less.
(f) Transport is accomplished in a direct and timely manner.
(g) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).
(h) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
Transporting Persons in Custody

(i) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

(j) Persons in custody should not be transported in vehicles without safety barriers.

(k) When necessary, Law Enforcement Dispatch is advised of:
   1. The time when a transport begins and the vehicle’s mileage.
   2. The time, vehicle’s mileage, and reason for any stops.
   3. The time of arrival at the destination and the vehicle’s mileage.

(l) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

(m) Sufficient visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport of:
   1. Persons who were placed in any restraints beyond just handcuffs due to their violent or uncooperative behavior (see the Handcuffing and Restraints Policy).
   2. Persons wearing a spit hood.
   3. Persons who are a suspected suicide risk.
   4. Persons who are ill or injured.

516.5 PROHIBITIONS
Transporting members should not:

(a) Transport juveniles with adults.

(b) Transport female arrestees with male arrestees. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport. When a sole male officer is transporting a female arrestee, the officer shall notify dispatch of the time of departure, location, starting and ending mileage, and time of arrival.

(c) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.

(d) Leave the vehicle unattended with a person in custody inside.

(e) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.

(f) Handcuff a person to any part of a vehicle.

(g) Place a person in custody in an unreasonable risk of harm (e.g., engaging in a pursuit, responding to a high-risk incident).

(h) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.
(i) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

516.6 SPECIFIC TRANSPORTATION ISSUES

516.6.1 TRANSPORTING PERSONS WITH DISABILITIES
When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat. For pregnant persons, refer to the Handcuffing and Restraints Policy.

516.6.2 TRANSPORTING ILL OR INJURED PERSONS
See the Medical Aid and Response Policy.

516.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY
Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:
   (a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.
   (b) Remove restraints in coordination with facility personnel.
   (c) Deliver the appropriate documentation concerning the person to facility personnel.
   (d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person’s violent or uncooperative behavior.

516.6.4 LONG-DISTANCE TRANSPORTS
Absent exigent circumstances, members should only stop during long-distance transports for:
- Fuel
- Meals
- Restroom breaks

Where practicable, time-stamped receipts for purchases should be retained and all stops should be logged in a manner that includes the following:
- The time when a transport begins and the vehicle’s mileage
- The time, vehicle’s mileage, and reason for any stops
- The time of arrival at the destination and the vehicle’s mileage

516.6.5 TRANSPORT VAN
A member trained on the safety and restraint systems of a transport van should be present during its use for transporting a person in custody. Training regarding the use of the van’s safety and restraint systems shall be followed.
Transporting Persons in Custody

A member should assist persons getting into and out of the transport van to avoid falls.

516.7 TRAINING
The Training Manager should ensure that members receive training on proper procedures for transporting persons in custody.
Chapter 6 - Equipment
Body Armor

604.1 PURPOSE AND SCOPE
The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

604.2 POLICY
It is the policy of the Fresno County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

604.3 ISSUANCE
The Training Manager shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued to an officer when required for training or when an officer begins service in an armed assignment at the Fresno County Probation Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised and/or upon the manufacturer expiration date.

The Chief Probation Officer may authorize issuing body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

604.3.1 USE
Generally, the required use of body armor is subject to the following:

(a) Officers shall only wear department-approved body armor.

(b) Officers shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action, including but not limited to when they are participating in field supervision activities.

(c) Officers shall wear body armor when taking part in department range training.

(d) Officers are not required to wear body armor when they are functioning primarily in an administrative or support capacity or specialized training and would not reasonably be expected to take enforcement action.

(e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor. Officers have discretion to wear body armor in the office.

1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.
604.3.2 INSPECTION
Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

604.3.3 CARE AND MAINTENANCE
The required care and maintenance of body armor is subject to the following:

(a) Officers are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.
   1. Unserviceable body armor shall be reported to the supervisor. Unserviceable body armor shall not be worn, and the officer shall immediately obtain and wear suitable, serviceable body armor.

(b) Officers are responsible for the proper storage of their body armor.
   1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Officers are responsible for the care and cleaning of their body armor pursuant to the manufacturer’s care instructions.
   1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
   2. Failure to follow manufacturer’s care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor shall be replaced in accordance with the manufacturer’s recommended replacement schedule, or when its effectiveness or functionality has been compromised.

604.4 TRAINING MANAGER RESPONSIBILITIES
The responsibilities of the Training Manager include but are not limited to:

(a) Monitoring the body armor industry standards for any appropriate changes to department-approved body armor.

(b) Assessing the suitability of approved body armor to protect against threats.

(c) Educating officers about the safety benefits of wearing body armor.
Chapter 7 - Support Services
Protected Information

702.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Fresno County Probation Department. This policy addresses the protected information used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

702.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data collected, stored, or accessed by members of the Fresno County Probation Department and that is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information in federal, state, or local law enforcement databases that is not accessible to the public.

702.2 POLICY
Members of the Fresno County Probation Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

702.3 RESPONSIBILITIES
The Chief Probation Officer shall select a supervisor of the Department to coordinate the use of protected information.

The responsibilities include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
702.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Fresno County Probation Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action or criminal prosecution.

702.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION
Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released shall refer the requesting person to a supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from law enforcement agencies who are assisting in an investigation or conducting a related investigation. Any such information should be released through a supervisor to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information, which includes Criminal History Record Information, should generally not be transmitted by radio, cellular telephone, or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

702.6 SECURITY OF PROTECTED INFORMATION
The Chief Probation Officer will select a supervisor of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.
702.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur.

702.7 CRIMINAL INTELLIGENCE SYSTEMS
No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for supervising the use of any criminal intelligence system by members. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.
(b) Use of every criminal intelligence system is appropriately reviewed and audited.
(c) Any system security issues are reasonably addressed.

702.7.1 SYSTEM ENTRIES
It is the designated supervisor’s responsibility to approve the entry of any information from a report, case notes, a photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained. Any supporting documentation for an entry shall be retained in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained are appropriately marked as intelligence information.

702.7.2 SHARED GANG DATABASE
Any shared gang database shall be accessed and maintained in accordance with state and federal law, guidelines, and regulations (Penal Code § 186.36).

702.8 TRAINING
All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.
Chapter 8 - Personnel
Recruitment and Selection

800.1 PURPOSE AND SCOPE
This policy provides a framework for employee recruiting efforts, and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Fresno County Probation Department and that are promulgated and maintained by Department of Human Resources.

800.2 POLICY
In accordance with applicable federal, state, and local law, the Fresno County Probation Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards. Members may also refer to Fresno County Personnel Rule 4, Selection Process, under Personnel Rules.

800.3 SELECTION PROCESS
The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department will employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities which may include, but is not limited to, review and verification of:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).

(b) Driving record.

(c) Reference checks.

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites.

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).

(g) Local, state, and federal criminal history record checks.
Recruitment and Selection

(h) Lie detector/polygraph test (when legally permissible) (Labor Code § 432.2).
(i) Medical and psychological examination (may only be given after a conditional offer of employment).
(j) Review board or selection committee assessment.

800.4 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify candidate’s personal integrity and high ethical standards and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Fresno County Probation Department (Government Code § 1031; 15 CCR § 131).

800.4.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the Fair Credit Reporting Act (FCRA) and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

800.4.2 STATE NOTICES
If information disclosed in a candidate’s criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

800.4.3 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

800.5 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole and taking into consideration the following, but not limited to:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations
Recruitment and Selection

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

800.6 EMPLOYMENT STANDARDS
All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community (Government Code § 1029; Government Code § 1031; 15 CCR § 131).

Validated, job-related, and nondiscriminatory employment standards are established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. Department of Human Resources should maintain validated standards for all positions.

800.6.1 STANDARDS FOR OFFICERS
Candidates shall satisfy the following standards in addition to those set forth in Gov Code 1029, 1031 and 15 CCR 131, including but not limited to:

(a) Free of any felony convictions
(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
(c) At least 18 years of age
(d) Fingerprinted for local, state, and national fingerprint check
(e) Good moral character as determined by a thorough background investigation
(f) High school graduate, passed the GED or other high school equivalency test, or obtained sixty (60) units of college coursework, a four-year or advanced degree from an accredited or approved institution
(g) Free from any physical, emotional, or mental condition that might adversely affect the exercise of peace officer powers

Candidates must also satisfy the Board of State and Community Corrections selection requirements.
Assignments and Promotions

803.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for assignments and promotions within the Fresno County Probation Department.

803.2 POLICY
The Fresno County Probation Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors, candidate skills, experience, and qualifications in accordance with the collective bargaining agreement or memorandum of understanding and the County personnel manual. Assignments and promotions are made by the Chief Probation Officer. Members may also refer to Fresno County Personnel Rule No. 11, Promotion, Transfer, and Demotion, located under, Personnel Rules.

803.3 GENERAL GUIDELINES

803.3.1 GENERAL GUIDELINES
The following requirements may be considered when selecting a candidate for an assignment:

(a) Years of relevant experience
(b) Possession of or ability to obtain any certification required by the California Board of State and Community Corrections (BSCC) or Standards and Training for Corrections (STC)
(c) Exceptional skills, experience, or abilities related to the assignment

803.3.2 EVALUATION CRITERIA
The following criteria may be used in evaluating candidates for an assignment:

(a) Presents a professional, neat appearance
(b) Expressed an interest in the assignment
(c) Demonstrates the following traits:
   1. Emotional stability and maturity
   2. Stress tolerance
   3. Sound judgment and decision-making
   4. Personal integrity and ethical conduct
   5. Leadership skills (e.g., ability to guide others, composure, fairness, values, motivation, decision quality, trust, honesty, team development, courage, continuous learning, clear oral communication, resilience, decisiveness, accountability, strategic thinking)
   6. Initiative
   7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

803.4 PROMOTIONAL REQUIREMENTS
Requirements and information regarding any promotional process are available at the County Department of Human Resources.
Grievances

804.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the Fresno County Probation Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address member grievances in the workplace.

804.1.1 GRIEVANCE DEFINED
A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background, and other lawfully protected status or activity that are subject to the complaint options set forth in the Discrimination/Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department member that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

804.2 POLICY
It is the policy of the Fresno County Probation Department to provide a just and equitable system for the prompt handling of member grievances without discrimination, coercion, restraint, or retaliation against any member who submits or is otherwise involved in a grievance.

When a member becomes aware that a problem exists, the member shall discuss the matter informally with the lowest ranking immediate supervisor whose job classification is not included in the same certified representation unit.

The Probation Department is responsive to member grievances. In accordance with existing County policies and procedures, the Chief Probation Officer has authorized specific individuals to serve as the department head’s designated representatives and has adopted the following process for implementing the Fresno County Grievance Procedure. Members may also refer to Fresno County Management Directive 220 and, if they are represented, any applicable provisions in bargaining unit’s memorandum of understanding with the County.
804.3 PROCESS
Grievances may be brought by an individual member or by a member group representative. Members may have representation during the grievance process.

In keeping with the County procedure, the supervisor shall make every effort to resolve the problem informally within the confines of his/her authority. If the informal resolution does not appear to be forthcoming, the supervisor shall seek advice and counsel from his/her immediate supervisor who, in turn, shall involve Department management staff.

In the event a resolution is not practical, the member must follow the grievance guidelines set forth in their respective labor association/union Memorandum of Understanding or Fresno County grievance policy and procedure.

804.4 GRIEVANCE RECORDS
At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administrative Services for inclusion into a secure file for all written grievances.
Discrimination Harassment

805.1 PURPOSE AND SCOPE
The purpose of this policy is to prevent department members from being subjected to discrimination and/or harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

805.2 POLICY
The Fresno County Probation Department is an equal opportunity employer, and is committed to creating and maintaining a work environment that is free of all forms of discrimination and/or harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 California Code of Regulations 11023).

The Department prohibits all forms of discrimination and/or harassment, including any employment-related action by a member that adversely affects an applicant or member, and is based on the actual or perceived race, religious creed, color, ethnicity, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age, pregnancy, military or veteran status, and any other classification or status protected by law (Government Code § 12940).

The Department will endeavor to take preventive and corrective action to address any conduct of which it becomes aware that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law, but still may subject a member to discipline. Members may also refer to Fresno County Board of Supervisors Administrative Policy No. 32, Discrimination/Harassment.

805.3 DEFINITIONS
Definitions related to this policy include:

805.3.1 DISCRIMINATION
As used in this policy, discrimination is defined as the differential treatment of an employee or applicant in employment based on the employee’s, or applicant’s, protected category. Protected categories include: race, color, religion, religious creed, national origin, ancestry, citizenship, physical or mental disability, medical condition, genetic information, marital status, sex, age (40 years and over), gender, gender identity, gender expression, sexual orientation, veteran and/or military status, protected medical leaves, domestic violence victim status, political affiliation, and any other status protected by state or federal law.
Discrimination Harassment

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected category; allowing the applicant’s or employee’s protected category to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected category.

805.3.2 HARASSMENT
As used in this policy, harassment is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected categories listed above. Harassment can be verbal, visual, or physical conduct.

805.3.3 SEXUAL HARASSMENT
As used in this policy sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex, gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

(a) Quid Pro Quo Sexual Harassment (“this for that”) - Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment. - Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

(b) Hostile Work Environment Sexual Harassment - Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee’s work performance and/or creates an intimidating, hostile or offensive working environment.

805.3.4 RETALIATION
As used in this policy retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee’s employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.
805.3.5 ADDITIONAL CONSIDERATIONS
Discrimination and/or harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the California Fair Employment and Housing Council regulations.

(b) Bona fide requests or demands by a supervisor that a member improve work quality or output, that the member report to the job site on time, that the member comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

805.4 RESPONSIBILITIES
This policy applies to all department members, who are to follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to an immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief Probation Officer, the Director of Human Resources, or the County Administrative Officer.

805.4.1 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, a Division Director, the Chief Probation Officer, the Director of Human Resources, the County Administrative Officer, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

805.4.2 SUPERVISOR RESPONSIBILITIES
The responsibilities of each supervisor and manager includes but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(d) Notifying the Chief Probation Officer or the authorized designee or Director of Human Resources of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation.
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing, or retaliatory.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established policies and procedures.

805.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be thoroughly investigated.

805.5.1 INVESTIGATION
The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint, and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation and that appropriate corrective action will result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief Probation Officer, Director of Human Resources, or the County Administrative Officer. Members may also refer to Management Directive 210 – Discrimination Complaint Procedure.

805.5.2 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such complaints and/or charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

805.6 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be thoroughly documented in a manner designated by the Chief Probation Officer. The outcome of all reports shall be:
Discrimination Harassment

(a) Maintained in accordance with the department's established records retention schedule.

805.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation.

805.7 WORKING CONDITIONS
The Chief Probation Officer or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

805.8 TRAINING
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. Members shall certify by signing the prescribed form that they have been advised of this policy, are aware of and understand its contents, and agree to abide by its provisions during their term with the Department.

805.8.1 STATE-REQUIRED TRAINING
The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024);

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

805.8.2 TRAINING RECORDS
The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

805.8.3 REQUIRED POSTERS
The Department shall display the required posters regarding discrimination, harassment, and transgender rights in a prominent and accessible location for members (Government Code § 12950).
Anti-Retaliation

806.1 PURPOSE AND SCOPE
This policy prohibits retaliation against members who report workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, discrimination/harassment (See Probation Manual Policy 805) or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members’ access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or memorandum of understanding or contract.

806.2 POLICY
The Fresno County Probation Department has zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

806.3 RETALIATION PROHIBITED
No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.
806.4  COMPLAINTS OF RETALIATION
Any member who has been retaliated against in violation of this policy should promptly report the matter to any supervisor, manager, Division Director, the Chief Probation Officer, or the County Department of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law, or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint, and, if applicable, to impose discipline for misconduct. Although complaints may be made anonymously, in some situations, the investigative process may not be complete unless the source of the information and a statement by the member are part of the investigative process.

806.5  SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Receiving all complaints in a fair and impartial manner.
(b) Documenting the complaint.
(c) Acknowledging receipt of the complaint and notifying the Chief Probation Officer via the chain of command.
(d) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(e) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(f) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
(g) Not interfering with or denying the right of a member to make any complaint.

806.6  EXECUTIVE COUNCIL RESPONSIBILITIES
The Chief Probation Officer and directors shall treat all complaints as serious matters and should ensure that prompt actions take place, including but not limited to:

(a) The timely review of complaint investigations.
Anti-Retaliation

(b) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
(c) The timely communication of the outcome to the complainant.
(d) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

806.7 WHISTLEBLOWING
California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member’s supervisor or any other member with the authority to investigate the reported violation.
(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to their Division Director or the Chief Probation Officer for investigation pursuant to the Personnel Complaints Policy.

806.7.1 DISPLAY OF WHISTLEBLOWER LAWS
The Fresno County Probation Department shall display a notice to members regarding their rights and responsibilities under the whistleblower laws, including the whistleblower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

806.8 RECORDS RETENTION AND RELEASE
The department shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.
Reporting of Arrests, Convictions, and Court Orders

807.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the notification requirements and procedures that members must follow when they are detained for investigative purposes, arrested, or convicted, including any court orders restrict their ability to perform the official duties and responsibilities for the Fresno County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

807.2 POLICY
The Fresno County Probation Department requires disclosure of member detentions, arrests, convictions, protective orders, and certain court orders that restrict the member’s ability to perform their official duties and responsibilities for the department in order to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department. This does not apply to minor traffic violations amounting to an infraction. Officers shall report all incidents where they identify themselves as a peace officer.

807.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS
Federal and California law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, partner, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall report as soon as practicable, but no later than the next business day, any such conviction or court order to a supervisor, as provided in this policy.

807.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS
Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member’s ability to fully perform the duties of the job.

Outstanding warrants, felony convictions, and certain misdemeanor convictions also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805). Miscellaneous prohibitions pursuant to WIC 8103(e).
807.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall report as soon as practicable, but no later than the next business day, their supervisors (retired officers should immediately notify the Division Director or the Chief Probation Officer) in writing of any past or current criminal detention, arrest, charge, Department of Social Services Investigation, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall report as soon as practicable, but no later than the next business day, their supervisors (retired officers should immediately notify the Division Director or the Chief Probation Officer) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm.

Any member whose criminal arrest, conviction, or court order that may restrict or prohibit that member from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or dismissal. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member’s own time and at own expense.

Any employee failing to provide immediate written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).
Drug- and Alcohol-Free Workplace

808.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

808.2 POLICY
It is the policy of the Fresno County Probation Department to provide a drug- and alcohol-free workplace for all members.

808.3 GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated in compliance with federal grant guidelines (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the appropriate supervisor as soon as the member is aware of an inability to report to work. If the member cannot to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

Members must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during the member’s working hours, including breaks, or at any time while on County property during work hours. Members shall not be under the influence or in possession of alcohol or drugs while on County property, at identified work locations, or while on duty; shall not utilize, sell, or provide drugs or alcohol to any other member or to any person while the member is on duty nor have the member’s ability to work impaired as a result of the use of alcohol or drugs.

This policy applies to alcohol and to drugs or medications, legal or illegal, which could impair a member’s ability to perform assigned job duties effectively, efficiently, and safely. Members may also refer to Fresno County Board of Supervisors Administrative Policy No. 43, Drug Free Workplace.

808.3.1 USE OF MEDICATIONS
Members should avoid taking any medications, on or off-duty, when the effects of the medication will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any on-duty status.

808.3.2 USE OF MARIJUANA
Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.
808.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation in the workplace no later than five days after such conviction (41 USC § 8103).

808.5 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Members should contact the Department of Human Resources, their insurance providers, or the member assistance program for additional information. It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

808.6 WORK RESTRICTIONS
If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that the member is transported safely, off-site from the Department.

808.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or require the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

Members found to be in violation of this policy may be subject to disciplinary action under Personnel Rule 10, up to and including termination. The County may, in lieu of disciplinary action, require the member to participate in a governmental approved substance abuse assistance or rehabilitation program.
808.8 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.
Personnel Complaints

812.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Fresno County Probation Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

812.2 POLICY
The Fresno County Probation Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of alleged misconduct in accordance with this policy and applicable federal, state, and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this Department to ensure that the community can report alleged misconduct without concern for reprisal or retaliation.

812.3 PERSONNEL COMPLAINTS
Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy or rule may be handled informally by a supervisor. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

812.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Chief Probation Officer or the authorized designee is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which the Chief Probation Officer or the authorized designee determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member and/or referred to the Personnel Unit, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Personnel Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.
812.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any department member becoming aware of alleged on-duty misconduct shall immediately notify a supervisor.

(c) Supervisors shall notify the Division Director of observed misconduct of any member who, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

812.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

812.4.1 CITIZEN COMPLAINT FORMS
Citizen complaint forms will be maintained by the Department and be accessible through the Department website. The Citizen Complaint form will be made available in several languages.

812.4.2 ACCEPTANCE
All written complaints will be accepted by any Department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be accepted orally, in person or by telephone. Such complaints will be directed to a supervisor.

A complainant shall be provided with a copy of their written statement at the time it is filed with the Department (Penal Code § 832.7).

812.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

812.5 DOCUMENTATION
All citizen complaints and internal affairs investigations should be documented in the Department’s case management system to record and track complaints. The records shall include the nature of the complaint and the actions taken to address the complaint.

812.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

812.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the initial gathering of information of a personnel complaint shall rest with the member’s immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief Probation Officer or the authorized
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designee may direct that another supervisor, investigator, or administrator investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, written documentation is completed.
   1. The original written documentation will be directed via the chain of command to the accused member’s Division Director, who will take appropriate action and/or determine who will have responsibility for the investigation.
   2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member’s Division Director or the Chief Probation Officer, who will initiate appropriate action.

(b) Responding to all complaints in a professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   1. Follow-up contact with the complainant should be made as soon as practicable.
   2. If the matter is resolved and no further action is required, the supervisor will make any appropriate notifications via the chain of command.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Director and Chief Probation Officer are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Probation Personnel Unit and the Division Director for direction regarding the supervisor’s role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.

(f) Investigating a complaint as follows:
   1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
   2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(g) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

812.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Personnel Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):
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(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Fresno County Probation Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member should be informed of the nature of the investigation.

(e) All interviews should be for a reasonable period, and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Lybarger advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer may record interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview transcript shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).
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812.6.3  ADMINISTRATIVE INVESTIGATION FORMAT (INTERNAL AFFAIRS)
Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

812.6.4  DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

No finding - The complainant failed to disclose promised information to further the investigation; or the investigation revealed another agency was involved and the complaint or complainant has been referred to that agency; or the complainant wishes to withdraw the complaint; or complainant is no longer available for clarification.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.
812.6.5 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d).

812.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as the member conducting the investigation deems appropriate, provided that confidential personnel information shall not be disclosed to the complainant.

812.7 ADMINISTRATIVE SEARCHES
Department assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member’s presence; with the member’s consent; with a valid search warrant; or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

812.8 ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief Probation Officer or the authorized designee may temporarily assign an accused member to administrative leave. Any member placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The member may be required to remain available for contact at all times during such shift and will report as ordered.

812.9 CRIMINAL INVESTIGATION
The Chief Probation Officer shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an
outside law enforcement agency. Any separate administrative investigation may parallel a criminal investigation.

A member accused of criminal conduct shall be advised of the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

**812.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief Probation Officer. The Division Director of the involved member shall review the report. The Chief Probation Officer may accept or modify any classification or recommendation for disciplinary action.

**812.10.1 DIVISION DIRECTOR RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Director of the involved member may review the entire investigative file, the member's personnel file, and any other relevant materials.

The Division Director may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

**812.10.2 CHIEF PROBATION OFFICER RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Chief Probation Officer shall review the recommendation and all accompanying materials. The Chief Probation Officer may modify any recommendation and/or may return the file to the Division Director for further investigation or action.

Once the Chief Probation Officer is satisfied that no further investigation or action is required by staff, the Chief Probation Officer shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the Chief Probation Officer shall provide the member with a written notice and:

(a) Access to all of the materials considered by the Chief Probation Officer in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief Probation Officer within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief Probation Officer may grant a reasonable extension of time for the member to respond.

Once the member has completed a response, or if the member has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to the recommended discipline. The Chief Probation Officer shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.
812.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief Probation Officer or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

812.10.4 NOTICE REQUIREMENTS
The disposition of any citizen’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

812.11 PRE-DISCIPLINE MEMBER RESPONSE
The pre-discipline process is intended to provide the accused member with an opportunity to present a written or oral response to the Chief Probation Officer after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The member shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.
(b) Although the member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
(c) The member may suggest that further investigation could be conducted, or the member may offer any additional information or mitigating factors for the Chief Probation Officer to consider.
(d) In the event that the Chief Probation Officer elects to conduct further investigation, the member shall be provided with the results before the imposition of any discipline.
(e) The member may thereafter have the opportunity to further respond orally or in writing to the Chief Probation Officer on the limited issues of information raised in any subsequent materials.

812.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

812.13 POST-DISCIPLINE APPEAL RIGHTS
Non-probationary members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The member has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

In the event of punitive action against a member covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.
During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### 812.14 PROBATIONARY MEMBERS AND OTHER MEMBERS

Extra-help and probationary members and those members other than non-probationary members may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304). Members may also refer to Fresno County Personnel Rule 5.

Extra-help, probationary members and those other than non-probationary members subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief Probation Officer or the authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief Probation Officer shall be final.

### 812.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.
Commendations and Awards

816.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Fresno County Probation Department and individuals from the community.

816.2 POLICY
It is the policy of the Fresno County Probation Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism, and service of its members and individuals from the community through commendations and awards.

816.3 COMMENDATIONS
Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

816.4 CRITERIA
A meritorious or commendable act may include but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

816.4.1 DEPARTMENT MEMBER DOCUMENTATION
Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:
   1. For members of the Department - name, division, and assignment at the date and time of the meritorious or commendable act.
   2. For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with case numbers, as appropriate.

(c) The signature of the member submitting the documentation.

816.4.2 COMMUNITY MEMBER DOCUMENTATION
Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:
Commendations and Awards

1. For members of the Department - name, division, and assignment at the date and time of the meritorious or commendable act.

2. For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with case numbers, as appropriate.

(c) The signature of the person submitting the documentation.

816.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Director for review. The Division Director should sign and forward the documentation to the Chief Probation Officer for review.

The Chief Probation Officer or the authorized designee will present the commendation to the department member for signature. The documentation will then be returned to the Administrative Services secretary for entry into the member’s personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the member’s Division Director. The documentation will be signed by the Division Director, and forwarded to the Chief Probation Officer for review. An appropriate venue or ceremony to acknowledge the individual’s actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

816.5 AWARDS

Awards may be bestowed upon members of the Department, and individuals from the community. These awards include:

- Award of Valor
- Award of Merit
- Lifesaving Award
- Meritorious Conduct

Criteria for each award and the selection, presentation, and display of any award are determined by the Chief Probation Officer.
Fitness for Duty

817.1 PURPOSE AND SCOPE
Monitoring members’ fitness for duty is essential for the safety and welfare of the members of the Department and the community. The Fresno County Probation Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. The purpose of this policy is to require that all members of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

817.2 MEMBER RESPONSIBILITIES
(a) It is the responsibility of each member of this department to maintain physical condition sufficient to safely and properly perform the essential functions of the position.
(b) Each member shall perform their respective duties without physical, emotional, and/or mental constraints that might adversely affect the exercise of the powers of a peace officer (Government Code § 1031).
(c) During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.
(d) Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform duties, such observations and/or belief shall be promptly reported to a supervisor.

817.3 SUPERVISOR RESPONSIBILITIES
All supervisors should be alert to any indication that a member may be unable to safely perform any duties due to an underlying physical or psychological impairment or condition.

Such indications may include:
(a) An abrupt and negative change in the member’s normal behavior.
(b) A pattern of irrational conduct, hostility, or oppositional behavior.
(c) Personal expressions of instability.
(d) Inappropriate use of alcohol or other substances, including prescribed medication.
(e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.
817.3.1 REPORTING
A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the essential functions of their position shall report all objective information and/or observations to the Chief Probation Officer or the authorized designee.

If appropriate, the supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

817.3.2 DUTY STATUS
The Chief Probation Officer or the authorized designee should make a preliminary determination regarding the member’s duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the job, arrangements will be made for appropriate follow-up.

If a preliminary determination is made that the member’s conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Chief Probation Officer or the authorized designee should immediately place the member on paid administrative leave and relieve the member of duty pending further evaluation.

817.4 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS
If the Chief Probation Officer believes that an employee has difficulty performing effectively in the assigned duties and functions of the job due to physical or mental reasons, he or she may submit a written request for a special compulsory medical examination to the Director of Human Resources, as provided by Personnel Rule 8.

In order to facilitate the examination of any member, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment. All reports and evaluations submitted by the treating physician or therapist may be part of the member’s confidential County personnel file maintained by the Department of Human Resources.

Any member ordered to receive a special compulsory examination shall comply with the County Personnel Rules, terms of the order, and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures as directed. Absent a successful appeal, any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

If a member has been deemed fit for duty by the examining physician or therapist, the member will be notified by the Department’s Personnel Unit to resume their duties.

Members may also refer to Fresno County Personnel Rule 8.
817.5 LIMITATION ON HOURS WORKED
Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

Absent emergency operations, members should not work more than:

- 16.5 hours in a one-day (24 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.
Lactation Breaks

818.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member’s infant child (Labor Code § 1034).

818.2 POLICY
It is the policy of the Fresno County Probation Department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child (29 USC § 207; Labor Code § 1030). Members may also refer to Fresno County Board of Supervisors Administrative Policy No. 59, Lactation Accommodation.

818.3 LACTATION BREAK TIME
A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member’s regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify a supervisor before taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

818.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.
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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

818.5 STORAGE OF EXPRESSED MILK
Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member’s shift ends.

818.6 STATE REQUIREMENTS
Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).
Line-of-Duty Deaths or Serious Bodily Injury

830.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of the Fresno County Probation Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member’s survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty, and the injuries are life-threatening.

830.1.1 DEFINITIONS
Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing probation-related functions while on-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual’s relationship with the member, and whether the individual was previously designated by the deceased member.

830.2 POLICY
It is the policy of the Fresno County Probation Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this Department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

830.3 INITIAL ACTIONS BY EXECUTIVE COUNCIL
(a) Upon learning of a line-of-duty death, the deceased member’s supervisor should provide all reasonably available information to the Department.

1. Communication of information concerning the member and the incident should be communicated in person or using secure means and should not be transmitted over the radio to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Division Director should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Division Director or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
(d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

830.4 NOTIFYING SURVIVORS
Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased member’s emergency contact information, and make accommodations to respect the member’s wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member’s wishes.

The Chief Probation Officer, Division Director, or the authorized designee should select at least two members, or one member and a member of the clergy, to conduct notification of survivors in person if practicable.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child’s age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles when possible. Notifying members shall inform the Hospital Liaison using secure means, that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor’s workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.
(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Department Liaison(s) as soon as possible.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors’ names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief Probation Officer or the authorized designee once survivor notifications have been made so that other Fresno County Probation Department members may be apprised that survivor notifications are complete.

830.4.1 OUT-OF-AREA NOTIFICATIONS
The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using secure means, and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief Probation Officer.

830.5 NOTIFYING DEPARTMENT MEMBERS
Supervisors or members designated by the Chief Probation Officer are responsible for notifying Department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure means and should not be transmitted over the radio when feasible.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., chaplain, counselor, peer support group, Employee Assistance Program, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Members should not disclose any information outside the Department regarding the deceased member or the incident.
830.6 LIAISONS AND COORDINATORS
The Chief Probation Officer or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death or serious bodily injury that may include:

(a) Department Liaison.
(b) Hospital Liaison.
(c) Survivor Support Liaison.
(d) Critical Incident Stress Management (CISM) coordinator.
(e) Funeral Liaison.
(f) Benefits Liaison.

Liaisons and coordinators will be directed by the Department Liaison, and should be given sufficient duty time to complete their assignments. Members may be assigned responsibilities of more than one liaison or coordinator. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department is committed to supporting members who are assigned the duties of liaisons and coordinators.

830.6.1 DEPARTMENT AGENCY LIAISON
The Department Liaison should be a Division Director or of sufficient rank to effectively coordinate Department resources and should serve as a facilitator between the deceased member’s survivors and the Department. The Department Liaison reports directly to the Chief Probation Officer. The Department Liaison’s responsibilities may include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors’ needs and requests.
(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
(d) Identifying locations that will be sufficient to accommodate visitation and presenting the options to the appropriate survivors, who will select the location.
(e) Coordinating all official law enforcement notifications and arrangements.
(f) Follow federal and state guidelines regarding the display of flags at half-staff.
(g) Ensuring that Department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
(h) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

830.6.2 HOSPITAL LIAISON
The Hospital Liaison should work with hospital personnel to:
(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member’s survivors or Fresno County Probation Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

Other responsibilities of the Hospital Liaison may include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member’s equipment and other items that may be of evidentiary value.
- Documenting actions at the conclusion of liaison duties.

830.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member’s Division Director. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working. If the member has completed an emergency notification form, it should be used for this purpose.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member’s supervisor and/or coworkers. The deceased member’s partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.
Line-of-Duty Deaths or Serious Bodily Injury

The responsibilities of the Survivor Support Liaison may include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations as appropriate.

(b) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(c) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
   1. Items should not be delivered to the survivors until they are ready to receive the items.
   2. Items not retained as evidence should be delivered in a clean, unmarked box.
   3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
   4. The return of some personal effects may be delayed due to ongoing investigations.

(d) Assisting with the return of Department-issued equipment that may be at the deceased member’s residence.
   1. Unless there are safety concerns, the return of the equipment should take place after the funeral, at a time and in a manner considerate of the survivors' wishes.

(e) Ensuring that survivors have access to available services, such as counseling, grief support, and county human resources.

(f) Coordinating with the department’s Public Information Officer to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(g) Connecting survivors to the investigating law enforcement agency, prosecutors, victim’s assistance personnel, and other involved personnel as appropriate.

(h) Inviting survivors to Department activities, memorial services, or other functions as appropriate. Strive to maintain a supportive relationship with survivors.

830.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR
The CISM coordinator should work with the Chief Probation Officer or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator may include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
   1. Members involved in the incident.
   2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are afforded appropriate CISM support as soon as possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

830.6.5 FUNERAL LIAISON
The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison’s responsibilities may include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements.

(b) Completing funeral notification to other probation and law enforcement agencies.

(c) Coordinating the funeral activities of the Department or outside assisting agencies, which may include but is not limited to the following:

1. Honor Guard/Color Guard

2. Casket watch

3. Pallbearers

4. Traffic control during the deceased member’s funeral

5. Coverage so that as many Fresno County Probation Department members as possible can attend funeral services.

6. Flag presentation

(d) Briefing the Chief Probation Officer and Executive Council concerning funeral arrangements.

(e) The Funeral Liaison should perform duties in accordance with the Outside Agency Assistance Policy.

830.6.6 BENEFITS LIAISON
The Department’s Personnel Unit shall function as the Benefits Liaison and should provide survivors with information concerning available benefits which may include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).

(b) Researching and assisting survivors with application for local, state, and federal government survivor benefits, such as those offered through the:

1. Public Safety Officers’ Benefits Program.

2. Public Safety Officers’ Educational Assistance (PSOEA) Program.

3. Social Security Administration.
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4. Department of Veterans Affairs.
5. Education benefits (Education Code § 68120)
6. Health benefits (Labor Code § 4856)
7. Other possible benefits as entitled.

(c) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

**830.7 PRESS INFORMATION OFFICER**

In the event of a line-of-duty death, the Department’s Public Information Officer, Chief Probation Officer, or the authorized designee should be the Department’s contact point for the media. As such, the Public Information Officer should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that Department members are instructed to direct any media inquiries to the Public Information Officer.

(c) Prepare necessary press releases.
   1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
   2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member’s survivors.

(d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee, as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member’s survivors with media inquiries.
   1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to Department members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member’s survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Public Information Officer should request that the media withhold the information from release until proper notification can be made to survivors. The Public Information Officer should ensure that media are notified when survivor notifications have been made.
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830.8 DEPARTMENT AGENCY CHAPLAIN
The Department chaplain may serve a significant role in line-of-duty deaths. Duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters as appropriate.
- Assisting liaisons and coordinators with their assignments as appropriate.
- Assisting Department members with counseling or emotional support, as requested and appropriate.

830.9 INVESTIGATION OF THE INCIDENT
The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

830.10 LINE-OF-DUTY DEATH OF A PROBATION DEPARTMENT ANIMAL
The Chief Probation Officer may authorize appropriate memorial and funeral services for Department animals killed in the line of duty.

830.11 NON-LINE-OF-DUTY DEATH
The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.
Attachments
FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf
MEMORANDUM OF UNDERSTANDING
FRESNO COUNTY SHERIFF-CORONER'S OFFICE
FRESNO COUNTY PROBATION DEPARTMENT
OFFICER INVOLVED SHOOTING INVESTIGATIONS

This Memorandum of Understanding ("MOU") is made and entered into by and between the Fresno County Sheriff-Coroner's Office (Sheriff's Office) and the Fresno County Probation Department (Probation Department), whereby the Sheriff's Office, in its sole discretion, will administratively investigate officer involved shooting incidents involving Probation Department personnel as further indicated below.

The terms and conditions of this MOU shall be effective from the date of signatures and will remain in effect until either party terminates the agreement.

The Sheriff's Office Internal Affairs Unit (IA) will conduct administrative (internal) investigations into circumstances surrounding Officer Involved Shootings (OIS's) and firearm discharges, which are described below, by Probation Department personnel.

IA will conduct an administrative investigation of any incident where a firearm is discharged by Probation Department personnel who are engaged in enforcement action at the time of the Officer Involved Shooting or firearms discharge. Dog shootings (where there are no injuries to personnel or civilians) and accidental discharges (where there are no injuries to personnel or civilians and do not take place during enforcement action) will be investigated by Probation Department personnel.

While conducting such investigations, IA personnel will act as an agent of the Probation Department. As an agent of the Probation Department, the IA personnel shall be authorized and empowered by the Chief Probation Officer to give direction to Probation Department employees related to investigative needs and processes. In addition, the Chief Probation Officer shall provide any necessary assistance to effectuate the cooperation of Probation Department employees with IA personnel during the course of such investigations. The purpose of the administrative investigation is to determine if the employee(s) acted in accordance with Probation Department policies and procedures. The administrative investigation is separate but parallel to the criminal investigation that may take place during these incidents.

The Probation Department shall give IA access to Probation Department policies and procedures, and employee personnel, training and discipline files as necessary in the administrative investigation of a shooting incident.

The Sheriff's Office and its employees shall keep the administrative investigation, related information, and all Probation Department records confidential as required by law.
An administrative investigation of an officer involved shooting involving Probation Department personnel may be initiated by immediately notifying the Sheriff's Office Watch Commander (559-600-1650) of the incident. A prompt notification is critical as IA personnel will respond to the scene for employee/witness interviews, observation of evidence, weapon inspection, and other assigned duties relative to the investigation. IA personnel will provide direction to Probation Department personnel to assist the involved employee(s) in obtaining an initial psychological debriefing with professional counselors.

The Probation Department and the Sheriff's Office shall be responsible for bearing their own personnel costs incurred during the investigation and related processes. Responsibility for extraordinary investigative costs shall be negotiated as necessary.

At the conclusion of the administrative investigation, an administrative report will be forwarded to the Chief Probation Officer detailing the circumstances of the incident.

Additionally, a panel known as the Shooting Review Board may convene at the request of the Chief Probation Officer. The investigator from IA will present the facts and circumstances of the incident to the Shooting Review Board. The purpose of the review will be to determine whether or not Probation Department policies, rules and regulations or procedures regarding departmental operations were followed; establish the issues and determine their findings on those issues; advise the Chief Probation Officer on the incident or situation and identify any need to modify any departmental policy or procedure.

Membership of the Shooting Review Board will consist of what is outlined in the Fresno County Probation Department Firearms policy 6.500, Departmental Review of Shooting Incident.

The Shooting Review Board members shall be objective in their judgment of the issues and will neither be currently the subject of discipline, nor involved in the event being reviewed. To obtain an accurate account of the events, the Probation Department member(s) involved in the incident, as well as other Probation Department members who may have information concerning the incident, must be accessible to the Shooting Review Board. When a Probation Department member's presence at the review is mandatory, they will be directed to appear and will be compensated.

Questioning of Probation Department members will be in compliance with California Government Code 3300 et.seq., where applicable, and all other rights and protections as may be afforded by statute and or MOU.

The Chairperson of the Shooting Review Board will complete a "Firearms Discharge Review Summary" form which lists the items reviewed, those who are questioned, and the findings of the Shooting Review Board. The "Firearms Discharge Review Summary" is signed by all Shooting Review Board members and becomes the only record of the Shooting Review Board's action. In the event that the findings are not unanimous, a minority report may be written as directed by the Chairperson. All discussion is
confidential and all personal notes generated during the shooting review board's activities shall be collected and destroyed at the completion of the review.

The final decision on whether a shooting incident is within policy and procedure lies with the Chief Probation Officer. The Shooting Review Board is a recommending body only.

The original IA investigative report will be turned over to the Probation Department and retained according to the Probation Department policy as part of the involved employee's confidential personnel file. The Sheriff's Office shall not retain a copy of the investigative report.

This MOU may be amended upon agreement signed by the parties. This MOU may be terminated by either party upon thirty (30) days advance written notice to the other.

Margaret Mims, Sheriff  4-20-17

Rick Chavez, Chief Probation Officer  6-21-17