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## Policy, Procedure and the Law

### 103.1 PURPOSE AND SCOPE

The manual of the San Diego County Probation Department is hereby established and shall be referred to as the Operations Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect,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

### 103.2 APPLICABILITY

Applies to all departmental employees.

### 103.3 POLICY

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

#### 103.3.1 DISCLAIMER

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

### 103.4 AUTHORITY

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

# San Diego County Probation Department

## Policy Manual

### *Policy, Procedure and the Law*

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#### **103.5 DEFINITIONS**

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

**Adult** - Any person 18 years of age or older.

**CCR** - California Code of Regulations (Example: 15 CCR 1151).

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**County** - The County of San Diego.

**Support Staff** - Employees and volunteers who are not sworn peace officers.

**Department/SDCP** - The San Diego County Probation Department.

**DMV** - The Department of Motor Vehicles.

**Employee/personnel** - Any person employed by the Department.

**Juvenile**- Any person under the age of 18 years.

**Operations Policy Manual** - The San Diego County Probation Department Policy Manual.

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

**Employee**- Any person employed or appointed by the San Diego County Probation Department, including full-time sworn officers, reserve officers, support staff employees and volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the San Diego County Probation Department.

**On-duty** - An employee's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

**POST** - The California Commission on Peace Officer Standards and Training.

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

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department employees, directing the work of other employees, evaluating other employees or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

# San Diego County Probation Department

## Policy Manual

### *Policy, Procedure and the Law*

---

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

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

**USC** - United States Code.

#### **103.6 ISSUING THE POLICY MANUAL**

An electronic version of the Operations Policy Manual will be made available to all employees via the Probation SharePoint site for viewing and printing. No changes shall be made to the manual without authorization from the Chief Probation Officer or the authorized designee.

Each employee shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Executive Orders. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

#### **103.7 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief Probation Officer will ensure that the Policy Manual is periodically reviewed and updated as necessary. Division Chiefs with assignments outside of Institutional Services will review and update as necessary, the Operations Policy Manual in January of each calendar year.

#### **103.8 REVISIONS TO POLICIES**

Timely notice of changes, modifications or deletions in policies, procedures, standards, and legislative action or court decisions shall be distributed to affected employees. Notice of such changes shall be followed and accepted as superseding the pertinent sections of existing policy and procedure manuals pending official updates. Each employee will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

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

Each Division Chief will ensure that employees under his/her command are aware of any Policy Manual revision.

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

#### **103.9 CONFLICTS BETWEEN LAW AND DEPARTMENTAL PROCEDURE**

Any employee becoming aware that material contained in policy and procedure manuals or notifying memos is in conflict with the law shall notify the Chief Probation Officer, through channels, of the apparent conflict. Remedial action, if necessary, shall be taken promptly.

## *Policy, Procedure and the Law*

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### **103.10 CONTRADICTORY COURT ORDERS.**

Any employee directed by the court to perform in a manner that seems inconsistent with departmental policy or procedure shall attempt to make the court aware of the conflict. If an immediate response to the court directive is not required, the employee shall seek direction from his or her supervisor. If the matter requires immediate response, the employee will comply with the direction of the Court, then advise the supervisor of the action as soon as possible.