


<p align="center">SOLANO COUNTY CALIFORNIA PROBATION DEPARTMENT</p>	<p>POLICY NUMBER: 608</p>	<p>EFFECTIVE DATE: November 15, 2015</p>
	<p>SUPERSEDES: November 1, 2011</p>	
<p>APPROVED BY:  CHIEF PROBATION OFFICER</p>	<p>TITLE: FIELD SEARCH AND SEIZURE</p>	

1. **Policy** The Solano County Probation Department (“Department”) may conduct searches as part of supervision to those who are subject to warrantless searches imposed by the Court.

All searches shall be done with the intent to ensure compliance with the imposed conditions of supervision, compliance with Federal and State law and/or to effect rehabilitative efforts. At no point, will searches be performed as a form of harassment or in a manner that is either arbitrary or unlawful.

Officer safety is of primary concern when conducting searches. If a probation officer believes his/her safety is at risk, the search is to be terminated immediately. All personnel involved in the actual search must have department-approved training to include PC 832 Arrest, Search, and Seizure, Probation Core, Defensive Tactics, OC Spray training, proper equipment, and supervisor approval when appropriate.

For the purpose of this policy all those under the jurisdiction of the Probation Department will be referred to as probationers.

For purposes of this policy, probation officer includes all sworn peace officer classifications, including Supervising Deputy Probation Officer, Probation Services Manager, as well as field group counselors.

2. **Procedures**

- A. **Guidelines**

- (1) Officer safety is the controlling factor during any search. Conducting searches with uniformed law enforcement is strongly advised.
 - (2) There must be a reason and purpose to the search which can be clearly articulated and documented.
 - (3) Probation officers should explain to the probationer and/or people present in the home the reason for the search and how the search will be conducted.

- (4) Risk and safety factors regarding the probation officer, probationer, any individuals in the home, school/treatment staff and other related persons shall be assessed before proceeding with the search.
- (5) Absent exigent circumstances, all searches by probation officers shall be staffed with a supervisor or designee. All searches that result in a seizure and/or arrest shall be documented and a report submitted in accordance with the Incident Report policy (Policy #614).
- (6) Unarmed probation officers conducting residential searches shall be accompanied either by armed probation officers or local law enforcement. A probation officer shall not conduct any search alone, except as needed for officer safety.
- (7) All searches and any new information, such as an updated address, safety concerns, etc., shall be documented in CASE.
- (8) All evidence and contraband (not released to police) seized shall be properly tagged, documented, and stored in accordance with the Seizure and Custody of Evidence policy (Policy #609).

B. Organized Searches/Sweeps

- (1) Only Probation Enforcement Search Team (PEST) members can participate in organized searches/sweeps. The only exception is Post-Release Community Supervision (PRCS) staff can participate in PRCS searches.
- (2) Pre-Planning
 - a. Verify probation status, search and seizure order, any special conditions, and that probationer is not in custody.
 - b. Verify address, telephone numbers, occupants, hazards or potential dangers.
 - c. Email PEST/PRCS Supervisor or designee name of probationer to be searched, any safety concerns or other pertinent information, including if probationer's address has not been verified.
- (3) Search Protocol
 - a. Prior to pre-search briefing, probation officers must be properly equipped with department-approved equipment, (i.e. body armor, ID clothing, handcuffs, communications devices, flashlight, and OC spray) pursuant to the Department's Field and Office Safety policy (Policy #600).

- b. Law enforcement must immediately be made aware if the probation officer is unarmed and what roles and tasks can be performed per Department policy. Issues such as entry, securing, searching, transportation, evidence collection, etc., shall be conducted within Department policy.
- c. Probation officers must assert and inform law enforcement that pursuant to the Department's Forced Entry policy (Policy #610) forced entry is not routinely done and only considered if exigent circumstances exist. In the event forced entry is needed, law enforcement officers that are equipped and trained for these specific entries should normally perform this task.

(4) PEST/PRCS Operational Leader Responsibilities

- a. Solicit search requests from supervision officers via email, when needed.
- b. Receive and review search requests prior to search operation.
- c. Make sure search and other pertinent terms of probationers on search list have been verified.
- d. Prioritize search list based upon nature and need of the search.
- e. Make sufficient copies of search list and CASE face sheets, when applicable.
- f. Conduct a briefing with team members prior to search to include:
 - i. Roles of team members (transport, note taker, etc.).
 - ii. Distribute copies of search list.
 - iii. Review any pertinent information/alerts regarding any of the subjects to be searched.
 - iv. Make sure all team members have appropriate and mandated equipment.
- g. At the end of the search operation, account for all team members and debrief the operation with team members.
- h. Collect all notes taken from designated team members regarding each search event for compilation into the appropriate Field Operational Report (**Attachment A**). The report shall include the events of each search, including whether or not probationer was present, contraband seized, arrest person(s) and notify assigned probation officer.

- i. The Operational Leader shall submit the Field Operational Report within three (3) working days and submit report to PEST or PRCS Supervisor for review. (PEST or PRCS Supervisor will forward to Chief, Chief Deputy, and PEST or PRCS Manager.)
- j. For major incidents, a Field Operational Report must be filed within 24 hours. In addition, a consultation with a Manager in the event of a major incident is required to obtain reporting instructions.

C. Search of a Person

(1) Search of a person may take place under the following circumstances:

- Concerns for probation officer's safety
- Probationer gives consent
- During the course of arrest
- Existence of applicable search and seizure conditions

(2) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, another officer should witness the search.

3. **Exceptions** Any exceptions to the provisions set forth in this Policy shall require prior written approval from the Chief Probation Officer.