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| <b>SONOMA COUNTY PROBATION DEPARTMENT</b><br><b>DEPARTMENTAL POLICY &amp; PROCEDURES MANUAL</b> |                                    |                         |                            |
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## **POLICY STATEMENT**

It is the policy of the Sonoma County Probation Department (Department) to adhere to the highest professional and ethical standards in the discharge of the public's trust. These standards apply to all Department employees, extra-help employees, volunteers, interns, contractors, and subcontractors.

## **PROCEDURES**

### **1. DEFINITIONS**

- A. Client: Any person, whether adult or juvenile, currently or formerly, under formal or informal supervision of a probation agency, in custody, released from custody with pending charges, or living in a custodial setting such as, but not limited to, a youth camp, juvenile placement, or sober living environment (SLE).
- B. Collateral Contacts: Includes parents, family and/or other individuals closely associated with clients under the supervision of the Department. These individuals may not come under Probation's jurisdiction.
- C. Conflict of Interest: A situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties.
- D. Contact of a Professional Nature: Verbal, written, or electronic interactions with an adult or juvenile client, or collateral contact that are in the scope and execution of an employee's work duties, including but not limited to, in-person meetings, telephone, email, mail, text messaging, instant messaging, etc.
- E. Contractor Relationship: Any instance where an employee has a personal interest or a business agreement with a contractor performing work for the Department.
- F. Dual Relationship: The act of simultaneously maintaining a professional relationship as defined above in section 1(C), along with a personal, business, romantic, or religious teaching relationship.
- G. Ethics: A code of professional standards containing aspects of fairness and duty to the profession and the general public.
- H. Gift: Something of economic or symbolic value given to an employee or to a member of the employee's household without compensation. This can include, but is not limited to, such things as restaurant meals, services, and tickets to sporting events, concerts, etc.
- I. Non Work Related Contact: Any interaction or contact with a client/collateral contact of a personal nature and/or outside the professional/business scope.
- J. Contact of a Business Nature: Verbal, written, or electronic interactions with a juvenile

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or adult client, outside of the scope and execution of an employee's work duties that involve:

- i. The purchasing or selling of goods, services, and/or information.
  - ii. Exchanging or bartering of goods, services, and/or information.
  - iii. The employment or selection of a juvenile or adult client to perform work, contract, volunteer, or intern for the employee (e.g., perform yard work, assist with moving and packing, etc.)
  - iv. The employment or selection of a juvenile or adult client to work, contract, volunteer, or intern with a company or organization that is owned by the employee or with which the employee has a vested interest.
- K. Contact of a Personal Nature: Verbal, written, or electronic interactions with a juvenile or adult client or collateral contact outside of the scope and execution of an employee's work duties, including but not limited to, in-person meetings, telephone, email, mail, text messaging, instant messaging, etc. Examples include, but are not limited to, meeting for coffee, going out to dinner, going to a movie, shopping, getting together to visit, emailing each other, etc.

## **2. PROFESSIONAL ETHICS**

- A. Employees shall promote and conduct relationships with their colleagues, supervisors, subordinates, social service agencies, contractors, vendors, the courts, law enforcement, clients, collateral contacts, and the public in a professional manner.
- B. Employees shall immediately report to their supervisor whenever they are convicted of a violation of any federal, state or local laws or ordinances (except minor traffic infractions), and whenever their license to operate a motor vehicle is restricted, suspended, or revoked. In addition, peace officer employees must immediately notify their supervisor of any arrest, citation, or charge (with the exception of minor traffic or parking infractions). The supervisor shall notify his/her supervisor and the appropriate senior level manager through the chain of command no later than the next working day after receipt of the report.
- C. Employees are prohibited from using their official position or badge to solicit or receive any financial gain or avoid any financial detriment for themselves, any member of their household or family, their friends, or any business with which the employee or a member of the employee's household or family are associated, such as:
  - i. Financial gain, payments, or reimbursement of expenses, other than official salary, except when the employee is:
    - a) Engaged under a professional services contract which conforms to other Department policies and applicable laws, rules, and regulations; or
    - b) Offering services as a speaker or as a representative of the Department, in

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which event, the Department will receive any funding offered the employee and will reimburse the employee for expenses incurred as per County policy (this does not include meals or refreshments); and

- c) The employee secures prior approval from his or her supervisor.
- D. Potential conflicts of interest involving a non-work related transaction shall be reported in writing, to the employee's immediate supervisor. The supervisor will gather information regarding the potential conflict and give the employee written direction on how to proceed.
- E. Employees who hold certificates or licenses, or belong to professional boards are also accountable to the standards of ethical practice that are outlined by their professional organization's Code of Ethics. When there is a conflict of interest between the employee's work duties and the other professional Code of Ethics, the employee must report it to their immediate supervisor to resolve the conflict. Alleged violations of unethical practice(s) may be subject to disciplinary action taken by the Department.
- F. Employees found responsible for fraud may be subject to discipline, up to and including termination of employment.

**3. PROFESSIONAL INTERACTIONS WITH CLIENTS**

- A. Interactions with clients, and collateral contacts must be of a professional nature and in the execution of the employee's job duties. Department staff are not to initiate personal contact outside their professional duties and responsibilities with a current or former client, which includes physical contact, phone or electronic device contact, third party contact, or written correspondence of any sort.
- B. Any non-work related interactions (phone, letters, electronic correspondence, etc.) with a current or formerly supervised client, or with an individual defined as a collateral contact of a client currently being supervised by the Department must be immediately reported in writing to the employee's supervisor.
  - i. Incidental, unplanned, appropriate contact with a client, or individual defined as a collateral contact, such as seeing and exchanging pleasantries with the individual in a store, restaurant, on a bus, community event, or place of worship, does not need to be reported.
- C. Should any former client contact staff to provide a personal report on their status in the community, staff are encouraged to listen and support/affirm any positive progress that the client has made. Staff may be supportive and encouraging, but this type of contact should be conducted in an entirely professional manner.
- D. Thank you cards/letters from current/former clients or their collateral contacts should be shared with a Supervisor. If staff receives a letter and wishes to write a response to the client/former client, the staff may do so with management approval. For staff

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protection, the letter shall be reviewed by a supervisor for appropriate content and sent out by that supervisor. The content should encourage and support the client/former client's successes and achievements but should not encourage future or continuous correspondence.

- E. Non-work related relationships with a client or collateral contact which existed prior to the employee's employment with the Department, or prior to the client being placed on supervision (as defined under definitions of this policy) with the Department, shall be immediately reported in writing to the employee's supervisor. The supervisor shall respond by documenting the steps that will be taken in handling any potential conflict of interest issues and forward that documentation through the chain of command as deemed necessary. Further professional contact between the employee and the client or collateral contact will be restricted as much as functionally possible.
- F. Dual Relationships (as defined above in section 1. E.) sacrifice or compromise some or all of the unique components of the professional function staff provide to clients. Such relationships are to be avoided whenever possible and reported to the employee's immediate supervisor when unavoidable.
- G. The Department is committed to ensuring that all services and operations performed by staff are provided honestly and fairly. It is improper to accept or give the appearance of accepting any gratuity in the form of compensation, preferential treatment, entertainment, services, or promise of future benefits in exchange for providing special favors, privileges, benefits, or services that otherwise would not have been provided. Accordingly, if an employee is offered any gift, gratuity, offer of goods or services, or other object from a client, or collateral contact of a client, or a vendor, the employee must immediately:
  - i. Decline the offer and politely explain the policy of the Department.

**4. PROFESSIONAL CONDUCT AND RESPONSIBILITIES**

- A. Violation of Rules
  - i. Staff shall not commit any acts or omit any acts, which constitute a violation of any of the rules, regulations, directives, policies, or orders of the Department whether stated in this policy or elsewhere.
- B. Standard of Conduct
  - i. Staff shall not act or behave while off-duty or officially in such a manner as to bring discredit upon himself/herself, the Department, or the County.
- C. Cooperation
  - i. Cooperation between staff at all levels of the Chain Of Command and in all assignments in the Department is essential for efficient operation.
  - ii. All employees of the Probation Department are responsible for establishing and

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maintaining a high spirit of cooperation within the Department.

D. Assistance

- i. All staff are required to take appropriate action toward aiding other staff exposed to danger, or in a situation where there is a potential for danger or harm.

E. Reporting for Duty

- i. Staff shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform duties.
  - a) They shall be properly equipped, and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
  - b) Judicial subpoenas shall constitute an order to report for duty under this section.

F. Duty Responsibilities

- i. Staff shall, at all times, respond to the lawful orders of their supervisor or administrator, the CPO, and other proper authorities, including but not limited to, other county officials giving directives in the event of a disaster response mobilization. (see Departmental EAP)
- ii. Staff is to adhere to all facility & departmental policies & procedures.

G. Unlawful Orders

- i. No staff shall knowingly issue any order, which is in violation of any law, ordinance, or Divisional or Departmental rule, order, policy, or procedure.

H. Obedience to Unlawful Orders

- i. Obedience of an unlawful order is never a defense for an unlawful action.
- ii. Therefore, no staff is required to obey any order, which is contrary to any law.
- iii. Responsibility for refusal to obey rests with the staff member.

I. Obedience to Unjust or Improper Orders

- i. While staff shall not be held responsible for compliance with an unjust or improper order, regulation, procedure, or policy, they shall obey the order that is ultimately issued by the supervisor. Staff may request that another staff witness the order.
- ii. Under these circumstances, the responsibility for resolving the conflict shall be upon the supervisor.
- iii. Staff given an order they feel to be unjust or contrary to rules and regulations shall, time and circumstances permitting, advise the staff giving the order that the order is unjust or improper.

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J. Conflicting Orders

- i. Upon receipt of an order conflicting with any previous order or instructions, the staff affected will advise the person issuing the second order of this fact.
- ii. Responsibility for countermanding the original instruction then rests with the individual issuing the second order, and he/she shall report said action to the member issuing the original order.
- iii. If so directed, the latter command shall be obeyed first.

K. Criticism of Orders

- i. Staff, in their official capacity, shall not publicly criticize instructions or lawful orders received by them from a supervisor or other lawful authority.
- ii. Staff that wish to criticize Departmental policy, procedure, or orders are encouraged to do so by going through proper channels within the organizational structure.

L. Appeals of Orders

- i. Any staff receiving what they believe to be an unlawful, unjust, or improper order shall have the opportunity to report such order to their Director by a written report, with any further action being taken by the Director.

M. Questions Regarding Assignment

- i. Staff in doubt as to the nature or detail of their assignment shall seek such information and clarification from their supervisor by going through the Chain Of Command.

N. Conduct Toward Supervisors, Subordinates & Associates

- i. Staff shall treat supervisors, subordinates, and associates with respect.
- ii. Staff shall be courteous and civil at all times in their relationship with one another; especially in the presence of clients, collateral contacts and the public.

O. Criticism of Persons

- i. Staff in their official capacity shall not publicly criticize or ridicule any official act of any member of this or any other department or office of a City, County, or the State or Federal Government.

P. Insubordination

- i. Failure or refusal of any staff to obey a lawful order, given by a supervisor or administrator, shall constitute insubordination.
- ii. Ridiculing a supervisor or his/her orders is also insubordination.

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**Q. Prohibited Activities While on Duty**

- i. In addition to the conduct specified in Civil Service Rule 10.3 and other Department policies, staff is prohibited from engaging in the following activities while on duty:
  - a) Conducting private business
  - b) Gambling, in any form
  - c) Recreational reading; other than as defined in JCC Roles and Responsibilities, section 2(xx).
  - d) Sleeping

**R. Loitering**

- i. Except to perform a Departmental task, staff on duty conducting field work or in community assignments shall not enter businesses/events where the primary item of sale is alcohol or cannabis.
- ii. Staff shall not engage in unnecessary and/or confidential conversations in such locations or public places.

**S. Impartial Attitude**

- i. All staff must conduct themselves impartially toward all clients, coworkers, and other persons they encounter in the workplace.
- ii. Exhibiting partiality for or against a person because of race, color, ancestry, national origin, citizenship, possession of a driver's license, religious creed, belief or grooming, sex (including stereotyping, sexual orientation, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy, childbirth or breastfeeding), marital or domestic partner status, age, medical condition, physical or mental disability, genetic information, status as a victim of domestic violence, sexual assault, or stalking, military or veteran status, or any other legally protected category is strictly prohibited. (Please also refer to the County's Equal Employment Opportunity (EEO) Policy)
- iii. Retaliation for engaging in a protected activity in good faith, such as filing a complaint or participating in an investigation regarding such matters as discriminatory conduct, illegal activity, or unsafe working conditions, is strictly prohibited.

**T. False Reports, Statements, Affidavits**

- i. No staff shall knowingly and intentionally prepare, sign, and/or submit a false report, statement, or affidavit.

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U. Withholding Information of Staff Misconduct/Policy Violations

- i. Staff receiving or possessing facts, information, or evidence relative to coworker behavior which violates Departmental policies or County Work Rules or constitutes fraud, waste, or abuse, shall promptly report the information or evidence to a supervisor/manager in accordance with established departmental procedures.

V. Withholding Criminal Information

- i. Staff receiving or possessing facts, information, or evidence relative to a criminal offense or case shall promptly report the information or evidence to a supervisor, in accordance with established departmental procedures.

W. Department Property & Equipment

- i. Staff is responsible for proper care and use of County property and equipment assigned to them.
- ii. Damaged or lost property may subject the responsible individual to reimbursement charges, to the extent such damage or loss was due to the employee's gross negligence, dishonesty, or willful misconduct and/or appropriate disciplinary action.
- iii. All staff will notify a supervisor in the event of damage occurring to county property, such as a vehicle accident. Staff will also notify a supervisor verbally and/or in writing, of any defects, or dangerous or hazardous conditions, existing in any County or Departmental equipment or property.

X. Purchases

- i. No staff shall incur a liability or expense chargeable against the Department or the County, without proper authorization.
- ii. When authorized purchases are made, receipts and/or invoices will be obtained on each purchase, signed by the staff making the purchase, and turned into his/her Supervisor for processing.

Y. Misappropriation of Property

- i. County-owned property is only to be used for official County business; staff shall not appropriate for their own use or benefit any County property, evidence, or found property.

Z. Money and Property of Others

- i. Staff shall follow the appropriate procedures and policies regarding monies or other property that is not his/her own, which comes into his/her possession in the line of duty.

AA. Surrender of Departmental Property



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- i. Staff is required to surrender all Departmental property issued to them, upon separation from the Department.

**BB. Compensation for Damages on Duty**

- i. Staff shall not seek in any way, nor shall they accept, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying their supervisor in writing.

**CC. Knowledge of Laws, Regulations, Policies, & Procedures**

- i. All staff are required to maintain a working knowledge of and compliance with Department Policies & Procedures.
- ii. In the event of improper action or breach or violation of an applicable law or rule or Department Policy or Procedure, it will be presumed that the staff was familiar with the law, rule, procedure, or policy concerned, providing such law, rule, procedure, or policy is in general circulation.

**DD. Manner of Issuing Orders**

- i. Orders from supervisors to subordinates shall be in clear and understandable language, civil in tone, and issued in pursuit of Departmental business.

**EE. Performance of Duty**

- i. All staff shall promptly perform their duties as required or directed by law, Department rule, policy, procedure, order, or by order of a supervisor or the CPO.
- ii. Staff shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position.
- iii. Staff shall perform their duties in a manner which will maintain the highest standards of efficiency and ethicalness in carrying out the functions and objectives of the department.

**FF. Truthfulness**

- i. Staff shall truthfully answer all questions which may be asked of them that are directed at and related to the scope of employment and operations of the Department.

**GG. Hours on Duty**

- i. Staff shall be considered "on duty" during their regularly assigned shift, as well as any additional hours authorized outside of their normal schedule.
- ii. Staff shall be considered "off duty" during other hours.

**HH. Absence from Duty**

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- i. Every staff that fails to appear for duty at the date, time, and place specified, without the consent of competent authority, is considered to be “absent without official leave.”
- ii. Such absences shall be reported, in writing, to their director/administrator by the staff’s supervisor.
- iii. Absence without authorized leave may be cause for disciplinary action or invocation of Section 10.2B – Automatic Resignation – of the Civil Service Rules.

II. Intoxication

Staff, while off duty, shall refrain from consuming intoxicating beverages or other intoxicants to the extent doing so renders them unfit to report for their next regular assigned work shift.

JJ. Possession & Use of Drugs and Alcohol

- i. To protect the public and ensure safety and security, the Department must ensure that its peace officers do not use illegal drugs, or misuse prescription drugs, unauthorized or other illegal mind altering substances under any circumstances, and are not under the influence of alcohol or prescription medication, while on duty. Accordingly:
  - a) Staff shall not possess, store, sell, or bring into any County facility (including, but not limited to, County detention facilities) or County vehicle, any alcoholic beverages, controlled substances, narcotics, or hallucinogens, unless in the course of conducting official probation business.
  - b) Staff further shall not possess, use, or be under the influence of any controlled substances, narcotics, or hallucinogens, on or off duty, except when prescribed in the treatment of staff by a licensed physician or dentist, and when such use does not interfere with the safe and effective performance of the employee’s job duties or operation of County equipment. Note that the use of marijuana/cannabis, even for medical purposes under the Compassionate Use Act and/or Proposition 64, is not permitted for sworn staff.

KK. Identification

- i. Except where impractical, infeasible, or dangerous to do so, or where the identity is obvious, staff shall identify themselves upon request of the public, peers, or supervisor.

LL. Abuse of Position

- i. Staff shall not use their official position or official identification cards or badges for:
  - a) Personal or financial gain;

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- b) Obtaining privileges otherwise not available to them; or
- c) Avoiding consequences of illegal acts.

**MM. Solicitation**

- ii. Staff or organizations of employees shall not solicit, collect, or receive any money or other things of value, nor shall they sell tickets of chance of any kind while on duty, without obtaining prior permission from Department administration.

**NN. Publicity**

- i. Staff shall not seek personal publicity in the course of their employment.

**OO. Commercial Testimonials**

- i. Staff shall not permit their names or photographs to be used to endorse any product or service, which in any way is connected with official duties, without the prior permission of the Chief Probation Officer (CPO) through their Director.
- ii. They shall not, without the prior permission of the CPO through their Director, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with the Department or the County.

**PP. Association**

- i. Staff shall avoid regular or continuous associations or dealings with persons whom they know or should know are persons under criminal investigation or indictment, or have a reputation in the community or the Department for present involvement in misdemeanors, felonies or criminal behavior, except as necessary in the performance of official duties; or in a case where such contact is unavoidable.
- ii. Any personal relationships with such persons must be promptly reported to a supervisor and forwarded through the chain of command as deemed necessary.

**QQ. Visiting Prohibited Establishments**

- i. Staff shall not knowingly visit, enter, or frequent a house of prostitution, illegal gambling house/club, or other unlawful establishment wherein the laws of the United States, the state or local jurisdiction are violated, except in the performance of their duties, and/or while acting under proper and specific orders from a supervisor.

Engaging in any conduct prohibited by this policy may lead to disciplinary action, up to and including termination of employment.

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**REPLACEMENT HISTORY**

Revised: 3/31/98; 10/31/18

Renamed from D7: 10/2009

Revised and added to Department policy from Juvenile Hall: 11/27/2019

APPROVED BY:

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DAVID M. KOCH, Chief Probation Officer