

San Diego Police Department

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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CITIZEN CONTACTS – INQUIRIES OF PROBATION OR PAROLE

I. PURPOSE

Asking about a person's probation or parole status and previous arrests can be interpreted as unmerited, and in some circumstances, even discriminatory. Although in some instances it is important to determine an individual's criminal history, officers should be aware of the impact and perception that such immediate questioning may have on law abiding citizens. Poor relations with the community can breed feelings of distrust, anger and fear.

II. BACKGROUND

With the recent implementation of California State Assembly Bill 109, officers routinely encounter individuals who are on probation or parole, and subject to court ordered restrictions, including consent to search and seizure. As a result, upon first contact with citizens, officers often initiate a conversation with questions about a person's probation or parole status, the existence of prior arrests, and questions about previous criminal conduct.

In recent months, the San Diego Police Department has experienced an increase in citizen complaints, as well as community concerns, related to questions about previous arrests, and/or probation or parole status.

III. CITIZEN CONTACT GUIDELINES

Feelings of distrust, anger and fear can be overcome when officers communicate tactfully, with courtesy, and work to establish mutual respect with members of the community. This can be accomplished when officers accurately assess the situations they encounter, and develop information about citizens they contact that is independent of their criminal history, affiliations, or probation/parole status. Additionally, officers should make every effort to communicate their

reasons for the citizen interaction which will help the community better understand, and further our efforts to instill trust in police contacts.

During the course of citizen contacts, officers should not ask about a person's probation or parole status, or other legally documented status, unless the officer has independent knowledge of the person's criminal history or the totality of the circumstances would necessitate the information be immediately ascertained.

An officer can use computer checks to determine a person's criminal status. Officers should use these other methods instead of questioning the person directly. A person may be questioned about the conditions or limitations of probation or parole after an officer first obtains independent knowledge of the person's criminal history.

Department Procedure 4.01 will be updated to include segments of this Training Bulletin.