



Sheriff's Office Training Bulletin

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ALL SWORN PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO STANDARDS OF CONDUCT.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding standards of conduct. All personnel shall be familiar with the policy and what it contains. Policy 318 establishes the Sheriff's Office policy regarding standards of conduct. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire policy as stated in the Policy Manual.*

ETHICS

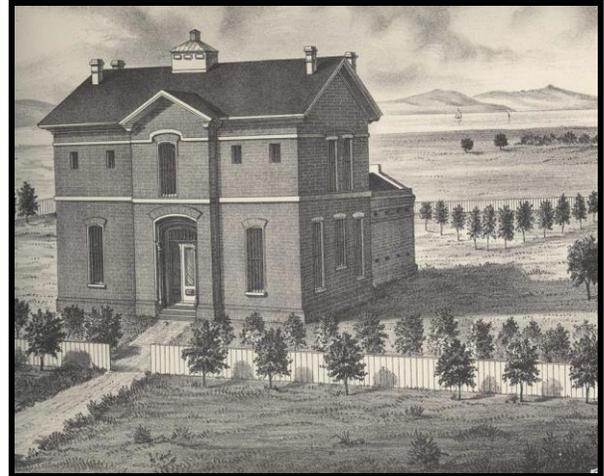
- ✓ Using or disclosing one's status as an employee of the San Mateo County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for Non-Office business or activity.
- ✓ The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

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San Mateo County Jail 1872



FROM THE TRAINING MANAGER:

January 1 is the start of the new POST training cycle. To coincide with this, we will be starting a pilot program for how we present training.

As we've mentioned before, POST requires 24 hours of training every two years. In the past, we've scheduled this in different ways, including 8-hour days, half days, and the occasional 2 to 4-hour block. To replace this, we are scheduling 12-hour POST training days, much like we have been doing for STC training.

With 12-hour training days for POST, we'll condense the mandated training to one day a year per team. Each team will have their mandatory training day, which they will know about months in advance. This will minimize the number of days you have to come in for training and allow you to plan

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FROM THE RANGEMASTER:

Hello everyone,

You will notice that we are moving to an appointment system at the range for qualifications, we are doing this for several reasons.

1. This process allows the deputies to sign up for range dates in advance.
2. You can book your range date around your schedule.
3. Sergeants can now plan their schedules around range dates and fill vacancies.
4. Sergeants' will receive an automatic notification of when the deputy books their range date.
5. This process will facilitate the provision of training.
6. Deputies can reschedule their range date as necessary.
7. Once you sign up, you will receive a reminder every four weeks out, two weeks out, and two days out.
8. All training will be done on duty with no overtime paid, unless you have permission from your division Sgt.

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SAN MATEO COUNTY SHERIFF'S OFFICE TRAINING BULLETIN

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- ✓ The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- ✓ Acceptance of fees, gifts or money contrary to the rules of this Office and/or laws of the state.
- ✓ Offer or acceptance of a bribe or gratuity.
- ✓ Misappropriation or misuse of public funds, property, personnel or services.
- ✓ Any other failure to abide by the standards of ethical conduct.

DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

RELATIONSHIPS

- ✓ Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- ✓ Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- ✓ Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

PERFORMANCE

- ✓ Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- ✓ The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Sheriff's Office record, public record, book, paper or document.
- ✓ Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Office-related business.
- ✓ Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Office or its employees.
- ✓ Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Office or subverts the good order, efficiency and discipline of this Office or that would tend to discredit any of its employees.
- ✓ Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under certain specified conditions.
- ✓ Specified improper political activity.
- ✓ Any act on- or off-duty that brings discredit to this Office.

CONDUCT

- ✓ Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- ✓ Unreasonable and unwarranted force to a person encountered or a person under arrest.

- ✓ Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- ✓ Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- ✓ Engaging in horseplay that reasonably could result in injury or property damage.
- ✓ Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Office or the County.
- ✓ Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this Office.
- ✓ Unauthorized possession of, loss of, or damage to Office property or the property of others, or endangering it through carelessness or maliciousness.
- ✓ Attempted or actual theft of Office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Office property or the property of another person.
- ✓ Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- ✓ Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- ✓ Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this Office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Office or its members.

INTOXICANTS

- ✓ Reporting for work or being at work while intoxicated or when the employee's ability

See "Standards" continued on page 4

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.

"Standards" continued from page 3

to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

- ✓ Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. An employee who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- ✓ Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site. ☆

THE LAWFUL POSSESSION OF MARIJUANA IN A VEHICLE DOES NOT PROVIDE PROBABLE CAUSE TO SEARCH THE VEHICLE.

Two police officers were on duty in a marked patrol car when they observed a car with a rear license plate light that was not functioning.

The officers initiated a traffic stop and the car came to a stop in a parking lot. An officer approached the driver. There was a passenger sitting in the front passenger seat.

The officer who approached the car observed a clear plastic baggie containing a substance that appeared to be marijuana in the center console. He also saw in the cup holders "an ashtray filled with ashes," "burnt cigar wrappers, commonly used to wrap marijuana," and "a green leafy substance, that appeared to be broken up" "in the lap of the driver." The driver appeared to have a broken up green leafy substance in his lap. There was no smoke visible inside the vehicle and the officer did not detect any odor of marijuana, either fresh or burnt, coming from inside the vehicle. The officers decided to search the vehicle based on the presence of marijuana in the car.

In the case of People v. Hall, the California Court of Appeal ruled that the search violated the driver's Fourth Amendment right against unreasonable searches.

In its written decision, the Court first

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stated, "The Fourth Amendment of the United States Constitution protects against unreasonable searches and seizures and generally requires a warrant before an officer may conduct a search. Warrantless searches are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions."

The Court continued, "One such exception to the warrant requirement is the automobile exception, under which an officer may search a vehicle without a warrant so long as the officer has probable cause to believe the vehicle contains contraband or evidence of a crime. Probable cause is a more demanding standard than mere reasonable suspicion. Probable cause exists when the known facts and circumstances are sufficient to warrant a person of reasonable prudence in the belief that contraband or evidence of a crime will be found."

The Court then looked at the marijuana laws and stated, "Under [Health and Safety Code] section 11362.1(a)(1), enacted as part of Proposition 64, it is lawful for persons 21 and older to possess and transport up to 28.5 grams of cannabis. Subdivision (c) of the statute further provides, '[c]annabis and cannabis products involved in any way with conduct deemed lawful by this section are not contraband nor subject to seizure, and no conduct deemed lawful by this section shall constitute the basis for detention, search, or arrest.' Thus, under the plain language of section 11362.1(c), the lawful possession of marijuana in a vehicle by itself, cannot justify a warrantless car search."

The Court noted that the officer testified that he saw a clear plastic baggie containing a green leafy substance in the center console of [the suspect]'s car, but that there was no testimony about the weight of the baggie and no description of the baggie from which one could reasonably infer that it contained over 28.5 grams of marijuana. There also was no evidence to show that [the suspect] was driving under the influence. The Court found that there

was no unlawful amount of marijuana that would establish probable cause to believe that contraband or evidence of a crime would be found in the vehicle.

The Court then noted that Health and Safety Code section 11362.3(a)(4) does not permit any person to possess an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

The Court also pointed out that California Vehicle Code section 23222(b)(1) provides, "Except as authorized by law, a person who has in their possession on their person, while driving a motor vehicle upon a highway or on lands . . . , a receptacle containing cannabis or cannabis products . . . which has been opened or has a seal broken, or loose cannabis flower not in a container, is guilty of an infraction. . . ." This provision requires the marijuana to be "in their possession on their person."

The Court noted that an open container does not require some sort of permanent seal under section 11362.3(a)(4). The Court also pointed out that there is a distinction between the "open container" prohibited by section 11362.3(a)(4), where the knotted top was sufficient, and the more restrictive provisions of section 23222(b)(1), which requires the marijuana to be "in their possession on their person," but prohibits marijuana while driving where the receptacle "has been opened or has a seal broken."

The Court also rejected the State's argument that the provisions of section 23222(b)(1) justified the search. The Court noted that no evidence was presented that the baggie of marijuana was 'in [the suspect]'s possession on his person' as required for a violation of Vehicle Code section 23222(b)(1).

The Court further noted that there was no evidence of a usable quantity of marijuana in [the suspect]'s lap. The Court noted that minuscule amounts of marijuana debris were not sufficient to establish probable cause. ☆

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.

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9. You will receive LMS credit.

You will also notice that the Alpha groups will fluctuate every month. Sgt Cheechov and I worked together and broke down the alpha groups by numbers and distributed them over a 5-month period. This makes scheduling easier and allows training time to be evenly distributed. This also eliminates the large masses in the beginning such as A-E. We can now take the time we need to provide you with actual training to better yourself tactically. Qualifications are a measure of testing and is a minimum standard. We want to exceed the minimum standard.

You will all receive training in the shoot house next year. We will teach tactics that some of you have never learned before. This may also be a refresher for some. The range staff and SWAT are working together to raise the level of training for everyone. We look forward to

training all of you next year with a brand-new staff who have all worked hard to make this happen.

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your life. It will also mean that, if you want overtime, you won't be trading a 12-hour shift for an 8-hour training day.

I know this is going to be challenging, but we think this will improve training. We know that teams are running short, people are working hard, and working conditions don't show any signs of changing in the near future. We think this is a positive step in the right direction and values your time, while still meeting training mandates and preparing you to do your job.

Please have patience and, after you've gone through, let us know if you like it or not. Also, let us know if you have any suggestions on what was good, what could have been done better, or what you might like to see in the future.