



SHERIFF

CHRISTINA CORPUS

SAN MATEO COUNTY SHERIFF'S OFFICE

TRAINING BULLETIN

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SHERIFF'S PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO COMMUNICATION WITH PERSONS WITH DISABILITIES.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding communication with persons with disabilities. Sworn personnel shall be familiar with the policy and what it contains. Sheriff's Policy 329 establishes the Sheriff's Office policy regarding communication with persons with disabilities. 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.

POLICY

It is the policy of the San Mateo County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate

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Youth Defensive Driver Training



FROM THE TRAINING MANAGER

June is the conclusion of the fiscal year, which means the end of the STC training cycle for Corrections. The Training Unit will send out an anonymous online survey to sworn staff members, regarding training needs and wants for the new STC training cycle commencing in July. The survey will also be sent to deputies and sergeants not assigned to Corrections. Please participate if you are invited to the survey. Your feedback will be a contributing factor when determining what training will be offered in the next fiscal year.

For the second half of the firearms qualification training cycle of this year, we will focus on patrol vehicle tactics. The Range Staff has created a great training evolution that will integrate the use of real patrol vehicles during live fire training on the range.

- Sgt. 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.

"Disabilities" continued from page 1

effectively with individuals with disabilities. The Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially

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volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities. In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service. The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter,

even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the San Mateo County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD).

FIELD ENFORCEMENT

Field enforcement will generally include

such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary. The San Mateo County Sheriff's Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of the San Mateo County Sheriff's Office.

Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, the San Mateo County Sheriff's Office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that they understand the process and desire to proceed without an interpreter.

The use of a video remote interpreting service should be considered, where

appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use San Mateo County Sheriff's Office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that they prefer a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual. Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody. ☆

A PEACE OFFICER PROVIDED A SUSPECT WITH SUFFICIENT NOTICE OF A DOMESTIC VIOLENCE RESTRAINING ORDER BY PROVIDING VERBAL NOTICE AT HIS RESIDENCE.

The mother of a man was concerned about her adult son's drug addiction. She realized that he was not going to get into a residential treatment program unless he was

forced to move out of her home. After all, he was 29 years old. The mother applied to the superior court and obtained a temporary domestic violence restraining order (DVRO). The court order set a hearing date 21 days later. Until that time, the order required the man to take his personal clothing and belongings that he needed until the hearing and to move out "immediately." The order also directed the local sheriff to "remove" the man from the residence.

The man's mother did not provide him with a copy of the DVRO, but the man left the residence. Two days later, he returned. His mother asked him what he was doing there and informed him that he could be arrested. The man responded by stating, "F**k you." He went into his bedroom. The man's mother's boyfriend was in the residence. He called the local sheriff's office to report a person on drugs inside the residence who was subject to a restraining order that had not yet been served.

After deputies arrived, the man's mother provided the deputies with a copy of the temporary DVRO. The deputies confirmed with their agency that the order was valid. A deputy told the man that he would not be arrested but needed to come out of his room so he could be served with the restraining order. The man refused. Another deputy advised the man that there was a restraining order on file and that he wasn't allowed to be there. The man refused, asserting that it was his home. The deputies forced open the door.

In the case of People v. Kenney, the California Court of Appeal ruled that the officers' conduct was a valid exercise of their duties and upheld the man's conviction for a violation of Penal Code section 148(a) for resisting, obstructing, or delaying a peace officer. California Penal Code 835(c) provides that a peace officer may enforce a domestic violence restraining order (DVRO) after verifying the existence of the order and verbally informing the restrained person of its contents.

OUR MISSION AND VISION

As stewards of our community, we envision a world where all humanity is valued and respected. We recognize our role as leaders in this effort and commit to seeking creative and effective ways to work with and listen to the needs of our residents, businesses, and stakeholders. We do this with the passion to preserve safety for all who live, visit, or work in San Mateo County.

DIGNITY ❖ COMPASSION ❖ RESPECT

THE BOTTOM LINE

People First – Service Above Self

“Restraining Order” continued from page 4

In its written decision, the Court first stated, “Section 836 authorizes a peace officer to arrest a person who has violated a DVRO where the officer ‘has probable cause to believe that the person against whom the order is issued has notice of the order.’ Under subdivision (c)(2) of section 836, a person who has not been served with a DVRO is nevertheless ‘deemed to have notice of the order’ if ‘informed by a peace officer of the contents of the protective order.’”

The Court then stated, “The obvious purpose of the notice requirement in section 836 is to afford the restrained person a meaningful opportunity at the scene to conform his or her conduct to law. In this case, for example, the man needed to be informed that the temporary DVRO contained a move-out order.”

The Court continued, “Of course, the temporary DVRO in this case contains several other provisions as well. For instance, it required [the man] to stay away from [his mother]’s grandson. It also set a hearing date in 21 days. At some point, [the man] needed to be informed of these things too. But given the volatile events unfolding at [his mother]’s home, that could wait. [The man] barricaded himself in a home the court had ordered him to vacate.”

The Court further stated, “We give a practical interpretation to the peace officer’s obligation to inform the restrained person of ‘contents of the protective order’ under section 836(c)(2). The conduct that is (allegedly)

violating the restraining order will define the contours of the information that must be disclosed. For example here, to conform his conduct at the scene to the requirements of the temporary DVRO, [the man] needed to be informed of the move-out order. But he did not need to know about the hearing in 21 days, or that he was also prohibited from being in contact with [his mother’s] grandson.” ☆

FROM THE RANGEMASTER

Vehicle Tactics

In this month’s article, we will discuss the upcoming range session. This range training will focus on vehicle tactics. When you come to the range, you will attend a classroom portion about vehicles tactics and the importance of using a vehicle properly.

You will learn how to work in and around a vehicle properly. We will discuss the differences between cover and concealment with regards to a vehicle. These tactics can also apply to your off-duty vehicle as the principles do not change. The range staff spent a lot of time on this range session. Please be on time and have an open mind. Thank you and we will see you soon.

- Sgt. David Weidner