



Sheriff's Office Training Bulletin

Volume 24 Issue 3

March 2022

SWORN PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO FIREARMS.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding firearms. All personnel shall be familiar with the policy and what it contains. Policy 306 establishes the Sheriff's Office policy regarding firearms. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Policy Manual.*

POLICY

The San Mateo County Sheriff's Office will equip its sworn staff members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that training is provided as resources allow.

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Coyote Point



FROM THE TRAINING MANAGER

In this month's Training Bulletin, we're going to look at a recent case from 2021 involving the "community caretaking" exception to a search warrant requirement when a home is involved. The purpose for this case review is to inform sworn staff of the "community caretaking" limitations in this instance, that may not be obvious when this specific scenario presents itself in the field. You may review the full U.S. Supreme Court opinion [here](#).

CASE

Caniglia v. Strom, (2021) 141 S.Ct. 1596

- *Does "community caretaking" allow police to enter and search a home to remove firearms absent evidence of an emergency?*

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CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

"Firearms" continued from page 1

AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Sworn staff members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a sworn staff member who has not

SAN MATEO COUNTY SHERIFF'S OFFICE TRAINING BULLETIN

The San Mateo County Sheriff's Office Training Bulletin is published monthly by the San Mateo County Sheriff's Office Training Unit, 400 County Center, Redwood City, California 94063.

Carlos G. Bolanos, Sheriff

Sergeant Jason Leone, Training Manager

Lance Bayer, Editor

For further information, please contact the Training Unit at Sheriffs_TrainingUnit@smcgov.org

qualified with that firearm at a range authorized by the Sheriff's Office. All other weapons not provided by the Office, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the sworn staff member's Assistant Sheriff. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

HANDGUN / DUTY WEAPON

The Sheriff's Office issued duty weapon is the Sig Sauer P320X Carry chambered in 9mm.

The following personally owned semi-automatic pistols are eligible to be approved for on-duty use following inspection and approval by the Rangemaster:

- ✓ Glock 9mm/.40/.45 calibers
- ✓ Smith and Wesson M&P Series 9mm/.40/.45 calibers
- ✓ Sig Sauer P Series 9mm/.40/.45 calibers
- ✓ H&K 9mm/.40/.45 calibers
- ✓ Staccato 9mm/.40/.45 calibers

Sworn staff members wishing to carry a personally-owned duty weapon must make an appointment with the Rangemaster to have their weapons inspected and approved. Sworn staff members shall demonstrate to the Rangemaster and Range staff that they are proficient in handling and firing the firearm and that it will be carried and used in a safe manner.

Sworn staff members working specific covert assignments may carry a different handgun after first obtaining approval from their division Captain and meeting with the Rangemaster as outlined above. The proficiency standards for covert assignment weapons will be the same as required for on-duty firearms.

Sworn staff members choosing to carry a personally owned firearm are responsible for purchasing and maintaining the firearm and holster. The firearm may not be altered from original factory specifications with the exception of sights or grip with the approval of the Rangemaster.

PATROL RIFLE

The Sheriff's Office-issued patrol rifle is a Colt or Smith & Wesson AR-15/M-16 semi-automatic rifle. Only those sworn staff members who have completed the Sheriff's Office Rifle Course, or a comparable course of instruction in the AR-15/M-16 weapon system, may carry rifles on duty.

The following rifles are approved for on-duty use:

- ✓ Colt Brand AR-15/M-16 .223/5.56 platform
- ✓ Smith and Wesson Brand AR-15 .223/5.56 platform
- ✓ Any other rifle as approved by the

Sheriff or his or her designee/Rangemaster

Sworn staff members choosing to carry personally-owned rifles are responsible for purchasing and maintaining the firearm and transportation case. Only Sheriff's Office-issued ammunition may be carried in rifles on duty. Deputies who have successfully completed the Sheriff's Office POST-approved rifle training shall be allowed to carry a rifle. While on duty, rifles will be secured in the patrol vehicle in a "**Patrol Car Safe**" status. Patrol Car Safe is achieved when the following patrol rifle conditions are met:

- Firing chamber is empty (no ammunition round present);
- bolt carrier group is in the forward position ("closed bolt");
- the safety selector switch is placed into the SAFE position;
- and a properly loaded magazine is inserted into the magazine well

LIGHTING, OPTICS, AND LASERS

Lighting, optics and lasers are permitted when manufacturer authorized and approved by the Rangemaster. Holographic sights, lasers, and lighting equipment may be purchased by sworn staff members. No new lighting, optics, or lasers shall be deployed until inspected and authorized by the Rangemaster.

AMMUNITION

Sworn staff members shall carry only Sheriff's Office-authorized ammunition. Sworn staff members shall be issued fresh duty ammunition in the specified quantity for all Office-issued firearms during the sworn staff member's qualification. Sworn staff members carrying personally owned authorized firearms of a caliber differing from Office-issued firearms shall be responsible for obtaining fresh

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duty ammunition in accordance with the above at their own expense that is approved by the Rangemaster.

SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- ✓ Sworn staff members shall not unnecessarily display or handle any firearm.
- ✓ Sworn staff members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Sworn staff members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- ✓ Sworn staff members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- ✓ Weapons removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside the vehicle, using clearing barrels.
- ✓ Sworn staff members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- ✓ Only sworn staff members trained in

the use of automatic firearms, heavy caliber rifles, gas or other type of chemical weapons or firearms shall be allowed to deploy these from the armory, and only with approval of the Rangemaster, SWAT Team Leader, Tactical Response Unit (TRU) Team Leader, or the Emergency Response Team (ERT) Supervisor.

- ✓ Any firearm authorized by the Office to be carried on- or off-duty that is determined by a sworn staff member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the sworn staff member's primary duty firearm, a replacement firearm will be issued to the sworn staff member until the duty firearm is serviceable.

ALCOHOL AND DRUGS

Weapons shall not be carried by any sworn staff member who has consumed an amount of alcohol or taken any drug that adversely affect the sworn staff member's senses or judgment.

STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, sworn staff members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock,

MISSION STATEMENT

The San Mateo County Sheriff's Office is dedicated to protecting lives and property and is committed to providing the highest level of professional law enforcement and correctional services. We pledge to promote public trust through fair and impartial policing and will treat all persons with dignity, compassion, and respect.

COMMITMENT

We are committed to protecting life and property and preserving the public peace by acting professionally, with integrity, and without prejudice, even in the most challenging circumstances, when no one is watching, and on and off duty. We hold others accountable to the same standards and challenge any inappropriate behavior.

INTEGRITY

We are committed to ethics, equity and excellence. We understand that making a difference in the quality of life is an opportunity that policing and correctional services provides. We provide excellent service by respecting and upholding the rights and freedoms of all people in all our interactions, free from bias or stereotype, seeking to understand and help others by making a difference.

COMPASSION

We understand that sometimes we interact with the community during their most trying times. We are committed to treating all people with compassion, empathy, and respect; going the extra mile to ensure others feel safe, supported, included, engaged, and valued; standing up for those who cannot stand up for themselves; and valuing others' life experiences.

INNOVATION

We promote an environment that encourages continuous improvement and innovation. We strive to be leaders in modern policing, acting on input and feedback from our communities and colleagues; constantly implementing best-practices; and exploring alternative solutions to current issues.

keylock, combination lock, or other similar locking device (Penal Code § 25140). Sworn staff members are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

REPORT OF FIREARM DISCHARGE

Except during training, recreational use, or test firing by Forensic Laboratory personnel or the Rangemaster in the scope of their duties; any employee who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Protocol. If a firearm was discharged as a use of force, the involved employee shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

The following situations involving

discharge of firearms by any employee shall be reported by written reports through the chain of command:

- ✓ Accidental/Negligent discharge of any firearm, whether on- or off-duty.
- ✓ Discharge while off-duty at any person, or at another person's property without permission. ☆

A MINOR WHO STOOD BEHIND THE VICTIM YELLING DURING A ROBBERY WAS NOT GUILTY OF AIDING AND ABETTING THE ROBBERY.

The victim of a robbery was listening to music on his earphones and was looking at his cell phone while walking back to his office after picking up lunch. Despite those distractions, the victim noticed five young individuals with bicycles who were outside of a convenience store. A few minutes later, one of the individuals

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“Robbery” continued from page 5

tapped him on one side. Another of the individuals rode by on a bicycle and passed him on the other side. As the individual passed by the victim, he grabbed his cell phone out of his hand.

The victim ran after the individual who took his phone. He caught up to him and wrestled him to the ground. The victim then released the individual, but someone then punched the victim in the face. At that point, the victim realized that he was surrounded by three individuals wearing hoodies. One of the three was behind him. There was yelling all around the victim, who could hear words such as “you hurt my friend, we’re going to hurt you.” He felt very intimidated.

One of the individuals demanded the victim’s earphones, but he refused to turn them over. He backed up towards his office. The victim’s boss was standing near the entrance to the office and when the three suspects realized that he knew the victim, they rode off on bicycles. The victim contacted the local police department, which dispatched officers to the scene. The three suspects were arrested. They were all juveniles. At the time of their arrest, one of the minors had the victim’s cell phone in his backpack. A minor named Kevin was one of the people who yelled at the victim after he stood up from tackling the suspect who took his phone.

In the case of In re K.M., the California Court of Appeal ruled that the evidence was insufficient to support Kevin’s conviction for robbery as an aider and abetter.

In its written decision, the Court first stated, “Liability for aiding and abetting requires proof in three distinct areas: (a) the direct perpetrator’s actus reus—a crime committed by the direct perpetrator, (b) the aider and abettor’s mens rea—knowledge of the direct perpetrator’s unlawful intent and an intent to assist in achieving those unlawful ends, and (c) the aider and abettor’s actus reus—conduct by the aider and abettor that in fact assists the achievement of the crime.” The Court noted that Kevin did not contest the finding that a robbery actually occurred. There was, at most, evidence that the juvenile stood behind victim and yelled “you hurt my friend, we’re going to hurt you,” and there was no nexus between his action and theft of cell phone, as yelling occurred after cell phone was taken.

The Court continued, “Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear. For a specific intent crime such as robbery, the aider and abettor must know the full extent of the perpetrator’s criminal purpose and give aid or encouragement with the intent or purpose of facilitating the perpetrator’s commission of the crime.”

A person present at the scene of crime, even one who is criminal’s companion, knows crime is being committed, fails to prevent it, and later expresses approval of it, is not guilty of aiding and abetting crime if he takes no action to aid or encourage crime. ☆

FROM THE RANGEMASTER’S OFFICE

Part 2: San Mateo County Sheriff’s Office integrated De-escalation training

In part one, we examined how de-escalation is the process of using strategies and techniques intended to decrease the intensity of a situation. In part two, we will look at the Sheriff’s Office Enhanced Crisis Intervention Training program (ECIT), and how de-escalation training is being woven into Range Qualifications and Defensive Tactics training.

See “Rangemaster” continued on page 7

ECIT

In 2020 The San Mateo County Sheriff's Office developed the first Enhanced Crisis Intervention Training (ECIT) Course in the State of California. ECIT builds on the fundamentals established in the 40-hour Crisis Intervention Training course. Students are provided modern best practices when responding to mental health crisis situations. ECIT defines de-escalation and provides a decision-making model to implement at the earliest stage of the call response and throughout the event. ECIT examines non-criminal barricade response and when to consider disengagement as a de-escalation tactic. Relevant laws, "special relationship doctrine" and the "public duty doctrine" are discussed to provide a legal foundation to limit liability and enhance decision-making. Gun Violence Restraining Orders are discussed, when they should be considered (per AB-339), and how they can be used to proactively prevent future firearm violence.

RANGE

A priority of our Rangemaster is bringing dynamic training to Sheriff's Office staff. Range staff will now be incorporating de-escalation and shoot/don't shoot scenario-based training into the new 4-hour qualification format. Those of you who completed the recent qualification were exposed to an armed suicidal subject scenario. The scenario was designed to practice pre-incident planning, call response tactics, and verbal crisis communication skills. After the scenario, Range staff facilitate a debrief where the students are asked to:

- Explain the legal standards for the use of force and explain the application of these standards to the use of force situation
- Review and analyze the incident using pertinent legal standards and agency policy (Lexipol 300)

DEFENSIVE TACTICS

As stated previously: De-escalation is not the absence of force. De-escalation is one of many tactical tools and strategies that should be used when it can be used successfully and suspended when it can't. Not every situation can be resolved by using communication techniques, and some people are unable or unwilling to participate in communication (which is a critical component in the verbal de-escalation process). The Defensive Tactics training cadre is dedicated to training staff to develop the capacity to recognize those situations where communication failed or is not feasible based on the situation. In these situations, it is important for staff to be confident in their ability to use defensive tactics where appropriate and within policy.

Guest contributor – Detective Cole Armando

FACTS OF THE CASE

A man had an argument with his wife, urging her to shoot him with one of his guns. She left and called the police to perform a welfare check on her husband. When officers arrived, the man denied he was suicidal but agreed to go to a hospital for a psychiatric evaluation on the condition officers would not confiscate his guns. Officers agreed, but once the homeowner left, they entered his home and seized his guns. The homeowner sued, alleging a violation of his Fourth Amendment rights.

HELD

There is no general "community caretaking" exception to the search warrant requirement that permits police to enter private homes when it is clear they are not reacting to criminal activity and there are no exigent circumstances (such as rendering emergency aid to an injured occupant or protecting an occupant from imminent injury). While there are additional warrant exceptions for automobiles, the expectation of privacy in homes is greater than in vehicles, and the entrance into Mr. Caniglia's home here was an unjustified Fourth Amendment intrusion.

In this decision, the U.S. Supreme Court highlighted the constitutional distinction between the home setting and the vehicle setting as relevant to the "community caretaking" exception to the warrant requirement, noting that Fourth Amendment protections are strongest in the home setting.

HOW THIS AFFECTS THE SHERIFF'S OFFICE

Members of the Sheriff's Office may need to seize firearms from subjects placed on a WIC 5150 hold or who are otherwise subject to a gun violence restraining order or other firearms prohibition.

WIC 8102 directs that, when a subject is placed on a 5150 hold, law enforcement shall confiscate all firearms and deadly weapons that the subject owns or that is under their custody or control. If law enforcement cannot obtain consent to confiscate these items, they may obtain a search warrant to search for and seize these items (see Penal Code section 1524(a)(10)).

Similarly, a Gun Violence Restraining Order (GVRO) directs the subject to surrender their firearms, ammunition, and magazines in their custody or control or which they own or possess. This should be done immediately upon the subject being served with the GVRO. If the subject does not relinquish these items to law enforcement, they may obtain a search warrant to search for and seize these items (see Penal Code section 1524(a)(14)).

Note that there is no generalized exception to the warrant requirement if you cannot obtain consent to collect these weapons in a WIC 8102 or GVRO context.

– Sergeant Jason Leone