



Sheriff's Office Training Bulletin

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SHERIFF'S PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO IMMIGRATION VIOLATIONS.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding immigration and interacting with federal immigration officials. Sworn personnel shall be familiar with the policy and what it contains. Sheriff's Policy 413 establishes the Sheriff's Office policy regarding immigration violations. *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.*

DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation

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Sheriff's Activities League



FROM THE TRAINING MANAGER

As an agency, we just completed our STC training cycle for Corrections as of June 30, 2022. To those in Corrections, thank you for your efforts to meet the annual training hour and academy completion requirements. We were successful in achieving our 2021-2022 STC compliance goals and mandates.

For the POST training cycle, we still have a few months remaining to achieve our training goals and mandates (12/31/2022 is end of cycle). If you are assigned mandatory POST compliance training, please advise the Training Unit if you are unable to attend (at least 14 days prior - per policy), so we can reschedule you.

Finally, we have a lot of recent case law decisions handed down from the Supreme Court of the United States. I will eventually roll out relevant training updates as needed, to address some of the changes that impact us as a result of those court rulings.

- Sergeant 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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or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - A warrant based on probable cause for a violation of federal criminal

immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

POLICY

It is the policy of the San Mateo County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

Primary jurisdiction for enforcement of federal immigration laws concerning unlawful entry into the United States rests with U.S. Immigration and Customs Enforcement (ICE). The San Mateo County Sheriff's Office will comply only with judicial warrants.

SAN MATEO COUNTY SHERIFF'S OFFICE TRAINING BULLETIN

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CORRECTIONS DIVISION POLICY

See Corrections Procedure Manual for information regarding Corrections.

VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

IMMIGRATION INQUIRIES PROHIBITED

Members shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for when a judicial warrant is issued.

DETENTIONS AND ARRESTS

Members shall not contact, detain, question, or arrest any individual solely for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6) except as required by law.

INFORMATION SHARING

No member will use agency or department moneys, resources, or personnel to

investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes including any of the following (8 USC § 1373; Government Code § 7284.6):

(a) Inquiring into an individual's immigration status.

(b) Detaining an individual on the basis of a hold request.

(c) Providing information regarding a person's release date, unless that information is available to the public.

(d) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address, unless that information is available to the public.

(e) Making or intentionally participating in arrests based on civil immigration warrants.

(f) Assisting immigration authorities in activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(g) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code [performance of immigration officer functions by state officers and employees] or any other law, regulation, or policy, whether formal or informal.

(h) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement.

(i) Use immigration authorities as interpreters for law enforcement matters relating to individuals being detained or in department or agency custody.

(j) Transfer an individual to immigration authorities unless authorized by a judicial warrant.

(k) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

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A SUSPECT WHO CAUSED DEATH WHILE DRIVING UNDER THE INFLUENCE OF MARIJUANA WAS GUILTY OF SECOND DEGREE MURDER.

After a young man awoke in the morning, he smoked marijuana with his cousin and two friends. The young man drove the other three to get an oil change for his car. The young man apparently continued to use marijuana, because when he rolled down the window at the oil change business, the technician saw smoke and smelled a strong odor of marijuana. The marijuana was so overpowering that the technician backed away from the vehicle, rubbing his eyes.

While waiting for the oil change, the young man and his associates walked over to an adjacent car wash office and they smoked more marijuana. The car wash manager asked the four to stop smoking marijuana near the door to the office. When the young man learned that the car was ready, he walked back to the oil change facility. While walking, he embraced a car wash employee and fist bumped another before getting into his car. The young man did not appear to know the two employees.

The young man and his companions left the facility. The young man headed eastbound, towards his residence. When they were about a mile away from the young man's residence, the car ran a red light. The posted speed limit for the street was 40 miles per hour. The young man's vehicle was traveling approximately 88 miles per hour as it drove through the intersection. As the young man's car flew through the intersection, he did not honk his horn to provide any warning. The young man made no effort to slow down or stop at the red light.

The young man's vehicle broadsided the driver's side door of an SUV that was in the intersection. The SUV was occupied by a husband and wife, along with the husband's grandmother. All three were killed. They

succumbed from multiple blunt force traumatic injuries.

The young man broke his leg, but otherwise was unscathed by the collision. His passengers suffered only minor injuries. None of the four had worn seat belts at the time of the collision. When the first responders arrived, the young man was still in the car. He was hanging out of the passenger side window. The young man was questioned by four different police officers and a paramedic. He admitted to all of them that he had been the driver. He stated that he thought he had been heading south, not east. He stated that he saw the traffic light turn red, but could not stop in time. He falsely stated that he had honked his horn.

Peace officers investigating the incident searched the young man's vehicle. They located three marijuana canisters, two of which were empty. At least one container had a warning label advising that it was dangerous to drive while under the influence of marijuana. The officers did not observe any skid marks that might show that the young man made an effort to brake before the collision.

The young man was taken to a nearby hospital. His blood was drawn about four hours after the incident. His blood was analyzed and was found to contain 7.2 nanograms per milliliter of THC (marijuana's active ingredient), 3.3 nanograms per milliliter of hydroxy THC, and 225 nanograms per milliliter of carboxy THC.

The young man was well aware of the consequences of driving under the influence of marijuana. Several years before the incident, the young man attended a multi-day educational program for at-risk youth which contained instruction about fatalities and dangers of drivers who drove under the influence of drugs or alcohol. The purpose of the class was to warn the students about the serious potential consequences of impaired driving. When the young man later applied for his California driver's license, he acknowledged in the application "that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life

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.

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to drive while under the influence of alcohol or drugs, or both. If I drive while under the influence of alcohol or drugs, or both, and as a result, a person is killed, I can be charged with murder."

Approximately three months after the incident, the young man was charged with three counts of second degree murder. In the trial court, the young man took his case to a jury trial.

At trial, an expert forensic scientist testified on behalf of the prosecution. She testified that, given hydroxy was detected in the young man's blood, he probably used marijuana within 24 hours prior to the collision. She also stated the presence of carboxy concentrations greater than 100 nanograms per milliliter indicated the young man was likely a chronic marijuana user.

The expert testified that studies have shown marijuana users may experience cognitive impairment many hours after ingesting the drug; the highest concentration of marijuana reaches the brain and brings potent psychoactive effects about 90 minutes after

smoking. She stated that many hours after smoking marijuana, well after the feeling of euphoria has worn off, a user may still be impaired. Occasional users might return to their baseline function within three to six hours (with some having cognitive impairments that last up to 24 hours) but it was possible for long-term, chronic users to have more prolonged effects, even after they have abstained from using marijuana for an extended period. The expert said even if a chronic user had not smoked in 12 hours, psychoactive THC might still be stored in the person's brain, affecting cognition.

The expert also described the impact that smoking marijuana has on driving. Though effects vary from one person to another, she stated marijuana use tends to have more mental than physical effects. In describing those effects, she distinguished between driving "under the influence" of a substance and driving while "impaired" by a substance, explaining a person is "under the influence" when that substance has some effect on the user; a person is "impaired" when mental or physical capabilities are so greatly

affected that the person cannot drive a vehicle with the necessary caution and safety of someone who is sober.

The expert stated that using marijuana can cause a person to experience feelings of euphoria and can have cognitive impacts such as divided attention, the inability to multitask, lack of perception of time and diminished spatial awareness. She described physical impairments, including difficulties in balance and coordination, increased heart rate and blood pressure as well as a lack of convergence, which hinders a person's ability to distinguish something far from something nearby. She testified marijuana use imposes challenges to a driver's ability to safely operate a motor vehicle, including impairing focus on the road and affecting reaction time. She said a driver impaired by marijuana might be incapable of reacting appropriately or timely to unexpected events on the road. The expert stated marijuana impairment could also contribute to speeding or driving too slowly, weaving within or outside of one's lane, veering off the road and failing to observe stop signs or traffic signals.

In the case of People v. Murphy, the California Court of Appeal ruled that there was sufficient evidence to support a conviction of the young man for three counts of second degree murder.

In its written decision, the Court first stated, "Murder is the unlawful killing of a human being with express or implied malice aforethought. Malice is 'express' when a person manifested a deliberate intention to unlawfully take away the life of another human being; it is implied when there was no considerable provocation or when the circumstances attending the killing show an abandoned and malignant heart."

The Court then stated, "Implied malice has both a physical and a mental component. The physical component is satisfied by the performance of an act, the natural consequences of which are dangerous to life. The mental component is the requirement that the defendant knows that his conduct endangers

the life of another and acts with conscious disregard for life. That is, malice may be implied when the defendant does an act with a high probability that it will result in death and does it with a base antisocial motive and with a wanton disregard for human life. Implied malice is determined by examining the defendant's subjective mental state to see if the defendant appreciated the risk of the defendant's actions. Malice may be found even if the act results in a death that is accidental. It is unnecessary that implied malice be proven by an admission or other direct evidence of the defendant's mental state; like all other elements of a crime, implied malice may be proven by circumstantial evidence."

The Court further stated, "To support a finding of implied malice, the evidence must establish the defendant deliberately committed an act, the natural consequences of which were dangerous to life, with knowledge of the act's danger to life and a conscious disregard of that danger. This conscious disregard for the danger to life distinguishes implied malice from gross negligence, which involves the exercise of so slight a degree of care as to raise a presumption of conscious indifference to the consequences. Phrased in everyday language, the state of mind of a person who acts with conscious disregard for life is, 'I know my conduct is dangerous to others, but I don't care if someone is hurt or killed.' The state of mind of the person who acts with conscious indifference to the consequences is simply, 'I don't care what happens.' The standard for implied malice is subjective and requires the defendant appreciate the risk involved."

The Court noted that there was sufficient evidence to demonstrate that the young man was under the influence of marijuana when he ran the red light and struck the SUV. The evidence showed that the young man had smoked marijuana several times before the collision. The toxicology evidence showed that the young man had a significant quantity of psychoactive THC in his blood four hours after the incident, indicating that he had recently ingested marijuana. The expert witness testified that the young man would likely have been actively impaired. Moreover, the

FROM THE RANGEMASTER

How often do we go to the range to “Train” or “Qualify” and we have the mentality “I’m training or qualifying?” What this can lead to is a mindset preprogrammed to train or qualify and not prepare ourselves for a real-world encounter. The saying, “I will rise to the occasion” is simply not true. You will rise to your level of training. That also means you will become what you train. For example, when your gun runs empty or when you encounter a malfunction, do not retain empty magazines or stare at a malfunctioning gun, correct the problem with the urgency you would want to have in a real-world encounter. Also consider, before selecting “safe” or re-holstering, make sure to not perform these actions on “auto-pilot” before evaluating your target and your environment. What you do not realize is that you are creating a training scar, so when you are in any training environment, act as if it will become a real-world scenario one day. Do not have the mentality, “This is just training.” There is a reason professionals train rep after rep in anything, not just shooting. Look at professional athletes, they train constantly because they know repetition builds proficiency both positive and negative. Always strive to train the way you would act in a real-world scenario. What YOU train is what YOU will get.

- Sergeant David Weidner

“Marijuana” continued from page 6

young man’s behavior, such as embracing and fist-bumping apparent strangers, was consistent with experiencing the psychoactive effects of marijuana. In addition, the circumstances of the collision itself, including the excessive speed, running the red light, and failing to make any attempt to stop, were consistent with marijuana impairment.

The Court also noted that the young man showed an intent to drive impaired when he continued smoking marijuana while driving to the oil change facility and again when he continued to smoke marijuana while at the oil change facility while intending to drive away once the oil change was completed. ☆