

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

PAROLE AND PROBATION VIOLATORS
SUBJECT

DATE: March 28, 2019

NO: P-11

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

**INDEX: Parole and Probation Violators
with and without Warrant(s)
Probation Violators
Arrest of Parole & Probation
Violators with and without Warrant(s)**

I. POLICY

- A. Officers of the Stockton Police Department will not book a person for violation of parole or probation without a warrant unless notification is made to or clearance is obtained from the agency involved.
- B. As with all community interactions, Stockton Police Officers will consider the four guiding principles of Procedural Justice as they relate to arrests of probation and parole violators. Those principles are:
 - 1. Respect – treating all with dignity and respect
 - 2. Voice – listening and allowing residents to be heard
 - 3. Neutrality – making decisions in a fair and impartial manner
 - 4. Trustworthiness – acting in ways that foster trust, are perceived as legitimate, and exemplify fairness of process

II. PROCEDURE

- A. Parolee Arrests Without a Warrant
 - 1. When an officer has probable cause to believe that a parolee is violating any term or condition of his or her parole, that officer may, without warrant or other process, arrest the parolee for PC3000.08(c).
 - 2. The arresting officer will make every reasonable attempt to contact the subject's parole agent, the agent's supervisor, or a member of Police and Corrections Team (PACT). Stockton Parole can be contacted Monday through Friday from 8 a.m. to 5 p.m.
 - a. Failure to make notification requires the arresting officer to note this information on the Crime/Arrest Report. The Arrest Report is forwarded to Police and Corrections Team (PACT) by the Records Section so follow up notification can be accomplished.
 - (1.) Officers should indicate whether the Parole Agent or Probation Officer involved was notified and his/her name in both the report and in ATIMS.
 - b. When a subject from another jurisdiction is arrested for parole violation, the arresting officer will make every reasonable attempt to contact the Stockton Parole Office or a

member of PACT. (This can be done via Operations Desk personnel or SPD Dispatch during normal business hours).

- c. After normal business hours contact ID/Warrants Unit who has a list of all Parole Agents in the state and can contact the agent of record at home if necessary. If officers are unable to make contact with the ID/Warrants Unit, they may contact the parolee's local parole agent or local parole supervisor directly, after first obtaining permission from their supervisor. A list of home phone numbers, cell numbers and pager numbers provided by Stockton Parole and are maintained by the Operations Desk.

B. Parolee Arrest with a Warrant - ADULT

1. When a subject is arrested on a warrant charging "violation of parole," the arresting officer will attempt to notify the Parole Agent of Record at the Stockton Parole Office during normal business hours. After hours a message will be generated after the warrant is abstracted by the Operations Desk and sent to the applicable Parole Office.
 - a. The Telecommunications Center maintains a current list of Stockton Parole Agents and their home phone numbers.
 - b. Failure to make notification requires the arresting officer to email this information to the Police and Corrections Team (PACT) so follow-up notification can be accomplished.

C. Probation Violation Arrests - ADULT

1. An Officer arresting a subject will run a criminal history check. When the subject is on probation locally:
 - a. If the subject is arrested Monday-Friday 0800-1700, the arresting officer will call the Probation Department. The Probation Officer will advise the arresting officer whether or not to lodge a probation violation charge.
 - b. If it is after hours and there is no urgency to see if the subject is searchable, then note the appropriate information on the report.
 - c. If it is urgent that contact is made and it is after hours, contact Pre-trial Services who have the names and numbers of the Adult Probation Officers.
 - d. If the arresting officer makes notification to the Probation Department, the probation officers name and outcome of the contact will be noted on the Crime Report.
 - e. The Officer will route the report: Attention Probation Department, with the probation officer's name, if known. The Records Section will make a copy and route it to the Probation Department at the Canilis Building, 24 South Hunter Street.
2. When a subject is arrested for probation violation from another jurisdiction, the arresting officer will immediately contact any Stockton Probation Officer and it will be the Probation Officer who determines the disposition. (Follow the same procedure as listed if the subject were on local probation).

D. Probation arrests with a warrant. - ADULT

1. The arresting officer will notify the probation officer, if possible.
2. The officer will handle the warrant arrest in accordance with General Order P-3.

- E. Probation Search: In order to conduct a probation search an officer must know beforehand that the subject is searchable and what the exact language is of the condition. Some conditions authorize a search "BY ANY LAW ENFORCEMENT OFFICER" or "ANY PEACE OFFICER." If there is no such language then the Probation Officer must be contacted and he will decide whether to conduct a search. Other conditions of searches limit what items and officer can search. Therefore, officers need to contact the probation officer prior to conducting a probation search. After a probation search, route a copy of the report to the probation officer.
- F. Federal Probation, Supervised Release, and Parole Arrests will be handled in the same manner as with State Parolees and County/State probationers. A notification to the appropriate Probation office will be made. If notification is not made, the officer will carry this information in the summary of a crime report - ATTN: Federal Probation was NOT advised. The officer will route the report to the US Probation and Pre-Trial Services.
1. The Federal Probation Office should be notified the following day when arrested person(s) are on Federal Parole, Supervised Release, or Probation.
 - a. Officers can contact the F.B.I., locally or in Sacramento, or the United States Marshal in Sacramento.
- G. Juvenile Arrests will be handled pursuant to General Orders P-5 and P-6.
1. A Juvenile arrested and found to have a warrant will be transported and booked at the Juvenile Justice Center on all charges.
 - a. If a juvenile is arrested for citable criminal charge such as 484 P.C.- Petty Theft, the officer will check to see if the juvenile has a warrant. If a warrant exists there will not be a citation issued, instead there will be mandatory booking on both charges.
 - b. Prior to an officer making the decision to release a juvenile on a citation, the officer should check with the Juvenile Justice Center, day or night, to see if the juvenile is on probation. If the juvenile is on probation, authorization from the juvenile probation officer is needed in order to book the juvenile on the probation violation charge.
 2. A Juvenile arrested and found to be on probation outside the county will be booked for the new arrest charge and an attempt will be made to contact San Joaquin County Probation Office. A probation officer must give authority to charge a violation of probation from another county. In either event, what ever action is taken, it will be noted on the crime report and routed to the Investigations Division.
 3. If a Juvenile is arrested and found to be on CYA parole locally, the arresting officer will contact the CYA Parole Office. If the juvenile is to be booked for parole violation, only the parole office can add the charge. If the parole office will not authorize this or no one from the office responds, the arresting officer will book the juvenile into the Juvenile Justice Center for all current charges and make a note on the booking slip that the arrestee is on parole.
 4. A juvenile arrested and found to be on CYA parole outside the county will be booked and the same format as above will be followed, except add on the booking slip, the region of parole.