

B. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES**B - 1. Knowledge of Searchable Probation or Parole/PRCS Status**

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

1. Prior knowledge of the individual's searchable probation or parole/PRCS status;
2. Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS; in case of discrepancies:
 - a. CRIMS should be used to confirm probation terms.
 - b. CLETS should be used to confirm parole or PRCS status.
3. The individual's confirmation of his or her searchable probation or parole/PRCS status.¹ In such cases, officers should confirm the status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer should provide the correct information to the individual and document the results in the appropriate report.

Section B subsections 1., 2., and 3., supra, are confusing to me. They are three different sources of information upon which an officer can reasonably believe that an individual is on searchable probation or parole.

Subsection 1. Allows for [the officer's] "Prior knowledge of the individual's searchable probation or parole/PRCS" but makes no mention of how recent or dated that knowledge is. Is it fresh or is it stale? Did the officer look it up on CRIMS or CLETS or was he told by another officer? If so what was the original source of that information? If it was a prior statement by the suspect then Subsection 3. Rules it out as being a reliable source under the terms of this proposed policy. In any case where is the guidance in determining whether the information may be stale? Is it one month, three months, a year?

Subsection 2. Requires checking law enforcement databases and thus appears to be the most reliable and professional. The subsection is unclear as to when to check the databases. It seems implicit to me that the officer would have to suspect that the individual is on searchable probation/parole and the database is used to verify. What is unclear is how much time will be necessary to run the database checks. The more extended the detention the greater the appearance of harassment. If checking the databases is relatively quick then they should be used on every occasion and thereby vitiate the need for Subsection 1. and Subsection 3. What is the officer to

¹ See *In re Jeremy G.* (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor's statement that he was on probation or parole; "[t]he fact that the minor was in error is immaterial").

do if the system is down or otherwise unavailable? Can multiple officers from different locations access the systems simultaneously?

Subsection 3. Provides that an officer should not rely on the suspect's confirmation of his/her searchable probation/parole in spite of caselaw allowing for such. This seems to ignore the most immediately reliable source of confirmation. But what if the individual falsely denies being on searchable probation/parole? Again the situation points to using the most reliable source, the law enforcement databases.

In conclusion I recommend always using the law enforcement databases for confirmation prior to a full search. The systems should be designed, or modified if necessary, to immediately flag all names that have searchable provision attached to them.