



COUNTY OF SAN MATEO
OFFICE OF THE SHERIFF

A TRADITION OF SERVICE SINCE 1856

CARLOS G. BOLANOS, SHERIFF
MARK C. ROBBINS, UNDERSHERIFF

June 10, 2020

Dear Community Members:

The San Mateo County Sheriff's Office and the cities we provide contract law enforcement services to have received many inquiries about our policies and how they may or may not meet some of the guidelines being advocated for by police reform organizations. The Sheriff's Office has and continues to work very hard to build relationships and trust with the communities we serve both in our Corrections and Operations Divisions. We recognize that maintaining this trust is an ongoing effort. We train our deputies in fair and impartial policing, implicit bias, responding to hate crimes, crisis intervention, communications, cultural diversity, and racial profiling. In addition, the practice of de-escalation represents a critical component of our arrest, control and defensive tactics training.

The Sheriff's Office recently revised its Use of Force Policy and related training to ensure that it is fully compliant with best practices in our profession as well as recent changes in the law. Last year the policy was presented at a public meeting of the Board of Supervisors.

A video of our presentation can be found here (July 23, 2019 meeting): [Board Presentation](#) and a copy of all our policies can be found here: [Policy Manual](#).

The following is a summary of the current San Mateo County Sheriff's Office policies as they relate to the "8 Can't Wait" campaign:

Ban Chokeholds & Strangleholds

Effective June 8, 2020, the Sheriff's Office has updated our use of force policy regarding the Carotid Restraint Control Hold and we have immediately suspended its use.

Require De-Escalation

Deputies shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance. Deputies shall, when feasible, attempt to understand and consider the possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation or comply with commands because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis. These situations may not make the subject any less dangerous or mean that a deputy is prohibited from using force but understanding a subject's situation may enable deputies to calm the subject and allow deputies to use de-escalation techniques while maintaining public and officer safety.

Duty to Intervene

The Sheriff's Office Policy and Code of Conduct states, "Deputies are required to intervene when present and observing another deputy using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, taking into account the possibility that other deputies may have additional information regarding the threat posed by a subject. Deputies shall promptly report any use of unnecessary force and the efforts made to intervene to a supervisor."

Ban Shooting at Moving Vehicles

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others. Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle. Deputies shall not discharge a firearm from his/her moving vehicle. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

Require Use of Force Continuum

When the use of force is necessary and appropriate a deputy shall, to the extent possible utilize an escalation scale of options and will not employ a more forceful measure unless it is determined that a lower level of force would not be adequate.

Require Comprehensive Reporting

The Sheriff's Office mandates that any use of force by a member of the Sheriff's Office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Further, there shall be a supervisory notification made as soon as practicable following the application of force in any of the following circumstances:

- a. The application caused a visible injury.
- b. The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- c. The individual subjected to the force complained of injury or continuing pain.
- d. Any application of a TASER™ or control device.
- e. Any application of a restraint device other than handcuffs, shackles or belly chains.
- f. The individual subjected to the force was rendered unconscious.
- g. An individual was struck or kicked.
- h. An individual alleges any of the above has occurred.

Require Exhausting All Alternatives Before Shooting

The Sheriff's Office trains its employees that if an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies should evaluate the use

of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

- a. A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
- b. A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

An "imminent" threat of death or serious bodily exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believable to require instant attention (Penal Code § 835a).

Require Warning Before Shooting

The Sheriff's Office trains its employees to, when feasible, provide a verbal warning and opportunity to comply prior to the use of OC spray, pepper projectile systems, baton, tear gas, specialty impact munitions, canine, the TASER™, and firearm.

In conclusion, I want you to know that the San Mateo County Sheriff's Office constantly evaluates its Use of Force Policy to ensure that it is compliant with the laws of the State of California and Federal Guidelines. The Sheriff's Office continually re-evaluates its Use of Force Policy based on events that occur within Sheriff's Office jurisdiction, as well as throughout the United States, to ensure that its employees are provided the best training and guidelines to safeguard public safety and transparency. I take pride in our efforts to train our deputies in fair and impartial policing, implicit bias, responding to hate crimes, crisis intervention, communications, cultural diversity, and racial profiling. In addition, the practice of de-escalation represents a critical component of our arrest, control and defensive tactics training. This training is the foundation of a professional law enforcement agency.

Sincerely,



Carlos G. Bolanos
Sheriff