

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: July 12, 2022

Item Number: 18

Item Description: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

Submitted by: Councilmember Terry Taplin

The attached supplemental item contains the following:

1. Changed to permit compliance checks, which was the catalyst for the policy recommendation.
2. Upon the advice of the City Attorney's office, I am keeping the reasonable suspicion language.
3. The introductory, unchanged paragraph of Policy 311.6 was also included.
4. An outline of the various proposals and language of the Warrantless Search policy to aid Council and the public in tracking the various versions.

ACTION CALENDAR

July 12, 2022

To: Honorable Members of the City Council

From: Councilmember Terry Taplin

Subject: Alternative Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

RECOMMENDATION

In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement or rehabilitative purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion.

~~Officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status.~~ **Individuals contacted or detained who are found to be on searchable Supervised Release for Violent Offenses¹ may be searched pursuant to the terms of their Supervised Release conditions.** The decision to detain a person and conduct a probation or parole search or otherwise enforce probation or parole conditions **for those on supervised release for nonviolent crimes², should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime or which demonstrate that the individual is connected in some way to criminal activity or that the individual is an imminent threat to officer or citizen safety.** In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.

¹ Offenses involving the use of force, the threat of force, the use or possession of a weapon, sexual violations against the person of another, human trafficking, and the use of force or threats to public safety. Battery on a Peace Officer (Penal Code § 243(b)), Reckless Evasion in a Vehicle (Vehicle Code § 2800.2(a)), or a violent felony as defined in Penal Code § 667.5(c)., fall into the categories of violent crimes, weapons offenses, sex crimes and/or crimes involving threats to public safety in accordance with state law.

² "Non-Violent Offenses" are defined as offenses in which violence or use of a weapon or threat to life safety is not a factor.

DROSTE'S AMENDMENTS

In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement or rehabilitative purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion.

~~Officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status. The decision to detain a person and conduct a probation or parole search or otherwise enforce probation or parole conditions should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime. In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.~~

MAYOR ARREGUIN AND VICE MAYOR HARRISON'S AMENDMENTS

In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement or rehabilitative purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion.

~~Officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status. The decision to detain a person and conduct a probation or parole search or otherwise enforce probation or parole conditions should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime. In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.~~

Notwithstanding this general policy, consistent with the special status assigned to sex offenders specified in California Penal Code 290, officers may search registered sex offenders on probation or parole as otherwise permissible by law.



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

SUPPLEMENTAL AGENDA MATERIAL

For Supplemental Packet 2

Meeting Date: 7-12-22

Item Number: 18

Item Description: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

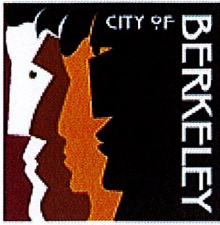
Submitted by: Councilmember Taplin

Amendments contained herein would mirror the Oakland Police Department's General Order R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Postrelease Community Supervision).

In 2019, Oakland adopted the attached policy "to enhance the effectiveness of Officers when coming into contact with those individuals on Supervised Release and to provide clear guidelines for the use of Supervised Release searches." R-02 limits warrantless searches of individuals on Supervised Release for Non-Violent Offenses and requires officers to "consider, articulable facts which demonstrate that the individual is connected in some way to criminal activity or that the individual is an Imminent threat to officer or citizen safety" while allowing for the search of individuals on Supervised Release for Violent Offenses pursuant to the terms of condition for Supervised Release. Moreover, R-02 prohibits searches for capricious, arbitrary purposes or the purpose of harassment.

Although the Oakland Police Department is under a federal consent decree whereas the Berkeley Police Department is not, Council may remedy the public safety concerns raised by

the original item while maintaining our commitment to fair and impartial policing by adopting the Oakland policy.



Lori Droste
Councilmember, District 8

Consent Calendar
Tuesday, March 22, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmembers Lori Droste

Subject: Revisions to Section 311.6 *Warrantless Searches of Individuals on Supervised Release Search Conditions* of the Berkeley Police Department Law Enforcement Services Manual

Recommendation

Revise Section 311.6 *Warrantless Searches of Individuals on Supervised Release Search Conditions* of the Berkeley Police Department (BPD) Law Enforcement Services Manual to enable officers of the Berkeley Police Department to conduct detentions and warrantless searches individuals on parole/probation consistent with and supportive of the provisions in the probationer's/parolee's release conditions. The proposed revisions are shown in strikethrough and double-underline below:

Officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status. **Individuals contacted or detained who are found to be on searchable Supervised Release for Violent Offenses¹ may be searched pursuant to the terms of their Supervised Release conditions.** ~~The decision to detain a person and conduct a probation or parole search, or otherwise enforce probation or parole conditions, should be based upon articulable facts that support a need to enforce and/or confirm compliance with probation or parole conditions.~~ **The decision to detain a person and conduct a probation or parole search for those on supervised release for nonviolent crimes²** should be made, at a minimum, in connection with articulable facts that create a reasonable

¹ Offenses involving the use of force, the threat of force, the use or possession of a weapon, sexual violations against the person of another, human trafficking, and the use of force or threats to public safety. Battery on a Peace Officer (Penal Code § 243(b)), Reckless Evasion in a Vehicle (Vehicle Code § 2800.2(a)), or a violent felony as defined in Penal Code § 667.5(c)., fall into the categories of violent crimes, weapons offenses, sex crimes and/or crimes involving threats to public safety in accordance with state law.

² "Non-Violent Offenses" are defined as offenses in which violence or use of a weapon or threat to life safety is not a factor.

suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime **which demonstrate that the individual is connected in some way to criminal activity or that the individual is an imminent threat to officer or citizen safety.** have committed a crime, be committing a crime, or be about to commit a crime. In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.

Problem or Summary Statement

Existing provisions of the BPD Law Enforcement Services Manual do not permit BPD officers to conduct warrantless searches and seizures of probationers/parolees in a manner that would be consistent with the conditions of their release. The restrictiveness of these provisions places those on probation/parole on nearly equal footing with respect to Fourth Amendment rights as those not on probation/parole. Not only is this circumstance at odds with the nature and purpose of probation/parole, it also prevents officers from effectively implementing the conditions of release imposed by sentencing judges. This limits officers' ability to proactively address recidivism and therefore presents a potentially significant risk to public safety.

Background

Probation/parole is a prison/jail sentence that is suspended on the condition that the offender follow certain prescribed rules and commit no further crimes. As part of these terms, individuals released on probation/parole are often required to waive all or a portion of their Fourth Amendment rights (which would otherwise normally guard against unreasonable search and seizure) in order to secure their release.

Fundamentally, these waivers reflect the fact that for a probationer/parolee, the full term of what would otherwise have been an incarceration is not yet complete. More practically, courts often impose these waivers as a condition of probation/parole because they recognize that both in general and for the individual in question, there may be a higher likelihood of recidivism or additional crimes, which must be guarded against.

When determining the extensiveness/intrusiveness of such Fourth Amendment waivers, sentencing justices will usually consider the nature and severity of the crime. Probation is typically issued with terms that allow for an individual's: 1) person; 2) property; 3) residence; and/or 4) vehicle to be searched at any time. Allowing only for a search of the person only would constitute a "one-way" search clause, whereas allowing for all four would constitute a "four-way" search clause. In extreme cases, an offender's terms may include these terms and an additional term allowing for the search of any/all of the individual's electronic devices, resulting in a "five-way" search clause. This is considered the most complete and intrusive of search terms.

Current Situation and Its Effects

Currently, an individual on probation or parole in Berkeley would be on nearly equal footing as someone who is not on probation or parole when it comes to search and seizure. This would, for example, mean that someone with a history of crimes involving firearms could not have their person or vehicle searched by BPD officers unless there were “articulable facts” that could be given to indicate that the individual had committed, was committing, or would commit a crime. In the case of a crime involving a firearm, such articulable facts would likely come only after a serious threat to public safety had already manifested. Although such risks would rightly not normally be sufficient to justify a search and seizure, in the case of probation and parole, courts typically recognize both a heightened risk and a diminution of Constitutional rights associated with a provisional release.

To give another particularly disturbing example, there is currently a sex offender residing in Berkeley whose crimes were so severe that the judge deemed that a “five-way” search clause was necessary in the offenders probation/parole conditions. Moreover, the court imposed a number of heightened restrictions on the individual in recognition of the seriousness of their offense, including prohibitions on the possession of images of children and on sleeping in any dwelling where children were present. Under current section 311 policies, BPD would not be permitted to search the individuals’ electronic devices to ensure that the judge’s order was being followed.

Criteria Considered

Effectiveness

This policy would apply only to searches and seizures involving individuals on probation or parole; the Fourth Amendment rights of others would not be affected. With regard to individuals on probation or parole, however, BPD would be able to more easily and effectively enforce the conditions of those individuals release, and guard against recidivism.

Fiscal Impacts

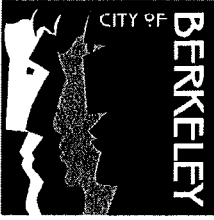
By potentially averting crimes, this policy change could serve to reduce policing costs since crime prevention is typically less costly than after-the-fact investigation, remediation, etc. Additionally, by serving to reduce recidivism, this policy could reduce overall costs to the criminal justice system.

Environmental Sustainability

The proposed policy would not result in any appreciable impacts with respect to environmental sustainability.

Equity

Regardless of whether this policy change is adopted, it will remain incumbent upon the Berkeley Police Department to respect the Fourth Amendment rights of individuals who are not on probation or parole; and for those on probation or parole, to limit such intrusions to those that



Councilmember Lori Droste, District 8

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: July 12, 2022

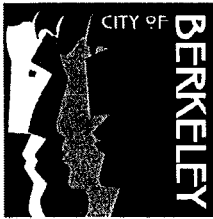
Item Number: 18

Item Description: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

Submitted by: Councilmember Lori Droste

The attached letter responds to correspondence received from the Police Accountability Board (PAB) regarding Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual. The letter systematically addresses the comments/critiques provided by the PAB, and provides substantiating data and information.

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E-Mail: ldroste@CityofBerkeley.info



Councilmember Lori Droste, District 8

July 11, 2022

To: Police Accountability Board

From: Councilmember Lori Droste

RE: PAB Letter RE: *"Revisions to Berkeley Police Department Policy 311, Section 311.6, Warrantless Searches of Individuals on Supervised Release Search Conditions - agendized for the May 24, 2022 City Council meeting"*

Dear Chairperson Mike Chang and Fellow Police Accountability Boardmembers,

Thank you for your recent correspondence regarding my proposed Policy 311 changes that the Public Safety committee unanimously approved. While we may disagree on the substance of the matter, we have received and considered your input.

There are many areas where we are in strong agreement with the Police Accountability Board, including the need to reduce rates of incarceration and to address the disproportionate impacts of probation, parole, *and crime* on marginalized communities. We agree that decreasing the population of low-risk probationers and parolees is important so that police officers can focus on high-risk individuals. However, we need a mechanism whereby we can ensure our community is safe from high-risk, habitual offenders. Councilmember Taplin and I have taken great efforts in learning about the challenges in implementing this policy over the past few months. As policy is an iterative process, this is precisely what we as legislators should do to address any unintended consequences of legislation. In March 2022, the Sex Crimes and Domestic Violence Supervisory Sergeant warned us of the unintended consequences, specifically as it related to a dangerous child molester. This individual was not a low-risk individual. I am grateful for the efforts of Mayor Jesse Arreguín and Vice Mayor Harrison to course correct the policy, in this regard. **However, there are currently parolees residing in Berkeley who have search conditions because they have been convicted of murder, manslaughter, assault with a deadly weapon, robbery home invasions, and kidnapping.** I feel very strongly based upon the specific information we have received about murder arrests, sex offenders, habitual burglars, and serial arsonists, that this is critical tool necessary to allow our police department to keep our community safe from those with a propensity towards violence. As I understand, no other jurisdiction in California has the same search restrictions as Berkeley.

Even Oakland's policy R-02 permits warrantless searches of those on supervised release for *violent* crimes while Berkeley's does not.¹ For those on supervised release for *nonviolent* offenses, Oakland officers must show "articulable facts which demonstrate that the individual is connected in some way to criminal activity or that the individual is an imminent threat to officer or citizen safety."

It is important to highlight the 2020 Annual PRC report which documented *allegations* of improper searches conducted by the Berkeley Police Department. From 2016–2020, Berkeley Police were subject to an average of 3 complaints a year for improper searches. Of the total 17 allegations over 5 years, only one was sustained.

Furthermore, for parolees and many others, these are conditions required for early release. In Berkeley, over half of resident probationers have search conditions. In contrast, **all** post-release community supervisees and parolees are subject to search conditions.

Nevertheless, I am responding in detail to your letter to give you a comprehensive understanding of my position and understanding of the issue and demonstrate how I have considered your points and positions.

PAB claim: "California is one of only nine states that allow police officers without limitation to search individuals on community supervision."

Response

This is misleading. California does place limits on searches of individuals on probation, parole, or under community supervision. For example, there are different levels of search clauses (e.g., three-way, five-way etc.) that dictate the types of searches that police are able to conduct; these levels are intended to be based on the nature and seriousness of the crime the individual committed and the circumstances of their release.

*Additionally, in 2006, the Supreme Court ruled in *Samson v. California* that these types of searches of parolees/probationers are permissible under California law and are reasonable and constitutional under the Fourth Amendment to the United States Constitution. The decision rested in part on the finding that the search under consideration **was not arbitrary, capricious, or harassing**. Any arbitrary, capricious, or harassing searches would NOT be allowed under the amended policy changes.*

¹ Offenses involving the use of force, the threat of force, the use or possession of a weapon, sexual violations against the person of another, human trafficking, and the use of force or threats to public safety. Battery on a Peace Officer (Penal Code § 243(b)), Reckless Evasion in a Vehicle (Vehicle Code § 2800.2(a)), or a violent felony as defined in Penal Code § 667.5(c)., fall into the categories of violent crimes, weapons offenses, sex crimes and/or crimes involving threats to public safety in accordance with state law.

PAB claim: “In 2015, the U.S. Supreme Court in *Rodriguez v. United States* found that police officers may not prolong traffic stops absent reasonable suspicion longer than necessary to process the traffic infraction.”

Response

*While this proposed 311 policy amendment proposes to address searches of individuals on probation or parole, Rodriguez v United States was primarily about the use of a K-9 unit and whether **the use of a K-9 unit**, after the conclusion of a traffic stop and without reasonable suspicion of criminal activity was a violation of the Fourth Amendment. This case did not pertain to searches and seizures of individuals on probation/parole.*

PAB claim: “Probationers and parolees are subject to search by their Probation and Parole Officers (PO's), who classify their clients according to risk assessments. Those at high risk of re-offending are subject to intensive supervision and search by their PO's.”

Response

This point neglects critical, on-the-ground realities and details. We are primarily concerned with high-risk individuals. Parole/probation officers are overwhelmed by large caseloads. It is not reasonable to expect “intensive supervision” and searches to be conducted exclusively by those officers. In addition, there are thousands of individuals on court probation entirely outside of the county supervision so municipal policing services are required to monitor these individuals. Furthermore, in July of 2022, there were 43 parolees in Berkeley. Of those, several were for home invasion robberies, assault with a deadly weapon, four persons for murder, two persons for manslaughter, and one for kidnapping (Alameda County Records and Information Management System–CRIMS). Our immediate neighbor Oakland also has 773 parolees. Of the probationers, 342 probationers reside in Berkeley, 200 have search clauses. In Oakland, there are ~2300 individuals on probation (CRIMS) There is not sufficient bandwidth in the county to monitor these individuals, particularly the high-risk individuals.

Additionally, individuals on probation/parole are not restricted to interaction with their own parole officers, and it thus may be necessary for other officers to enforce the conditions of the individual’s probation/parole. This is especially necessary because Berkeley is geographically integrated into a broader urban region; individuals on probation or parole may come from other jurisdictions, crossing county borders, and therefore would not have a local officer who could meet any restriction limiting searches to those conducted by their parole officer.

PAB’s reference to the Pew Report on public safety and parole and causal claims regarding the efficacy and cost-effectiveness of parole/probation searches

Response

*The PAB uses several data points to make the claim that such searches of parolees/probationers are **not** effective at preventing crime. However, even if the data cited by the PAB are correct, the conclusions they draw are not necessarily supported by these data.*

PAB claims that six of the nine states with parole and probation search provisions similar to

California have higher crime rates. However, even if this statement regarding crime rates is borne out by empirical data (which were not specifically cited), there are many confounding factors that would make it impossible to conclude from this fact alone whether such searches are effective or ineffective. For example, it is equally possible that the states that have opted for such warrantless searches have done so precisely because they have higher crime rates. In any event, this data point is insufficient to establish causality.

PAB also cites the 2020 Pew Charitable Trust report on Public Safety but neglects to mention an overarching conclusion of that report which states that police departments should “**prioritize supervision for individuals who demonstrate the highest risk of future criminal behavior and safely reduce oversight of others.**[emphasis added]” The Pew Report does **not** suggest dramatically curtailing searches of high-risk individuals, which is what Berkeley’s standing Section 311 policy does.

PAB also asserts that these types of searches do not reduce recidivism. PAB asserts that five of the nine states that allow police officers “unlimited” searches of people on probation or parole have higher than average crime rates, with California’s substantially higher. However, even if true, the information PAB submitted is insufficient to establish causality in either direction (i.e., whether warrantless searches have a negative, positive, or no effect on recidivism). Furthermore, the apparently higher recidivism rates in the states that engage in such searches could even be the result of such searches succeeding in detecting resumption of criminal activity among those on probation/parole.

PAB references to technical violations of probation (curfew violations, traveling more than 50 miles from home, etc.)

Response

These types of violations are not established by warrantless searches conducted with respect to Section 311 because a warrantless search is usually not necessary to ascertain whether an individual on probation or parole has violated geographic restrictions or curfews. Establishing that such an individual is out past curfew or has traveled further than allowed under the conditions of their release typically requires no more than visual confirmation.

In any event, it is not the intent nor a likely outcome of the proposed Section 311 revisions that Berkeley police officers would engage in heightened enforcement or discovery of technical probation/parole violations.

Pew Charitable Trust Public Safety Performance Report

We agree with the Pew Report and its recommendations, as well as the Police Accountability Board, with respect to the following findings:

- Technical violations of probation and parole are a leading driver of incarceration and are barriers to successful completion of probation, parole, and community supervision.

- We do not believe our amendments would facilitate an increase in technical violations of probation given the history and corroborating data on BPD searches. BPD is able to elaborate on this, if requested.
- Agencies often inappropriately supervise low-risk individuals
 - Based on data presented by the Police Review Commission Report, Berkeley Police Officers only had four allegations of inappropriate searches in 2019 and 2020, of which none were sustained. The goal of this policy change is to allow BPD to focus on **high risk** individuals, which they currently are unable to because of the existing policy.
- Overextended supervision officers have less time to devote to high-risk, high-need individuals.
 - The existing 311 policy actually constitutes a **reduction of supervision for high-risk, high need individuals** and contributes to increased pressures on supervision officers. Our primary concern is allowing BPD to monitor individuals who have been known to commit violent crimes.

I fundamentally believe that the revised Section 311 policy allows our officers to monitor our community in a way which respects civil liberties and keeps our community safe. I believe that the amended legislation and the above responses have exhaustively demonstrated the justification and constitutionality for such searches as it mirrors most jurisdictions in California.

Finally, I want to address the official public testimony of Police Accountability Boardmember Kitty Calavita, who was representing the Police Accountability Board on 5/24. In her capacity, Calavita brought up the tragic murder of a UC Berkeley student in our community. During her official public testimony, she made erroneous statements regarding reasonable suspicion within BPD's criminal investigation. It was alarming, to say the least, that these inaccurate statements were made to begin with about a criminal investigation she was not involved in, but also that she did it in her official capacity as the overseeing body of the Police Department.

Respectfully,

Councilmember Lori Droste

Attachments:

1. *City of Berkeley Police Review Commission 2020 Annual Report*

Lee, Katherine

From: Wendy Alfsen <wendyalfsen@gmail.com>
Sent: Monday, July 11, 2022 5:34 PM
To: All Council
Cc: Lee, Katherine
Subject: 7/12/22 Agenda Item 18 _ Opposition by Berkeley Friends Meeting Racial Justice Action Team to deletion of "reasonable suspicion for search"

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: council@cityofberkeley.info
Subject: item 18 -Revisions to Section 311.6

Esteemed Mayor and Councilmembers,

July 12th at your Regular Council meeting, you will be asked to set a policy for police to search persons and property **without** reasonable suspicion. Berkeley's Police Accountability Board recommends that you retain the current version of Policy 311.6. Please follow their recommendation (attached).

We concur in Kitt Saginor's analysis:

It is important to emphasize that under current policy, police may use their judgment to search parolees and probationers for **any reasonable suspicion**. A warrant is **not** required. Probable cause is **not** required. Suggesting that police should subject some of our citizens to suspicionless searches will increase disparate impacts and increase the structural racism that you have declared you wish to eradicate.

On February 23, 2021, you unanimously and expressly supported this minimal limit on warrantless searches of individuals on probation or parole along with other measures for fair and impartial policing. Please do not undo the positive step you took then.

The Berkeley Police Department provided an example of searches under reasonable suspicion that could allay public fears. This example comes from BPD training materials, and was shared with the Police Accountability Board on March 23, 2022. I quote it here verbatim. (Slide 38 of [PAB Supplemental Materials 03/23/2022](#))

Officers conduct a traffic stop in the Berkeley Hills at 3 AM and learn that the driver is on parole for PC 211 [robbery]. The parolee doesn't have a viable reason for being in the Berkeley Hills at this hour. The officer is aware that this area has been plagued with catalytic converter thefts in recent weeks. Exercising the parolees search conditions would be appropriate and within policy. Also note the underlying crime the probationer or parolee has committed may or may not be a contributing factor to the officers' articulable facts that a crime has been, is being, or is about to be committed.

Reasonable suspicion is a very low bar. It is not too much to ask that officers have a reasonable suspicion to conduct a search. Please do not change that policy into one that is poorly defined and so weak as to be meaningless.

Thank you for your work,
Berkeley Friends Meeting Racial Justice Action Team
Barb Atwell and Wendy Alfsen, co-clerks

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Wendy
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