

DEPARTMENTAL OPERATIONS MANUAL (DOM)

Chapter 4, Information Technology, 41010.1 Policy

The Director, Enterprise Information Services (EIS) and Executive Management of the California Department of Corrections and Rehabilitation (CDCR) recognize Information Technology (IT) as an indispensable tool of modern government. Therefore, it is the policy of the Director to support and promote the departmental use of innovative information technologies in order to increase worker productivity, improve departmental services, and strengthen the overall effectiveness of management, while saving money and reducing the overall cost of government. The definitions and acronyms contained here ensure the consistent use of IT definitions and acronyms throughout the Department Operations Manual (DOM) Chapter 4 – Information Technology.

Chapter 8, Article 10, Adult Parole Operations, Use of State Vehicle

82000.1 Policy

It is the policy of the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) that all DAPO staff be familiar with the guidelines and procedures for use of State vehicles.

82000.3 Responsibilities

All DAPO employees who use a State vehicle are responsible for reviewing and complying with the State vehicles fleet rules provided in the Department of General Services (DGS), Office of Fleet and Asset Management (OFAM) Handbook, the State Administrative Manual (SAM), the California Code of Regulations (CCR), the California Vehicle Code and the appropriate Memorandum of Understanding. DAPO shall also utilize the designated CDCR database to manage State vehicles. State vehicles shall only be used for conducting official State business.

82000.4 Vehicle Assignment

Vehicle assignment is at the discretion of the Parole Administrator. Parole Administrators shall endeavor when feasible and appropriate to keep currently assigned vehicles with the assigned parole agent upon movement within the same region. The regional vehicle coordinator shall oversee and be notified of any vehicle operator changes via Form OFA 50G, Monthly Rental Lease Agreement. The regional coordinator is responsible for ensuring that the Office of Business Services (OBS), Fleet Management Unit (FMU) receives all vehicle updates and copies of the Form OFA 50G.

Employees shall not receive preference over the assignment of a State vehicle based on job seniority, caseload assignment, or other factors. The Parole Administrator or designee shall evaluate the parole unit needs and shall determine the assignment, distribution, and rotation of State vehicles.

The Form OFA 50G shall be completed upon assignment of a CDCR-owned vehicle or DGS leased vehicle or to update a driver's information, including new vehicle assignments, unit assignment, billing code changes, and changes in the driver's last name. Each time a vehicle assignment changes, a new home storage permit must be completed. For CDCR-owned vehicles and DGS leased vehicles, the supervisor shall ensure Form OFA 50G is completed and a copy sent via electronic mail to the regional vehicle coordinator. The original shall remain with the parole unit.

82000.5 Use of a State Vehicle

The use of a State vehicle shall provide for the transportation needs required by employees in the performance of their duties. When an employee is not using their assigned State vehicle beyond two weeks, for any reason, including a worker's compensation claim, extended sick leave, official military orders, or vacation, the Parole Administrator or supervisor shall notify the regional vehicle coordinator and ensure the vehicle is parked at the regional headquarters, parole unit, or another designated location. In the event the vehicle is required by another employee who might be able to return a rental or pool vehicle, the Parole Administrator or supervisor shall notify the regional vehicle coordinator of the change.

The use of a State vehicle for other than State business is prohibited. An employee will not be allowed to operate a State vehicle except as authorized by DAPO, DGS, and in compliance with the California Code of Regulations (CCR) Title 2, subsection 599.808. A DAPO employee utilizing a State vehicle must comply with the following rules:

- Transporting any person in a State vehicle, other than persons directly involved in official State business, is prohibited unless permission is obtained in advance for each trip from the employee's Parole Administrator, via the chain of command.
- Properly report personal use of the State vehicle to the IRS and the Franchise Tax Board by completing the CDCR Form 1804, Personal Use of State Provided Vehicle Employee Certification.
- Smoking in State vehicles is prohibited.
- Periodic maintenance of the vehicle.
- Maintain the cleanliness of the vehicle.

Unauthorized Use of State Vehicle

The use of a State vehicle for any purpose when the employee is off-duty is considered personal use and is an unauthorized use of a State vehicle.

82000.7 Use of State-Issued Vehicles, Vehicle Home Storage Permit

In accordance with CCR, Title 2, section 599.808, form STD. 377, Vehicle Home Storage Request/Permit, must be submitted and approved by the employee's Director or designee and the permit must be issued by the Office of Business Services (OBS) before a State vehicle can be frequently stored at or in the vicinity of an employee's home regardless of the reason. Upon the Director's or designee approval, form STD. 377 shall be uploaded to the designated CDCR database. Form STD. 377 must be renewed annually per the OBS, FMU, Vehicle Home Storage Permit (VHSP) Renewal schedule.

82001 Use of the State Voyager Card

A State Voyager Card is assigned to each State-issued vehicle and shall remain with the vehicle to which it is assigned. Approved use of the State Voyager Card throughout the State of California includes the following:

- Purchase of regular grade (unleaded) fuel, alternative fuel, diesel fuel, or fuel specifically required by vehicle manufacturer; fluids; and lubricants.
- Two basic (low-cost) car washes per month. (During Statewide water conservation, it is recommended vehicles be washed only in cases where not doing so would impede safe operation of the vehicle).
- Emergency purchases such as windshield wiper blades, fan belts, or a replacement tire.
- Emergency roadside assistance through the National Automobile Club (800) 600-6065.
- Oil changes are not authorized.

82002.1 Defensive Driver Training

All DAPO employees who conduct official State business in a State vehicle shall successfully complete the Defensive Driver Training Program initially upon assignment of a State vehicle and every four years thereafter in accordance with the SAM, section 0751. Employees must maintain a valid defensive driver certificate whenever operating a State vehicle and shall produce this copy upon request. Supervisors shall ensure employees who drive on State business are current in their defensive driver training. A copy shall be placed in the employee's supervisory file. The supervisor shall ensure the defensive driving certificate along with the CDCR Form 844, Training Participation Sign-In Sheet, is uploaded to the designated CDCR database and a copy is forwarded to the regional training coordinator. Course scheduling information may be obtained by accessing the DGS website and completing the online course at: <http://www.dgs.ca.gov/orim/Programs/DDTOnlineTraining.aspx>.

Article 39, Parole Agent Equipment

85050.1 Policy**Standard Equipment**

Each parole agent is furnished with the following standard equipment:

- Pair of handcuffs and keys.
- Handcuff case.
- “Ready bag.”
- Parole agent badge.
- Identification card.
- Protective vest.
- Chemical agent (Oleoresin Capsicum Pepper spray).
- Firearm, holster, and ammunition carrier, if requested by a parole agent hired prior to January 1, 1988. All parole agents hired after January 1, 1988 will be furnished these materials.
- Department of Motor Vehicles Form INV 171, A Card.
- Expandable baton.
- Tactical flashlight equipped with a momentary switch.
- Shooting trauma kit.
- Cardiopulmonary resuscitation mask with a one-way valve.
- Disposable protective clothing kit, inclusive of fluid-resistant coverall, eye-shield/goggle, latex gloves, disposable paper mask, respiratory protective mask, and any other protective equipment deemed appropriate by the Department.
- Blood-borne pathogen clean-up kit.
- Cell phone.
- Distinguishable clothing including but not limited to a parole agent windbreaker-type jacket and mesh vest.

85050.5.1 State-Issued Cell Phones

State-issued cell phones shall only be used for conducting official State business and while in use shall adhere to all Department policies contained within Chapter 4, Information Technology. DAPO prohibits the use of State-issued cell phones for personal business except in emergency circumstances.

All DAPO staff issued a State-issued cell phone shall:

- Have the cell phone readily accessible at all times while on-duty.
- Ensure the cell phone is powered on and fully charged for use when starting shift.
- Not alter the operating system or circumvent pre-set security features.
- Not add additional features or functions without DAPO authorization.

Use of State-Issued Cell Phones for Investigative Purposes

When capturing audio or photographic evidence for investigative purposes, DAPO staff should primarily use other State-issued equipment (e.g., digital camera or video

recorder) specifically designated and/or designed to capture these recordings or to document the incident. However, in circumstances, wherein evidence could be lost or destroyed, State-issued cell phones may be used to capture evidence for investigative purposes when Department resources are not immediately available. In these instances, staff shall notify their immediate supervisor when safe to do so.

Note: The transferring of recordings shall not be done via electronic mail. Electronic mail does not maintain or provide a proper chain of custody. All transferring of recordings shall be uploaded via the Virtual Integrated Mobile Office application to the Strategic Offender Management System.

Nothing in this section shall supersede Department policies mandating the use of selected State-issued electronic recording devices for specific circumstances.

All recordings and images captured during the course and scope of official duties are confidential and property of the State, and shall not be used except as allowed by the Department, policy, or law. Additionally, State-issued cell phones shall not be used to capture photographs and/or audio recordings for monetary gain or private use.

State-Issued Cell Phone Privacy

DAPO staff shall exercise discretion to ensure that State-issued cell phones are used judiciously and shall also be responsible for complying with all laws related to the use of cell phones and the legal ramifications of discovery.

Any DAPO staff member utilizing a State-issued cell phone or other wireless service provided by DAPO expressly acknowledges and agrees that the use of such service shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. DAPO also expressly reserves the right to access and audit any and all communications (including content) sent, received, and/or stored using such service.

State-issued cell phones shall remain the sole property of DAPO and shall be subject to inspection or monitoring.

Use of State-Issued Cell Phones While Driving

The use of a cell phone while driving is unlawful. Therefore, DAPO staff operating State vehicles shall not use cellular phones or other personal communication devices while driving unless the device is used in a hands-free mode or for emergency purposes.

State-Issued Cell Phones – Care and Responsibility

DAPO staff who are issued cell phones shall exercise due care and diligence for their State-issued cell phones. Staff may be required to reimburse the State for the cost of replacement equipment for losses due to several acts (three or more) of negligence or a singular act of gross negligence. Staff issued a cell phone shall secure and safeguard their State-issued cell phone when off-duty

Article 46, Firearms and Safety Equipment Policy

86010.11 Parole Agent Arming

All peace officers, parole agent through the Director, hired after January 1, 1988, shall be mandatorily armed with a DAPO-approved firearm for on-duty use and the firearm shall be carried when exercising duties that pose a risk to officer or public safety or if in the supervisor' judgement, the carrying of the firearm will enhance officer or public safety.

All parole agents ineligible for a reduced arming level shall be mandatorily armed with the following safety equipment when exercising duties that pose a risk to officer or public safety:

- Firearm with a chambered round, full magazine inserted, and safety on (if equipped).
- At least one additional magazine in an approved magazine carrier.
- Handcuffs in a holder.
- State Identification Card.
- CDCR Form 2229, Firearm Qualification Card.
- Badge (neck badge or belt badge that is visibly displayed and worn on the strong side forward of the firearm, if unconcealed).
- Oleoresin Capsicum (OC) spray **or** expandable baton.
- Approved ballistic vest.
- ECD (if issued).

The firearm and safety equipment may be worn in an unconcealed manner while in the confines of DAPO parole units and administrative offices. While in the field, the firearm and safety equipment shall be worn in a concealed manner except during approved training exercises or tactical field situations; i.e., enforcement mode, where concealment may create safety concerns.

All other safety equipment (e.g., flashlight or one additional magazine in an approved magazine carrier) not mandated for on-duty use shall remain accessible to parole agents at all times while on-duty. Parole agents authorized for reduced arming shall not be required to maintain access to their non-mandated safety equipment while on duty, but are encouraged to do so.

86010.15 Required Equipment for Quarterly Firearms Training

All parole agents who report for quarterly firearms training shall ensure they wear all required safety equipment. This includes the following:

Division-approved firearm in an approved holster.

One primary and at least two additional full magazines in an approved ammunition carrier or one speed loader in an approved carrier (revolver shooters).

- 50 rounds of Division-issued ammunition.
- Handcuffs in a holder.
- Oleoresin Capsicum (OC) spray.
- Expandable baton.

- Badge.
- State Identification Card.
- CDCR Form 2229, Firearm Qualification Card.
- Ballistic vest.
- Flashlight (required only during night range).
- ECD (if issued).

Rangemasters shall ensure each parole agent is wearing all the required equipment. Additionally, Rangemasters shall inspect the equipment to ensure it is serviceable. If the parole agent reports for firearms training and is not wearing all the required equipment, or the equipment is found to be unserviceable, the parole agent shall not be allowed to participate in the training and shall be instructed to reschedule for firearms training on a later date, within the same quarter.

86010.24 Expandable Baton

The Monadnock Auto Lock 18-inch expandable baton with a Power Safety Tip shall be provided as an additional piece of safety equipment to all parole agents. The Monadnock Auto Lock 18-inch expandable baton with a Power Safety Tip shall be provided as an additional piece of safety equipment to all parole agents and is authorized for use. All parole agents shall complete the four-hour expandable baton certification training prior to issuance and shall complete two hours of recertification training annually.

All parole agents shall have the option to carry the expandable baton during routine duties, but shall ensure they have access to the expandable baton at all times while on-duty. While carried, the expandable baton shall be carried in a concealed manner, except when it is being carried in an enforcement or tactical situation, e.g., multi-agency raids, arrests, anytime the raid jacket/vest is worn. The expandable baton must be worn during enforcement or tactical situations, range qualification, and certification training. In situations where, in the judgment of the supervisor, the parole agent's safety and effectiveness will be enhanced by the carrying of the baton, all parole agents including non-mandatorily armed parole agents shall be required to carry the baton. e agents and is authorized for use. All parole agents shall complete the four-hour expandable baton certification training prior to issuance and shall complete two hours of recertification training annually.

All parole agents shall have the option to carry the expandable baton during routine duties, but shall ensure they have access to the expandable baton at all times while on-duty. While carried, the expandable baton shall be carried in a concealed manner, except when it is being carried in an enforcement or tactical situation, e.g., multi-agency raids, arrests, anytime the raid jacket/vest is worn. The expandable baton must be worn during enforcement or tactical situations, range qualification, and certification training.

In situations where, in the judgment of the supervisor, the parole agent's safety and effectiveness will be enhanced by the carrying of the baton, all parole agents including non-mandatorily armed parole agents shall be required to carry the baton.

86010.35 Chemical Agent Policy

Approved Chemical Agent

The approved chemical agent shall be designated by the DAPO Deputy Director, DAPO. While on duty, those parole agents authorized by policy to carry chemical agents shall only carry dispensers approved and issued by DAPO. While off-duty, the chemical agent shall be maintained in a secure location where it is not accessible to unauthorized persons. The improper or illegal use of the chemical agent may result in disciplinary action and/or criminal prosecution.

Training Requirements

All parole agents shall be required to complete an eight-hour course of instruction in chemical agents approved by POST and DAPO training in the use and effects of chemical agents, legal issues, and reporting procedures.

86010.36 Relinquishing Chemical Agent Policy

All DAPO staff issued a chemical agent who separate from DAPO through retirement, termination, or transfer; shall surrender their chemical agent to their supervisor. The supervisor shall deliver the chemical agent to the RTC.

The supervisor shall recall the chemical agent of all DAPO staff (if issued), who will be on leave for 90 days or longer for safekeeping. Upon the return to active duty, the chemical agent shall be reissued.

The chemical agent is only effective for a prescribed period of time (designated by the manufacturer). When this "shelf life" period has elapsed, DAPO staff issued chemical agents shall be required to relinquish the chemical agent weapon and shall be issued a replacement of the type and brand authorized for use by DAPO.

CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 15

Article 1.5 Use of Force and Restraining Devices 3268 Use of Force

The purpose of this Section is to set forth Department of Corrections and Rehabilitation (CDCR) policy governing the use of force.

The policy has its foundation in California Penal Code statutes and relevant case decisions.

(a) Definitions.

(1) Reasonable Force:

The force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

(2) Unnecessary Force:

The use of force when none is required or appropriate.

(3) Excessive Force:

The use of more force than is objectively reasonable to accomplish a lawful purpose.

(4) Immediate Use of Force:

The force used to respond without delay to a situation or circumstance that constitutes an imminent threat to institution/facility security or the safety of persons. Immediate force may be necessary to subdue an attacker, overcome resistance, or effect custody. If it is necessary to use force solely to gain compliance with a lawful order, controlled force shall be used.

(5) Imminent Threat:

An imminent threat is any situation or circumstance that jeopardizes the safety of persons or compromises the security of the institution and requires immediate action to stop the threat. Some examples include, but are not limited to: an attempt to escape, ongoing physical harm, or active physical resistance.

(6) Controlled Use of Force:

The force used in an institution/facility setting, when an inmate's presence or conduct poses a threat to safety or security and the inmate is located in an area that can be controlled or isolated.

(7) Non-Conventional Force:

Force that utilizes techniques or instruments that are not specifically authorized in policy, procedures, or training. Depending on the circumstances, non-conventional force can be necessary and reasonable; it can also be unnecessary or excessive.

(8) Non-Deadly Force:

Any use of force that is not likely to result in death.

(9) Deadly Force:

Any use of force that is likely to result in death. Any discharge of a firearm other than the lawful discharge during weapons qualifications, firearms training, or other legal recreational use of a firearm, is deadly force.

3768. Parole Violation Decision-Making Instrument.

(a) The purpose of the Parole Violation Decision-Making Instrument (PVDMI) is to enable parole staff to uniformly determine, recommend, and impose proportionate and consistent sanctions for parole violators. These sanctions will be based on the risk level of the offender and the severity of the violation. The risk level of the offender is determined by the California Static Risk Assessment, as described in section 3768.1. The severity of the violation is based on the department's analysis of all technical and criminal violations. Severity rankings were developed in conjunction with, the California Department of Justice, the Board of Parole Hearings, and the department.

(b) The PVDMI shall be used to assess all violations of parole except as noted in section 3768.2.

(c) For the purposes of this section, “severity rankings” are determined by rating all known parole violation codes, as provided in the Violation Code Descriptions (new 12/09), which is incorporated by reference, in a numerical value from 1 to 4.

3768.3. Utilization of the Parole Violation Decision-Making Instrument.

(a) The automated CDCR Form 1500 shall be utilized as the reporting mechanism within the Parole Violation Disposition Tracking System (PVDTS) for the following types of alleged parole violations:

(1) Any alleged violation that can be adjudicated by the Division of Adult Parole Operations at the parole unit level.

MOU – CCPOA Agreement (July 3, 2015 through July 2, 2018_

ARTICLE XIX CDCR PAROLE AGENTS, 19.01 CDCR PA Safety Equipment and Procedures

C. Each Parole Agent assigned a state-owned vehicle shall also be assigned the following standard emergency equipment: fire extinguisher, reflectors and jumper cables.

State Administrative Manual - TRAVEL Rev. 428

OPERATOR REQUIREMENTS 0751

(Revised 12/2014)

Agencies shall participate in the Department of Motor Vehicles (DMV) —Employer Pull Notice Program (EPN) if they have employees who operate vehicles on official business as a condition of employment for Class A, B, or Class C drivers’ licenses with special certificates. See Vehicle Code Section 1808.1 Agencies may participate in the DMV EPN on a voluntary basis for other employees who frequently operate vehicles on state business. To enroll in the EPN program contact: Department of Motor Vehicles, Office of Information Services, Account Processing Unit at, (916) 657-5564 or see EPN for additional information.

Employees who operate vehicles on official State business must have a valid driver’s license, insurance, and a good driving record. To determine if a driver has a valid license and a good driving record, agencies should request drivers’ records annually. Employees who operate vehicles on official State business shall use, and ensure all passengers use, all available safety equipment in the vehicle being operated. Frequent drivers should attend and successfully complete an approved defensive driver training course at least once every four years.

Administrative Bulletin Policies:

#17-05 Virtual Integrated Mobile Office (VIMO) Policy

15-15 **Policy and Procedures for the Electronic In-Home Detention Program**

13-03 **The Division of Adult Parole Operations Policy and Procedures for the Revised Parole Agent Safety and Tactics Training Program**

#13-04 **Introduction of the Parole Violation Disposition and Tracking System**

Directive Memorandums:

15-07 **Implementation of State Vehicle Training**

15-10: **Mandatory Use of SOMs and the CalParole Deactivation Procedures**

15-5: **Discharge Review Reports Utilizing Parole Violation Disposition and Tracking System**

#13-05: **Mandatory Strategic Offender Management System Training**

Memorandas:

Memoranda dated 4/17/09: **Mandatory Training for Basic Computer Operation and Disability and Effective Communication System Data Entry**

Memoranda dated 3/9/09: **Mandatory Statewide Parole Violation Decision Making Instrument (PVDMI) Training**

Memoranda dated 4/26/12: **INFORMATIONAL - Strategic Offender Management System – Holds, Warrants, and Detainers**

Memoranda dated 3/6/12: **INFORMATIONAL – Self-Paced Online Strategic Offender Management System Training**

Memoranda dated 1/5/07: **INFORMATIONAL – Correctional Offender Management Profiling for Alternative Sanctions Assessment State Administrative Manual (SAM) - TRAVEL Rev. 428**

Memoranda dated 10/5/16: **3 Years to Excellence**

VEHICLE USE (Revised 10/2015)

Agencies determine who will drive on official State business and the vehicle types to be used: State-owned, privately-owned, or commercially-owned vehicles.

State Vehicles. These may be authorized when one or more employees are traveling individually or together. The trip includes intermediate stops not feasible for public

transportation; the schedule of public carriers does not fit the itinerary; transportation is not available at the destination; an employee must carry specialized tools, books, etc.

OPERATOR REQUIREMENTS 0751

(Revised 12/2014)

Agencies shall participate in the Department of Motor Vehicles (DMV) —Employer Pull Notice Program (EPN) if they have employees who operate vehicles on official business as a condition of employment for Class A, B, or Class C drivers' licenses with special certificates. See Vehicle Code Section 1808.1 Agencies may participate in the DMV EPN on a voluntary basis for other employees who frequently operate vehicles on state business. To enroll in the EPN program contact: Department of Motor Vehicles, Office of Information Services, Account Processing Unit at, (916) 657-5564 or see EPN for additional information.

Employees who operate vehicles on official State business must have a valid driver's license, insurance, and a good driving record. To determine if a driver has a valid license and a good driving record, agencies should request drivers' records annually. Employees who operate vehicles on official State business shall use, and ensure all passengers use, all available safety equipment in the vehicle being operated. Frequent drivers should attend and successfully complete an approved defensive driver training course at least once every four years.

DEFENSIVE DRIVER TRAINING 0752

(Revised 3/2014)

The Department of General Services (DGS), Office of Risk and Insurance Management, approves and develops statewide driver training courses. All courses are conducted on a statewide basis. Charges for courses are listed in the General Services Price Book and Directory of Services. Course descriptions and scheduling information may be obtained by *accessing the DGS Training Registration System website at <https://www.training.dgs.ca.gov> or contacting the Defensive Driver Training Coordinator, Office of Risk and Insurance Management, Department of General Services, 707 Third Street, First Floor, West Sacramento, CA 95605, Telephone (916) 376-5308.*

California Penal Code

3015.(b) The department shall employ a parole violation decision making instrument to determine the most appropriate sanctions for these parolees who violate their conditions of parole.

3016 Article 2.4 Case Management Reentry Pilot Program