

# **POLICY MANUAL**

**Orange County Probation Department**

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**Daniel Hernandez**  
**Chief Probation Officer**

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# Mission Statement

## ORANGE COUNTY PROBATION DEPARTMENT



*Probation protects the community by conducting investigations for the court, enforcing court orders, assisting victims and facilitating the resocialization of offenders.*

# Values Statement

*We are dedicated to advancing community protection within the context of our Peace Officer authority.*

### **We believe:**

- ◆ Community protection can best be achieved via a role that balances enforcement activities and supportive casework.
- ◆ Our employees constitute our most valuable resource for accomplishing our Mission.

### **We are committed to:**

- ◆ Delivering quality services in an effective and fiscally responsible manner.
- ◆ Providing a positive, challenging and supportive work culture.
- ◆ Improving our services through teamwork and program innovation, consistent with current knowledge influencing the field of corrections.
- ◆ Advancing professionalism through participation in joint efforts to improve the effectiveness of community corrections.
- ◆ Delivering services with integrity and in a manner, which respects the rights and dignity of individuals.

## ORANGE COUNTY PROBATION DEPARTMENT

# Code of Ethics

As an employee of the Orange County Probation Department, I recognize that I hold a special status of trust and responsibility in our community. I understand that I am in a position that can profoundly affect the lives of other individuals.

In acknowledgement of the confidence placed in me, I am guided by these ethical principles:

- ◆ I will always be **honest, forthright**, fair, compassionate and responsible in my efforts and intentions.
- ◆ I will always act without prejudice, respecting the **constitutional rights** of those I serve **to liberty, equality and justice**, treating them professionally and with dignity. **I will strive to effectively facilitate the social adjustment of the offender while recognizing the right of the public to be safeguarded from criminal activity.**
- ◆ I will maintain a **professional** level of cooperation with fellow employees and with other agencies.
- ◆ I will continue to improve my professionalism by seeking **and sharing** knowledge and understanding.
- ◆ **I will maintain an unsullied private life as an example to all and be constantly mindful of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the policies, procedures and directives of the Probation Department. As a peace officer, my fundamental duty is to serve the community and I will never act officiously or allow personal feelings, prejudices, animosities or friendships to influence my decisions.**

I will act at all times in a manner that serves to uphold these principles.

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## NOTICE

ANY EMPLOYEE WHO FAILS TO COMPLY WITH DEPARTMENTAL **AL** POLICY, OR WHO APPEARS TO IGNORE, VIOLATE OR CIRCUMVENT THE POLICY, IS SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE. ***IF AN EMPLOYEE VIOLATES THE LAW, CRIMINAL PROSECUTION WILL BE PURSUED IF APPROPRIATE.***

## DEFINITION OF TERMS

### Chain of Command

The series of organizational levels progressing upward from line staff to **supervisors** to managers to Top Management with increasing authority and responsibility at each level.

### Executive Management

The highest level of administrators within the Probation Department, **which encompasses** (as a group, including) the Chief Probation Officer and the Chief Deputy Probation Officers. **Executive Management is** synonymous with Top Management.

### Division Directors

Managers of major divisions **or correctional facilities, which include** Field Supervision Services, Court Services, **Institutional Services, Administrative and Fiscal Services, Human Resources and Training, Programs, Research and Data Systems.**

### Assistant Managers

Assistant Division Directors and **Administrative Management Staff who assist Directors in the operation of a division or correctional facility.**

### Supervisory Staff

First and second level supervisors such as Supervising Probation Officers, Supervising Probation Counselors, **Staff Analysts, Office Managers and Office Supervisors.**

### Immediate Supervisor

The specific departmental employee to whom another employee directly reports.

### Staff or Employee

All employees of the Probation Department.

### County Regulation

The Board of Supervisors' resolutions; County Counsel opinions; **CEO/Office of Human Resources** policies and regulations, the Personnel and Salary Resolution; and/or other County employee directives, contracts, and **applicable** Memoranda of Understanding which are recognized as the official policy or procedure for the County of Orange as an employment agency.

### Policy

The principles, **philosophies** and management decisions which govern **and guide** the operations of the Probation Department.

### Procedure

**The specific instructions and guidelines for the various functions and services within the department as delineated in the related procedure manuals.**

\* Indicates Items with Changes  
(New) Indicates New Policy Item

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POLICY MANUAL  
MARCH 2004**

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Policy Number: A-1  
Date Issued: 9/75

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1/86  
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3/04

## Policy, Procedure and the Law

The Probation Department is a service arm of the court. The Chief Probation Officer is legally mandated to provide certain services and authorized to provide other services to the court and to the community. These may be delegated to deputy staff in the agency. These services are to be extended in a lawful and professional manner. No policy or procedure is to be formulated or approved which is in conflict with Federal or State Law, or County or City Ordinances. All staff are expected to implement policy and procedure in a lawful manner. All staff are responsible for making themselves aware of all departmental policies, as well as procedures and performance standards that apply to their specific job assignment.

As a matter of overall policy, employees are to obey the law and follow the written and verbal directives, policies, procedures and performance standards of the department. Inevitably legislative action, court decisions and other events require Top Management to periodically re-evaluate and modify policies, procedures, and performance standards or develop new ones. **Notices** of such changes are customarily distributed via written memos and verbal advisements. Such directives will be followed and accepted as superseding certain sections of the Policy and Procedural Manuals pending an official update. Should any employee become aware of a conflict between the law, the Policy Manual, the Procedure Manuals, or the modifying advisements, the employee **will** notify the Chief Probation Officer via the chain of command of the apparent conflict. Appropriate steps to clarify or correct the conflict will follow.

If an employee is directed by the court to perform in a manner, which does not appear to be consistent with departmental policy or procedure, the employee **will** attempt to advise the court of the conflict. If an immediate response to the court directive is not required, the employee should seek direction and assistance from the immediate supervisor. If the matter requires an immediate response, the employee will comply with the directive of the court, and advise the immediate supervisor of the action as soon thereafter as possible.

All employees **will** provide accurate, complete, and appropriate information to the courts, to management, and to other employees of the department, related agencies, and professional contacts as directed and appropriate.

Policy Number: A-2  
Date Issued: 9/75

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6/84  
1/86  
1/94  
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## Upholding Departmental Philosophy and Principles

General and specific guidelines for the routine, anticipated or repeated situations that occur in a job function are found in the departmental policy manual, procedure manual, performance standards and applicable federal, state and local laws. These resources, however, cannot possibly cover all contingencies. The employee must be prepared to exercise sound professional judgment, creative problem resolution, and/or seek **supervisory** assistance in making sensible, positive, legal decisions and taking effective action. The fact that a certain activity, situation or action is not specifically addressed in one of these guidelines does not mean that the Department regards such action as permitted or forbidden. The employee must carry out duties with a positive attitude, in a timely manner, and in general support of the Probation Department's stated positions, mission, values, and code of ethics.

The Chief Probation Officer's primary responsibility is the protection of the community through legally mandated services to the courts, through resocialization services to the offenders under the jurisdiction of the adult and juvenile court, and through prevention and diversion services. Staff get their authorization to perform their job functions from the Chief through delegation and assignment, as permitted by law.

The correctional role of the Probation Department requires a balance between supportive casework services and enforcement activities. Employees must carefully evaluate any differences between departmental responsibility, departmental philosophy and policy, and their personal philosophy. Personal views, philosophies, religious beliefs, and political views should be segregated from the employee's departmental role. When there is a job-related conflict between personal and professional (departmental) positions, the professional position must prevail on the job.

Employees will avoid sharing their political, religious and personal views during professional interaction with clients. Employees will not disseminate literature of a political or religious nature to a client or co-worker nor post such literature in the workplace. Whenever the employee is in a work related situation and is known or identified as an employee of this department, the employee will represent the department's position on an issue, rather than their own. **Employees will never act officiously or allow personal feelings, prejudices, animosities or friendships to influence decisions.**

Policy Number: A-4  
Date Issued: 9/75

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6/84  
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1/94  
3/04

### Home Telephone and Address

All **employees** are required to have a home telephone (not a message telephone number) residence address (**where the employee actually resides**, not a P.O. Box) and have both on file with the Probation Department. Written notification of any change of telephone number or residence must be made **within 72 hours of such change to the employee's immediate supervisor and the Probation Department Human Resources & Training Division**. Home telephone numbers and addresses will be considered confidential by **the department** and not subject to release **to the public**.

Policy Number: A-5  
Date Issued: 9/75

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6/84  
1/94  
3/04

### **Communications within the Probation Department**

In support of the organizational structure of the department and to promote the flow of information to all appropriate levels, communications within the department **will** generally follow a horizontal or vertical path. Vertical channels (up or down the chain of command) **will** always remain open to allow all information to effectively flow. Horizontal channels **will** also always be open to allow information to flow between those of comparable classification or authority. All communications are to be relayed in a timely and comprehensive manner.

Diagonal channels (those which temporarily bypass the chain of command and cross lines of comparable job classification or authority) are used in emergency situations, and/or when authorized by an immediate supervisor, or when an employee's task or specific role requires it. A person (or persons) bypassed when diagonal channels are used **will** be apprised of the nature of the communication at the earliest possible time.

During the course of performing a job assignment, an employee is to submit the work to the immediate supervisor for review as directed. In addition the employee **will** notify the immediate supervisor regarding any matter that requires coordination **regarding departmental operations, or involves the immediate supervisor's/department's accountability.**

Policy Number: A-6  
Date Issued: 9/75

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6/84  
1/94  
3/04  
3/05

## Secondary Employment

In addition to their primary departmental position, staff may be employed or involved in volunteer positions or business ventures unless:

1. It occurs during scheduled work hours with the Probation Department; or
2. It is detrimental to productivity; or
3. It is in opposition to the County of Orange Conflict of Interest Policy; or
4. It creates a conflict of interest or the appearance of a conflict of interest; or
5. It damages the image of the department and/or its staff.

Any secondary employment, volunteer position or business venture must be reported to and authorized by Top Management via the appropriate chain of command. Authorization must be obtained before engaging in secondary employment or **volunteer position**. Authorization must be renewed annually in January of each year. Upon terminating secondary employment, volunteer positions or business ventures, Top Management must be notified via the chain of command within 72 hours of termination. Requesting authorizations, renewals or rescinding secondary employment must be accomplished in writing.

It is the employee's responsibility to schedule any personal, educational, outside teaching or other activities in a manner which does not conflict with their county employment or reduce effectiveness or performance. Staff will not participate in any outside employment or business ventures while on county time. County supplies **and** equipment **shall** not be utilized for anything other than for conducting county business.

***Employees who are authorized to use cell phones for official county business purposes shall comply with established guidelines set forth by the County Executive Officer dated 08-24-2004.***

In general, employees in peace officer positions may not engage in outside services as a full-time, part-time **or reserve** law enforcement officer.

Staff are not to work for any entity that contracts services with the county or is a resource to the Probation Department unless a conflict of interest or appearance of conflict is found not to exist and authorization is obtained from Top Management. Written requests, responses and renewals will be maintained by the Human Resources & Training Division.

Policy Number: A-7  
Date Issued: 9/75

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6/84  
1/94  
3/04

### **Employees as Departmental Representatives**

All employees of the Probation Department represent the department to everyone they contact during the course of their employment and while making public appearances. Therefore, each employee will represent and express the established policies and philosophies of the Probation Department, of the judiciary and county. Employees will positively affirm these positions without interjecting conflicting personal philosophies or opinions. When publicly addressing criminal issues while off duty, the employee **will** explicitly distinguish their personal views from those of the department.

Staff are expected to treat colleagues, clients and the public with professional demeanor, respect and dignity. Staff serve as role models to clients in attitude, demeanor, appearance and behavior. It is not compatible with the department's mission and values to direct obscenities, degrading terms or rudeness at others. It is possible to maintain professional demeanor while rejecting poor behavior in others, accepting them as individuals and always preserving their dignity.

Requests for staff to appear as departmental representatives or guest speakers must be coordinated with the supervisor and management. Such appearances must not interfere with regularly assigned duties unless specifically authorized by management.

Policy Number: A-8  
Date Issued: 9/75

Date Revised: 11/78  
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3/04  
3/05

### **Telephone Calls, Voice/Electronic Mail and Correspondence**

Staff will respond promptly to telephone inquiries and written correspondence. In general, all phone calls are to be returned within one working day and response to written correspondence is made within five working days. Voice and e-mail messages should be retrieved at least twice each working day, morning and afternoon.

Whenever possible, the county departmental mail or messenger services will be used instead of the United States Mail Service.

When an employee receives a telephone call or letter which should more appropriately be answered by another employee, the receiving employee will make immediate efforts to notify the source of the inquiry of the identity of the proper person to be contacted, how to contact that person, and/or relay the inquiry to the proper departmental employee.

Electronic mail is an efficient alternative to written memos and telephone calls for informal business communications that do not require an immediate response. Generally speaking, e-mail is not appropriate for emergency communications. Messages are expected to ***be professional*** without the use of profanity, gossip or derogatory language.

All e-mail communications are automatically stored, and are subject to review without notice by Probation Department management.

Policy Number: A-9  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Requests for Information and Assistance (Except Media Requests; See A-10)**

This department attempts to respond to requests for program legal and statistical information as promptly and fully as possible within legal, resource and staff limitations. Any employee who receives a request for information will represent the **department** in the most positive manner possible. Requests are directed to the most appropriate **unit** or staff member.

Before requests can be processed, it is necessary to first establish the scope of the request, the identity of the requestor, the purpose of the request and legal authority to receive the requested information. Release of information must be consistent with state law, court directives and departmental policies and procedures. If there is uncertainty, consult with the supervisor.

General program information may be provided by any employee who has accurate and complete information on the subject. Statistical information and program descriptions are available through published reports and flyers which may be released upon reasonable request. Requests for case-specific information must be referred to the assigned officer or unit supervisor.

All other requests for data, statistics, or permission to conduct research, **will** be submitted in writing to the appropriate Chief Deputy Probation Officer. Requests by members of the public to interview employees, test clients, review records, or review or collect research or other statistical data not within the **department's** monthly statistical report must be approved in advance by Top Management.

Policy Number: A-10  
Date Issued: 9/75

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1/94  
3/04

### **Contact with News Media**

The Chief Probation Officer and the Chief Deputy Probation Officers are designated as the official spokespersons for the **department**. In order to guarantee appropriate confidentiality and the accuracy of information released, all requests for information, statements, or interviews from any news media source are to be directed to the department's media liaison. The media liaison will coordinate the response, advise the appropriate top manager, provide assistance and alert the Board of Supervisors **in accordance with county policy**.

Public recognition of staff or program accomplishments is encouraged but must be coordinated through the media liaison. When an employee is **directed** to represent the **department** by the Chief Probation Officer or a Chief Deputy Probation Officer in response to an inquiry from the news media, a brief summary of the media contact is to be forwarded to the media liaison via e-mail immediately following the contact.

Policy Number: A-11  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04  
3/05

### **Departmental and Private Property, Use or Distribution via Publications, Speeches, Public Appearances**

All information produced and/or developed in documents/materials by employees/volunteers in the course of their duties utilizing county equipment and/or supplies is considered the property of the department. Employees/VPO's may retain publicly disseminated information. Top Management must authorize information for personal retention, not publicly disseminated. If authorization is granted, the employee/volunteer will bear the duplication costs.

Employees/VPO's who produce or develop work related information with personal resources outside of the work environment and wish to share this information with the department, will identify intent to retain and/or continue to utilize the information as private or personal property.

Any employee/VPO who intends to write for publication or make speeches (in person or via the media) **regarding official departmental business** must have prior Top Management authorization. This is designed to promote accurate portrayal of the department, policies and procedures, and avoid potential conflict.

Policy Number: A-12  
Date Issued: 9/75

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1/94  
3/04

### **Service and Community Awards**

Any employee/**Volunteer Probation Officer (VPO)** invited to attend a meeting of the Board of Supervisors or Top Management to receive service awards will be notified in advance of the ceremony so that the employee's job responsibilities may be assumed by others during attendance. Employees receiving invitations to either ceremony will be permitted to attend **on county time**. Attendance at these ceremonies is encouraged, but **not mandatory**. Divisional managers will present awards for five years of county service.

Employees/**VPO's** who receive invitations or requests to appear before community groups to receive awards or other forms of recognition for service directly related to an employee's/**VPO's** work assignment, will immediately notify the media liaison and **Top Management** via the chain of command. Permission to attend and participate on county time may be granted in such situations at the discretion of the appropriate Chief Deputy Probation Officer.

Policy Number: A-13  
Date Issued: 9/75

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1/86  
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### Acceptance of an Honorarium

To avoid any potential conflict of interest, employees/**volunteers** must **provide a written** report of any honorarium (remuneration, gift, award, or token of appreciation) received as a direct or collateral result of employment/**voluntarism** with the Probation Department. Such report (via the chain of command) goes to the appropriate managerial staff and to the media liaison. If possible, advisement should be in advance of the receipt of the honorarium. **Employees/volunteers will not retain cash honorariums and gifts. Top Management will determine the final disposition.** Personalized plaques and trophies with an individual value of less than \$250 may be kept by the employee/**volunteer** with notification to Top Management via the chain of command.

The County **of Orange** Gift Ban Ordinances (effective **June 24, 1993**) prohibits designated **county** employees from soliciting or accepting gifts from any person or entity who is doing business with the **county** if the employee could use his official position to influence the **county's** decision regarding that person/entity.

Policy Number: A-14  
Date Issued: 9/75

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1/94  
3/04

## Donations

Any solicitation of funds, goods, or services from individuals or organizations **will** be coordinated through the Volunteer Program Unit or as designated by Top Management. This permits a unified, department-wide approach to solicitation from individuals or organizations. Funds, goods, or services may be solicited for:

1. Staff in work-related activities;
2. Minors in juvenile institutions;
3. Clients of the department.

All donations received must be reported per departmental procedure to Administrative and Fiscal **Division** for proper accounting. Appropriate letters of appreciation will be written promptly to the donor.

In order to avoid any conflict of interest, or the appearance of conflict of interest, no funds, services, or goods will be solicited or accepted from clients and/or their families. Requests for authorization to accept a voluntary donation from a client and/or their families **will** be referred to the appropriate Chief Deputy Probation Officer.

Policy Number: A-15  
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### **Employee Participation in Corrections Related Organizations and Collateral Activities**

Employees are encouraged to be members of and actively participate in outside professional organizations when those activities and the professional organization assist in the attainment of departmental goals. Such participation may include meetings, leadership roles, workshops, training or conferences available through such organizations. Budgetary and operational considerations may limit the amount and kinds of support which can be authorized.

Periodically, guided by the needs of the department, Top Management will assign one or more staff to attend and participate in conferences or other activities sponsored by professional organizations as an official representative of the department. In such cases, normal travel, per diem, and registration fee expense will be reimbursed.

Staff may participate in conferences and other activities sponsored by professional organizations on their own time and at their own expense. ***Upon advance approval, the county may support designated participation through the use of county time.***

Policy Number: A-16  
Date Issued: 11/78

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1/86  
1/94  
3/04

## Training

The purpose of training is to improve the ability of staff to accomplish the **department's** mission. All employees in peace officer classifications will receive the training required by state law, **regulations established by the Board of Corrections** and **as deemed necessary to job performance**.

The training offered to staff is designed to develop job skills, identify and understand the characteristics of the probation population and to address administrative and safety issues. Entry level core training is followed by annual training to first develop journeyman skills in a job assignment and then to develop advanced expertise. Specific training offered is influenced by the needs of the department, programming developments, skill level of staff, resources and instructional expertise.

Top Management oversees the Training Program but delegates most employee-specific decisions to the supervisory level. At times, management may mandate training to meet a certain need.

Any staff member may be assigned specific training to further departmental goals, to better prepare staff for an assignment, or to remedy identified deficiencies. Regardless of whether the training is assigned or chosen, each employee is responsible to attend scheduled training to **fulfill** their individual training requirements. Each supervisor must determine the training to be taken by each employee and to monitor and ensure such attendance.

Training is considered a work assignment. All staff are expected to attend training appropriately dressed and groomed, i.e. business or modified business attire. Casual, recreational or sports attire is not acceptable unless the training notice so specifies. Staff are also expected to be professional and courteous during training.

All training is coordinated by the Director of the **Human Resources & Training** Division. In setting priorities for training, first priority will be given to developing the skills, knowledge, and abilities needed **to meet or exceed staff's performance objectives**. Second priority will be given to training, which will enable staff to transfer to other assignments in the same job classification. Third priority will be given to training, which will facilitate general professional growth and development.

Policy Number: A-16.1  
Date Issued: 11/78

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1/86  
1/94  
3/04

### **Outside Training (Non-Departmental)**

While it is anticipated that the department will provide most training directly or via contract, Top Management may authorize/**direct** staff to attend outside training provided by other organizations as outlined procedurally under the following conditions:

1. The training is not generally available or provided by the Probation Department;
2. The training is appropriate and directly relevant to the present position of the employee requesting the training;
3. The employee ***is currently meeting or exceeding performance objectives***, and the absence from the job assignment for the training can be accommodated ***without resulting*** in overtime expenditures, either directly or indirectly. ***The only exception would be if the purpose of the training were to assist the employee in the performance of his/her duties;***
4. There are sufficient funds available to pay for the training.

Any employee who attends such training on county time, at county expense, or at the direction of the department, will be required to provide a written report and produce all handout materials.

Policy Number: A-17  
Date Issued: 9/75

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3/04

### Conflicts of Interest

All employees of the Probation Department **will** abide by the county's directives regarding conflict of interest. All employees must absolutely avoid any and all activities which are known conflicts of interest with their employment by the Probation Department. In addition, if an employee believes that a potential conflict may emerge or exist, or any action or activity might be interpreted by others as giving the appearance of a conflict of interest, assistance must be sought from the immediate supervisor to clarify the matter. Assistance in remedying or resolving an issue may be pursued via the chain of command to Top Management. The following information is quoted directly from the general personnel provisions of the Personnel and Salary Resolution. It is reprinted for your information and as an established guideline. It is subject to change at any time. Therefore, it should be used as a guideline only, and not considered as covering every possible situation. All employees are expected to exercise professional knowledge and good judgment in evaluating any given situation.

County employees **will** refrain from engaging in any activities which constitute a conflict of interest due to the nature, conditions, or some other aspect of the activity. It **will** be the responsibility of each Agency/Department Head to ensure that employees in his or her agency/department refrain from engaging in any activities which constitute a conflict of interest. The following are examples of activities which may involve a conflict of interest:

1. The use of county time, facilities, equipment, badge or uniform for private gain or advantage, or the private gain or advantage of another.
2. The use of prestige or influence of county employment for private gain or advantage, or the private gain or advantage of another.
3. The use of confidential information acquired by virtue of county employment for the employee's private gain or advantage, or private gain or advantage of another.
4. The acceptance of money or other consideration by an employee from any person except the county for the performance of an act which the employee would be required or expected to render in the regular course of hours of county employment, or as a part of his or her duties as a county employee.
5. The performance of an act in other than his or her capacity as a county employee, knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by the employee or the agency/department in which he or she is employed.
6. The representation of or assisting in the representation of private interests for profit/**non-profit** before any board or commission of the county or in court when the county is a party.
7. The solicitation of future employment with a business doing business with the county over which the employee has some control or influence in his or her official capacity at the time of transaction.
8. Holding a financial interest in any business, which receives funds from court-ordered child welfare services, or receiving consideration for an out-of-home placement.

Policy Number: A-18  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

## Staff Relationships with Clients

### General

Employees are not to establish **personal, social or** business relationships with clients or their families. If such a relationship existed before the individual became a client of the Probation Department, or before the staff member became an employee, the employee must notify his/**her** immediate supervisor as soon as **the individual client status is known**. The immediate supervisor will review the situation with the affected employee and **via the chain of command** establish an acceptable solution to any potentially inappropriate situation. In all such cases, every attempt will be made to avoid conflict for the employee and client **and discredit to the department**. **Similarly, staff relationships with individuals under the jurisdiction of other County Probation Departments, Youth Authority, State Parole Divisions or Federal Probation will be treated in the same manner.**

In order to avoid an actual, a potential, or an appearance of any professional conflict of interest, prejudice in professional conduct, or undermining of public trust, staff may not engage in any personal, social or business relationships with any clients and/or their families, for a period of at least **one year** following the termination of the client's relationship with the Probation Department unless approved by Top Management. This includes clients **of other county Probation Departments, Youth Authority, State Parole Divisions, Federal Probation or inmates of a juvenile/adult correctional facility**. Any such contact must be reported to the immediate supervisor.

If any work technique might be viewed by the community as a social relationship, this technique or practice **will** be reviewed in advance by **Top Management via the chain of command**.

### Work By and With Clients

As an integral part of Probation Department programs, departmental clients may be ordered/referred to or may volunteer to perform certain work functions as part of their **casework** plan. No client may perform any personal service for any employee of the Probation Department, or their families, or engage in any activity which would primarily serve to benefit the employee. It is the responsibility of all employees to insure that clients are informed of this policy on appropriate occasions, and to insure that clients do not engage in any type of work that benefits an individual employee. Similarly, no employee **will** initiate any work or business with a client, or the family of a client, for their mutual or individual benefit.

### Institutions: Minors Returning to Visit

Contact between institutional staff and minors released from county juvenile institutions is, in general, discouraged because it may delay or interfere with the minor's transition back into the community. Institutional staff **will** not contact a minor away from the institution unless it is to further the case supervision plan, has been authorized by the Institutional Director, and coordinated with the assigned Deputy Probation Officer. This **will** occur only in exceptional circumstances. If **any** contact with a minor does occur away from the institution, staff will advise the institutional director/assigned Deputy Probation Officer via the chain of command no later than the following workday.

Sometimes there are cases in which it is important to a minor's growth and resocialization to return to the institution from which he/*she* graduated in order to visit staff. **Staff will conduct** such visits in a friendly, supportive, and professional manner and **avoid** personal relationships away from the institution.

Requests for visits by the minor to the institution **will** be referred to the institutional director for approval. An unscheduled visit by a minor **will** be **courteously** dealt with, completed quickly and professionally, and **immediately reported via the chain command** to the institutional director.

**Requests for References re: Clients**

***Employees may furnish a personal reference for a current or former client providing there is a clear statement that opinions expressed are personal. Employees will not disclose any business relationship by identifying the department or revealing a job title. Additionally, references may not be prepared using county time, resources, stationery, etc. Employees may not give personal references regarding current or former clients based on knowledge acquired through the person's involvement with the Probation Department.***

***Reference requests that are seeking case-related information are to be referred to the last assigned Deputy Probation Officer or unit supervisor. Any reply must comply with legal and departmental restrictions on release of information and confidentiality. Written references for current or former clients are to be addressed to a specific person for a specific use and may not be addressed "To Whom It May Concern."***

Policy Number: A-19  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

## Gifts

Gifts for the personal use and possession of an employee/**volunteer** will not be accepted from any client, client's family, or collateral representative. Employees/**volunteers** are prohibited from giving any gifts to a client, the client's family, or collateral representative except as a confidential donation via the Volunteer **Services** Unit.

The County **of Orange** Gift Ban Ordinance (effective **June 24, 1993**) prohibits designated **county** employees from soliciting or accepting gifts from any person **who** or entity **that** is doing business with the **county** if the employee could use his/**her** official position to influence the **county's** decision regarding that person/entity. **Volunteers will also adhere to the guidelines set forth in the gift ban ordinance.**

Policy Number: A-20  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04  
3/05

### **Political Activities**

All employees of the Probation Department will **avoid** all political involvement or activities, which are, or might give the appearance of being, a conflict of interest with their employment. Specifically, the following directives are provided:

1. **Do not** solicit or receive political funds or support from other Probation Department employees while on duty;
2. **Do not** solicit political contributions or support on county property except in public meeting places;
3. **Do not** use your authority or position as employees of the Probation Department to influence the vote or to influence the political contributions of another;
4. **Do not** campaign for political candidates or issues during work hours;
5. **Do not** take part in political activities while in uniform, if a uniformed employee;
6. **Do not** wear or display campaign or political materials while on duty;
7. **Do not** distribute political materials to coworkers or clients **while on duty**;
8. **Do not** post political **materials** in the workplace.

Any questions about the appropriateness of any specific political activity will be referred immediately, via the chain of command, to the Chief Deputy Probation Officer for clarification and approval in advance.

***This policy item does not pertain to official employee organization business.***

Policy Number: A-21  
Date Issued: 11/78

Date Revised: 6/84  
1/94  
3/04

## Liability

In an effort to minimize departmental and individual liability, the county and the department have established policies, **procedures**, standards and guidelines to assist employees in the performance of **their duties**. The Chief Probation Officer and **staff to whom specific authorities and responsibilities have been delegated are obligated to fulfill certain requirements and provide specified services**. Guidelines to meet these obligations are provided by the **county and** department through the policies, procedures and performance standards. Added efforts are made to keep all employees updated on the changes in relevant laws. It is the obligation of all Probation Department staff to carry out the functions of their job assignments in conjunction with these departmental directions and guidelines.

While there are protections afforded to public employees under the California Tort Claims Act **and the Government Code**, the **county**, Chief Probation Officer and **delegated** staff are still accountable for their actions and/or their lack of action in a civil or criminal court, even when they believe that they are performing their duties according to established departmental and county policies, procedures, and the law. However, Probation Department employees who perform their job functions according to the established policies, procedures and **guidelines** of the Probation Department and/or within the intent of the Probation Department's stated mission, values and code of ethics in the absence of specific written procedures, **will** be fully supported by the Chief Probation Officer in the event that court action arises. Legal support from the County of Orange **will be afforded depending on the specific factual circumstances of the matter**.

Any employee who has specific questions regarding the performance of his/**her** duties, obligations, and liability **regarding** job performance, or who confronts a complex situation for which there are no guidelines, **will** seek additional information and guidance through his/**her** immediate supervisor at the earliest possible **opportunity**. If the situation requires immediate action, the employee is expected to use good judgment and professionalism in responding, and follow this action by advising the immediate supervisor as soon as possible.

### **Employment of Relatives (Nepotism)**

**Employees will not** show or appear to show favoritism to, nor attempt to influence the treatment of another employee based on any family or personal relationship. Examples of such relationships include: relatives by blood, **adoption** or marriage; business partners; special interest group, political, religious, ethnic, domestic, romantic, or recreational affiliations.

**In accordance with the County Policy on Employment of Relatives (Nepotism), an employee may not be appointed, promoted, reduced, transferred or reassigned to a position in which that employee is in the direct line of supervision of a close relative. Nor will close relatives have the same immediate supervisor without review and approval by Top Management. "Supervision" includes the assignment of work, evaluation of performance and setting or influencing the pay or granting of benefits to the other.**

**A close relative is defined as a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, father/mother-in-law, son/daughter-in-law, brother/sister in-law, stepparent, stepchild, stepbrother/sister, or half brother/sister.**

**All applicants for employment, promotion, reduction, transfer or reassignment to a position in the department will be required to disclose the name(s) and position title(s) of any close relative currently employed in the department prior to appointment, promotion, reduction, transfer or reassignment. An employee, who becomes a "close relative" by marriage subsequent to appointment, will disclose in writing the new relationship(s) to Top Management via the chain of command.**

Policy Number: B-1  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Case Confidentiality - Client's Right to Privacy**

Case information is considered confidential and to be shared only with those who have the need and right to know. State statute, case law, court directive, departmental **policy**, procedure and directives strictly limit access to case information. If there is any question about complying with a request for information on any client, consult the immediate supervisor for guidance.

Staff **will** not needlessly identify or advertise anyone as a client. The identification of any principal in a case (client, victim, etc.) **will** be in a manner to minimize embarrassment and stigma. Except for standard file and field book identification, clients are not to be photographed in **any** Probation Department **office, during a ceremony** or community resources/placement context unless approved by management. Cameras may not be taken into juvenile institutions or program areas without prior approval of appropriate managerial staff.

Juvenile case information and documents have an additional layer of confidentiality via the Juvenile Court. Access to juvenile case information and materials are gained by petitioning the **Presiding Judge of the Superior Court for authorization**.

No employee **will** disclose confidential or legally restricted case information in the course of filing or pursuing a complaint or grievance against the agency or County.

#### Documents

**Employees may not obtain or retain case file or electronic file information without prior management authorization.** Employees may not release any case file documents without a specific court order or a valid subpoena. Copies of court reports prepared by this department may be released to other criminal justice agencies in accordance with Criminal Offender Record Information (CORI) laws. Case file documents/reports that were prepared by an outside agency, such as police reports, medical/psychological reports and school reports shall not be released. If a person outside the Probation Department requests copies of such reports that person must obtain them from the originating agency.

#### Attorney of Record

A **client's** attorney of record in a current court action may read the completed court report after it **has been** filed with the court. Other case file **contents** are not subject to attorney review **unless properly subpoenaed and approved**. Refer requests by attorneys to view case file contents to the immediate supervisor **or subpoena coordinator**.

#### Victims

The assigned Deputy Probation Officer may provide victims with limited information in accordance with the requirements of the applicable statutes, orders of the court, and departmental procedures, and to assist in the pursuit of restitution or damages.

Volunteers, Student Interns, Foster Parents, and Others

Information may be shared by the assigned Deputy Probation Officer on a need-to-know basis with approved volunteers, foster parents, student interns, community resources, placement facilities, or others assigned specific duties with the Probation Department, in order to maximize their effectiveness in working with a client. No information is to be released beyond that which is necessary for their degree of involvement in the particular case. Release of information to volunteers regarding adult clients must also conform to the applicable Criminal Offender Record Information (CORI) laws as well as other pertinent laws, departmental policies, and procedures.

Policy Number: B-2  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Inter and Intra-Agency Confidentiality**

While confidentiality is a prime concern in casework, it is not to be applied in a manner to preclude the transfer of necessary information among the several operational components of this department, or between this department and other agencies or individuals with a legitimate need and right to know. Guidelines for the dissemination of information regarding court proceedings and records are outlined in state laws, court directives, departmental **policy and procedure** and in **guidelines** distributed to staff **by the Chief Probation Officer or designee**.

The department, on occasion, contracts to provide certain professional and support services, or to receive such services from grant or privately funded public or private agencies and/or programs, and these programs need certain kinds of information. Staff **will** follow specific procedural guidelines **and court orders** delineating the method and types of information to be shared with such agencies and departments.

Policy Number: B-3  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### Case File Management and Security

Case files and their contents are confidential and no one except Probation Department staff **and/or others legally authorized may access, possess, remove or transport them from the security of the assigned work location.** Staff who have case files and documents in their possession or under their control are responsible for keeping them secure from unauthorized access and storing them securely when not in use. Case files in some type of active work status are usually stored in the office of the assigned staff member. If another employee needs an assigned case file it must be checked out appropriately with adequate notice as to the location of the "borrowed" file. **Case files and/or their contents will not be removed from a juvenile institution unless prior approval is obtained from the Institutional Director.**

When a case is no longer in active status, the complete file and all related documents are forwarded to the Records Room for storage and reference. Employees **will** not keep copies of case information. Sample reports, letters, or formats may be retained for **business related** or professional reference only and are to be properly destroyed when no longer needed for this purpose.

All documents or notes containing any client identifying data must be kept in the case file, field book, institutional file or other approved work location. When it is necessary to keep examples of work products for training or reference purposes, all client-specific information such as name, address, police report numbers, or any other traceable information must be **redacted**. These documents will be **shredded** when they are no longer needed for these specific purposes.

Exceptions or waivers to this policy must be approved in advance by the appropriate Chief Deputy Probation Officer.

Policy Number: B-4  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Sensitive Cases**

Cases involving celebrities, departmental employees or their families, court or political **officials** or their families, or **high profile** cases, which have for some reason attracted special **media and** public attention, are to be reviewed for possible classification as a "sensitive case". Any time a case reaches the department and, by its nature appears to any employee to be a "sensitive case", this information **will** be reported to the appropriate **Division Director** via the chain of command. Once classified as "sensitive" the case will be handled according to written procedure. **Access to the file will be limited to those assigned to provide close supervision and monitoring of the case.**

The Probation Department **will** provide services to the sensitive cases, the court, and the community in a manner consistent with the treatment of other cases, while making every effort to insure that no favoritism or bias enters into the casework. These cases **will** not receive any special treatment or consideration with regard to casework decisions made by **employees** regarding any aspect of the case. **The appropriate Division Director must approve any deviation from this policy.**

Policy Number: C-1  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Maintaining Employment Status**

As described in the *applicable Memoranda* of Understanding, there are a variety of employment statuses (regular full-time, regular part-time, limited term, extra-help, etc.). To the extent deemed feasible, **supervisory** and managerial staff **will** assist any employee wishing to clarify the implications of his/**her** employment status. All employees are encouraged to seek **supervisory** assistance **and/or contact the department's Human Resources & Training Division** in evaluating the impact of a change in status on salary, permanence, and benefits prior to formally requesting a change in employment status.

All employees are responsible for notifying their immediate supervisor of any planned or anticipated interruption in work attendance, such as vacation, medical appointments, parenthood or other leaves of absence, etc., at the earliest possible time. Unplanned or unexpected absences, such as those resulting from an illness or accident, must be reported to the immediate supervisor as soon as possible.

Policy Number: C-2  
Dated Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04  
3/05

### Vacations/Annual Leaves

Every effort is made to accommodate the major vacation/annual leave requests of each employee, provided that the employee's absence does not interfere with the efficient operation of the department. Vacations may be taken in multiple increments. Generally, vacation requests must be submitted thirty (30) days before the requested time off to allow time for processing, scheduling and position coverage. Work units are expected to limit the number of staff taking vacation at the same time in order to ensure mandated and essential coverage.

Vacation/annual leave preference based on county seniority is considered in January of each year for one vacation period in the upcoming calendar year, commonly referred to as prime time vacation. Seniority cannot be used to override another employee's previously approved vacation. Except during the month of January, vacation requests are considered in the order they are received.

The employee's copy of the vacation/annual leave request will be returned to the employee promptly with an approval or denial. It is the employee's responsibility to verify that the vacation/annual leave request does not exceed the actual or anticipated vacation, annual leave and/or compensatory time balances.

If the employee is transferred to another work unit after a vacation/annual leave has been approved, the employee will immediately notify the new immediate supervisor so that all efforts can be made to honor the scheduled vacation. **Generally, approved vacations will be honored when transfers occur. Exceptions require Top Management approval.**

Once a vacation/annual leave has been requested and approved, the employee must take that vacation/annual leave period in its entirety unless a modification/cancellation is requested and approved 15 calendar days in advance. The Division Director must specifically approve modification or cancellation after that date.

Additionally, the Division Director must approve vacation/annual leave requests in excess of 80 hours. Top Management must approve vacation/annual leave requests in excess of 120 hours.

Managerial staff have the responsibility and authority for making final decisions about the scheduling and approving/denying the allocation of vacations/annual leaves.

Policy Number: C-3  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

**LEAVES:  
Personal, Medical, Family, Military,  
Workers' Compensation, Witness,  
Bereavement, OCEA Business**

The **applicable Memoranda** of Understanding describes the provisions, conditions and requirements of a variety of circumstances that may necessitate a Leave of Absence due to illness, bereavement, military duty, parenthood, non-occupational disability, job related injury, witness, or OCEA business. This department complies with those provisions **and other Board of Supervisors Resolutions.**

**Employees will** notify their immediate supervisor as soon as the need for a leave is known so the department can arrange position coverage **to** minimize negative impact on staff **and operations.** The official request and all required documentation **will** be submitted as soon as possible thereafter.

Military Leave

**An employee who is a reserve member of the United States Army, Navy, Air Force, Marines, Coast Guard or National Guard will be granted a leave of absence for military service, training or related obligations in accordance with applicable state and federal law, board resolutions and applicable Memoranda of Understanding.**

Family Leave

As specified in the Federal Family and Medical Leave Act (FMLA) and the **applicable Memoranda of Understanding**, eligible employees will be granted up to 12 weeks of Family Leave per calendar year for **qualifying** family and medical reasons. **Generally, employees are** required to use accumulated annual leave, compensatory time, sick leave and/or vacation time **in conjunction with authorized** Family Leave if the Leave qualifies **under FMLA.**

**Authorized Leave without Pay**

**Division Directors may approve a leave without pay of up to 3 days for employee illness, personal need or emergency. Departmental and Official Leaves without Pay, exceeding 3 days, must be referred to Top Management for approval in accordance with the applicable Memoranda of Understanding. In general, Top Management will not approve a leave to seek or accept other employment.**

Policy Number: C-4  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

## **Work Schedules, Overtime, Sick/Annual Leave and Compensatory Time**

In addition to the provisions in the applicable Memoranda of Understanding, management has discretion in establishing and granting work schedules, hours, overtime, sick/annual leave, and compensatory time.

### Work Schedules and Hours

Specific work schedules and shifts are usually assigned by the immediate supervisor based upon the needs of the work unit and the department. Some work schedules are fixed as in the institutions, while others allow some flexibility. Top Management is responsible for establishing work schedule guidelines and approving final schedules. For employees in certain assignments, there is some flexibility to modify work hours and even work days to meet the demands of the caseload. Employees, preferably at the beginning of the pay period, will always advise their immediate supervisor of plans to work unusual hours (nights, weekends, etc.), and discuss necessary safety precautions pertinent to such work hours.

### Overtime

Staff are expected to manage their workload demands within the normal work hours. When unexpected work hours appear necessary and will result in overtime, the Chief Deputy Probation Officer or designee must give prior approval.

When an employee seeks overtime work hours outside of their own work assignments, it must be approved in advance by the Chief Deputy Probation Officer or designee. Employees current work performance must be rated standard or above to work overtime outside of their own assignment.

If overtime shifts become necessary to comply with legal mandates for institutional staff coverage, voluntary and mandatory overtime hours will be equitably distributed among qualified employees in accordance with applicable Memoranda of Understanding.

### Use of Sick/Annual Leave

The applicable Memoranda of Understanding specify the approved usage of sick/annual leave and that use of sick/annual leave is not to be abused. Abuse of sick/annual leave will not be tolerated. Such abuse is unfair to other staff and excessive absences have a negative impact on the effectiveness of departmental employees and services.

### Compensatory Time

The applicable Memoranda of Understanding and the Personnel and Salary Resolution outline the manner and under what circumstances an employee can earn compensatory time.

Policy Number: C-5  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04  
3/05

## **Work Assignments**

Staff work assignments are made to meet the operational needs of the department and are subject to the direction of the appropriate Chief Deputy Probation Officer. Division Directors determine the need for assignments/reassignments in their respective divisions by taking in consideration the Assignment Preference Form, criteria outlined in applicable procedures and the recommendation of the current supervisor.

When a new work assignment is created, staff in the appropriate job classification(s) will be notified and given the opportunity to be considered via the Assignment Preference Form.

Generally, an employee's performance must be at a standard level or above before a reassignment request will be considered. Employees are required to update the Assignment Preference Form at least annually and immediately following any change in assignment, promotion, or a change in their position status.

Workload or special events may make a temporary or detached assignment of an employee necessary either within or outside of the Probation Department. Management will consider the same criteria utilized for assignments/reassignments in making these decisions.

Every effort will be made to give advance notice, via the chain of command to an employee being reassigned before the information is shared with staff.

Policy Number: C-6  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

## Case Assignments

Decisions regarding initial case assignments to Deputy Probation Officers are the responsibility of **supervisory** staff. The assigned officer is then responsible for decision-making and processing of all matters related to that case's court status and/or field supervision decisions. All such activities are subject to **supervisory** direction and/or approval and must be consistent with the provisions of statutory and case law, court orders and departmental policies and procedures. All other staff members will be expected to support the decisions made by the assigned officer. Areas of disagreement between officers may be referred to **supervisory** staff for resolution.

**Generally, the number of assigned officers will be limited in the processing and supervising of companion cases.** When two or more officers are handling companion cases, they are responsible for consultation with each other prior to making dispositional or sentencing decisions or submitting recommendations to the court. **Supervisory** staff will determine whether one or **more** officers will supervised multiple family members under **the jurisdiction of the** department. When multiple work functions require that more than one officer be assigned to a client at the same time, every effort will be made to designate one of these officers as principally responsible for the case. Consultation between officers in such situations will take place on a regular basis. If mutually acceptable case decisions cannot be reached, **supervisory direction** will be **required**.

Most field supervision cases are assigned on a geographical basis. **However**, some are assigned according to specific casework **or enforcement needs**. **Exceptions will require supervisory** approval to allow an officer to be assigned to or to continue to supervise a case under unusual circumstances.

Generally, all pending court obligations and routine paperwork **will** be completed before a case is submitted for transfer. **Should a** law or probation violation arise while a case is being transferred from one officer to another, the case **will** be returned to the sending officer for **processing court documents or resolving the matter** prior to reassignment. **In the absence of a specific policy or procedure**, should a **casework/enforcement issue** arise while a case is in **assignment** transition or is simultaneously assigned to more than one officer, the officers will attempt to arrive at a mutually agreeable decision regarding responsibilities. If this is not possible, **supervisory** direction will be **required**.

Emergency caseload coverage will be established for an entire caseload when the regularly assigned officer **will** be absent from work for a significant period of time. The officer(s) assigned to provide coverage will generally become involved with a case on an emergency basis only. **When required**, the covering officer will provide personal contact with juvenile/adult clients in custody.

Policy Number: C-7  
Date Issued: 6/84

Dated Revised: 1/86  
1/94  
3/04

### **New Assignment Orientation**

***In general, the immediate supervisor will provide an orientation, within the first week of assignment, to assist employees in adapting to a new assignment. The orientation, with Division Director approval, will include, but not be limited to:***

1. A tour of the physical location or office of the assignment;
2. A personal introduction to the other staff with whom the newly-assigned employee will most frequently work;
3. A review of the specific work schedule;
4. A discussion of the specific assigned duties and expectations;
5. A review of the policies, procedures ***and performance standards*** relevant to the new assignment;
6. A review of the dress/grooming/appearance expectations appropriate to the work duties and site;
7. A review of location-specific emergency procedures;
8. Training relevant to that assignment.

Policy Number: C-8  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Work Priorities**

Probation Department employees are expected to complete and fulfill their assigned duties and responsibilities before voluntarily accepting or assuming additional duties which might delay or detract from the completion of their assigned work. However, employees are encouraged to suggest, and, with approval of their immediate supervisor, implement creative approaches to enhance the accomplishment of their assigned duties. The voluntary assumption of additional work related responsibilities of an ongoing nature, or an extended one-time effort will be allowed with prior approval from managerial staff and/or in conjunction with setting Performance Incentive Program (PIP) goals. ***Approval will be in compliance with the applicable Memoranda of Understanding after determining there will be no negative impact on productivity, morale and the proposed assignment/project is in the best interests of the department.***

Employees with questions regarding their work assignment priorities will consult their immediate supervisor for clarification and direction. If ***clarification*** of priorities is not achieved, the issue may be referred for resolution via the chain of command to the appropriate manager.

Policy Number: C-9  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Acting Positions /Temporary Promotions**

If an employee at the **supervisory** or managerial level is absent for less than five working days, **an** employee at the same level as the vacancy may be asked to assume the additional responsibilities. If the absence is for five or more working days, **Top Management may** select and appoint someone to assume the job responsibilities in **supervisory** or an acting managerial capacity. **Employees, in acting positions, may have their regular workload reduced to focus attention on the newly assigned duties. When possible,** the regular employee will inform the acting employee regarding the duties of the position and any pending problem areas prior to the absence. The acting employee will provide a report to **update** the regular employee upon his/her return to work.

The department considers this practice to be a training and growth opportunity for staff while simultaneously allowing for the continuous operation of the work function. The systematic rotation of **qualified employees** assigned to acting positions is encouraged to provide this experience in an equitable manner. The acting employee will receive a verbal evaluation from his/**her** immediate supervisor, **which** may also be incorporated into the annual performance evaluation.

A temporary promotion can be made, **in accordance with the applicable Memoranda of Understanding,** when the replacement of a vacant position **is** expected to be for a substantial period of time or when the acting employee's responsibilities are extensive. All proposed temporary promotions will be referred to Top Management for **review.**

Policy Number: C-10  
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6/84  
1/94  
3/04

### **Administrator in Charge, Officer of the Day or Duty Officer**

Each major work location and/or work unit will establish a method to provide the services of a duty officer or an officer of the day in all ***institutions and department buildings***. ***The assigned supervisory*** staff, subject to ***managerial approval, will develop schedules and duties***. All duty officers and officers of the day are to be available during normal scheduled working hours to provide immediate response to inquiries from ***management, departmental employees***, the community, clients, or other agencies, as well as assist employees in resolving ***routine*** operational problems. ***Emergent or unusual issues will be appropriately referred to managerial staff for notification and consultation.***

***Pursuant to Juvenile Court order, an administrator (Administrator in Charge [AIC]) will be available on the weekends from 8 AM Saturday until 10 PM Sunday to respond to emergencies arising in the institutions.***

Policy Number: C-11  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04  
3/05

### ***Employee Personnel File***

Per the applicable Memoranda of Understanding all employees may review their official personnel file upon request ***and on County time***. Staff must contact the Human Resources & Training Division to schedule an appointment to review their file maintained by Human Resources at NCFSO. The time of the review cannot be disruptive to operations. The official personnel file may be reviewed by the employee, the employee's immediate supervisor, management, Top Management, or other staff specifically authorized by Top Management. A personnel file can not be removed from the area in which the personnel records are stored unless authorized by the Director of the Human Resources & Training Division or designee.

The employee will receive a copy of all documents containing adverse statements that are placed in the official personnel file. Employees have the right to respond in writing to any information contained in his/her official personnel file. Such reply will become a permanent part of such employee's official personnel file.

***Peace officers may file a written response to any adverse comment entered in their personnel file pursuant to Government Code Sec. 3306 (Public Safety Officers Procedural Bill of Rights Act).***

Employees may have a copy of all other documents in the official personnel file that are not otherwise protected by confidentiality agreements, rules, or laws.

Peace officer personnel files will be maintained in accordance with 832.7 of the Penal Code and other applicable laws, rules and regulations. Access to personnel records of staff in Peace Officer classifications for civil or criminal court actions requires a specific court order after a Discovery (Pitchess) motion is granted pursuant to the applicable sections of the Evidence Code.

Policy Number: C-12  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

## Performance Evaluation

The performance evaluation provides an opportunity for constructive review of the employee's contributions and a means of giving direction for professional development, job satisfaction and productivity. Performance evaluations will be comprehensive, honest, accurate, **and** timely.

Performance evaluation refers not only to the periodic formal written review, but also to the ongoing evaluation process that occurs between an employee and his/her immediate supervisor. The written performance evaluation is a summary of this ongoing evaluation process that occurs throughout the evaluation period. All supervisors and managers have an obligation and duty to provide employees under their supervision with accurate written and verbal feedback on an ongoing basis.

All employees (including extra help and part time employees) will be evaluated, in writing, at least annually, and may **receive verbal or written evaluations** at any interval during the course of their employment with this department. All immediate supervisors will maintain a **drop** file of ongoing documentation of the job performance of each employee under their direct supervision **to ensure evaluations are pertinent and accurate. Drop files are to be maintained in accordance with Government Code Section 3305 (Public Safety Officers Procedure Bill of Rights).**

A supervisor, who **misleads** an employee to believe that **their** performance is acceptable when **there are deficiencies**, does a disservice to the employee and the department. Employees deserve **to be made aware** of their deficiencies, and be given **an** opportunity to correct them.

Policy Number: C-13  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04  
3/05

### ***Recovery of County Equipment Upon Separation or Transfer***

Employees are requested to notify the Probation Department of voluntary termination of employment via the chain of command at least two weeks in advance. Additional advance notice is preferable.

The immediate supervisor of the separating employee will complete an inventory of all documented issued departmental ***equipment and property***. The property to be inventoried and returned to the department includes badges, identification cards, business cards, keycards, keys, pagers, PDA's, handcuffs, laptops, phones, police radios, manuals and items specifically issued to the employee relevant to their work assignment.

Every effort will be made to have the employee present to aid in the inventory. If the employee is not available, or does not wish to participate, the immediate supervisor will complete the task. ***Applicable provisions for peace officers will be followed pursuant to Government Code Secs. 3300-3312 (Public Safety Officers Procedural Bill of Rights Act).***

In the event all assigned equipment is not returned, the department will pursue legal remedies. This could also impact positive recommendations to prospective employers.

If the employee is not present for the inventory of property, the personal belongings will be held or forwarded depending on instructions from the employee or authorized representative.

Retirement badges encased in plastic are available to retiring peace officers based on eligibility.

Separating employees are given an anonymous Voluntary Termination Questionnaire as part of their separation packet to identify the reason for separation and elicit feedback about job satisfaction, employee morale, supervisory support and related employee issues.

Policy Number: C-14  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

## **Citizen Complaints, Compliments and Complaints against Peace Officers**

To comply with the law and to be responsive to the community and other agencies, all **complaints and compliments** will receive prompt attention and response according to departmental procedures.

### **Citizen Complaints**

***All complaints, written or verbal, alleging peace officer/employee misconduct (violation of law, policy, or procedure) must be forwarded immediately to Top Management via the chain of command and the Director of Human Resources and Training. All complainants will be requested to read and sign the advisory notice contained in the Citizen Complaint Form. However, depending on the information provided, Top Management will decide if a meaningful investigation can be conducted and respond in writing to the complainant acknowledging receipt and advising of the outcome of the investigation.***

In all cases, the involved employee will be advised as to the nature of the complaint **and if appropriate given an opportunity to respond. Any investigation conducted or disciplinary action dispensed will be in compliance with the Public Safety Officer Bill of Rights, California Penal Code, applicable Memoranda of Understanding and departmental policy and procedure.**

Information regarding specific complaints made against an employee **in a peace officer classification** will not be released to the general public or media, in accordance with the law.

### **Citizen/Department Compliments**

All written compliments from outside the department will be sent to the appropriate supervisor or manager for review and response. One copy of the written compliment will be forwarded to the involved employee and one to the immediate supervisor for the employee's **drop file**.

All verbal compliments **will** be referred to the immediate supervisor, and may be referred to Top Management via the chain of command at the discretion of the supervisor. The immediate supervisor **will** inform the involved employee of the verbal compliment, and make note of it in the employee's **drop** file.

Policy Number: C-15  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/90  
1/94  
3/04  
3/05

### **Intoxicants/Controlled Substances**

The department strives to maintain a safe, healthful, lawful and productive work- place free from the influence of drugs and alcohol.

No Probation Department employee may consume alcoholic beverages while on duty. No employee may ingest controlled substances described in California Penal Code sections 11054, 11055, 11056, 11057 and 11058 (Schedules I, II, III, IV and V) while on or off duty. The department does not condone illegal behavior on or off duty. The manufacture, distribution, possession, and use of a controlled substance in the workplace are prohibited. Probation Department employees will not report to work or be on duty when there is any observable effect of the use of alcohol or a controlled substance. If there is reasonable suspicion of intoxication, the employee may be ordered to submit to a drug/urinalysis/breathalyzer test. The appropriate law enforcement agency will be contacted for investigation and potential prosecution if an employee is suspected to be in violation of the law.

Employees will not bring an alcoholic beverage, controlled substance, or paraphernalia for the illegal use of a controlled substance onto the site of any juvenile institution, nor into any other Probation facility in which the employee is working, conducting county business or visiting.

An employee taking a legally prescribed medication which may adversely affect job performance or employee safety must consult with the attending physician. If the physician recommends specific job restrictions for an employee taking medication, the employee will comply and advise the immediate supervisor. The employee may be required to provide medical information/reports to the county physician prior to reporting to work. The department will make reasonable efforts to accommodate job restrictions.

An employee who desires help for alcohol or drug problems may seek assistance through the County Employee Assistance Program or their insurance provider.

Policy Number: C-16  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### Employee Conduct - On Duty

All employees must meet the obligations of their work assignments as specified in departmental policies, procedures, performance standards, written and verbal directives, and the law. In addition to specific job tasks, employees are expected to report for duty as scheduled unless specifically excused, to remain awake, alert, and sober while on duty and to not falsify any records, reports, time sheets, legal documents, etc.

Employees are to conduct themselves in a professional manner while on duty by being respectful and courteous to others, and will not make **racist, sexist**, disparaging, **profane**, uncomplimentary, discourteous or disruptive remarks.

Employees, **at all times**, are responsible for maintaining the physical, emotional, and mental health necessary to perform their assigned duties. If an employee becomes aware of a problem in one of these areas that may adversely affect job performance or employee/**client** safety, it is the employee's responsibility to take appropriate action, such as **notifying** the immediate supervisor and seeking appropriate diagnosis and treatment.

The immediate supervisor is responsible for discussing any observed deficiencies, errors, or developing problems with an employee at the earliest possible time. Reasonable efforts will be made to assist employees in meeting the requirements of the work assignment, including verbal discussions, specific directives for change, training efforts, job restructuring, **progressive discipline**, and referral to **the Employee Assistance Program**.

**Any employee who observes or is aware of an employee violating the law and/or departmental policy and procedure must report this to a supervisor at the earliest possible opportunity. All employees are responsible for reporting any situation that poses a threat to the health and safety of staff and clients under the Probation Department's jurisdiction. An employee who knowingly fails to report misconduct may be subject to disciplinary action.**

Employees are not to violate the legal or civil rights of others, nor to commit any criminal act while on duty. Any such violation is to be immediately reported to **Top Management via the chain of command**, with follow-up written reports as required by **departmental policies, procedures and directives**. When it appears an employee has committed a criminal act while on-duty, the matter will be referred to the appropriate law enforcement agency for investigation. **Civil** Rights violations will be investigated per county and departmental procedures and referred via the chain of command to Top Management for review.

No employee of the Probation Department **will** use his or her position, badge, or county identification **for any purpose other than for official business**.

Policy Number: C-17  
Date Issued: 1/86

Date Revised: 1/94  
3/04  
3/05

### **Employee Conduct - Off Duty Law Violations**

Employees are expected to obey all laws and ordinances whether on or off duty, and must report to the immediate supervisor, no later than the following work day, any law enforcement contact which may give rise to a criminal investigation or prosecution. This includes an arrest, detention or allegation of criminal or other misconduct, which may result in criminal prosecution. The supervisor will immediately, via the chain of command, advise Top Management and the Director of the Human Resources and Training Division of the information reported by the impacted employee(s).

Employees who are aware of Probation staff who have had any contact with law enforcement, arrest, detention or allegation of criminal or other misconduct which may result in criminal prosecution must report this information to their immediate supervisor at the first opportunity. This information will be kept confidential pursuant to all applicable laws and departmental policy and procedure. The supervisor will immediately advise, via the chain of command, Top Management and the Director of the Human Resources and Training Division the information reported.

When appropriate, Top Management will designate staff to conduct a departmental investigation when a contact with law enforcement, arrest, detention or allegation of criminal or other misconduct occurs. The existence of facts establishing a violation of the law or ordinance is all that is necessary to support any allegation under this section. When a violation of law occurs lack of criminal prosecution will be no bar to administrative discipline. Violation of the law or ordinances may lead to discipline up to and including discharge.

Employees authorized to carry a handgun, on duty or off duty, must immediately notify Top Management via their chain of command if they have been convicted of any domestic violence offense. Defined: "Any use or attempted use of physical force committed against a current or former spouse, parent or person similarly situated." Employees authorized to carry a handgun, on duty or off duty, must immediately notify Top Management via their chain of command if they are currently the subject of a court restraining order, which is based upon threats of violence.

Employees will not use their position, badge, or county identification to:

1. Seek, coerce, or accept favorable or special consideration in the course of a criminal investigation, prosecution, law enforcement contact, arrest, detention, traffic stop, citation or civil action;
2. Unless sanctioned by the department, solicit or accept any special treatment, material advantage, or gain;
3. Allow another person to pose as or represent himself or herself as a departmental employee or representative.

All persons who have applied for employment with the Probation Department are subject to a background investigation and evaluation. Any contact with law enforcement, arrest, detention, or allegation of criminal or other misconduct may affect employment status.

Policy Number: C-18  
Date Issued: 1/94

Date Revised: 3/04  
3/05

**Investigations:  
Departmental Response to Allegations of Employee Misconduct**

The Probation Department will thoroughly and immediately investigate all allegations of criminal or other misconduct by an employee, either on or off duty, which occurred prior or subsequent to employment and may have negative impact on the reputation or performance of the employee and/or the department. All investigations will be authorized by the Top Management via the chain of command and conducted by designated staff. No employee will conduct an investigation of another employee without Top Management's authorization.

The purpose of the investigation is to provide the maximum amount of information to Top Management for evaluation and consideration. Departmental investigations will be in cooperation with informational sources, involved agencies including but not limited to law enforcement or the court, if applicable. Any departmental investigation of a peace officer will be conducted in accordance with the Public Safety Officers Procedural Bill of Rights Act (***Government Code Section 3303: Investigations, interrogations; conduct; conditions; representation; reassignment***).

Any departmental investigation involving a potential disciplinary situation is to be timely, discreet, objective and thorough. Notice of such an investigation will be given to the employee at a time and in the manner directed by Top Management or designee. During such an investigation, an employee may be assigned to another departmental function, placed on leave of absence with pay status, or be subject to other action deemed necessary by the specific situation. All investigations will be conducted pursuant to applicable laws, statutes, Memoranda of Understanding, departmental policies and procedures for the employee's classification and status.

Policy Number: C-19  
Date Issued: 11/78

Date Revised: 6/84  
1/94  
3/04

### Equal Employment Opportunity (EEO)

The Probation Department does not discriminate against any employee or applicant for employment. Discrimination is defined as any unlawful or different treatment in the administration of personnel practices (hiring, assignment, training, promotions, or employee benefits) based on race, color, religion, **gender, sexual orientation**, age, marital status, national origin, ancestry, physical, mental handicap or medical condition. ***This policy conforms to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act and Title I of the Americans with Disabilities Act of 1990 and implements the guidelines issued by the Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing.*** Reasonable accommodations are made to any qualified employee or applicant with a disability ***provided they can perform the essential functions of the position.*** ***The department is not required to make a reasonable accommodation if the accommodation poses undue hardship or poses a direct threat or risk to the safety of the person with a disability or others.***

All employees will demonstrate a positive attitude towards **EEO** goals, and will make reasonable efforts to meet these goals. ***Top Management will designate an employee to act as an EEO Coordinator*** to assist the department in achieving **EEO** goals.

Policy Number: C-20  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Problem/Grievance Resolution**

In accordance with the **applicable** Memoranda of Understanding, employees may address any problem through informal discussion. A prompt resolution of problems is encouraged, but if concerns in the areas of wages, hours, and working conditions cannot be satisfactorily resolved on an informal basis, employees may contact the **Human Resources & Training** Division for information on the utilization of the established grievance procedure. **Supervisory** and managerial employees are to take a pro-active position in identifying problems and seeking resolution. All employees are to assist in resolving problems as quickly and as appropriately as possible.

Employees are encouraged to exhaust all available administrative remedies prior to the filing of a formal complaint or grievance. Administrative remedies include discussions with the immediate supervisor, and/or with management via the chain of command. If resolution of a problem or issue is pursued via the formal grievance process, the Probation Department will attempt to satisfactorily resolve the grievance at the earliest possible step in the process.

## Prevention of Sexual Harassment

The Probation Department is committed to maintaining **and safeguarding** a **respectful** work environment. Sexual harassment is a form of discrimination which violates Title VII, Section 703 of the Civil Rights Act of 1964 **and Government Code 12940**. Sexual harassment includes **unwanted** sexual advances, requests for sexual favors, and other offensive verbal or physical conduct of a sexual nature when:

1. **Such conduct is an explicit or implicit term or condition of employment;**
2. Submission to or rejection of such conduct is used as the basis for employment decisions;
3. Such conduct **is sufficiently severe or pervasive so as to interfere with an employee's ability to perform his/her duties or alter his/her working environment;**
4. **Such conduct creates an abusive, intimidating, hostile or offensive work environment.**

All employees are responsible for maintaining a work environment free of sexual harassment. Department managers and supervisors **will** take all reasonable steps necessary to prevent sexual harassment from occurring and to stop it when it occurs. Staff **will** not use their employment status or authority to solicit sexual favors or create a work environment that is **abusive**, hostile, intimidating, or offensive.

The Probation Department will not tolerate sexual harassment. Therefore, any employee who believes he or she has been subjected to sexual harassment should report the alleged incident immediately **to their supervisor, to Top Management** via the chain of command, directly to the Probation Human Resources & Training Division, **directly** to Top Management, to the County EEO/Access Office, **or file a claim with the California Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.**

Allegations of sexual harassment will be investigated immediately. All complaints and related information will remain confidential except to those individuals who need the information to investigate, evaluate or take action in response to the complaint. There will be no retaliation against any individual(s) for filing or pursuing a claim of sexual harassment. If the allegation is substantiated, appropriate disciplinary action will be taken.

Information regarding departmental investigations, including the proposed disposition, will be reported to the County EEO/Access Office before final action is taken.

Policy Number: C-22  
Date Issued: 1/86

Date Revised: 1/94  
3/04

### **School Schedules – Employee**

Probation Department employees are encouraged to attend school on their own time and outside normal work hours. Attending school during normal working hours is generally not allowed unless management determines that the department would directly benefit from an employee attending a specific class or classes. In those cases, the employee, subject to **Top Management's** review and approval, may use flextime, modify work hours, and/or seek shift assignments to accommodate the class schedule.

Every effort will be made to accommodate approved school schedules, but if a conflict between work demands and school arises after the above-described approval is granted, or the employee's work performance **or the workload of other staff within the employee's work assignment** is negatively affected by the school attendance, the department retains the right to require that the employee report to work during normal work hours. **School projects can not be completed on county time or by utilizing county equipment and resources.**

### **Emergency or Disaster Deployment of Staff**

In the event of an emergency or disaster which threatens or disrupts any or all of the essential services of the department, it may become necessary for **Top Management or designees** to place staff on emergency status under which:

1. All staff will make themselves available 24 hours a day for any assignment within the department;
2. All on-duty staff will remain at their work location and assignments until relieved or dismissed by their director or designee. In some instances work schedules may need to be extended;
3. All staff are to remain out of the disturbance area unless directed otherwise.

All staff will be provided with training in emergency preparedness, and each work location will have an Emergency Procedures Manual containing the specific emergency/disaster plan for that work location.

***The Orange County Emergency Operations Center (EOC) is the site of the county's response to major events and disasters which occur such as fire, earthquake, flood, civil disturbances and/or other problems at the San Onofre Nuclear Generating Station (SONGS) located in San Clemente. The department participates by contributing personnel who have received specialized training to the EOC during scheduled exercises or actual activation.***

It is essential during a period of ***increased activity, especially one which has high emotional tones, Probation services and work be completed with as much accuracy and efficiency as possible. All staff need to work professionally together in whatever capacity necessary to safely endure the emergency or disaster.***

Policy Number: C-24  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Assistance to Candidates for Employment or Promotion**

Supervisors and managers are responsible for general employee development and assistance in preparation for career advancement. Employees will not, however, assist a candidate for employment or promotion in this department in the completion of any task, which is a segment of the competitive procedure unless this aid is available to all candidates **or as a result of an ADA accommodation**. General information about the structure and procedures of the department that may be released to the public can be provided to candidates upon their request as general background for the competition. However, staff **will** not provide any type of assistance in the completion of a task or project which is part of the competition, or in providing any information or assistance during any on-site, timed, or controlled competition process. County resources such as **computers, copiers or other equipment**, and clerical support may not be used to prepare applications on county time.

Additional provisions for using county time to seek other employment or promotion are in the **applicable Memoranda of Understanding**.

Policy Number: C-25  
Date Issued: 1/94

Date Revised: 3/04

### **Jury Duty**

In order to support the court system, the Probation Department expects staff to participate in the jury selection process when summoned. Staff are not to use their peace officer status or agency or employment to avoid serving on a jury. Staff may request an "on-call" or other standby status to reduce the time away from job duties while waiting to be placed on a jury.

The employee earns regular pay during hours of absence due to jury duty, plus reasonable travel time. Changes in work schedule to coincide with jury duty hours may be arranged according to departmental procedure.

The disposition of jury duty fees and reimbursement must be coordinated with the Administrative and Fiscal Division.

## **Background Investigations/ Employment Reference Requests**

Employment or association with the Probation Department brings with it a special duty to protect the **community by assisting victims, facilitating the resocialization of offenders and providing services to** the courts, the Board of Supervisors **and the citizens of Orange County.**

As a **criminal** justice system agency, all personnel associated with the department are held to a higher standard of conduct and behavior given the **critical** nature of **probation** business, access to confidential information and **trust of** the community.

Further, there are additional significant potential liabilities associated with **probation** work, particularly related to the **authority granted by statute relating to** juvenile and adult probationers under our **jurisdiction**, whether in a field or institutional setting. **Background investigation requirements for peace officers are codified in law.**

Accordingly, **all** employees, volunteers and contract/vendor personnel who work within the **department** or have access to departmental facilities, staff, clients, systems or confidential and/or financial information are required to undergo a background investigation. The level of scrutiny varies between subject groups and includes a range of evaluative tools designed to ensure the highest degree of confidence be maintained in our workforce, volunteers and contract/vendor service providers.

The Probation Department's Background Investigation Unit will conduct the **appropriate** level of investigation and determine the suitability of candidates based on **statute, professional standards, general guidelines and departmental policies and procedures. Questionable cases may** be brought to the attention of Top Management **via** the **Director of Human Resources & Training Division.**

### **Requests for References**

**All verbal and written requests for employment reference information regarding a current or former employee will be referred to the Background Investigation supervisor in the Human Resources and Training Division. A valid Release of Information Waiver will be verified and the dissemination of requested information coordinated with the appropriate departmental representative.**

Policy Number: D-1  
Date Issued: 11/78

Date Revised: 6/84  
1/94  
3/04

### Threats, Harm, Danger to Employees and Others

Staff safety is a priority and employees are not expected to endanger themselves or others during the performance of their duties. Employees **will** endeavor to complete their normal work assignments utilizing methods designed to minimize or avoid physical danger to themselves and their property and to the safety and property of others. **Deputized staff in the field** are to seek assistance from other deputies or outside agencies when in potentially dangerous situations, such as effecting arrests, conducting searches, or halting the commission of an offense. **Deputized staff** are to plan for and apply reasonable care and caution in all potentially dangerous situations, and to use good judgment in balancing the requirements of job performance and safety issues.

In Probation Department institutions, **deputized staff** must take a pro-active role, consistent with their job description and departmental **policies and** procedures, to **stop** an offense and to ensure **their safety and the safety of others**. If confronted, threatened or assaulted, employees may temporarily cooperate with the assailant(s) until assistance arrives.

All employees are cautioned to use discretion in wearing or displaying items associated with peace officer status or Probation Department employment while off duty. Customized license plates, frames, bumper stickers, lapel pins, shirts with law enforcement logos and other criminal justice system identifiers may provoke a negative response from some segments of the community. Handcuff keys should not be displayed on personal key rings. Badges and Probation Department Identification Cards are to be carried in departmentally issued badge/I.D. cases, separate from personal wallets or billfolds. Authorized staff are encouraged to take advantage of confidentiality safeguards offered by the Department of Motor Vehicles to protect residence addresses.

If an employee is confronted, threatened, or assaulted in the office or the community, the employee may temporarily cooperate with the assailant(s) and/or, if possible, extricate themselves from the situation. As soon as the immediate danger **has passed**, employees are to seek immediate police assistance and provide all pertinent information to aid in the apprehension of the offender(s).

If an employee or **a family member** is **a victim of a crime** or threatened as a result of employment with the Probation Department, the employee will make immediate and appropriate efforts to prevent further or prolonged attack or injury, and to seek immediate and appropriate **police/medical** assistance for anyone injured or claiming injury. Such incidents will be reported to the Chief Deputy Probation Officer via the chain of command the next working day. Employees and/or **family members** who receive threats to themselves or their property will cooperate with the department to develop a long range plan to minimize or eliminate the danger. **To ensure the safety of the employee and/or family members, the department will initiate reasonable and legal short-term methods of protection pending the activation and completion of long-range plans.**

If any employee becomes aware of a serious threat against the life, safety, or property of others or of a threat being made by a client against any other person, the employee **will** immediately report the information to **their immediate supervisor and/or** the **assigned** Deputy Probation Officer, **who will advise Top Management via the chain of command.**

When any **deputized staff member** becomes aware of such a threat, any unsuspecting victim **will** be given notice of the impending danger in accordance with **the law and** departmental **policies and** procedures.

Staff are expected to exercise reasonable caution to avoid exposure to communicable diseases. If an employee is exposed to a life-threatening communicable disease such as HIV, Tuberculosis, or Hepatitis, the employee **will** seek appropriate medical testing and treatment, and report, **via the chain of command no later than the following work day**, the circumstances of the exposure **to Top Management and the Human Resources & Training Division Director**.

Policy Number: D-2  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### Use of Physical Restraint/ Corporal Punishment

Probation Department's **deputized staff** are not to use physical restraint as a method of control unless required **to execute an arrest, to overcome resistance**, to maintain institutional security or to prevent injury, serious damage, or escape from custody. **In accordance with the penal code, peace officers may use reasonable force in these situations.** When confronted with an escape situation, **deputized staff** must evaluate the situation and decide whether to use physical restraint and to what degree. The decision to use physical restraint will be based on general safety issues including potential danger to the community and the likelihood of physical injury to either the **probationer** or the employee(s).

**Physical restraints will always be applied in accordance with departmental training, policies and procedures. Excessive force is never condoned. If an employee observes or becomes aware of an excessive force situation or an assault occurring, immediate notification must be made to Top Management via the chain of command. All allegations of excessive force/assault will be appropriately investigated by the department and/or law enforcement.**

Corporal punishment of any type is prohibited.

An employee may use physical force or restraint for self-protection or to protect others when under attack. The degree of force used may only be great enough to remedy or control the emergency, and the nature of the force must be reasonable in the context of the circumstances.

When physical restraint or force is unavoidable **while in the performance of assigned duties**, **deputized staff** involved must follow departmental procedures **and complete** oral and written reports to management.

Policy Number: D-3  
Date Issued: 11/77

Date Revised: 11/78  
6/84  
1/94  
3/04  
3/05

## Peace Officer

The extent and manner by which peace officers employed by the Probation Department may exercise their powers will be at the direction of the Chief Probation Officer in accordance with the law. The **authority** of deputized staff as peace officers is authorized by law under the special conditions and restrictions specified in the Welfare and Institutions Code, Penal Code, Government Code and case law.

Peace officers are “mandated reporters” where in **he** or **she** has observed or has knowledge of suspected Child Abuse pursuant to 11166 (a) PC or Elder Abuse pursuant to 15630 (a) WIC.

While peace officers in the Probation Department have limited powers of arrest, these powers are focused on the control of individuals and/or situations that present potential harm to the individual, the community or the safety and security of others. However limited, probation peace officers are granted extraordinary powers by the public and held to a higher standard than the general public. In general, peace officers are vested with a public trust, which requires that they consistently demonstrate the highest degree of honesty, integrity, credibility, good moral character, knowledge and trust. The courts have long upheld that a peace officer “must be above suspicion of violation of the very laws he [or she] is sworn and empowered to enforce.”

Policy Number: D-4  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

## Handcuffs

Handcuffs ***will only*** be used to:

1. Place a person under arrest or;
2. Transport a probationer or an arrestee who is lawfully detained in custody;
3. Gain temporary physical control of a person who is in immediate danger of harming himself or another;
4. ***Detain an unknown person in the presence of specific and articulable facts pertaining to the safety of officers and others, flight risk and/or facilitating the orderly completion of a legal search (See Policy D-5).***

Handcuffs may not be used as a restraint device in other situations, and may not be used as a threat, for discipline, or for punishment. ***The utilization of handcuffs is a level of force and are not to be applied for a longer period of time than is necessary. A person should never be handcuffed to an object unless in compliance with applicable directives/procedures.*** When a person is handcuffed, ***deputized staff are*** responsible for the handcuffed person's safety and security.

### Arrests/ Temporary Detentions

The Chief Probation Officer has been authorized certain specified and limited powers as a peace officer including the authority to arrest probationers and specifically identified non-probationers. ***The Chief Probation Officer has delegated these arrest powers exclusively to the peace officers employed by the department. Deputized staff must carefully consider applicable laws, departmental policies and procedures, community protection, officer safety, the arrestee/detainee's welfare and other relevant casework issues.*** The exercise of arrest powers is generally limited by statute to the following situations:

1. ***Violation of the conditions of probation by any person in this state on probation;***
2. ***The escape of any inmate or ward from a state or local institution;***
3. ***The transportation of probationers, inmates or wards;***
4. ***Violation of any penal provisions of law which are discovered while performing the usual or authorized duties of employment;***
5. ***The service of a warrant of arrest on a probationer or ward;***
6. The rendering of mutual aid to any other law enforcement agency.

***TEMPORARY DETENTION*** is “an exertion of authority that is something less than a full-blown arrest, but more substantial than a simple ‘contact’ or ‘consensual encounter.’ A ‘detention’ occurs whenever a reasonable-and innocent-person would believe he or she is not free to leave or otherwise disregards the police/peace officer and goes about his or her business.” It may be used only where an individual clearly presents a ***SPECIFIC AND ARTICULABLE*** threat to the safety of an officer or others, is a flight risk or to facilitate the orderly completion of a legal search. Individuals who are detained for this purpose must be advised that they are not under arrest but are being temporarily detained. Such persons may ***be detained for the period of time required and in manner necessary, and no longer, to make a determination of identity and connection to the premises and to protect the safety of all present during the detention. Detained individuals may not be transported unless they are first placed under arrest. Legal probable cause that a crime has been committed or that temporary detention is warranted must be established before placing someone in custody and must be articulated in writing.***

By delegation, the Chief Probation Officer has empowered the Deputy Probation Officers, Supervising Probation Officers, Assistant Probation Division Directors, Probation Division Directors, and Chief Deputy Probation Officers of this department to effect the arrest of a probationer or ward with or without a warrant when this is the most appropriate action available under the circumstances. For purposes of this policy item only, these classifications will be referred to as deputy probation officers.

***Institutional deputies are authorized to make arrests in the performance of their duties as it pertains to minors under the department's jurisdiction.*** All other employees are prohibited from exercising arrest powers unless specifically authorized by the Chief Probation Officer.

**Prior to and after placing a minor in custody, alternatives to detention or continued detention will be considered.** Deputy Probation Officers are only authorized to arrest probationers and wards for one or more of the following reasons:

1. To protect the community;
2. To protect the life and/or safety of the probationer/ward or other person;
3. To ensure an appearance in court;
4. To enforce the specific orders of the court;
5. To enforce the conditions of probation when no other avenues of action are available.

Utilization of the delegated powers of a peace officer to arrest a person not on probation is strictly limited to those circumstances wherein the violation of law arises in direct connection with the employment and duties of the Deputy Probation Officer. **Should there be a change of circumstances or new information presented that impact an arrest, deputized staff will follow established procedures and evaluate the appropriateness of continued detention.**

In planning and effecting an arrest, safety is a primary concern and the Deputy Probation Officer is expected to seek police assistance whenever time and circumstances permit and when in the officer's judgment a safety hazard is present. Arrests **will** not be made without police assistance when it appears that such action may seriously jeopardize the physical safety of any officer, probationer, ward or any other party. **If there are significant safety hazards, the Deputy Probation Officer will, if possible, terminate efforts to effect the arrest, leave the scene and immediately seek police assistance. If assistance is not immediately available, a warrant of arrest will be requested from the appropriate court.**

Before seeking police assistance in effecting an arrest at a Probation Department facility **or institution, deputized staff will first seek** assistance from other deputized staff. When making an arrest, **deputized staff will use handcuffs (see Policy D-4) and a county car if one is available, preferably with security equipment.**

Policy Number: D-6  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

## Transportation of Probationers and Custody Transportation

Prior to transportation of **probationers**, **deputized staff will** carefully plan the circumstances of the transportation, including an assessment of potential problems when dealing with unstable or dangerous **probationers**, securing of an appropriate vehicle, and acquiring assistance as appropriate. Unless it is absolutely unavoidable, **deputized staff will** not transport someone of the opposite sex alone **without supervisory approval**. **Deputies, who transport probationers of the opposite sex when no other passenger of the same sex as the probationer is present in the same vehicle, must communicate the location, time, and speedometer reading to the Probation Radio Dispatcher and/or immediate supervisor. This communiqué must be completed at the start and end of the transport.**

**Deputies** who have been authorized to drive their private vehicles while on county business and who have been authorized to transport **probationers** may use their personal vehicle for the general transportation of the **probationer**. **Except in emergency situations, a personal vehicle will not be used to transport persons in custody. Instead, contact the Probation Radio Dispatcher, a Probation field office with a custody car or Juvenile Hall.** When the transportation is to be "in custody" or an arrest situation, **deputies** are to use a county custody transportation vehicle, or request assistance from **other deputies** or law enforcement.

**Probationers** under arrest and/or being transported "in custody" will be handcuffed and searched for weapons and contraband per department policy and procedure. Minors under commitment may be transported without handcuffs at the discretion of the **Institutional** Director or designee.

Policy Number: D-7  
Date Issued: 11/77

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04  
3/05

## Search and Seizure

Deputized staff conduct ***court ordered and other lawful*** searches ***of clients*** and subsequently seize contraband during the course of their job performance. All searches are to be conducted in a manner consistent with the law, departmental policies and procedures, and specific court orders. If a deputy believes that conducting a search may be unsafe, the search will not be initiated until appropriate assistance is available. Similarly, if during the course of a search an employee believes that continuing or completing the search is unsafe, he/she may choose to discontinue the search. Such searches may be resumed at a later date when appropriate assistance is available. If a search being conducted in a Probation facility becomes unsafe, appropriate assistance will be summoned from other deputized staff and/or law enforcement.

Individuals who clearly present an articulable threat to officer safety may be "Temporarily Detained" for the duration of the search (see policy D-5). Generally, Deputy Probation Officers are to conduct searches with the probationer present. At times, compelling circumstances involving casework dynamics or community safety make it advisable and appropriate to conduct a search without the probationer's presence, but only with supervisory approval.

Generally, entry into a probationer's business or dwelling is not gained through force. In those rare situations where casework dynamics, officer or community safety warrants forcible entry, the assigned deputy is to seek supervisory approval and appropriate assistance from law enforcement. Care must be taken not to unnecessarily damage, destroy, or dishevel the probationer's property.

In the course of arrest or transportation in-custody, deputized staff will search the probationer for weapons and contraband per departmental procedure to ensure staff and probationer safety.

In order to preserve the safety and security of minors and staff in institutional settings and to maintain an environment as free as possible from contraband, random searches of ***minors'*** lockers, sleeping rooms, common areas and living units may be conducted as part of an overall institutional safety and security plan. Minors may be searched any time they enter the facility from off-grounds or whenever there is reason to believe any minor is in possession of contraband. Institutional Directors may request the assistance from narcotic detection canine units and notice will be posted as an advisement to visitors in accordance with 4030 of the Penal Code and PMI 3-2-019.

Staff may use canines to assist in conducting searches in accordance with departmental policy and procedure.

All contraband confiscated during a search will be stored as evidence and disposed of in accordance with departmental procedure.

Policy Number: D-8  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04  
3/05

## Firearms

No employee of the Probation Department is permitted to carry any firearm on their person, or to have any firearm in the office or job location, or in their vehicle **while on official business**, except with the prior written approval of the Chief Probation Officer. In the absence of the Chief Probation Officer, a Chief Deputy Probation Officer may temporarily authorize the carrying of a firearm. In those unusual situations where Top Management authorizes a deputized staff member to carry a firearm it is for defensive purposes only or the defense of others in life threatening situations. Should a reason or situation arise which suggests the necessity for authorizing a deputy **to possess a firearm on the job**, the Chief Probation Officer will be immediately notified via the chain of command. The Chief Probation Officer will not give written authorization to carry a firearm unless a thorough evaluation has been completed regarding the situation generating the request. The authorized deputy will submit to designated training, qualifying and requirements of PC830.5 and PC832.

It is the policy of the department that deputized staff members will exhaust all reasonable means of self-protection and the protection of others in the deputy's presence before resorting to the use of a firearm.

The authorization to carry a firearm will not give nor be inferred as giving the deputized staff member any additional authority or jurisdiction over offenders or unlawful acts.

The fact that a deputy may be armed will not be a factor in determining whether the deputy responds to a given situation or whether the deputy should remain at the scene of a potentially dangerous situation. An authorized deputy is not expected to and must not engage in activities that are hazardous simply because the deputy is armed with a firearm.

If a deputy has prior knowledge of a serious threat from a probationer and an arrest and/or dangerous situation is anticipated, the appropriate law enforcement agency *will* be contacted for assistance.

The off-duty use of **a firearm** will be considered to be outside the scope of employment. Therefore, the county will not provide legal defense or pay any claim or judgment arising out of the off-duty use of **a firearm**.

It is the policy of this department that: (1) Any consequences or liability arising out of an act or incident involving the use or carrying of a personal firearm during off-duty hours will be the sole, personal responsibility of the deputized staff member taking the action or involved in the incident; (2) any such action or incident will not be deemed an official or permitted act or incident or the exercise of the peace officer authority provided for in Penal Code §830.5.

The department pursuant to departmental procedures (PMI 1-4-107) will investigate all incidents involving the unholstering, display, or use of a firearm. Improper unholstering, display, or use of a firearm may result in criminal, civil, or departmental sanctions.

Policy Number: D-9  
Date Issued: 7/79

Date Revised: 6/84  
1/94  
3/04

## Tear Gas

***“Tear gas” as defined by 12401 of the Penal Code (PC) “shall apply to and include, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through vaporized or otherwise dispersed in the air.” Oleoresin Capsicum (OC) Spray is the approved chemical agent for use by authorized deputized staff. Deputized staff*** may be granted authorization by the Chief Probation Officer to carry a tear gas device ***permitted by 12403 PC*** under the following conditions:

1. ***Deputized staff must complete the Peace Officer Standards Training (P.O.S.T.) approved tear gas course;***
2. The tear gas device is used only during the course ***and scope*** of ***employment;***
3. The tear gas device is approved by the Department of Justice and the Probation Department, and is maintained in acceptable working order.

Employees who have approved certification to carry a tear gas device for personal (not job related) use who carry the device while traveling to and from work may be authorized to store the device securely at the job location during working hours.

Tear gas devices ***will*** not be brought into any city or county jail or juvenile institution, and must be temporarily stored at designated locations as required by law whenever an employee enters those facilities.

### **Hostage Crisis and Major Disturbance Management**

The Probation Department maintains a "no hostage" policy. This **department** will not recognize staff, detainees, probationers, visitors, volunteers and official associates as hostages for bargaining purposes. **UNDER NO CIRCUMSTANCES WILL A HOSTAGE TAKER BE RELEASED FROM A PROBATION INSTITUTION.** This is a publicly expressed position intended to discourage potential hostage takers from believing that gains can be achieved or demands met through seizing others. It will be prominently posted at all Probation Department Institutions.

Top Management **will** be informed of a hostage crisis or major disturbance via the appropriate chain of command at the earliest practical opportunity.

In any instance of hostage crisis or major disturbance, probation staff will place the greatest emphasis on the safety of all persons involved and control of the situation.

Within Probation Department Institutions, the following criteria may determine the need to summon law enforcement:

1. Lethal weapons or materials are involved and there is serious threat of death or injury;
2. Perpetrators, victims or hostages are members of the public;
3. There are overwhelming numbers of victims or perpetrators;
4. There exists a significant potential for expansion of the crisis area;
5. Law violations must be investigated.

Staff may cooperate with hostage takers or those who gain temporary control of an area within the following guidelines:

1. Failure to cooperate exposes a staff member or others to dire jeopardy;
2. Cooperation will not result in hazards to others;
3. As part of a designed mediation used by trained negotiators.

Staff should attempt to remain calm, cautious and clear thinking in hostage or potential hostage circumstances.

**AT NO TIME WILL A STAFF MEMBER VOLUNTARILY BECOME A HOSTAGE; PROVIDE WEAPONS OR IMPLEMENTS OF DESTRUCTION TO CRIMINAL PERPETRATORS; ACT IN A MANNER WHICH WILL MATERIALLY OR EMOTIONALLY CONTRIBUTE TO THE OBJECTIVES OF PERPETRATORS; OR RELEASE THE HOSTAGE TAKER FROM CUSTODY.**

Hostage incidents or major disturbances involving Field Probation staff and/or Field Area facilities will be immediately referred to the appropriate law enforcement jurisdiction. Staff will avoid subjecting themselves to unnecessary risks.

Policy Number: E-1  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### Conferences with a Judge or Commissioner

Any employee who receives a specific court order, directive, or request to appear in court will comply. If a judge or commissioner requests a conference to discuss case-related issues, the employee will advise the immediate supervisor as soon as possible, preferably before the conference.

If ***prior to the conference the topic is known*** to be about policy or procedure, a member of the ***supervisory*** staff will also attend. Prior to the conference, the supervisor will consult with managerial staff for guidance and direction. If a case-related conference between an employee and a judge/commissioner develops into a discussion of department policy and/or procedure, the employee will ***respectfully*** defer further discussion until ***supervisory*** or management representatives can appear. The employee will then advise the immediate supervisor of the nature of the inquiry and the supervisor will facilitate prompt response to the court.

When an employee seeks a case-related conference with a judge or commissioner, the immediate supervisor will be advised as to the reason for the contact, preferably prior to the conference. Should policy or procedure issues arise, the employee will seek ***supervisory*** /managerial involvement.

Resident Court officers and Juvenile Court officers have specific job assignments and duties that involve frequent routine contact with the judges and commissioners. These employees ***will*** carry out their required duties without limitations being imposed by this policy.

Policy Number: E-2  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Subpoena, Summons, and Subpoena Duces Tecum**

A subpoena is a written order requiring a person to appear ***before a court or magistrate***. A summons is a legal notice that a party is being sued in a civil matter. In support of the court process and as permitted by the ***applicable Memoranda*** of Understanding, ***an employee who is called to answer a subpoena as a witness in court during the employee's work hours, (except where the employee is a litigant) will be compensated at his or her hourly rate of pay for all hours of absence from work.*** Regular pay for answering a subpoena during non-regular work hours only applies when the subpoena is for a job-related case. ***Employees must use their personal time to engage in a personal lawsuit.***

Subpoenas and summons are centrally received and processed for employees, according to departmental procedure, to ensure they are appropriate, meet the technical legal criteria, and to coordinate response.

Any fees earned by the employee for responding to a subpoena on county time will be paid to the county, exclusive of mileage. When an employee appears on a personal subpoena on their time, any fees received ***will*** be the property of the employee.

The response to a subpoena duces tecum (which requires records, documents, or other physical items be produced as evidence) is controlled by the Chief Probation Officer as the Custodian of Records. No such documents ***will*** be taken to court without specific authorization, and then be limited to only those items specified in the subpoena and approved by the Chief Probation Officer.

Policy Number: E-3  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Disclosure of Court Recommendations**

**Deputy Probation Officers** preparing a court report **must** discuss with the client **and/or minor's parents/legal guardians**, in general terms, the possible recommendations and outcomes in the pending case. Once the report has been reviewed and approved by the officer's supervisor, the officer who prepared the report may advise the client **and/or minor's parents/legal guardians** and/or legal representative of the actual recommendations for disposition or sentencing. Other officers/employees will refrain from discussing the recommendations and possible outcomes in order to avoid the appearance of conflict or discrepancy.

Any inquiries from the client **and/or minor's parents/legal guardians** or legal representative about the pending case, recommendations or possible outcomes are to be referred to the assigned **Deputy Probation Officer**.

Any **and all** requests made to institutional staff for written or verbal statements on behalf of a minor **to be presented to the court or any other person** are to be immediately referred to the Division Director or designee without further comment.

Policy Number: E-4  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Clients with Legal Residence Outside of Orange County**

At the time of initial contact with any **offender** referred to this department, the assigned Deputy Probation Officer is responsible for determining the county, state, and/or country of legal residence.

Although the **offender's** legal residence will not be the predominant factor when making recommendations to the court or developing treatment plans, the location of legal residence can be a consideration. If the probationer requests permission to move outside the county, both the safety of the community and welfare of the probationer will be considered before permission is granted or denied.

Because probationers are sometimes transient, ongoing residence monitoring is necessary. When a probationer's legal residence is outside of Orange County, appropriate consideration **will** be given to transfer of wardship, transfer of jurisdiction per Section 1203.9 P.C., Courtesy Supervision, Interstate Compact, referral to the Border Youth Project, delivery to INS, and other supervision alternatives, as available.

Policy Number: E-5  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

### Advisement of Rights

All juvenile and adult probationers must be advised of their legal rights, preferably by the reading of a Miranda Advisement card, prior to questioning by **deputized staff** if criminal court action or prosecution could result from that questioning and probationer statements are to be admissible in court.

***Pursuant to 625 WIC, deputized staff will advise minors of their Miranda rights when placed under arrest or taken into temporary custody, even if not questioned.***

In addition, ***pursuant to 633 WIC, "upon his [or her] appearance before the court at the detention hearing, the minor and his/her parent or guardian, if present, will be informed of the reasons why the minor was taken into custody, the nature of the court proceedings and the right of such minor and his [or her] parent or guardian to be represented at every stage of the proceedings by counsel."***

Policy Number: E-6  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
3/04

## Extradition

All recommendations to the court for extradition require review and approval by managerial staff. Because extradition is ***an intricate and time-consuming*** process, it is generally reserved for serious felony cases involving dangerous violent offenders or major, multiple-victim fraud/theft and loss. Cost of extradition ***will*** not be the deciding factor in such a recommendation; however, the court ***will*** be made aware of those costs. A suitable recommendation will be made at the time of disposition/sentencing to account for these costs.

Policy Number: E-7  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

## Restitution

***The department assists victims by presenting their interests to the courts and providing support services. In addition to providing information and referrals to resources, restitution is established and collected.*** Restitution is defined as reimbursement to victims for their loss or injury. It is considered ***critical aspect of the department's mission and an important function of the criminal justice system in promoting the probationer's accountability and*** resocialization. In all cases involving loss or injury, the restitution issue will be investigated and a recommendation made, with an emphasis on obtaining the maximum amount of restitution, which is ***statutorily*** responsible, appropriate, ***verifiable***, and consistent with the ***parameters*** of the court.

In cases involving physical injury or death, the Deputy Probation Officer will make personal contact with the victim(s) and/or the victim's family. The Deputy Probation Officer will include in the court ***report the total impact of the offense on the victim(s) and/or the victim's family, comments regarding sentencing, financial loss and the potential restitution amount. Where appropriate, the Deputy Probation Officer will refer the victim to the department's Victim Coordinator for applicable services.***

Funds collected are to be allocated first to restitution and then to ***finest and penalties*** unless court orders or the specific circumstances of an individual case would justify an alternative method of disbursement. In those instances, the reason for the exception ***will*** be clearly documented. Funds collected ***will*** not be allocated to such county cost items as legal fees, cost of probation, cost of incarceration, cost of pre-sentence reports, etc. until restitution and penalty/ fine obligations are collected in full. If restitution has not been collected as specifically established by the court, the matter will be returned to court prior to termination of probation supervision for violation or further action ***such as seeking a judgement on the victim's behalf if the victim so desires.***

Policy Number: E-8  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

## Volunteers

Volunteers are a valuable resource in assisting the Probation Department in **accomplishing its mission. Volunteers serve either as Volunteers in Probation (VIP's) or Volunteer Probation Officers (VPO's) and enhance the continuity of services to the court, the probationer and the community.** Recruitment, **background investigation**, training and responsibility differ and **must be consistent with legal mandates and departmental policies and procedures. Student Interns are utilized throughout the agency as VIP's.**

Individuals or groups wishing to participate in Probation Department programs that involve direct **and ongoing** probationer contact must be referred to the Volunteer **Unit**. The Volunteer **Coordinator will monitor the processing and approval of volunteers** prior to any direct involvement with probationers or department-sponsored activity. Institutional Directors may grant exceptional authorization to volunteers for specific, delimited institutional activities on a "one-time-only" basis.

Employees are encouraged to use volunteers to **support or augment** existing services. Volunteers are not used to replace or substitute for the specific job functions of employees.

Staff are expected to be aware of a volunteer's training and authorizations and to use that volunteer appropriately. Staff are also expected to contribute to an assigned volunteer's training and supervision. **Should problems arise, staff will advise their supervisor** and work closely with the Volunteer Coordinator **to resolve minor issues. If staff become aware of allegations of misconduct or law violations, they will inform Top Management and the Director of Human Resources & Training via the chain of command to determine the appropriate course of action.**

Employees may serve as volunteers, **upon approval by Top Management via the chain of command**, however, may be restricted from job-related assignments. Job performance must **continue to meet or exceed performance objectives**, and not be negatively affected by **volunteer** participation.

Policy Number: E-9  
Date Issued: 9/75

Dated Revised: 11/78  
6/84  
1/94  
3/04

## Use of Resources for Minors, Parental Consent and Field Trips

Employees **will** use approved community resources, **facilities, agencies and** field trips in planning and implementing appropriate **restorative justice** and/or supervision plans for juvenile probationers **committed to** juvenile institutions, out-of-home placements or **supervised** in the community.

### Parental Consent

A written parental consent form must be completed and signed by the responsible parent or guardian before a minor is allowed to participate in a probation sponsored and/or probation supervised activity such as a field trip or before the minor **is assigned to a volunteer**. If the whereabouts of the parent is unknown, a court order in lieu of the parental consent **will** be obtained. If a minor is to be taken out of the county, the involved employee or **volunteer** must possess a copy of the current Authorization for Medical Care form and a copy of the parental consent. **Minors who are completing a commitment and reached the age of 18 must have parental consent form on file.**

Some institutional activities involve the assistance of a **volunteer** who **enhances** the opportunities provided to minors **committed to** institutions. **Parental consent is not necessary for volunteers unless they are assigned to an individual minor or there are specific institutional directives that prohibit volunteer contact.**

### Field Trips

Field trips must have **program** enrichment, **casework** or instructional goals. Planning for field trips will **initially consider** the safety of **staff, minors** and the community, **and** include an evaluation of the costs, location, transportation and **methods**. Field trips will include only Probation Department employees, **minors** and **volunteers** unless **supervisory** approval is obtained for inclusion of others. It is the responsibility of the person planning and arranging the field trip to provide appropriate information, structure, and guidelines to the **volunteers** in advance. **The ratio for supervision will be one deputized staff member to four minors on a field trip. Department of Education (DOE) staff will not be included in the ratio during field trips or institutional activities. They will be held to the standards established in the Memorandum of Understanding. If the field trip is co-ed, supervision staff must include both genders and if not a staff member of the same gender will be included.** Exceptions to this **policy** require approval of managerial staff.

Out-of-county field trips require approval in advance from managerial staff.

Policy Number: E-10  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Use of Public and/or Private Community Resources**

Public and private community resources that provide services to clients are a positive adjunct to overall Probation Department services. As an integral part of any probation casework, the assigned Deputy Probation Officer may make referrals to appropriate, departmentally approved public and/or private community resources to meet the needs of the client and/or to fulfill a specific court ordered condition of probation. The **Programs** Division will maintain a directory of approved community resources. Under no circumstances will staff make referrals to resources that have **not been approved** by the department. Referrals may be made to new resources pending assessment and approval as authorized by **the Programs Division** staff **and/or** supervisor.

***Ideally, clients will be provided with three referrals for services. However, clients may be referred to a single public or nonprofit resource if there are insufficient resources to meet specific needs.***

Guest speakers from either public or private agencies are recognized as a positive resource for training and information about community programs and available client services. Arrangements for guest speakers to appear before employee groups are to be approved in advance by the appropriate **Chief Deputy Probation Officer via the chain of command** and may be coordinated through the **Programs** Division.

Policy Number: E-11  
Date Issued: 1/86

Date Revised: 1/94  
3/04

### **Probationers Acting As Informants**

For purposes of this policy, the term "informant" relates to active participation by a probationer in undercover field operations requiring direct personal contact between the probationer and suspect(s) *involved in criminal activity*. ***Probationers, while acting as informants, may violate conditions of their probation or jeopardize their safety and the safety of others in the community. This activity could be a disincentive to resocialization and in opposition to the department's mission.*** Therefore, ***deputized*** staff are prohibited from using a probationer as an informant.

***The department generally discourages the use of adult probationers as informants by police and other criminal justice system agencies. Should there be a request or if information reveals that a probationer is acting as an informant, the assigned Deputy Probation Officer will immediately provide case related information to Top Management via the chain of command. A managerial decision will be formulated in consultation with the court of jurisdiction, the affected law enforcement agency, and the District Attorney's office. The fact that a probationer acted as an informant, if permitted, will not be a consideration when the assigned Deputy Probation Officer makes recommendations to the court in subsequent hearings. This policy does not prohibit a probationer from providing information regarding illegal activities and subsequent investigation by the appropriate law enforcement agency.***

In all cases where it is discovered a juvenile probationer is acting in the capacity as an informant, or is being requested by a law enforcement agency to act in that capacity, the department will oppose the request. The Juvenile Court will be immediately notified of the circumstances and the department's position of opposition.

Policy Number: E-12  
Date Issued: 1/86

Date Revised: 1/94  
3/04

### **Resolving Problems in Probationer's Employment Status**

Employment is recognized as a contributing factor to success on probation and casework, **generally**, should not **jeopardize** a probationer's job. **If** there is reason to believe that the nature of a probationer's employment situation will subject the community or employer to possible victimization by the probationer, or **adversely impact** the probationer's resocialization, the assigned deputy **will** take appropriate steps to resolve the problem. A drug-addicted doctor or nurse working in a hospital with access to drugs, a convicted embezzler working as an accountant **or** a convicted child molester working in or near a school **are examples of potentially negative situations**. Options include voluntarily changing employment to a more acceptable position or seeking reassignment with the current employer to remove any possibility of re-offending or the suspicion of re-offending. **It may be advisable that** the probationer inform the employer of the prior criminal activity and include the employer in the resocialization plan.

Should the probationer **fail to be cooperative** or if the situation **becomes** emergent, the assigned deputy will take immediate steps to protect the community. **If appropriate**, the court may be approached for authorization to advise the employer of the probationer's status or conviction offense so that the employer can take appropriate action.

## **Undocumented and Deportable Criminal Aliens**

All cases referred to the Probation Department are screened for citizenship status in conjunction with acquiring pertinent family and social history information.

### **I. Adults**

- A. In-custody cases with an existing INS record - In those cases where the probationer is serving time in jail as a condition of probation and the individual's arrest record indicates he/she has been previously deported, or permitted by INS to voluntarily return to their native country, INS will be requested to place a "hold" on the probationer and take custody of the individual when his/her sentence is served.
- B. Probationers who illegally return to U.S. - Probationers who are formally deported to their native country will be arrested and returned to court if they re-enter the U.S. in violation of Immigration Law.
- C. Probation Violators - Those probationers that have been taken into custody on a probation violation and appear to be undocumented aliens, INS will be requested to investigate the citizenship status of the probationer while in custody and place a "hold" on the individual if appropriate.
- D. General Supervision - Those adult probationers who are presently being supervised in the community and it appears they may be undocumented aliens, the requirements of existing Manual Item 2-1-103 will be followed wherein INS is advised by mail of the name, address and other pertinent information concerning this probationer for INS consideration and appropriate action. In the event that the individual remains in this country, he/she will be supervised in accordance with the court's order.

### **II. Juveniles**

- A. Intake, Investigation and General Supervision - Casework decisions involving juvenile offenders with undocumented citizenship status are based upon the presence and involvement of responsible relatives or guardians in this country and the risk to community safety presented by the minor's unlawful conduct. Cases are brought to the attention of the Juvenile Court for resolution. INS will be informed of undocumented juvenile offenders, requested to investigate their citizenship status, and initiate a course of action deemed appropriate. In the event that the minor remains in this country, he/she will be supervised in accordance with the court's order.

### **Out-of-Home Placement/ Temporary Placements for Minors**

A recommendation for out-of-home placement is limited to situations where there is an immediate or long-term threat to the minor's welfare **or to the community**. A minor may need out-of-home placement when:

1. There is a need for proper and effective parental control and there is no parent or guardian willing or able to exercise such care and control;
2. The minor is destitute or is not provided with the necessities of life or with a home or suitable place to live;
3. The minor is physically dangerous to the public **and/or himself/herself** because of a mental or physical disorder;
4. The minor lives in a home that is unfit due to neglect, cruelty, depravity, or physical/**sexual** abuse;
5. The minor is in need of residential treatment or care that is only available in out-of-home settings.

If a minor meets one or more of the above criteria, a recommendation for out-of-home placement may be appropriate, providing that all other possible resources have been exhausted.

All **group home facilities or foster homes** must be properly licensed, certified, and approved for use by the department. The out-of-home placement of a minor in an unlicensed **group home** facility or **foster** home is illegal.

***Relatives and non-relative extended family members can be considered for placement of a minor. The potential caretaker can apply to become a certified foster parent by obtaining a foster home license through the Probation Department's Foster Family Agency or the family can choose to have the minor placed with them after the family and their home has been approved.***

Policy Number: F-2  
Dated Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Recommendations to the Court for Dispositions/Sentencing and Commitments for Minors**

Prior to submission, all recommendations made by Deputy Probation Officers for the purpose of negotiation, court disposition or sentencing must be approved by **supervisory** staff. Officers whose job assignments are as juvenile court negotiators or resident probation officers may make recommendations to the court without prior **supervisory** approval in accordance with their specific performance standards and directives. All recommendations will be made after considering, **but not limited to** the following:

1. Provisions of appropriate laws;
2. Protection of the community;
3. Circumstances of the offense;
4. **Victim's loss, injury and perspective;**
5. Client's prior **record/social** history;
6. Client's prior involvement in resocialization efforts;
7. Treatment and resocialization needs of the client;
8. Perspective of the client and/or the client's family.

If a disposition is recommended for a minor in a county, state or private institution, priority will be given to recommending the least restrictive commitment which best meets the needs of the individual minor and the community. The primary consideration will be to recommend **a disposition that balances community protection, restitution and offender treatment.**

Policy Number: F-3  
Date Issued: 9/75

Date Revised: 11/78  
1/94  
3/04

### **Foster Home Placements with County Employees**

To avoid any real or *perceived* conflict of interest, foster home placements are not generally made with employees of the Probation Department, immediate families of Probation Department employees, or other county employees assigned to the courts. Any exception to this policy will require approval by the Chief Probation Officer prior to effecting such a placement. Foster home placements may be made in licensed foster homes of employees of other county agencies only with the approval of Top Management.

Policy Number: F-4  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### Visits with Minors in Juvenile Institutions; Placements

Each institution or placement facility used by this agency has a ***schedule*** that regulates visits to minors by parents and other interested parties. Such ***schedules*** are established to enhance the program and treatment goals of the institution or placement. Exceptions to the visiting ***schedule*** must be approved by managerial staff of the juvenile institution or by the ***supervisory*** staff of the placement units ***or to comply with court orders.***

All parties will be advised of the visiting rules and regulations and visitors who violate these rules may be denied any further rights to visit.

Minors placed in foster care generally are not permitted visits with their own families during the first 30 days. The parent(s) of a minor who has been placed in foster care need not always be informed of the whereabouts of the minor, if such information ***would be detrimental to the minor or*** be used to seriously disrupt the effectiveness of the placement.

No minor in placement, detention, or commitment will be forced to have a visit with parents, ***legal guardians or other interested parties.*** Such situations must be reported to the ***supervisory*** staff and continued visit refusal will be reviewed and efforts made to reach resolution. In such instances, the reasons for the visit refusal will be documented and the decision will be reached within the context of resocialization and family reunification goals.

Requests to visit minors in custody or placement by normally unauthorized visitors will be referred to the assigned deputy probation officer for consideration. Each facility will establish special visit procedures. Special visitors recommended by the ***assigned*** Deputy Probation Officer ***are*** subject to ***final*** approval by ***the Institutional Director or designee.*** Any specific or general visiting problems, which cannot be resolved, will be referred to the Chief Deputy Probation Officer via the chain of command.

If a visit is ordered or authorized by the court, all employees will cooperate in facilitating the visit. ***Should problems arise and visits are considered detrimental to the minor or disrupt programming, the matter will be brought to the court's attention via the chain of command.***

Policy Number: F-5  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **School Programs in Probation Department Juvenile Institutions**

All minors in juvenile institutions will participate in school and/or vocational programs, which are formulated in conjunction with the overall institutional program to best, meet the individual minor's needs. All **departmental** staff will cooperate with the school staff to support and facilitate the minor's participation in educational programs, and to assist a smooth transition between the institution's educational program and the minor's community school. ***The Memorandum of Understanding (MOU) between the Department of Education (DOE) and the Probation Department will be reviewed annually to ensure that practice is consistent with established policy. DOE staff will not be included in the ratio for supervision during field trips or institutional activities. They will be held to the standards established in the MOU.***

Policy Number: F-6  
Dated Issued 11/78

Date Revised: 1/86  
1/94  
3/04

### **Religious Programs and Services at Probation Department Juvenile Institutions**

The Probation Department recognizes and supports the rights of minors detained in juvenile institutions to exercise religious freedom. All minors detained in Probation Department juvenile institutions will have access to the religious programs and services of their choice providing that:

1. Their right to participate does not interfere with the rights of others who choose not to;
2. Such programs are available, feasible, and appropriate within the institutional setting;
3. The necessary procedures regarding parental consent agreements are followed.

Participation by minors in religious programs and services must be voluntary, and is not to be coerced (directly or by implication), or specifically rewarded by staff or volunteers.

In cooperation with the religious community, Catholic and non-denominational Protestant services are available, using religious volunteers (VIP's) who are screened and approved by this department and supervised by the chaplains. The chaplains are also available to assist minors who have expressed an interest in participating in religious activities or who have specifically requested individual religious counsel. A minor may request contact with a representative or a specific religion or denomination that is not usually available through the chaplain's program. Every effort will be made to comply with such requests.

The religious VIP is limited to responding to requests from and working with minors only while they are in the institution. If a minor wants to continue religious activity after release, ***the Protestant and/or Catholic chaplain may contact the minor provided the parent/legal guardian consents in writing to continue this activity.***

Policy Number: F-7  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
3/04

### **Personal Property of Minors in Juvenile Institutions**

The amount and type of personal property that a minor may have in an institution will be determined by the director of each institution subject to the approval of the Chief Deputy Probation Officer. Appropriate procedural safeguards will be established and maintained to insure the protection of the minor's property while the minor is in the institution.

The discovery of any contraband items in the personal property of any minor will be immediately brought to the attention of the ***Institutional*** Director via the chain of command. Contraband items which are specifically ***prohibited*** within the institution, but whose possession is not, or does not appear to be illegal (such as money), will be confiscated and processed according to the established procedures of each institution. Contraband items whose possession would be illegal for any minor or any person (drugs, stolen goods, weapons), will be confiscated and processed according to the procedures of each institution in a manner designed to record and safeguard the chain of evidence pending subsequent investigation, prosecution and/or judicial action.

The discovery of any type of contraband item must be documented for the minor's file. When an application for petition is submitted, it must be accompanied by full documentation.

Policy Number: F-8  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Animals at Juvenile Institutions**

The Chief Probation Officer has authorized the Director of each *juvenile institution* to maintain animals as pets at the institutions as part of the instructional and resocialization program. In all cases, the health and safety of the minors and staff are a prerequisite. Directors, who elect to have such animals at the institution, will be responsible for maintaining the health, safety, and licensing of the animals. ***The animals will remain at the institution unless the Director approves of other arrangements. The Chief Probation Officer must give prior approval for staff or minors to bring individually owned pets to be maintained by minors in the institution.***

Policy Number: F-9  
Date Issued: 5/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

### **Tours of Juvenile Institutions**

The Probation Department will provide limited tours of juvenile institutions to individuals and/or groups who have a specific legitimate **business related** need to inspect, observe, or participate in the institutional programs. Tours may be accommodated as long as they do not compromise or interfere with institutional programs, safety/security **or** staffing patterns. Tour participants will be given specific **instructions** regarding confidentiality **and safety precautions**.

Requests to tour any juvenile institution must be made to Top Management or the **Institutional Director** in advance and must include the reason for the request, **number and age of tour participants** and other pertinent information that would justify the tour. **Top Management or the Institutional Director will** grant or deny tour requests.

Policy Number: F-10  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Medical Examination and Treatment for Juveniles**

All minors admitted or committed to juvenile institutions are provided basic medical evaluation, screening and treatment services as **required by Title 15 of the California Code of Regulations and** determined by the assigned medical staff. Every effort will be made to provide immediate and appropriate medical treatment when needed. **Assigned medical staff will, if appropriate, determine treatment that may require additional public or private resources. Institutional staff, pending arrival of medical emergency teams or delivery to the medical unit and/or a hospital will provide immediate emergency care.**

All employees will cooperate with the assigned medical staff in order to provide emergency and ongoing medical treatment. A minor's family is financially responsible for all-subsequent examinations and treatment. Whenever possible and practical, the parents will be responsible for arranging for routine medical care and for providing transportation.

A medical screening will be completed prior to acceptance of any minor into **an institutional** program, release to a placement facility or participation in the Juvenile Court Work Program to verify that the minor's health will allow complete participation in the program.

Minors **declared wards of the court and committed to a juvenile institution must have a medical authorization form signed by a parent or legal guardian. In an emergent situation a standing Juvenile Court order authorizes medical treatment pending acquisition of parent/guardian consent.**

Policy Number: F-11  
Dated Issued: 1/94

Date Revised: 3/04

### Sealing of Juvenile Court Records

In compliance with the law, the Probation Department processes applications for the sealing of Juvenile Court records when the person requesting the record seal meets specific criteria as outlined in applicable departmental procedure. As a general rule, ***an individual may apply after five years or more after the Juvenile Court has terminated wardship or five years or more after the person was cited to appear before a probation officer. Additionally, a person may apply after attaining the age of 18 and six months has passed since the termination of Juvenile Court jurisdiction.*** Upon such request the Probation Department will investigate and send the request via a petition to the Juvenile Court. All requests are approved or denied by the court.

***The court, pursuant to statute, shall not order the person's records sealed in which the person has been found by the Juvenile Court to have committed an offense listed in subdivision (b) of Section 707 W&I when he or she had attained the 14 years of age or older.***

Policy Number: F-12  
Date Issued: 1/94

Date Revised: 3/04

### **Television, Video Programs, Video Movies and Reading Materials in Juvenile Institutions and Community-Based Programs**

As a source of recreation, instruction or education, minors in juvenile institutions **and community-based programs** may view television programming, video **programs, video movies,** and **reading materials** that is age and emotion appropriate. Movies or videos with G and PG ratings may be shown. **However, movies or videos with other ratings will not be shown** unless approved in advance by the Institutional Director or Assistant Director.

Each institution **and community-based program** will establish guidelines as to **what type and** when television, movie **or** video viewing is appropriate. **Each institution and community-based program will comply with all licensing contracts and copyright laws.**

**Possession of newspapers, books and magazines are permitted in the amount and manner as determined by the Institutional/Community-Based Program Director.**

Policy Number: G-1  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
10/95  
3/04

### **Appropriate Use of Facilities Occupied by Departmental Staff**

All facilities occupied by departmental staff are to be used for Probation Department and county business only. Exceptions require approval in advance by Top Management. Employees **will** not engage in, nor allow others to engage in, the selling of merchandise or services, gambling including, but not limited to, activities defined in California Penal Code sections 327 (Endless chain schemes) and 337a (Pool selling or bookmaking) or any other illegal activity in any facility occupied by departmental staff.

Employees ***working or visiting any departmental facility will*** not engage in any activity, which is, or which ***appears to be*** a violation of the law, ***or departmental policies or procedures.*** Employees ***who are aware of any such activity will immediately advise Top Management via the chain of command.***

***Pursuant to the Public Safety Officers Procedural Bill of Rights, any space under the employer's control (such as a locker or other personal storage space) may be searched by the department providing the officer is notified or if the officer is present or gives consent.*** All facilities occupied by departmental staff, including but not limited to offices, parking lots, and institutional staff's sleeping quarters are subject to search, including search by a Canine ***Unit***, for the purpose of maintaining work location security and safety.

Policy Number: G-2  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Outlying Work Locations**

Employees in certain job assignments are authorized and/or required to work in locations within the community other than county facilities. These include, but are not limited to area offices, drop-in centers, schools, police departments, **community-based programs** and work-crew locations. When working in these locations, employees **will comply with** all county regulations, departmental policies, and procedures that would normally apply if they were in a county facility or on county property. In addition, employees **will observe** any regulations or requirements of the lessor or donor of the location.

Policy Number: G-3  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Building Security and Safety**

All employees are to **comply** with *the Emergency Procedures Manual to provide staff at every office building and institution with plans for handling emergencies such as fires, utility outages, civil disturbances and medical emergencies. An actual or potential security/safety concern relating to the physical structure or safety of individuals will be immediately reported to the Building Safety Officer, the office/building manager or a supervisor/manager.*

*Each department and county employee must properly display his/her department issued identification card upon his/her person in an easily visible position above the waist while in Probation facilities. Identification cards are not to be altered, defaced, concealed in any manner or loaned to any person. Contractors and vendors authorized to have unescorted access to secure facilities must display their identification card. Employees will not allow anyone access into a secured facilities unless proper identification can be produced.*

Policy Number: G-4  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

### **Smoking by Staff, Clients and Minors**

Smoking by employees, clients, probationers, or other visitors is prohibited in **all** Probation Department **facilities**, including hallways, elevators, break rooms and conference rooms. **County Ordinance only permits smoking in outside designated areas.**

Staff may not allow minors under the jurisdiction of the **Juvenile Court** to smoke in **juvenile institutions**, county buildings, on any Juvenile Court Work Program, in any out-of-home placement including foster homes, group homes, **community-based** programs, or on any field trips under departmental auspices.

Employees who smoke in designated areas must not smoke when minors are in close or visual proximity. **Staff will not smoke in view of or in close proximity to minors in the institution, on field trips or when contacting minors in the field.**

Policy Number: G-5  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### Office Decor

All Probation Department facilities and work locations are **considered** public property **for public use and must reflect a business like atmosphere**. All employees must maintain a neat, professional, non-political, **non-religious, non-sexual** and **distraction free** décor or atmosphere at their work **locations/offices**. Deviations from the standard office furniture, equipment, or **décor** require **supervisory** approval **in advance**.

Policy Number: G-6  
Date Issued: 11/78

Date Revised: 6/84  
1/86  
1/94  
3/04  
3/05

### **Consuming Food and Beverages at a Work Site**

Employees may consume food and/or beverages at their workstation under the following conditions:

1. ***The employee is sworn, on duty and providing direct supervision of minors in custody situations.***
2. Clients are not present;
3. The work site or station is not within the general public view;
4. Safety or health hazards are not created for the employee, other employees, clients, or the public;
5. The presence of food or beverage does not create the potential of damage to county equipment or negatively impact productivity;
6. The employee assumes responsibility for disposing of all trash and refuse properly;
7. ***There is access to necessary documents and other work-related supplies, information, references and materials.***

Employees may not extend a regular break or meal period by consuming food or beverages at their work site or count time spent eating at the workstation as work time.

Policy Number: G-7  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

## Distribution and Use of County Services, Supplies and Equipment

The Probation Department makes every effort to provide each employee with the **essential** services, supplies and equipment for **their** work assignment. County services, supplies, and equipment include, but are not limited to, stationery supplies, **identification cards, badges**, dictation machines, computer equipment, body armor vests, cell phones, pagers, radios, and telephone services. The use of county services, supplies and equipment for personal reasons is prohibited. Shared equipment or equipment checked out from a central pool is the responsibility of the employee to whom it is temporarily assigned. **Employees are not to alter, deface, conceal or loan their identification card/badge to any person or permit any unauthorized person the use of any county property.**

**Services**, supplies, equipment or other **devices** believed to be necessary **for job performance** will be requisitioned from the immediate supervisor via the chain of command. **The department can only service/guarantee equipment obtained through county contracts.** Replacement of personal property items used instead of county property cannot be guaranteed in the event of damage or loss.

The department reserves the right to periodically audit equipment and supplies issued to staff. Equipment issued to an employee but seldom or never used **will be recalled by the immediate supervisor and** will be returned to the supply room to avoid loss.

Employees are responsible for operating and maintaining county equipment properly and safely, and for reporting any damage, malfunction or loss to the immediate supervisor **within 48 hours of discovery. Cell phone use while driving is prohibited unless there is a legitimate business or emergent need.**

Employees may be held financially responsible for repair or replacement of equipment that is damaged, lost or stolen due to **gross** negligence, and **therefore must ensure** all equipment **is securely stored** in a locked desk, cabinet, or vehicle when not in use. **Top Management will individually review each damage or loss report to determine the best course of resolution, which could include discipline depending on the level of negligence.**

**Prior to separation from the department** or change of work assignment, **employees are to account for and relinquish** all county supplies and equipment **issued to that employee** to the immediate supervisor. **Department issued equipment, including, but not limited to, handguns, identification cards and badges are the sole property of the department and will be returned immediately upon request.**

Policy Number: G-8  
Date Issued: 9/75

Date Revised: 11/78  
1/86  
1/94  
3/04

## **Injuries and Medical Emergencies**

In the event of an injury or medical emergency in a Probation Department building or institution, all employees are to immediately assess the situation and seek appropriate professional medical assistance and, if properly trained, provide emergency first aid or CPR. ***In responding to injuries and/or medical emergencies, employees will utilize available resources to prevent further harm.***

***Employers are required by California law to take specific action regarding every occupational injury or illness within 48 hours of occurrence. The California Office of Safety and Health Administration (Cal/OSHA) requires that all serious injuries, illnesses or death of a County employee while in the performance of their job be reported immediately or as soon as possible but not longer than 8 hours after the occurrence.*** As soon as practical, the employee will advise ***the Human Resources & Training Division*** of the incident and will complete documentation according to departmental policies, procedures, and county and state mandates. ***The injured party will be provided with appropriate follow-up assistance and information by the responding employee or the supervisor in charge.***

Policy Number: G-9  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/94  
3/04

### **Employee Out-of-County Trips**

Out-of-County trips are limited to casework/***enforcement needs***, approved training, ***and/or special meetings or conferences***. All out-of-County trips require supervisory advisement and/or approval. An employee who has been authorized or is planning to request authorization to make an out-of-country trip will make every effort to coordinate the trip with other staff in an effort to eliminate or minimize duplication of time, effort and expenditures.

Policy Number: G-10  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

### **Reimbursement for Meals and Lodging**

Generally, ***while conducting departmental business***, employees are responsible for their own meal expenses in or out of the office. Employees remain responsible for their own meal expenses when traveling out of the county on one day trips in pursuit of normal work duties. If an employee is required to attend a training session, special meeting ***or conference***, which is not part of their routine duties, the employee may be reimbursed for meals and lodging with prior authorization from the immediate supervisor. Employees who must remain out of the county overnight as an extension of ***routine*** or specially designated duties must have prior authorization per procedure for reimbursement for meals and/or lodging.

Policy Number: G-11  
Date Issued: 9/75

Date Revised: 11/78  
6/84  
1/86  
1/94  
3/04

### Receipt for Funds

The Probation Department is strictly accountable for maintaining accurate, thorough and current records on all incoming funds. Funds for donations, fees, fines, restitution and other court ordered financial obligations includes, but is not limited to, cash, checks, money orders, drafts, travelers checks, and cashiers checks. Consistent with departmental procedures, employees will issue receipts immediately upon accepting funds and will take the necessary steps to ensure that the funds and receipts are processed ***no later than the next business day.***

Policy Number: G-12  
Date Issued: 8/85

Date Revised: 1/94  
3/04  
3/05

### **Personally Owned Electronic Devices**

Employees may use personally owned electronic devices on the job subject to departmental guidelines and approval via the chain of command. "Personally owned electronic devices" refers to, but not limited to such items as personal computers, personal digital assistants/handhelds, cell phones, laptops, printers, electric typewriters, telephones, calculators and recording devices.

The use of personally owned electronic devices is not encouraged and will not serve as an alternative if county owned electronic devices are available. Top Management via the chain of command will determine what devices are necessary to complete normally assigned duties. Other than standard paper, department supplies and software will not be used in personally owned devices, unless prior approval has been obtained from the Director of Data Services Division via the chain of command.

The presence of personally owned electronic devices at the work site must not interfere with productivity, movement or present safety hazards to employees, clients and/or visitors. Other than standard electrical outlets and hookups, no additional furniture or hardware/software will be provided.

The department and county do not assume or accept responsibility or liability for damage or loss of personally owned electronic devices used or stored at the work site. Security, maintenance and repair of such equipment are the employee's responsibility.

Personal telephone equipment may be connected only to single lines. County-owned telephone equipment is to be replaced by the employee when personal telephone equipment is removed from the work site.

Confidential information may not be entered into a personally owned computer or other electronic device unless it can be erased and is erased upon completion of the task. Such information must remain at the work site and must be given the same security as case files, personnel documents, and other confidential material.

## Electronic Information Devices

The Data Systems Division is responsible for activities related to installing, relocating, and modifying **electronic information devices** at specific work locations, configuring equipment to perform specified functions, monitoring the performance of equipment and systems, and providing or arranging for equipment repair or modification. **"Electronic Information Devices"** include, **but not limited to**, all **county owned** hardware, software, cables, connectors, instruction booklets, attachments and accessories.

The Data Systems Division purchases and maintains the proper and necessary license agreements to hold the department and county harmless from litigation alleging license/patent infringement.

**Electronic information devices** purchased by the county or created with county resources **are** the property of the county and must be appropriately protected and controlled. In an effort to prevent the introduction of viruses, **unsupported** hardware/software **and** unlicensed "pirated" or copied software **are** prohibited from use in county **electronic information devices**. Likewise, **employees will not move, appropriate, alter, modify or reconfigure any device/system without prior approval of the Director of the Data Systems Division via the chain of command.**

Employees are not permitted to set up private "Data Information Systems" either on county or **personally owned devices**, without obtaining proper authorization **from the Data Systems Division**. The respective system developer is responsible for the accuracy and integrity of data contained within such **personally owned devices**.

**Employees are responsible for relinquishing the electronic information devices to the Data Systems Division via the chain of command when the device/system is no longer** used as assigned. **The Data Systems Division will** re-assign, re-configure, or modify the **device/system** to best meet the needs of the department.

Policy Number: G-14  
Date Issued: 1/94

Date Revised: 3/04

### **Employee Mail**

All mail addressed to the Probation Department will be opened by the designated mail room staff for the sole purpose of inspecting and directing the correspondence to the proper person or division. Employees **will** not use the department address for receipt of **routine** personal mail.

Mail received by the department and addressed solely to an employee will not be opened if the outside of the envelope is marked "personal and confidential." **Unless extenuating circumstances exist**, mail marked in this manner will be routed to the employee's mailbox or work location unopened.

## County's Information Technology Usage Policy

### 1. Purpose

To provide a Policy that defines conditions for the authorized use of information technology and associated electronic information devices, including personal computers, laptops and related peripheral equipment and software; Internet/Intranet connectivity and access to related services; E-mail and any other electronic information device.

### 2. Scope

The County of Orange (County) provides employees with an e-mail system, a network connection, and Internet and Intranet access. This Policy governs all use of the County and its Departmental networks, Internet/Intranet access, and e-mail systems, whether for electronic mail, chat rooms, the Internet, newsgroups, electronic bulletin boards, or the County or Department Intranet. ***The e-mail system, network, and Internet/Intranet access are primarily for official business only. Employees are authorized to access the Internet for limited personal business only during non-working time, and in strict compliance with the other terms of this Policy.***

All information created, sent, or received via the e-mail system, network, Internet, telephones or the Intranet is the property of the County. Employees should not have any expectation of privacy regarding such information. This includes all e-mail messages and all electronic files. The County reserves the right to, at any time and without notice, access, read and review, monitor, and copy all messages and files on its computer system as it deems necessary. When it believes necessary, the County may disclose text or images to law enforcement without the employee's consent.

### 3. Personal Responsibility

By accepting your account password and other information from the County and accessing the Network or the Internet, you are agreeing to follow the rules in the Policy. Misuse means any violations of this Policy or any other use that, while not included in this Policy, has the effect of knowingly harming another or another's property. Once logged on, you should normally not leave your computer unattended or available for someone else to use.

### 4. Purposes and Use

The County is providing you access to its Network and the Internet *only* for County business purposes. If you have any doubt about whether a contemplated activity is appropriate for County business purposes, you may consult with your Department Head or his/her designee to help you decide if a use is appropriate.

### 5. Netiquette and Prohibited Activity

*All users must abide by rules of network etiquette, which include being polite and using the Network and the Internet in a safe and legal manner. The County or authorized County officials will make a good faith judgment as to which materials, files, information, software, communications, and other content and activity are permitted and prohibited based on the following guidelines and under the particular circumstances. Unless you are specifically authorized due to your work assignment, the following are among uses that are considered unacceptable and constitute a violation of this Policy:*

- (a) Using, transmitting, or seeking inappropriate, offensive, swearing, vulgar, profane, suggestive, obscene, abusive, harassing, belligerent, threatening, or defamatory (harming another's reputation by lies) language or materials.
- (b) Revealing personal information without permission such as your or another's home address, telephone number, or social security number.
- (c) Making offensive or harassing statements or jokes about language, race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
- (d) Sending or soliciting sexually oriented messages or images.
- (e) Visiting sites featuring pornography, terrorism, espionage, theft, or drugs.
- (f) Gambling or engaging in any other activity in violation of local, state, or federal law.
- (g) Uses or activities that violate the law or County policy or encourage others to violate the law or County policy. This includes, for example:
  - Offering for sale or use any substance the possession or use of which is prohibited by law.
  - Without proper authorization, accessing, transmitting, or seeking confidential information about clients or co-workers.
  - Conducting unauthorized business.
  - Viewing, transmitting, downloading, or seeking obscene or pornographic materials or materials that violate or encourage others to violate the law.
  - Intruding, or trying to intrude, into the folders, files, work, networks, or computers of others or intercepting communications intended for others.
  - Knowingly downloading or transmitting confidential information.
- (h) Uses that cause harm to others or damage to their property. This includes, for example:
  - Downloading or transmitting copyrighted materials without permission from the owner of the copyright in those materials. Even if materials on the Network or the Internet are not marked with the copyright symbol, ©, you should assume that they are protected under copyright laws unless there is explicit permission on the materials to use them.
  - Using another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating or otherwise using the other's access to the Network or the Internet.
  - Intentionally uploading a virus or other harmful component or corrupted data, or vandalizing any part of the Network.
  - Using any software on the Network other than that licensed or approved by the County.
- (i) Uses that jeopardize the security of access and of the Network or other networks on the Internet. For example, don't disclose or share your password with others, and don't impersonate another.
- (j) Accessing or attempting to access controversial or offensive materials.

You are advised that access to the Network and the Internet may include the potential for access to materials inappropriate for use for County business purposes, including materials that may be illegal, defamatory, or offensive. Certain of these areas on the Internet may contain warnings as to their content, and users are advised to heed these warnings. Not all sites that may contain inappropriate material, however, will include warnings. You must take responsibility for your use of the Network and the Internet and stay away from these sites.

(k) Commercial uses.

For example, do not:

- Sell or buy anything over the Internet.
- Solicit or advertise the sale of any goods or services (whether to one recipient or many, such as "junk e-mail").
- Give others private information about yourself or others, including credit card numbers and social security numbers.
- Use County information technology for unauthorized outside fund-raising activities, participating in any lobbying activity, or engaging in any prohibited partisan political activity.
- Use County information technology to post County, Department and/or other public agency information to external news agencies, services bureaus, bulletin boards or other forums except if authorized prior.

(l) Operating a business, or soliciting money for personal gain.

(m) Uses that waste limited resources. For example:

- Don't waste toner or paper in printers, and don't send chain letters, even for noncommercial or apparently "harmless" purposes, as these, like e-mail with large graphic attachments and "junk e-mail," use up limited Network capacity resources.
- Only copy others on an e-mail who should be "in the loop" on that e-mail.
- Be careful with distribution lists, determining first whether it is appropriate for everyone on that list to receive the e-mail.
- "All hands" e-mails are only to be sent if permission is obtained prior.

(n) Suggesting to other associates that they view, download, or seek materials, files, information, software, or other content that may be offensive, defamatory, infringing, or illegal.

## 6. Confidential Information

You may have access to confidential information of the County, its employees, and clients of the County. E-mail makes it very easy to send and receive information and attachments. It is also easy to send confidential e-mail to more than those you intended. If you have a business need to communicate confidential information within the County, with permission of management, you may do so by e-mail, but only sending the e-mail to those who have a need to know the information, and marking it "CONFIDENTIAL." County management may from time to time issue guidelines to those whose responsibilities include the internal e-mail communication of confidential information. Again, when in doubt, do not send it by e-mail. Memoranda and reports on paper, telephone calls, and face-to-face meetings should be used in some contexts, such as with respect to personnel matters.

## 7. Use and Maintenance of Equipment and Facilities

The County may occasionally issue rules for use and maintenance of computers and other equipment. These include the following:

- Liquids or magnets are not to be kept on or near your computer, as these can cause serious damage.
- All original software assigned to you must be available when your system needs to be serviced--it may need to be reinstalled.
- When you have a computer problem, record/communicate **all** the details about the problem on the appropriate form and/or when called in to the service hotline, working with Information Technology staff, etc.
- Computers are not to be removed from the building without written permission from County management.
- Software that is not licensed or authorized by the County is not to be installed and disks are not to be transported back and forth. (Viruses can easily be picked up onto your computer or the Network from the Internet or other computers.)
- Keep equipment plugged into a surge protector at all times.
- Report any damage to equipment to the appropriate authorities.

## 8. Privacy

Network and Internet access is provided as a tool for County business. The County reserves the right to monitor, inspect, copy, review, and store at any time and without prior notice any and all usage of the Network and the Internet access and any and all materials, files, information, software, communications, and other content transmitted, received, or stored in connection with this usage. All such information, content, and files shall be and remain the property of the County, and you should not have any expectation of privacy regarding those materials, including those relative to personal computers or laptops used at home for business use. Network administrators may review files and intercept communications for any reason, including, but not limited to, for purposes of maintaining system integrity and ensuring that users are using the system consistently with this Policy.

## 9. Failure to Follow Policy

*Your use of the Network and the Internet is a privilege, not a right. If you violate this Policy, you may be subject to having your access to the Network and the Internet terminated, which the County may refuse to reinstate for the remainder of your tenure in the County. Further, except if authorized in specific job related circumstances, you violate this Policy if you permit another to use your account or password to access the Network or the Internet, including, but not limited to, someone whose access has been denied or terminated. If the person you allow to use your account violates this Policy using your account, it is considered to be the same as you violating this Policy. Both of you are then subject to the consequences of that violation. The County may take other disciplinary action under County policy. A violation of this Policy may also be a violation of the law and subject the user to investigation and criminal or civil prosecution.*

## 10. Updates

You may be asked from time to time to provide new or additional registration and account information, for example, to reflect developments in the law or technology. You must provide this information if you wish to continue to receive service. If after you have provided your account G-15

information, some or all of the information changes, you must notify the person designated by the County to receive this information. This Policy may also be updated by the County from time to time, for example, to reflect developments in the law or technology.

#### Management Responsibility

Managers and Supervisors are responsible for following the Policy and for ensuring that their employees follow this Policy. Any employee who violates this Policy or uses the County e-mail system, network, Internet, or Intranet access for improper purposes shall be subject to discipline, up to and including discharge.

**ORANGE COUNTY PROBATION DEPARTMENT  
POLICY MANUAL**

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