



Sheriff's Office Training Bulletin

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SWORN PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO PERSONAL APPEARANCE STANDARDS.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding personal appearance standards. All personnel shall be familiar with the policy and what it contains. Policy 1024 establishes the Sheriff's Office policy regarding personal appearance standards. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Policy Manual.*

GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not

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Maple Street Correctional Center



FROM THE TRAINING MANAGER:

CA POST and You

As mentioned last month, California POST was established in 1959 to set minimum selection and training standards for California peace officers. Today, it is a certifying authority for most California law enforcement agencies and officers.

So, what exactly does that mean?

Almost all law enforcement agencies in California participate in the POST certification program. Participating in POST has several benefits: reimbursement for training, record keeping (POST transcripts), and leadership programs such as Field Leadership, Sherman Block Supervisory Leadership Program, Executive Leadership, Command College, etc. Along with these benefits also come responsibilities. Those responsibilities include meeting POST's training requirements, which includes 24 hours of Continuing Professional Training

appropriate, and where the Sheriff has granted exception.

HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

MUSTACHES

Mustaches will be trimmed not to protrude past the end of the mouth and not extend below the corners of the mouth. The mustache will cover no part of the upper lip. Short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

SIDEBURNS

Sideburns will end in horizontal lines, will not protrude vertically past the ear lobe and will be neatly trimmed.

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

FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee. Professional staff members may wear a beard if it is neatly trimmed.

JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar. Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

TATTOOS

While on-duty or representing the Office in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Office in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related, or obscene language.

BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- ✓ Tongue splitting or piercing.
- ✓ The complete or transdermal implantation of any material other than hair replacement.

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.

- ✓ Abnormal shaping of the ears, eyes, nose or teeth
- ✓ Branding or scarification.

EXEMPTIONS

Members who claim a "protective hairstyle" related to "race" as defined by Government Code § 12926 or another exemption to this policy protected by law should generally be accommodated. A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Assistant Sheriff responsible for the Professional Standards Bureau Support Services should be consulted any time a request for such an accommodation is sought or before a

NARCAN REPLACEMENTS

Please check your Naloxone (Narcan) kits to see if they've expired. If your kit has expired, you can exchange it for a new kit at the Coyote Point Training Center. If you haven't completed the training, you will be issued a kit upon completion.

member is denied an assignment based on a safety or security risk. ☆

A DEFENDANT CLAIMING SELF-DEFENSE MUST ESTABLISH HE OR SHE SUBJECTIVELY BELIEVED IN THE NEED TO DEFEND AND SUCH BELIEF WAS OBJECTIVELY REASONABLE.

A retired Sheriff's Deputy went for a hike on a park trail. He was 73 years old and was hiking with his wife. While on the trail, the man encountered the victim, a 64-year-old, who was with his three off-leash dogs. The man confronted the victim and told him to leash his dogs.

According to the victim, the man was angry because the victim's dogs were not on leashes and made a stabbing motion toward one of the dogs with his walking stick. He may have threatened to kill the dog. The victim bent down towards the dogs. At that point, the victim

reported that the man swung the stick at him, but he managed to block the blow slightly with his hand. The stick struck him on the side of his head. According to the victim, the man began punching him and a struggle over the walking stick ensued. Eventually, the victim grabbed the stick and threw it into the bushes.

The victim stated that he attempted to walk away, but that the man passed him on the trail and then turned around to face the victim. The man had a gun in his hand. The victim told the man to ease up. The man's wife told him to put away the gun. The man fired a shot into the victim's chest. The bullet narrowly missed the victim's heart. The victim managed to call 911. The man and his wife remained on the trail with him and eventually he was airlifted to a hospital. The victim was given emergency surgery that likely saved his life.

In his defense, the man later stated that the victim responded to his direction to leash his dogs by charging towards the man. The man stated that he held up his walking stick and took out his gun for protection. He told the victim to stop and stay away, but the victim snatched the stick and raised it up as if to strike the man in the head. The man later said that he shot the victim because he felt that he had no other option. The man stated that he suffered from severe spinal stenosis. He said that his doctor told him that he could become paralyzed if he ever took a hard fall. He said that he was very concerned about his physical state when the victim charged at him and he drew his gun out of fear that he would become paralyzed.

In the case of People v. Horn, the California Court of Appeal ruled that the man was entitled to have the jury consider his spinal problems and fear of paralysis in determining whether his belief in the need for self-defense was objectively reasonable.

The man appealed his conviction for attempted voluntary manslaughter and assault, arguing that the conviction was based on improper argument by the prosecutor that the man's physical impairments were not relevant to the defense of self-defense. In his first closing argument, the prosecutor did not mention the man's spinal condition, but argued that the man was not a credible witness. After the defense's

closing argument, the prosecutor gave a rebuttal closing (the rebuttal closing allows the prosecution to rebut arguments made in the defense closing). In rebutting the defense closing argument, the prosecutor said, "The defense told you you have to get into the defendant's boots. That is not true. You do not consider the defendant's sickness, his physical limitations. It is a reasonable person standard." The prosecutor also read to the jury a case quotation that purportedly stood for the proposition that a defendant's physical limitations are irrelevant to the objective reasonableness required to prove self-defense. The prosecutor also read the "objective reasonableness" portion of the self-defense jury instruction.

In its written decision, the Court first stated, "The general parameters of the law on self-defense are clear. . . For killing to be in self-defense, the defendant must actually and reasonably believe in the need to defend. If the belief subjectively exists but is objectively unreasonable, there is 'imperfect self-defense,' i.e., the defendant is deemed to have acted without malice and cannot be convicted of murder, but can be convicted of manslaughter. To constitute 'perfect self-defense,' i.e., to exonerate the person completely, the belief must also be objectively reasonable. In other words, self defense requires both actual subjective belief and objective reasonableness. These principles also apply to self-defense in the context of attempted murder and attempted voluntary manslaughter."

The Court noted that the subjective and objective components of self-defense are not unrelated. The Court pointed out that a defendant's personal understanding of the risks presented logically pertains to the objective reasonableness of his or her thoughts and actions. Evidence bearing on the defendant's perception of the danger presented by the victim's actions is important because it assists the jury in understanding the defendant's perspective and how a reasonable person would have acted under similar circumstances.

"Self-Defense" continued on page 6

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.

(CPT) for all sworn personnel, and Perishable Skills Program training.

Perishable Skills Program (PSP) is training that has to be completed every two-year training cycle. It includes Firearms (4 hours), Driver Training (4 hours), Arrest and Control (4 hours), Strategic Communications (2 hours), and soon, Use of Force Training (expected later this year). To be counted for PSP credit, the training has to be POST certified for PSP credit. For example: if you come to your annual range qualification, it is not POST certified; therefore, it will not count towards your Firearms PSP requirement. If you attend our Rifle course, it is POST certified but not for PSP credit; so, you will get training credit but not PSP. To meet your Firearms PSP requirement, you need to attend our POST certified, PSP Firearms training.

Continuing Professional Training is exactly what it sounds like: a general requirement for at least 24 hours of POST-certified training each two-year training cycle. PSP training goes towards this requirement. Using the previous example, you would not get CPT credit for your qualification (because it's not POST certified), but you would get CPT credit for the rifle class, and the Firearms PSP training.

There are additional requirements based on position and rank, but that goes beyond this discussion.

Finally, POST audits participating agencies every year to ensure compliance with legislative mandates and POST requirements (among other things). This ensures that we are up to date, not in violation of the law, and helps establish that we maintain generally accepted standards of training.

A note on POST reimbursement: while POST reimburses some expenses, there is very little training that is fully reimbursed. This is why local training is preferable to training that requires travel: it allows us to get more people more training. For example, it will cost about \$1,100 to send one person to a three-day DAR class in southern California. Or, we can send four people to the same class locally for the same amount. Please take this into account when requesting training.

In summary, participating in POST ensures that we meet our training mandates, receive reimbursement, and have access to certain training programs. I realize keeping up with these training mandates is not always easy, but it helps protect you and the County.

“Self-Defense” continued from page 4

The Court stated, “Although the belief in the need to defend must be objectively reasonable, a jury must consider what would appear to be necessary to a reasonable person in a similar situation and with similar knowledge. It judges reasonableness from the point of view of a reasonable person in the position of a defendant. To do this, it must consider all the facts and circumstances in determining whether the defendant acted in a manner in which a reasonable man [or woman] would act in protecting his [or her] life or bodily safety.”

The Court further noted that a jury is entitled to consider all of the elements which might be expected to operate on the defendant’s mind, including the actual physical condition of the defendant. According to the Court, “Indeed, . . . when a defendant relies on self-defense, his [or her] physical condition is always important in determining what a reasonable [person] in the position of the defendant would have done under the same conditions.”

The Court looked at the language of a California Supreme Court decision that stated, “It is only natural that one unable to successfully resist a dangerous assault made upon him because suffering from disease which has impaired his strength would more readily believe he was in imminent danger than if he were healthy and vigorous. Of course, the belief of the defendant that he was in such danger would not be conclusive. It would be for the jury to determine whether as a reasonable man he was justified in so believing.”

The Court concluded that the man was entitled to have the jury consider his spinal problems and fear of paralysis in determining whether his belief in the need for self-defense was objectively reasonable. The Court stated that those circumstances informed the man’s subjective understanding of the risks of the victim’s actions, but they also had a logical bearing on what a reasonable person in a similar situation, and with similar knowledge, would believe. The Court found that the prosecutor had committed error in arguing that the man’s medical condition did not matter.

The Court then looked at whether the trial court’s curative instructions were sufficient to rectify the prosecutor’s misstatements. The Court found that the trial court’s instructions were sufficient to inform the jury’s deliberations and allowed them correct legal standard. Because the trial court cured the prosecutor’s error, the conviction was allowed to stand. ☆



The Sheriff’s Office would like to congratulate our latest graduate of the intensive Sherman Block Supervisory Leadership Institute program, Sgt Ron Albertson.

Congratulations on a job well done!