



# Sheriff's Office Training Bulletin

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## **ALL SWORN PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO PURSUITS.**

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding pursuits. All personnel shall be familiar with the policy and what it contains. Policy 311 establishes the Sheriff's Office policy regarding pursuits, and has recently been revised. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Policy Manual. Additional excerpts from this policy are contained in the Sheriff's Training Bulletin for July of 2019.*

### **PURSUIT UNITS**

Pursuit units should be limited to three vehicles (two units and a supervising sergeant); however, the number of units involved will vary with the circumstances. A deputy or sergeant may request additional units to join a pursuit if, after

*See "Pursuit" continued on page 2*

### **INSIDE THIS ISSUE**

- p. 1** Sworn personnel shall understand the provisions of the Policy Manual pertaining to pursuits.
- p. 4** A suspect who raised a knife head-high and chased the victim while threatening him was guilty of assault with a deadly weapon.

### San Mateo County Coast



### **Notes from the Range Master**

*Question: Are 80% Lowers Illegal?*

80% lowers in the State of CA are legal to possess. The problem occurs after the lower is made complete (100%). The term "Ghost Gun" was coined from 80% lowers as this was the way in which people avoided the law. With a few simple tools and a drill, one can complete the 80% lower and have a completely functioning rifle or handgun after purchasing other parts online.

*See "Range Master Notes" continued on page 6*



assessing the factors outlined [in the policy], it appears that the number of deputies involved would be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

### **MOTORCYCLE OFFICERS**

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practical.

### **VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Deputies in such vehicles, however, may become involved in emergency activities involving serious crimes or life-threatening situations. Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any LE helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to deputies using vehicles without emergency equipment.

### **SAN MATEO COUNTY SHERIFF'S OFFICE TRAINING BULLETIN**

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Carlos G. Bolanos, Sheriff

Sergeant Richard Cheechov, Training Manager

Lance Bayer, Editor

For further information, please contact the Training Unit at [Sheriffs\\_training@smcgov.org](mailto:Sheriffs_training@smcgov.org)

### **PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to themselves or other persons. Notify San Mateo County Public Safety Communications that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- ✓ Reason for the pursuit.
- ✓ Location and direction of travel.
- ✓ Speed of the fleeing vehicle.
- ✓ Description of the fleeing vehicle and license number, if known.
- ✓ Number of known occupants.
- ✓ The identity or description of the known occupants.
- ✓ Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a sergeant or secondary unit, the deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

### **SECONDARY UNITS RESPONSIBILITIES**

The second deputy in the pursuit is responsible for the following: (a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit. (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit. (c) The secondary deputy should be responsible for broadcasting the

## 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.

progress of the pursuit unless the situation indicates otherwise.

### PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- ✓ Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- ✓ Because intersections can present increased risks, the following tactics should be considered:
  - Available units not directly involved in the pursuit may proceed safely to

controlled intersections ahead of the pursuit in an effort to warn cross traffic.

- Pursuing units should exercise due caution when proceeding through controlled intersections.
- ✓ As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - Requesting assistance from an air unit.
  - Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - Requesting other units to observe exits available to the suspects.
- ✓ Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

See "Pursuit" continued on page 4

*"Pursuit" continued from page 3*

- ✓ Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

### **TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by sergeant or higher-ranking sworn personnel.

Non-pursuing personnel needed at the termination of the pursuit should respond in a nonemergency manner, observing the rules of the road. The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit at the discretion of the sergeant or higher ranking sworn personnel.

### **PURSUIT TRAILING**

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a sergeant, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects. The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

### **COMMUNICATIONS**

In the event of a pursuit, the initiating deputy will notify County Communications and request the pursuit radio traffic be switched to the

County-Wide Mutual Aid (CWMA) (Green) channel.

*These excerpts from the Sheriff's Office pursuit policy present some of the significant provisions of the policy. All sworn personnel should be familiar with the entire policy contained in Policy 311. ☆*

### **A SUSPECT WHO RAISED A KNIFE HEAD-HIGH AND CHASED THE VICTIM WHILE THREATENING HIM WAS GUILTY OF ASSAULT WITH A DEADLY WEAPON.**

A young man and his younger brother were walking over to the young man's car a few blocks away from his school campus. The suspect and his brother, along with two other young men, got out of a car and started staring aggressively at him. The victim told his brother to run, because he felt that the group was going to come after him. The group was about ten to twenty-one feet away from the victim when the staring began.

The suspect asked the victim, "Can you help me with something?" The victim saw that the suspect was holding a knife about head-high and began lunging towards and chasing the victim. The victim was in shock and ran away. The suspect and his group chased after the victim.

During the pursuit, the suspect yelled something which the victim understood to be a gang reference. To the victim, the reference did not make sense because he was not involved with gangs. When the suspect got within 10 feet of the victim, he told the victim, "You're going to die today." The victim believed him, because the suspect was lunging at him with a knife.

In the case of In re Raymundo M., the California Court of Appeal ruled that the actions of the suspect supported a conviction for assault with a deadly weapon.

In its written decision, the Court first stated, "To commit an assault with a deadly weapon when the weapon used is not inherently deadly, the perpetrator must use the weapon in such a manner as to be capable of producing and likely to produce, death or great bodily injury." The Court noted that the suspect argued that

## CODE OF ETHICS

**AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

**I WILL** keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

because he was never within striking distance of the victim and never made stabbing or slashing motions with the knife, he did not use the knife in a manner likely to produce death or great bodily injury.

The Court then stated, "The crime of assault with a deadly weapon has two components: (1) the assault, and (2) the means by which the assault is committed. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. A defendant has the present ability to injure once he has attained the means and location to strike immediately. In this context, immediacy means that the defendant has equipped and positioned himself to carry out a battery, even if some steps remain to be taken, and even if the victim or the surrounding circumstances thwart the infliction of injury. Thus, an assault can occur even when the defendant makes no contact with the victim."

The Court continued, "For purposes of assault with a deadly weapon under section 245(a)(1), a 'deadly weapon' is any object, instrument, or weapon which is used in such a manner as to be capable of producing and likely to

produce, death or great bodily injury. . . .Because a knife can be, and usually is, used for innocent purposes, it is not among the few objects that are inherently deadly weapons. In determining whether an object not inherently deadly or dangerous is used as such, the trier of fact may consider the nature of the object, the manner in which it is used, and all other facts relevant to the issue."

The Court cited an 1865 California Supreme Court decision that stated, "It is not indispensable to the commission of an assault that the assailant should be at any time within striking distance. If he is advancing with intent to strike his adversary and come sufficiently near to induce a man of ordinary firmness to believe, in view of all the circumstances, that he will instantly receive a blow unless he strikes in self-defense or retreats, the assault is complete. In such a case, the attempt has been made coupled with a present ability to commit a violent injury within the meaning of the statute. It cannot be said that the ability to do the act threatened is wanting because the act was in some manner prevented." ☆



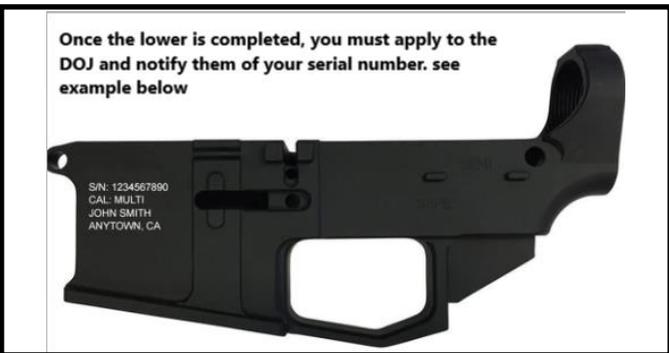
Ex: "80%" lower as sold (left), and (below) as finished



Finished 80% Lower with Easy Jig 2

As of January 1, 2019 any owner of a firearm that does not exhibit a unique serial number, according to penal code section 29180 (c) and United States Codes and regulations, is required to apply to the DOJ for a serial number or other mark of identification pursuant to the Penal Code, and within 10 days of receiving this marking from the DOJ is required to mark it on the firearm.

number or other mark of identification provided by the department shall be engraved or permanently affixed to the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto." After notifying the DOJ of the serial number intended for the firearm, the person must affix the serial number to the firearm and notify DOJ again within the specified time period provided by DOJ 29180 (3) PC. There are certain exceptions to this, but those exceptions are related to curio and relics under 29181 PC. ☆



Charging Sections:

**25850 PC-** Possession of a loaded firearm in public (read the entire section)

**29180(g) PC-** Manufacturing or assembling a firearm

With handguns, one can buy an 80% unfinished lower receiver. Most manufactures will sell a complete kit with drills bits and a "Jig." The "Jig" holds everything together while the person completes assembly. Once the frame is complete, the person can add all the necessary parts to make it a functioning firearm.

"Penal Code 29180 (2)(A) states Within 10 days of manufacturing or assembling a firearm in accordance with paragraph (1), the unique serial

