



Sheriff's Office Training Bulletin

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SHERIFF'S PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO BODY WORN CAMERA SYSTEM.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding body worn camera system. Sworn personnel shall be familiar with the policy and what it contains. Sheriff's Policy 421 establishes the Sheriff's Office policy regarding body worn camera. *The following are excerpts from that policy. All affected personnel must be familiar with the entire Policy as stated in the Sheriff's Policy Manual.*

POLICY

The use of Axon II Body Worn Cameras is intended to enhance the mission of the San Mateo County Sheriff's Office by capturing contacts between members of the San Mateo County Sheriff's Office and the public. The San Mateo

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Pescadero State Beach



FROM THE TRAINING MANAGER

We have seen an increase in active shooter incidents across the country lately, with innocent victims being targeted as they go about their daily routines. Just this month alone, mass casualty shootings have occurred in subways, grocery stores, and elementary schools. We need to be prepared to respond to this type of critical incident, in terms of the tactics and equipment we deploy. We must have a sense of purpose while responding, and the right skill set.

The preservation of innocent life is a top priority, even when it means putting ourselves directly in the line of fire. The Training Unit and Rangemaster will be supporting you by offering advanced scenario based realistic training in our [VirTra use of force simulator](#). Later this year, expect us to roll out active shooter and de-escalation training using this state-of-the-art 4k immersive system.

- Sgt. Jason Leone

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.

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County Sheriff's Office issues Axon II Body Worn Cameras to members for use during the performance of their duties. Members who are assigned an Axon II Body Worn Camera shall wear the device when working uniformed assignments and will activate the Axon Body II Worn Camera as provided by this policy.

The San Mateo County Sheriff's Office equips marked patrol vehicles with an Axon In-Car camera system. Members will use the Axon

In-Car Camera System in conjunction with their Axon Body II Worn Cameras during the performance of their duties. Members who are assigned a marked Sheriff's Office patrol vehicle will use the Axon In-Car Camera System as provided by the In-Car Camera System policy.

MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity for this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

MEMBER RESPONSIBILITIES

Before going into service, members issued a body worn camera will be responsible for making sure that he/she is equipped with their Axon II Body Worn Camera, and that the

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recorder is in good working order. If the Axon II Body Worn Camera is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/ her supervisor and request a replacement. Uniformed members shall wear the Axon II Body Worn Camera above the waistline and below the neckline at midline of their torso. Deputies shall utilize their viewers to ensure the Axon II Body Worn Camera is in a position where the field of view provides for effective recording. Uniformed members shall not intentionally obscure the view of their body worn camera. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members shall document the existence of a recording that is evidence by making an evidence entry in accordance with the Property and Evidence Policy. For purposes of this section, "evidence" refers to recordings of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, use of force incident, or a confrontational encounter with a member of the public. Members shall also document any instance where the recorder malfunctioned or the member deactivated the recording including the reason for deactivation.

Axon II Body Worn Cameras are not required to be worn at ceremonial events.

SURREPTITIOUS USE OF THE BWC

Members of the San Mateo County Sheriff's Office may surreptitiously record any conversation during the course of a criminal

investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another San Mateo County Sheriff's Office member without a court order or unless lawfully authorized by the Sheriff or the designee.

EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Members are also prohibited from retaining recordings of activities or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate Office business purposes. All such recordings shall be retained at the Office. Members are prohibited from using personally owned Axon II Body Worn Camera recording devices while on-duty. Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

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A SEARCH WARRANT AFFIDAVIT ALLEGING THAT A GANG MEMBER WALKED OUT OF A GANG HANGOUT AND INTERACTED WITH THE OCCUPANTS OF A VEHICLE WAS SUFFICIENT TO ESTABLISH PROBABLE CAUSE TO SEARCH FOR DRUGS AND GUNS.

A police officer in Los Angeles submitted a search warrant affidavit to a magistrate. The named suspect was described in the affidavit as an active member of a criminal street gang. He was identified as a gang member as recently as four months prior to the submittal of the affidavit.

According to the affidavit, the gang regularly assaults, robs and murders people as techniques of intimidation so that they can freely sell illegal guns and drugs without fear of reports to the police. The gang also extracts payments from businesses.

According to the affidavit, a well-documented gang hangout was a particular address. The address was the named suspect's home. The affidavit stated that gang members gather at the home regularly.

A week before the affidavit was submitted, officers watched the residence. According to the affidavit, early in the evening, a black SUV drove up to the residence. Two passengers left the SUV and went into the house. Approximately three to five minutes later, the two returned to the SUV. Moments later, the suspect walked out of his house and walked up to the SUV's front passenger window. He leaned in close for a few seconds. An officer conducting surveillance believed that the suspect was possibly delivering narcotics and/or firearms. The suspect then returned to his residence as the SUV drove off. Officers identified one of the passengers as a known member of the gang who was on parole with a condition of parole authorizing warrantless search and seizure.

Officers stopped the SUV and searched the vehicle pursuant to the search conditions. Officers located about \$700 in cash, two illegal

guns and a half-pound of assorted drugs. With the exception of a small amount of methamphetamine, all of the drugs were found on the person of the parolee.

In the affidavit, the officer expressed his expert opinion that the suspect was supplying drugs and guns to his fellow gang members to further the gang's criminal enterprise. He sought authority to search for drugs and guns, as well as for cellular telephones and digital cameras, for paraphernalia related to a criminal street gang, and for photographs of the residents involved in criminal gang activity.

A judge acting as a magistrate signed the officer's warrant. Officers searched the residence pursuant to the warrant. They also searched a cell phone found there. During the search of the phone, police found videos of the suspect orchestrating nine beatings to initiate new members into the gang.

In the case of People v. Delgado, the California Court of Appeal ruled that there was sufficient probable cause to support the issuance of the warrant.

In its written decision, the Court first stated, "When magistrates consider a search warrant application, they must make a practical and commonsense decision about whether the affidavit shows a fair probability police will find contraband or evidence of a crime at a particular place. The reviewing court's duty is simply to ensure the magistrate had a substantial basis for that conclusion. This standard is flexible and easy to apply. The determination of reasonable suspicion must be based on commonsense judgments and inferences about human behavior."

The Court then looked at the facts of the case and stated, "In a nutshell, [the officer]'s affidavit told how [a] gang member . . . stopped at his gang's hangout, went in with [the parolee from the SUV] for three to five minutes while the driver waited in the car, and then returned to the SUV. The suspect emerged for a brief huddle and returned inside as the SUV departed. The watching officers suspected these gang members had just moved illegal guns or drugs into the SUV, so they stopped it and found two guns and half a pound of drugs. (For perspective, 15 four-inch

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.

nails weigh about half a pound.) Nearly all the drugs were on [the parolee]'s person.”

The Court then stated, “The affidavit presents reasonable support for an inference police had witnessed what probably was a transfer of illegal contraband from the hangout to the SUV. This gang was in the guns-and-drugs business. The purpose of the visit probably was not social; people rarely drive in Los Angeles traffic for a social visit of three to five minutes while the driver waits in the car. In context, the brevity and sequence of this in-person encounter is suspicious because it is more consistent with a pickup or dropoff. Lending substance to that inference was the immediate discovery of guns and drugs in the SUV. [The parolee] had gone into the gang hangout; immediately afterwards police found nearly all the drugs in [the parolee]'s pockets. Together with the gang's surge in criminality and the locale's status as a busy gang hangout, there was probable cause to search it for guns, drugs, and other evidence of gang-related crime.”

The Court then looked at the suspect's contention that, because the officers conducting

surveillance did not see any guns or contraband, then maybe the guns and drugs in the search of the SUV were already in the SUV when it drove up to the suspect's residence. The Court stated, “[The suspect]'s speculation does not make sense of this picture. The police suspicions do; they are the product of commonsense judgments and inferences about human behavior. If the people in the SUV already had their guns and drugs, why stop by the ‘well-documented gang hangout’? The brevity and the waiting car suggested an in-person task. The guns and drugs suggested what that task had been. Police suspected they might find contraband in the hangout, and a transfer to the SUV reasonably explained what happened to it.”

The Court dismissed two other claims by the suspect. He claimed that the SUV's visit was possibly to see if he had COVID-19. According to the Court, “This is illogical: you would not drive through traffic to encounter an infectious disease face to face. You would use your phone.” The suspect also suggested that “perhaps they were planning a drive-by shooting for later that

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day." According to the Court, "This supports our analysis. Drive-by shootings require guns, which is what police suspected and found in the SUV."

The Court further noted that Delgado

offered no other commonsense judgments or inferences about human behavior to explain the brevity of the visit to the gang hangout. According to the Court, "In all the briefing and argument, the officers' inference stands as the only logical contender." ☆

FROM THE RANGEMASTER'S OFFICE

Taking care of the little things

This is a short reminder for all staff to remember the importance of maintaining and servicing your equipment and gear. There is always a risk of equipment malfunctions due to a lack of proper routine inspections and maintenance. One of the easiest malfunctions to avoid are those caused by depleted batteries. Failure to inspect and maintain batteries can result in important equipment like red dot sights on handguns, and Tasers not functioning when you need them. It is your responsibility to incorporate a daily function check of your systems prior to entering service for a shift. Like ensuring you have gas in your patrol vehicle before you start your shift, you need to make sure all your batteries are working properly (flashlights, Taser 7, Body Camera, red dot sight, portable radio, iPod, phone, etc.).

While I've focused on the obvious here (batteries), you should be doing this for all your gear and equipment each time you begin your shift. Have spares if possible and make sure you report any problems with issued equipment to the appropriate supervisor. Get it fixed or replaced, don't hesitate. Take care of the little things, or they'll lead to big things you don't want to be dealing with later.

- Sgt. Dave Weidner