



Sheriff's Office Training Bulletin

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SHERIFF'S PERSONNEL SHALL OBSERVE THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO CONDUCTED ENERGY DEVICE (TASER™).

Sheriff's Office personnel must have a complete understanding of Sheriff's Office policy regarding conducted energy device (TASER™) use. All personnel shall be familiar with the departmental policy and what it contains. Policy 300.8.11 establishes the Sheriff's Office policy regarding conducted energy device (TASER™) use. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Policy Manual.*

POLICY

Sheriff's personnel shall utilize the TASER™ in a manner consistent with best law enforcement practices and the United States and California Constitutions as described in the policy. Sheriff's personnel must recognize and consider

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San Mateo Highlands July 4th Parade



FROM THE RANGE MASTER:

Now that all the 40mm training has been completed, we are working on rolling out the new Taser 7.

We are confident you will see a big change with the technology and the effectiveness of the Taser. You do not need to worry about using the same battery as discussed in class. I have already received questions about this. Just "dock" your battery and pick up another battery. You do not need to worry about how information is stored. The battery acts as a USB drive and uploads all information when you dock it.

Our goal is to get everyone Taser certified by end of August. Patrol, Detectives, Transit, NTF and VTTF, GIU are complete. Transportation will be completed in August.

that the TASER™ has been found to be an intermediate, significant level of force.

AUTHORIZED USE OF THE TASER™

Deputies shall determine the reasonableness of TASER™ use based upon the totality of the circumstances, including but not limited to, the subject's level of resistance; the subject's apparent age and size; and the feasibility of lesser force options. Deputies shall use the minimum number of TASER™ cycles necessary to accomplish a lawful objective. A deputy may activate the TASER™ when a subject is:

- ✓ Armed with a weapon other than a firearm, such as an edged weapon or blunt object, and the subject is causing immediate physical injury to a person or threatening to cause physical injury when there is a reasonable belief that the subject has the intent and capability of carrying out the threat. Use of the TASER™ against a subject armed with a weapon (other than a firearm) capable of inflicting serious bodily injury, should only be attempted when there is at least one additional deputy present and prepared to use lethal options if the TASER™ is unsuccessful. This limitation is not required in a correctional facility. Absent exceptional circumstances, the TASER™ should not be used against a subject armed with a firearm.
- ✓ Causing immediate physical injury to a person

or threatening to cause physical injury when there is a reasonable belief that the subject has the intent and capability of carrying out the threat.

- ✓ Violently resisting a deputy's attempt to lawfully detain or arrest a subject.

The TASER™ shall be activated against the suspect for five seconds whereupon an evaluation will be made to determine if further use is required. During this evaluation, clear orders should be given to the suspect and the suspect will be given a reasonable opportunity to comply. If feasible, deputies should use the 5 second cycle to "cuff under power". Each subsequent cycle requires separate justification based on the objectively reasonable standard of *Graham v. Connor*. Deputies should continually evaluate the effectiveness of the TASER™ and the TASER's™ connections with the subject.

Once the subject has been exposed to three cycles, the TASER™ shall be deemed ineffective and another use of force option will be considered, absent exceptional circumstances.

Multiple activations and continuous cycling of a TASER™ has been observed to be associated with the risk of death or serious injury and should be avoided whenever possible.

When it is feasible to do so, the subject will be warned before a TASER™ is deployed and given a reasonable chance to comply. When it is practical to do so, a deputy / sergeant should contact EMS in advance when the deputy / sergeant anticipates that a TASER™ is likely to be deployed. When it is practical to do so, a deputy / sergeant should attempt to arrange a "cover deputy / sergeant" to provide lethal cover for the deputy / sergeant deploying the TASER™ and an "arrest deputy / sergeant" to secure the subject after deployment. The arrest should be effectuated on the command of the TASER™ operator. The arresting deputy / sergeant should secure their weapons in their holsters prior to approaching the subject.

Only a Sheriff's Office-issued TASER™ and accessory equipment may be used. It will be carried in an approved holster of a type designed for the device or secured in the

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department vehicle. If worn, it shall be carried on the “nondominant” (non-firearm) side to prevent accidental drawing of the duty weapon.

TARGET AREAS

Deputies shall, when feasible, make reasonable efforts to target the preferred target areas in accordance with the manufacturer’s recommendation and current Sheriff’s Office training. Deputies shall not intentionally target sensitive areas, including the head, face, neck, chest or groin. The use of a TASER™ to these areas may increase the likelihood of serious injury.

It is recognized that the dynamics of each situation and officer safety may not permit the deputy to limit the application of the TASER™ probes to a precise target area. As in all cases of TASER™ exposure, deputies shall monitor the condition of the subject if one or more probes strikes the head, face, neck, chest or groin until the subject is examined by emergency medical personnel.

A TASER™ SHALL NOT BE USED:

- ✓ by a correctional officer;
- ✓ by a deputy / sergeant that has not completed a Sheriff’s approved training course;
- ✓ when the deputy / sergeant knows the subject has come in contact with flammable liquids or is in a flammable environment;
- ✓ when the subject is in a position where a fall may cause substantial injury or death;
- ✓ as punishment for the purposes of coercion, or in an unjustified manner;
- ✓ when a subject is handcuffed;
- ✓ to escort or jab a subject;
- ✓ to awaken a subject, including an unconscious or intoxicated subject;
- ✓ when the subject is visibly pregnant, unless deadly force is the only other option;
- ✓ on a fleeing subject, when there are no factors justifying deployment other than the subject is fleeing;
- ✓ when a subject displays solely passive resistance/simple disobedience (e.g., peaceful protest, refusal to stand, non-aggressive

verbal resistance, etc.); or

- ✓ as part of an interrogation or as a threat during an interrogation.

A TASER™ SHOULD NOT BE USED IN THE FOLLOWING SITUATIONS UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT CAN BE CLEARLY ARTICULATED:

- ✓ when the subject is operating a motor vehicle;
- ✓ simultaneously with deployment by multiple deputies;
- ✓ when the subject is holding a firearm;
- ✓ when the subject is a small child;
- ✓ when the subject is elderly;
- ✓ when the subject is severely physically disabled;
- ✓ when a subject is in a situation where deadly force is clearly justifiable unless another deputy is present and capable of providing deadly force to protect the deputies and/or civilians as necessary;
- ✓ in the “drive stun” mode as a pain compliance tool.

POST-DEPLOYMENT:

As soon as possible after TASER™ use, emergency medical personnel shall be requested. Only trained Sheriff’s Office personnel or qualified medical personnel will remove the Taser probes from a person’s body. If possible, the probes should be removed in the presence of a supervisor. All probes should be treated as bio-hazardous “sharps,” similar to a used hypodermic needle. The subject shall be transported to an emergency medical facility for clearance prior to incarceration or cleared by Correctional Health Services for continued housing in a correctional facility.

Unless there are exceptional circumstances, a deputy should not, after deploying a TASER™, utilize restraint techniques that will impair respiration. A supervisor will be dispatched following each TASER™ deployment. ☆

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.

AN OFFICER MAY NOT CONDUCT A PROBATION OR PAROLE SEARCH UNLESS THE OFFICER IS AWARE OF A VALID SEARCH CONDITION AT THE TIME OF THE SEARCH.

Two police officers were on patrol and responded to a call of a suspicious person in a passenger truck in front of a certain residence. When the officers arrived at the location, they observed a truck that matched the description parked at the curb. A man was sitting in the driver's side of the truck.

The man told the officers that he lived two houses away. He said that he was sitting in his truck so that he could smoke and listen to music. The man gave his name and address. He said that he did not have a driver's license and that he did not have his California Identification Card with him. The officer shined his flashlight into the vehicle from the passenger side window but did not see anything suspicious. The man gave the officer his date of birth and said that the truck belonged to his father. He produced the truck's registration card, which confirmed the man's information.

The officer asked the man if he was on probation or parole and he said no. A communications dispatcher confirmed the man's identity and told the officer that the man was on probation. In fact, the information from the dispatcher was incorrect. The man was no longer on probation. The dispatcher did not tell the officer that the man was subject to warrantless search and seizure as a term of probation or parole. The officer, based on the dispatcher's report that the subject was on probation, conducted a warrantless search.

In the case of *People v. Rosas*, the California Court of Appeal ruled that the search violated the man's Fourth Amendment rights.

In its written decision, the Court first stated, "A search conducted without a warrant is unreasonable per se under the Fourth Amendment unless it falls within one of the specifically established and well-delineated exceptions. One such exception exists for probation searches. By accepting a search and seizure condition, a probationer gives advance consent to a search, and a police officer may conduct a reasonable search even without a

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.

particularized suspicion of criminal activity.”

The Court continued, “It is well-settled, however, that the probation exception is inapplicable if police are unaware of the probation search condition at the time of a warrantless search. Because the terms of probation define the allowable scope of the search, a searching officer must have advance knowledge of the search condition before conducting a search. Without such advance knowledge, the search cannot be justified as a proper probation search, for the officer does not act pursuant to the search condition.”

The Court further stated, “It is thus clear that the warrantless searches of appellant’s person and truck cannot be upheld as probation searches. Moreover, the People failed to meet their burden of proving that the good faith exception to the

exclusionary rule applied . . .”

The Court noted that the officer testified that he was a “fairly new” officer and thought that all probationers were subject to search terms. The Court stated, “The good faith inquiry is confined to the objectively ascertainable question whether a reasonably well-trained officer would have known that the search was illegal in light of all the circumstances. These circumstances frequently include a particular officer’s knowledge and experience, but that does not make the test any more subjective than the one for probable cause, which looks to an officer’s knowledge and experience but not his subjective intent.” The Court noted that the officer’s subjective reason for the search—his belief as a fairly new officer that all probationers are subject to search—is the opposite of what a reasonably well-trained officer would know.

The Court stated, “Police officers are presumed to know the law, particularly those laws that relate to the performance of their duties. Because a reasonably well-trained officer would know that a probation search cannot be conducted absent knowledge that the party to be searched is subject to search terms, the good faith exception to the exclusionary rule does not apply here.”

Always confirm that a probationer or parolee has search and seizure terms prior to conducting a probation/parole search/seizure. ☆

