

**RESOLUTION NO: 2023- 8867**

**A RESOLUTION TO ADOPT NEW PLUMAS COUNTY PROBATION DEPARTMENT POLICIES AND PROCEDURES THROUGH LEXIPOL**

**WHEREAS**, Plumas County Personnel Rule 1.04 "Department Rules" provides the Chief Probation Officer may establish additional rules provided those rules are consistent with the Personnel Rules, other County policies and that the County comply with the "meet and confer" obligation under California Government Code Section 3505; and

**WHEREAS**, the Probation Department requires new Policies and Procedures for the day to day operations of the Department; and

**WHEREAS**, these policies include a policy establishing general guidelines for training, for reviewing the use of force by department members, for assigning clients to the appropriate level of supervision and case management; employees cash management practices, and policies and procedures for transporting persons and juveniles in custody; and

**WHEREAS**, this request was brought to the attention of County Counsel, Human Resources Director, and the Probation Association who approve of this resolution to adopt these Lexipol Policies and Procedures; and

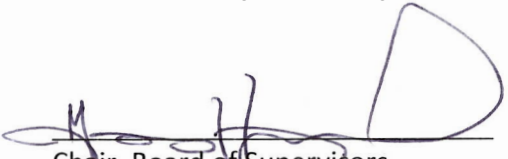
**NOW, THEREFORE, BE IT RESOLVED** by the Plumas County Board of Supervisors as follows:

Approve this Resolution to adopt new Plumas County Probation Department Policies and Procedures according to Lexipol as follows:


Policies: 203, 301, 402, 410, and 515. Procedure: 500

The foregoing information was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board on the 17<sup>th</sup> day of October 2023 by the following vote:

<b>AYES:</b>	Supervisors: Ceresola, McGowan, Goss, Engel and Hagwood
<b>NOES:</b>	Supervisors:
<b>ABSENT:</b>	Supervisors:

  
Chair, Board of Supervisors

**ATTEST:**

  
Clerk of the Board of Supervisors

# Training

## 203.1 PURPOSE AND SCOPE

**Best Practice**

This policy establishes general guidelines for how training is to be identified, conducted, and documented (including basic, in-service, and outside training). This policy is not meant to address all specific training endeavors or identify every required training topic.

### 203.1.1 DEFINITIONS

**Agency Content**

**Serious Injury** - Serious injury is defined as "a personal injury which results in death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a non-permanent nature which prevents the injured person from performing substantially all of the material acts which constitute such person's usual and customary daily activities for not less than ninety days during the one hundred eighty days immediately following the occurrence of the injury or impairment."

## 203.2 POLICY

**Best Practice**

The Department shall administer a training program that will meet the standards of federal, state, local, and the California POST, Board of State and Community Corrections (BSCC), or Standards and Training for Corrections (STC) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

## 203.3 OBJECTIVES

**Discretionary**

The objectives of the training program are to:

- (a) Enhance the level of probation service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with STC rules and regulations concerning probation training.

## 203.4 TRAINING MANAGER

**Best Practice**

The Chief Probation Officer shall designate the Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

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#### 203.4.1 TRAINING RESTRICTION

##### State

The Training Manager is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

#### 203.5 TRAINING PLAN

##### Best Practice

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

#### 203.5.1 GOVERNMENT-MANDATED TRAINING

##### State

The following lists, while not all-inclusive, identify training that is required under state laws and regulations. Additional required training may be identified in individual policies.

- (a) State-mandated minimum training for officers requires completion of the following:
  - 1. Annual STC in-service training shall be selected by the Training Manager based on agency or individual needs (15 CCR 184):
    - (a) Maintenance of first-aid and CPR certification.
    - (b) 40 hours of academic in-service training.
  - 2. No less than the minimum number of hours as established by the STC Probation Officer Core Course Manual:
    - (a) Agency specific training
    - (b) California justice system
    - (c) Current trends and practices
    - (d) Risk factors
    - (e) Juvenile detention decisions
    - (f) Information gathering
    - (g) Court reports and presentations
    - (h) Orientation, case planning, and supervision
    - (i) Supervision issues
    - (j) Priority setting
    - (k) Personal safety

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- (l) Use of force
  - (m) Restraints and searching
  - (n) Transportation
  - (o) Physical conditioning
  - (p) CPR
  - (q) First aid
  - (r) Peace Officer Standards and Training (POST) required training (Penal Code § 832)
- (b) Any other mandated training (e.g., National Incident Management System) as determined by the Plumas County Probation Department.

#### **203.6 TRAINING COMMITTEE**

**Discretionary** **MODIFIED**

The Training Manager may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should comprise at least three members, with the senior-ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities related to post-incident evaluation and assessing related training needs. The Training Manager has the discretion to remove or replace members of the committee.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

While in operation, the Training Committee should convene on a regular basis, as determined by the Training Manager, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Training Manager will consider the recommendation of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Training Manager shall be submitted to the command staff for review.

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#### 203.7 TRAINING ATTENDANCE

##### Best Practice

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
  - 1. Court appearances.
  - 2. Previously approved vacation or time off.
  - 3. Illness or medical leave.
  - 4. Physical limitations preventing the member's participation.
  - 5. Emergency situations or department necessity.
- (b) All members unable to attend training as scheduled shall notify their supervisors as soon as practicable, but no later than one hour prior to the start of training, and shall:
  - 1. Document the absence in a memorandum to the supervisor.
  - 2. Arrange through the supervisor or Training Manager to attend the required training on an alternate date.

#### 203.8 DAILY TRAINING BULLETINS

##### Best Practice

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Plumas County Probation Department Policy Manual and other important topics.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Manager. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time. Members may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

#### 203.9 TRAINING RECORDS

##### Best Practice

The Training Manager is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

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#### **203.10 ISSUED DATE**

Agency Content

#### **203.10.1 REVISED DATE(S)**

Agency Content

# Use of Force Review Boards

## 301.1 PURPOSE AND SCOPE

**Best Practice**

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

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

## 301.2 POLICY

**Best Practice**

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

## 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

**Best Practice**

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

## 301.4 REVIEW BOARD

**Best Practice** **MODIFIED**

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

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

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

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

### 301.4.1 COMPOSITION OF THE BOARD

**Best Practice** **MODIFIED**

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### Use of Force Review Boards

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

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

A senior-ranking staff representative from an outside agency will serve as chairperson.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

**Best Practice** **MODIFIED**

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

If the subject officer is called to answer questions as part of this review, the officer shall be afforded all POBR rights.

The board members may request further investigation, request reports be submitted for the board's review, and call persons to present information

The board does not have the authority to recommend discipline.

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

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

The board shall make one of the following recommended findings:

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

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



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### *Use of Force Review Boards*

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

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

#### **301.5 ISSUED DATE**

Agency Content

#### **301.5.1 REVISED DATE(S)**

Agency Content

## Supervision of Clients

### 402.1 PURPOSE AND SCOPE

**Best Practice**

This policy establishes guidelines for the supervision of clients by assigning clients to an appropriate level of supervision and developing an appropriate case management plan for each client.

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

### 402.2 POLICY

**Best Practice**

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

### 402.3 RESPONSIBILITIES

**Best Practice**

The Chief Probation Officer or the authorized designee should:

- (a) Establish and maintain procedures to assign clients to approved levels of supervision.
- (b) Establish and maintain procedures for the development and implementation of case management plans.
- (c) Establish and maintain procedures to ensure that clients are provided with guidance identifying appropriate community-based resources required or recommended for the client, and with assistance accessing those resources.
  - 1. This should include maintaining a list of resources and services available and approval of necessary additions or substitutions.
- (d) Review and approve the level of supervision to which each client is assigned.
  - 1. This should include the initial assignment and periodic reviews to determine if adjustments in the level of supervision are appropriate.
- (e) Conduct periodic reviews of case management plans to assess the need to adjust a plan for reasons including the client's compliance with conditions of supervision, life changes, or other risk factors.
- (f) Establish a procedure to ensure that every 10 days updates are made to any supervised release file available to this department on the California Law Enforcement Telecommunications System (CLETS) by entering any client placed on post-conviction supervision who is within the jurisdiction and authority of the Plumas County Probation Department. This includes persons on probation, mandatory supervision, and post-release community supervision (Penal Code § 14216).

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### *Supervision of Clients*

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#### **402.4 LEVELS OF SUPERVISION**

**State**

Each client should be assigned a level and type of supervision (Penal Code § 1202.8).

##### **402.4.1 ASSIGNMENT TO A LEVEL OF SUPERVISION**

**State**

Officers shall follow department procedures when assigning each client to a level of supervision.

The assignment of each client to a level and type of supervision should be based on but not limited to the following:

- (a) Court-ordered directives related to supervision (Penal Code § 1202.8)
- (b) Results and findings of the risk and needs assessment administered pursuant to the Risk and Needs Assessments Policy
- (c) Results and findings of other relevant evaluations, including but not limited to mental and physical health evaluations and substance abuse evaluations
- (d) Information collected at intake pursuant to the Initial Intake to Probation Services Policy
- (e) Nature and severity of the offense requiring supervision
- (f) Past criminal history and past performance on probation/parole supervision
- (g) Other information relevant to a level and type of supervision determination

##### **402.4.2 LEVELS OF SUPERVISION FOR SEX OFFENDERS**

**State**

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

Juvenile sex offenders who pose a high risk of committing a sex crime should be considered for assignment to intensive and specialized supervision.

#### **402.5 ESTABLISHMENT OF A CASE MANAGEMENT PLAN**

**Best Practice** **MODIFIED**

A case management plan should be established for all qualified supervised clients according to department procedures. Prior to developing a case management plan, officers should review with the client the results of any risk and needs assessment, the pre-sentence investigation, if applicable, and the information collected during intake.

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

Officers should review the materials used to develop the case management plan with the client, as appropriate.

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## Probation Manual

### *Supervision of Clients*

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

#### 402.5.1 JUVENILE CASE MANAGEMENT PLAN

##### **Best Practice**

When establishing a case management plan with a juvenile, a parent or guardian should be present. Documentation should identify all persons present during the review.

#### 402.5.2 REVISIONS TO CASE MANAGEMENT PLAN

##### **Best Practice**

Officers should conduct routine reviews of the case management plan and adjust when it reasonably appears appropriate, including any time modifications are made to the conditions of release of the client. Updates to the case management plan should be approved by a supervisor.

#### 402.6 POST-RELEASE COMMUNITY SUPERVISION FOR ADULTS

##### **State**

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

- (a) Obey all laws.
- (b) Report to the probation agency within two working days of release from custody.
- (c) Follow the directives and instructions of the assigned officer.
- (d) Report to the assigned officer as directed.
- (e) Be subject, along with the individual's residence, to search at any time of day or night, with or without a warrant by an officer or a peace officer (Penal Code § 3465).

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

#### 402.7 MANDATORY SUPERVISION FOR ADULTS

##### **State**

Individuals on mandatory supervision pursuant to Penal Code § 1170(h)(5)(B) shall be supervised in accordance with this policy and Penal Code § 1170.

#### 402.8 ADULT HOME DETENTION PROGRAM

##### **State**

If the Department provides for a home detention program, officers supervising an individual on home detention shall confirm (Penal Code § 1203.016; Penal Code § 1203.017):

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- (a) That the individual is informed in writing of the rules and regulations of the program and the requirement to comply with those rules and regulations during the term of the individual's home detention.
- (b) That the individual remains inside the home during the designated hours.
- (c) That the individual permits access to the home by the officer at any time to confirm the individual's compliance with the conditions of the home detention.

#### **402.9 NOTICE TO PROBATIONER**

##### **State**

Once a case management plan has been established, officers should review and discuss any instructions or requirements with the client and provide written notification to the client (Penal Code § 1203.7; Penal Code § 1203.12; Penal Code § 3453).

Officers should also provide clients with an overview of what the client can expect while under the supervision of the Plumas County Probation Department, including:

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

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

Officers should obtain a written acknowledgement from the client that the individual has received a copy of the supervision conditions and requirements.

##### **402.9.1 NOTICE TO SEX OFFENDERS OF PROOF OF REGISTRATION DEADLINE**

##### **State**

At least six days prior to the deadline, officers supervising clients required to register as sex offenders under state law shall inform the client that the individual is required to provide proof of the individual's registration as a sex offender within six working days of release, and any change to the registration within six working days of the change (Penal Code § 290.85).

##### **402.9.2 NOTICE TO PARTICIPANTS IN HOME DETENTION PROGRAM**

##### **State**

Officers shall provide written notice of the rules governing the home detention program to clients subject to mandatory home detention (Penal Code § 1203.016; Penal Code § 1203.017).

##### **402.9.3 NOTICE OF VOTING RIGHTS**

##### **State**

Officers should notify clients that a printed version of information regarding voting rights for persons with a criminal history is available upon request. When requested, officers shall provide the information (Elections Code § 2105.6).

#### **402.10 OFFICER ADULT CASE RECORD**

##### **State**

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

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

#### 402.10.1 OFFICER JUVENILE CASE RECORD

##### **Best Practice**

Officers should keep a complete and accurate record for each juvenile client assigned to their supervision pursuant to established department procedures.

#### 402.11 TRAINING

##### **Best Practice**

Officers should receive training on assigning of levels of supervision and developing and implementing case management plans before supervising clients.

#### 402.12 ISSUED DATE

##### **Agency Content**

##### 402.12.1 REVISED DATE(S)

##### **Agency Content**

## Cash Handling, Security, and Management

### 410.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidelines to ensure department members handle cash, checks, or money orders appropriately in the performance of their duties.

This policy does not address cash, checks, or money order handling issues specific to property, which are addressed in the Property Policy.

### 410.2 POLICY

Best Practice MODIFIED

It is the policy of the Plumas County Probation Department to properly handle and document transactions involving cash, checks, or money orders and to maintain accurate records of these transactions in order to protect the integrity of department operations and ensure the public trust. Members shall not perform any transactions involving cash, checks, or money orders or any other monetary instruments unless prior approval has been obtained from the Chief Probation Officer. Should a cash transaction be approved, two department members shall count the cash with supervisory notification. All three members' names shall be documented. It is the policy of this department to use the County Treasurer for all monetary transactions.

### 410.3 ISSUED DATE

Agency Content

#### 410.3.1 REVISED DATE(S)

Agency Content

# In-Custody and Transport Policies and Procedures

## 500.1 IN-CUSTODY AND TRANSPORT POLICIES AND PROCEDURES

Discretionary **MODIFIED**

### PURPOSE

The purpose of this manual is to establish and implement policies and procedures for the transportation of In-Custody Arrests and Juvenile Offenders, by Probation Officers and/or Probation Assistants.

### DEFINITIONS

**In-Custody** - An "In-Custody" is any person, (Male/Female, Adult/Juvenile), who for any reason has been legally arrested, detained, or incarcerated.

**Juvenile**- A "juvenile" is a person who has not attained his/her eighteenth birthday. Also a person over eighteen but fewer than twenty-one years of age is also accorded juvenile treatment if the act of juvenile delinquency occurred prior to his/her eighteenth birthday. See 18 U.S.C. § 5031.

**Transport Vehicle** - A "Transport Vehicle" is any vehicle, caged or non-caged, owned by Plumas County and utilized by Plumas County Employees for the purpose of moving detained or controlled persons, to and from legal matters.

**Mechanical Restraints** - Includes, but not limited to, handcuffs, chains, irons, straitjackets or cloth or leather restraints, or other similar items.

### POLICY

- (a) Probation Personnel are to ensure the maximum security and safety of In-Custodies at all times while within their control.
- (b) When available a "Caged Vehicle" will be utilized for transports of In-Custodies. If a cage unit is not available there should be two Probation transport persons or officers, or a combination of the two should be utilized.
- (c) The transporting Officer or Probation Assistant shall search the transport vehicle before placing the in-custody in the vehicle, and immediately after the transport.
- (d) When possible the transportation driver will be of the same sex as the in-custody. If the driver and in-custody are of opposite sex, a Supervising Probation Officer shall be notified.
- (e) In all transports involving juveniles, or members of the opposite sex, the transporting driver will give the starting and ending vehicle mileage to Sheriff Dispatch for all legs of the transportation.
- (f) Juveniles may be transported in standard restraint equipment: handcuffs with waist chains, and leg restraints only upon a determination made by the Probation



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### *In-Custody and Transport Policies and Procedures*

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Department that the mechanical restraints are necessary to prevent physical harm to the juvenile or another person due to a substantial risk of flight (210.6(a)(1) W&I).

1. Necessity of use of any mechanical restraint while transporting a juvenile will be considered on an individual basis for every transport.
  2. Due to the considerable distance traveled between Plumas County and the secure juvenile facilities the county contracts with, standard handcuffs would present complications related to comfort and could present a risk of harm to the juvenile; therefore, handcuffs with waist chains and leg restraints will be utilized for transportation of juveniles to and from detention when a determination is made by the Probation Department that restraints are necessary pursuant to Section 210.6(a)(1) W&I.
  3. Juveniles transported locally will be transported in the least restrictive form of restraint consistent with legitimate security needs (210.6(a)(2) W&I), unless a determination is made by the Probation Department and documented requiring additional restraint methods pursuant to Section 210.6(a)(3) W&I, using the Transportation Memo form.
- (g) Adults shall be handcuffed to the rear of the body with hands back to back; leg restraints are optional.
1. Exception:
    - (a) At the officer's discretion, the following persons may be exempt from cuffing to the rear.
    - (b) Sick, injured or disabled persons. Handcuffs should be secured in a manner that would not aggravate the person's condition.
    - (c) Elderly persons who the transporting officer determines are cooperative.
    - (d) California Penal Code Section 3407:
      1. 3407(a) PC: An inmate/in-custody known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.
      2. 3407(b) PC: A pregnant prisoner/in-custody in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.
      3. 3407(c) PC: Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.
- (h) All persons transported, including the transporting officer are to be seat-belted at all times. In the event of a cross-gender transport, two staff should be present when the seat belt is secured if possible.

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### In-Custody and Transport Policies and Procedures

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- (i) At no time is any person being transported to be secured in any way to the vehicle other than by seatbelt.
- (j) Probation Officers and/or Probation Assistants, shall notify the local police and the juvenile hall as soon as possible in the event that a youth escapes/or attempts to escape from custody during the transport.
- (k) Probation Officers and Probation Assistants are required to obey all motor vehicle traffic laws at all times. Citations are the responsibility of the recipient, not the County or Probation Department, unless the citation specifically relates to the County vehicle being driven.
- (l) Use of private vehicles for the transportation of in-custodies is strictly prohibited.

#### **TRANSPORTATION PROCEDURES**

- (a) A Transportation Memo will be completed for all In-custodies who are being transported in mechanical restraints. The memo shall state the reason for the use of restraints other than handcuffs.
- (b) All in-custodies shall be searched prior to transportation, by the transportation officer.
- (c) The transportation vehicle is to be searched prior to transportation of any in-custody, and again immediately after the transport.
- (d) A phone call ahead of time, by the Detention Coordinator or designated person, to the detention facility, court appearance or medical appointment should be made for the estimated time of arrival.
- (e) For the transportation of all minors and in-custodies of the opposite sex, sheriff dispatch shall be notified of the following...
  - 1. Starting mileage and destination
  - 2. Sex of the in-custody (Male) or (Female)
  - 3. Ending mileage upon arrival
  - 4. This information is repeated for each leg of the transportation
- (f) All necessary paperwork, personal property, and medications to accompany the in-custody should be obtained and placed in a secure location within the transport vehicle, during the transport.
- (g) No stops should be made, except in an emergency. If a stop is necessary, sheriff dispatch should be informed by radio or cell phone of the location and reason for the stop.
- (h) Transports in excess of four hours may require that a meal stop be made. A drive-thru should be utilized to obtain food, with a stop for the transfer and consumption of the meal. Again notify sheriff dispatch of the location and reason for the stop, and when you resume the transport.
- (i) The in-custody must remain in staff's sight at all times. Never allow the in-custody into a closed room without staff.

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- (j) If medical personnel require the removal of restraints for examination purposes, either hand or leg restraints are to remain on the in-custody at all times.
- (k) A spit hood may be temporarily placed over the head of an in-custody who is spitting on/at staff.
- (l) In-custodies are to utilize restroom facilities prior to the transport. Should the youth require an off-site restroom visit, staff must remain with the in-custody in their sight at all times.
- (m) Upon return, transportation vehicles shall be searched once the in-custody is secured.
- (n) Should a medical emergency arise the following protocols should be adhered to...
  - 1. By radio or cell phone contact Sheriff Dispatch or 911 for ambulance service.
  - 2. If able (without removing restraints), administer first-aid and/or CPR.
  - 3. As soon as possible notify Probation, Sheriff Dept. and the receiving facility of the situation.

### **JUVENILE TRANSPORTATION PROTOCOL**

Whenever possible, the minor(s) should be secured in the designated area in the courthouse a minimum of 30 minutes prior to their hearing time. This allows time for the minor to meet and confer with their attorney.

All in-custodies are the responsibility of the Probation Department. Probation Staff are responsible for the safety and security of all minors in their custody.

The following are some criteria to consider when transporting Minors.

- (a) Do **not** discuss or speculate the minor's case or anybody's case with anyone, including the minor and his/her parents.
- (b) Do **not** discuss with the minor or his/her parents where he/she will be detained on the route of travel to the detention facility.
- (c) Do **not** allow anyone to communicate/visit with the minor, without the approval of the Probation Officer. Only the minor's attorney is allowed direct and confidential access to the minor.
- (d) Do **not** allow the minor to make any phone calls without prior approval from a Probation Officer.
- (e) Do **not** allow in-custodies to dictate their movement or get behind you during movements from vehicle to destination location or between locations. Example: courtroom to restroom, vehicle to courtroom.
- (f) Do **not** allow physical contact or items to be given to the in-custody minor without the prior approval from a Probation Officer.
- (g) When in doubt about any situation regarding a minor in-custody consult a Probation Officer.

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See Policy Manual on Handcuffing and Restraints and Transporting Persons in Custody for further information.

# Transporting Persons in Custody

## 515.1 PURPOSE AND SCOPE

**Best Practice**

This policy provides guidelines for transporting persons who are in the custody of the Plumas County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy.

## 515.2 POLICY

**Best Practice**

It is the policy of the Plumas County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

## 515.3 CHIEF PROBATION RESPONSIBILITIES

**Best Practice** **MODIFIED**

The Chief Probation Officer or authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief Probation Officer or authorized designee should establish related procedures for safely transporting persons in custody who have their legs restrained in some manner other than leg shackles.

## 515.4 TRANSPORTING MEMBER RESPONSIBILITIES

**Best Practice** **MODIFIED**

Members transporting a person in custody in a department vehicle should ensure:

- (a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (b) All persons in custody are searched prior to a transport.
- (c) All persons are properly restrained in the vehicle's safety restraint system in a seated position.
- (d) Any person behaving in a manner so violent or uncooperative that the person cannot or will not sit upright is considered as possibly being in need of medical aid, see the Medical Aid and Response Policy.
- (e) A verbal welfare check is made with a person in custody every 10 minutes or less.
- (f) Transport is accomplished in a direct and timely manner.

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- (g) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).
- (h) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
- (i) Persons in custody are transported individually when practical.
- (j) Persons in custody should not be transported in vehicles without safety barriers.
- (k) Plumas Co SO Dispatch is advised of:
  - 1. The time when a transport begins and the vehicle's mileage.
  - 2. The time, vehicle's mileage, and reason for any stops.
  - 3. The time of arrival at the destination and the vehicle's mileage.
  - 4. The name(s) of person(s) being transported.
  - 5. The name(s) of the member transporting the person(s).
  - 6. Personal communication devices shall be used to communicate with Plumas County Dispatch for any person(s) under the age of 18 who are being transported.
- (l) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (m) Sufficient visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport of:
  - 1. Persons who were placed in any restraints beyond just handcuffs due to their violent or uncooperative behavior (see the Handcuffing and Restraints Policy).
  - 2. Persons wearing a spit hood.
  - 3. Persons who are a suspected suicide risk.
  - 4. Persons who are ill or injured.

See Procedures Manual on In-Custody and Transport Policies and Procedures for further information.

In-Custody and Transport Policies and Procedures as adopted on June 2, 2020.

### **515.5 PROHIBITIONS**

#### **Best Practice**

Transporting members should not:

- (a) Transport juveniles with adults.
- (b) Transport females with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport.

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- (c) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.
- (d) Leave the vehicle unattended with a person in custody inside.
- (e) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.
- (f) Handcuff a person to any part of a vehicle.
- (g) Place a person in custody in an unreasonable risk of harm (e.g., engaging in a pursuit, responding to a high-risk incident).
- (h) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.
- (i) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

#### **515.6 SPECIFIC TRANSPORTATION ISSUES**

##### **Best Practice**

##### **515.6.1 TRANSPORTING PERSONS WITH DISABILITIES**

##### **Best Practice**

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat.

##### **515.6.2 TRANSPORTING ILL OR INJURED PERSONS**

##### **Best Practice**

See the Medical Aid and Response Policy.

##### **515.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY**

##### **Best Practice**

Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:

- (a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.
- (b) Remove restraints in coordination with facility personnel.
- (c) Deliver the appropriate documentation concerning the person to facility personnel.
- (d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person's violent or uncooperative behavior.

##### **515.6.4 LONG-DISTANCE TRANSPORTS**

##### **Best Practice**

Absent exigent circumstances, members should only stop during long-distance transports for:

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- Fuel
- Meals
- Restroom breaks

Where practicable, time-stamped receipts for purchases should be retained and all stops should be logged in a manner that includes the following:

- The time when a transport begins and the vehicle's mileage
- The time, vehicle's mileage, and reason for any stops
- The time of arrival at the destination and the vehicle's mileage

#### 515.6.5 TRANSPORT VAN

##### **Best Practice**

A member trained on the safety and restraint systems of a transport van should be present during its use for transporting a person in custody. Training regarding the use of the van's safety and restraint systems shall be followed.

A member should assist persons getting into and out of the transport van to avoid falls.

#### 515.7 TRAINING

##### **Best Practice**

The Training Manager should ensure that members receive training on proper procedures for transporting persons in custody.

#### 515.8 ISSUED DATE

##### **Agency Content**

##### 515.8.1 REVISED DATE(S)

##### **Agency Content**