

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

PROHIBITED ASSOCIATIONS

Purpose:

To establish a process for staff to notify administration when an association exists that could be reasonably perceived as a conflict of interest or may reflect adversely on or bring discredit to the Department. This procedure is not intended to interfere with any previously established family relationship involving the spouse or domestic partner, child, mother, father, brother, sister, mother-in-law, father-in-law, or any relative living with the staff. However, all associations outlined in this procedure, to include familial, must be reported to administration.

Definitions:

Domestic partner: Two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, as defined by California Family Code section 297.

Felon: For the purposes of this procedure, a felon is a person with a felony conviction or a person who has been incarcerated for a felony within the previous seven (7) years.

Prohibited Associations: Staff are prohibited from associating, fraternizing, engaging the services of, doing favors for, corresponding (to include social media and electronic communications), engaging in a romantic, intimate or sexual relationship with persons they know, should know, or have reason to believe are currently: a felon, incarcerated in any jail, prison, juvenile detention facility or on any form of supervised release, on any type of court granted probation, parole or any other form of community supervision, a suspect in a crime, under criminal investigation, a defendant in any criminal court case, the subject of an active warrant, a gang member or associate or participating in criminal behavior.

Responsibilities:

I. **All Staff shall:**

- A. Avoid associations with those persons prohibited by this procedure.
- B. Immediately or by the end of the next working day, submit a Prohibited Association Interoffice Memo, completed pursuant to this procedure, notifying their supervisor when they know or have reason to believe a family member or person with whom they are associating falls within the definition of a prohibited association. Staff shall detail the circumstances of the relationship in the memo and all information known to them at the time regarding the specific reason for prohibited association. There is no expectation that staff make any inquiry of the person to law enforcement to learn additional information regarding arrests, grants of probation, etc.
- C. Be responsible for submitting subsequent Interoffice Memo's if the circumstances of the prohibited association change.
- D. Submit a Special Interest Case Notice (Attachment A), when directed.
- E. Pursuant to the Computer Systems and Data Security policy, "No employee will access any information that they are not legally entitled to by virtue of their employment or in any other way compromise the security of the information system." Penal Code Sections 502 and 11141 provide criminal sanctions for unauthorized access to any system or data and the release of offender information.
- F. There may be occasions when staff attend social functions which are sponsored by a legitimately recognized program, where persons listed in this procedure are also in attendance. In such instances, staff should conduct themselves in a manner that would avoid any question of impropriety.

Prohibited Associations

- II. Supervisor
 - A. Upon receipt of a Prohibited Association Interoffice Memo, the supervisor of the staff member shall forward the memo to the Division Director/Manager.
- III. Division Director/Manager
 - A. Upon receipt of a Prohibited Association Interoffice Memo, review the circumstances of the association with the Deputy Chief Probation Officer.
 - B. Ensure all Prohibited Association Interoffice Memos are forwarded to Professional Standards.
- IV. Professional Standards
 - A. The Professional Standards Division Director shall maintain a record of all memos subject to this procedure and provide a written report to the Chief Probation Officer every six (6) months.

Guidelines:

- A. This procedure is intended as a notification process, however, administration reserves the right to prohibit associations that may be perceived as a conflict of interest or may reflect adversely on or bring discredit to the Department. In any such instance, the employee shall be notified by the Division Director/Manager.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

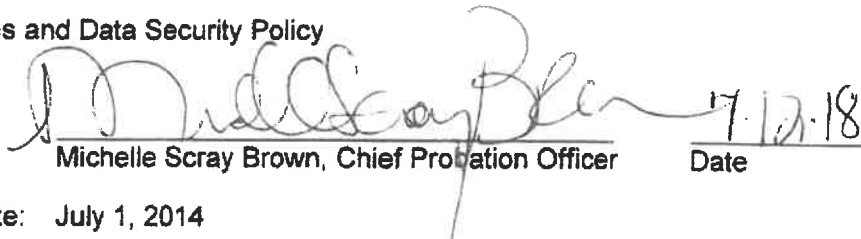
Foundation:

California Family Code Section 297
Penal Code Sections 502 and 11141

References:

Computer Systems and Data Security Policy

Issued by:


Michelle Scray Brown, Chief Probation Officer Date 7.12.18

Original Issue Date: July 1, 2014

Revised: January 24, 2007
Revised: May 15, 2008
Revised: August 20, 2014
Revised: September 26, 2014
Revised: July 12, 2018

Attachment:

A – Special Interest Case Notice



TRACY REECE
Chief Probation Officer

JULIE FRANCIS
Assistant Chief Probation Officer

Special Interest Case Notice

GENERAL INFORMATION

DATE: _____

OFFICE LOCATION: _____

INITIAL SIC

FOLLOW UP SIC (Updated Information) SIC NO. _____

DIVISION DIRECTOR: _____

REPORTING EMPLOYEE/TITLE: _____ / _____

AREA: JUVENILE ADULT/ INVESTIGATIONS SUPERVISION OTHER _____

ASSIGNED PROBATION OFFICER: _____

SUPERVISOR: _____

CASE NAME _____

CASE # _____

CE PIN# _____

OFFENSE(S) _____

COURT _____

NEXT/FIRST COURT DATE: _____

TYPE OF HEARING _____

REASON/TYPE OF SIC:

(Check All that Apply)

VICTIM

OFFENDER

OTHER _____

OFFENSE INVOLVES AN:

Employee of the Department

Former Employee of Department

Employee Family Member as Either a Victim or Perpetrator

NAME of EMPLOYEE (Victim/Offender) _____

Does the Victim/Offender Usually Reside with the Employee? NO YES

Is the employee requesting to reside or have contact with the Offender? NO YES, Type of contact
(i.e. visitation) _____

(See Prohibited Association Procedure and attach Prohibited Association Memo)

Media Interest (Attach Articles)

High Public Status/Profile or Degree of Notoriety NAME _____

Determination that Monitoring by Administration Warranted (Explain Below)

Other: _____



TRACY REECE
Chief Probation Officer

JULIE FRANCIS
Assistant Chief Probation Officer

Circumstances of the offense:

EMPLOYEE/SUPERVISOR COMMENTS:

ATTACHMENTS _____ (List Applicable Reports/CE Entries/History/News Articles Attached)

Supervisor's Signature/Date

DIVISION DIRECTOR COMMENTS/ACTIONS

CASE TRANSFERRED TO ANOTHER COUNTY? NO YES (Status of Transfer? _____)

COUNTY _____

DATE _____

CONTACT PERSON/RANK _____ / _____

CONTACT PHONE NUMBER: _____

Director's Signature/Date

ADMINISTRATION COMMENTS/DIRECTIVES

Deputy Chief Signature/Date