



# Sheriff's Office Training Bulletin

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## **SHERIFF'S PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO THE PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT).**

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding the Psychiatric Emergency Response Team (PERT). Sworn personnel shall be familiar with the policy and what it contains. Sheriff's Office Policy 428 establishes the Sheriff's Office policy regarding the Psychiatric Emergency Response Team (PERT). *The following are excerpts from that policy. All affected personnel must be familiar with the entire Policy as stated in the Sheriff's Office Policy Manual.*

### **PURPOSE AND SCOPE**

Due to the considerable and consistent number of Sheriff's Office cases involving behavioral health-related crises, the San Mateo County Sheriff's Office and the Health System of

*See "Psychiatric" continued on page 2*

### **INSIDE THIS ISSUE**

- p. 1** Sheriff's personnel shall understand the provisions of the Policy Manual pertaining to the Psychiatric Emergency Response Team (PERT).
- P. 3** A search warrant based on information submitted to a law enforcement agency by an internet search provider was upheld.
- P. 6** From the Rangemaster's Office.

Huddart County Park



### **FROM THE TRAINING MANAGER**

In this issue of the Training Bulletin, the Psychiatric Emergency Response Team (PERT) policy is featured. Many staff members are familiar with the concerns and challenges associated with contacting individuals afflicted with mental illness. Our agency has been presenting the POST certified Enhanced Crisis Intervention Training (ECIT) course for a while now, but not all personnel have had the opportunity to attend ECIT.

From now through next year, we have made it a top priority to have as many sworn staff members as possible attend ECIT. Our goal is to provide our staff members with the legal information, skills, resources, and strategies required to effectively assist those with mental illness who may be in crisis.

- 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.

*"Psychiatric" continued from page 1*

San Mateo County jointly developed the Psychiatric Emergency Response Team (PERT). PERT is intended to provide consultation and field support to Patrol, in the areas of behavioral health, homelessness, and service referrals. These functions are done in an effort to support patrol deputies, reduce emergency hospitalizations, reduce recidivism rates of mentally ill offenders, and prevent tragic outcomes. PERT collaborates with a variety of community-based organizations

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for these purposes.

This policy provides general guidelines related to PERT. For additional procedural information related to persons with mental illness, refer to these Sheriff's Office policies: Mental Illness Commitments and Crisis Intervention Incidents and Crisis Intervention Team.

### **DEFINITION**

PERT consists of Sheriff's Office Detectives and licensed Mental Health Clinicians from San Mateo County's Behavioral Health and Recovery Services. PERT reviews all Sheriff's Office cases involving known or suspected mental illness. PERT conducts follow-up investigation, when necessary, and field response, when practical. PERT's overall goal is the connecting of patients and families to services and resources that can help manage acute crisis, prevent tragic outcomes, and reduce the hospitalizations and incarcerations of those living with mental illness. PERT also functions as the homeless liaison for the Sheriff's Office and conducts outreach to the mentally ill

homeless population in Sheriff's Office jurisdiction. PERT functions in a consultative capacity to the Sheriff's Crisis Negotiation Unit (CNU) and provides consultation to other law enforcement and behavioral health agencies in San Mateo County, as needed.

## **POLICY**

In an effort to better serve those living with mental illness and/or experiencing crisis, it is the policy of the San Mateo County Sheriff's Office to utilize PERT, whenever possible, to actively collaborate with patrol deputies and County and community organizations to find peaceful and beneficial outcomes.

## **GOALS AND RESPONSIBILITIES**

The following are the goals and responsibilities of the PERT Unit:

- ✓ Provide humane and beneficial outcomes for individuals with mental illness who have come to the attention of Sheriff's deputies.
- ✓ Upon request and availability, provide humane behavioral interventions to assist patrol deputies in the course of completing a law enforcement call for service.
- ✓ Evaluate and assess individuals with mental illness and, if appropriate, refer to a community-based resource or treatment facility.
- ✓ Follow-up with members of the community, as necessary, to ensure continued positive outcomes and decrease the chance of further requirements for law enforcement intervention.
- ✓ Assist Patrol deputies in the humane dispersal of illegal encampments, ensuring all current case law is followed related to: posting notices, allowing reasonable timelines, storage of property, and offering of services.
- ✓ Participate in the monthly Field Crisis Consultation Committee (FCCC) and other relevant Multi-Disciplinary Teams to discuss appropriate cases.
- ✓ Assist in facilitating the quarterly Crisis Intervention Training Academy (CIT).

- ✓ Support the Sheriff's Crisis Negotiation Unit (CNU), when appropriate, during active crisis negotiations.
- ✓ Participate, when appropriate, in community education efforts.
- ✓ Communicate critical issues through the appropriate chain of command.

PERT will respond to calls for service when practical and a nexus exists to known or suspected mental illness. PERT can only be dispatched by San Mateo County Public Safety Communications. The public cannot dispatch PERT. Patrol deputies can request PERT respond to a call for service either by use of dispatch or a PERT cell phone number. PERT units shall notify Public Safety Communications when they are on-scene and when they clear a scene.

PERT will prioritize referrals based on community safety and clinical judgment. PERT will make reasonable efforts to exhaust all resources to find an appropriate disposition for individuals. In some situations, individuals may not meet the necessary criteria for hospitalization or resource placement. In those situations, the individuals may be subsequently left in or returned to the community. Severity of symptoms and available placement space will dictate the course of action.

PERT may intervene in a myriad of situations, many of which may not involve clients with severe mental illness. However, the focus and priority of PERT shall be to deal with cases involving known or suspected mental illness. ☆

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## **A SEARCH WARRANT BASED ON INFORMATION SUBMITTED TO A LAW ENFORCEMENT AGENCY BY AN INTERNET SEARCH PROVIDER WAS UPHELD.**

A detective from a local law enforcement agency who was trained in the investigation of child pornography and child exploitation cases was assigned to investigate a case that was referred to him through a crimes

against children task Force. The Task Force had received two “Cybertips” regarding exploited children. The Cybertips were received from the National Center for Missing and Exploited Children. The National Center received these anonymous Cypertips from a Microsoft Online Operation employee. The employee reported that he or she had viewed two files of apparent child pornography. According to the report, both files were uploaded to the internet using the “BingImage” application. The employee disclosed the IP address that was the source of the image files. An IP address is a unique number identifying the location of an end-user’s computer. Only one computer can use a particular IP address at any specific time. The employee also disclosed the file name for each image, along with the date and time the two files were uploaded.

A detective at the task force reviewed the images and confirmed that the images appeared to be child pornography. They appeared to present images of fully nude female juveniles. One was shown in a revealing pose sitting in a partially filled bathtub. The other showed another fully nude female juvenile in a provocative pose standing in a bathtub. The children appeared to be between the ages of 10 to 13 years old and 7 to 9 years old. According to the detective, the children were posed in a manner to provide for the sexual gratification of the viewer. One of the children in the images had been identified.

The task force detective checked the registry of internet numbers and determined that the IP address attached to the cybertips came back to an internet provider. The detective prepared and obtained a search warrant addressed to the internet provider to obtain subscriber information regarding the IP address. Based on information provided based on the search warrant, the IP address was determined to belong to an individual residing in Los Altos.

The local agency detective conducted surveillance of the residence that was associated with the IP address. He also researched the names of residents associated with the residence. One of the residents was a 37-year-old man named Jeffrey Rowland.

Based on the information that the

detective had gathered from his own observations and from other sources, the detective prepared a search warrant affidavit and a search warrant and submitted them to a judge, who authorized a search of Rowland’s residence. The affidavit included language that, based on his training and experience, the detective was aware of the common tendencies of persons who “sexually objectify children,” including that because child pornography is illegal and not easily available, suspects must typically use significant efforts to locate and obtain it and that this effort will typically lead a suspect/child predator to save or retain the child pornography and rarely, if ever, dispose of their sexually explicit materials.

During the search, police officers seized two digital storage devices, a tower computer, a thumb drive, a cellular phone, and a laptop. The thumb drive was searched and was found to contain an estimated 1,000 images of child pornography and 25 video images of child pornography.

In the case of People v. Rowland, the California Court of Appeal ruled that the search warrant affidavit was sufficient to establish probable cause to conduct the search.

In its written decision, the Court first stated, “The question facing a reviewing court asked to determine whether probable cause supported the issuance of the warrant is whether the magistrate had a substantial basis for concluding a fair probability existed that a search would uncover wrongdoing. The test for probable cause is not reducible to precise definition or quantification. But it is less than a preponderance of the evidence or even a prima facie case. The task of the issuing magistrate is simply to make a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him or her, there is a fair probability that contraband or evidence of a crime will be found in a particular place.”

The Court continued, “Regarding persons who provide information to police about possible criminal activity, the California Supreme Court has distinguished between those informants who are often criminally disposed or implicated, and supply their ‘tips’ in secret, and for pecuniary or other personal gain and victims or chance

## 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.

witnesses of crime who volunteer their information fortuitously, openly, and through motives of good citizenship. . . . There is no requirement that information provided by a citizen informant be corroborated for it to constitute probable cause supporting the issuance of a warrant.”

The Court found that the internet provider employees who were the source of the tip and the National Center employees who forwarded the information were presumptively reliable citizen informants. According to the Court, “Widely available information reveals that technology companies like Yahoo, Google and Microsoft scan for child pornography and are required to report any discoveries to the National Center for Missing and Exploited Children. The Court also ruled that the affidavit was not required to contain the names of the specific internet provider employees who were the source of the tip.

The Court then looked at Rowland’s claim that the description of the images in the affidavit was insufficient to establish that the images constituted child pornography. The Court noted that the “sexual conduct” required to establish

child pornography includes “any of the following, whether actual or simulated: sexual intercourse, oral copulation, anal intercourse, anal oral copulation, masturbation, bestiality, sexual sadism, sexual masochism, penetration of the vagina or rectum by any object in a lewd or lascivious manner, exhibition of the genitals or pubic or rectal area for the purpose of sexual stimulation of the viewer, any lewd or lascivious sexual act as defined in Section 288, or excretory functions performed in a lewd or lascivious manner, whether or not any of the above conduct is performed alone or between members of the same or opposite sex or between humans and animals. An act is simulated when it gives the appearance of being sexual conduct.” The Court found that the language of the affidavit was sufficient to establish the required “sexual conduct.” The Court further found that the affidavit was not required to contain the images themselves.

The Court then looked at whether the information contained in the affidavit was too

*See “Internet” continued on page 6*

stale to establish probable cause. The Court stated, "Information that is remote in time may be deemed stale and thus unworthy of consideration in determining whether an affidavit for a search warrant is supported by probable cause. No bright-line rule defines the point at which information is considered stale. Rather, the question of staleness depends on the facts of each case. If circumstances would justify a person of ordinary prudence to conclude that an activity had continued to the present time, then the passage of time will not render the information stale."

The Court looked at the facts of Rowland's case and stated, "Considering the instant facts, [the detective]'s opinions, and the relevant legal principles, we discern no error in the [judge]'s determination that the affidavit's

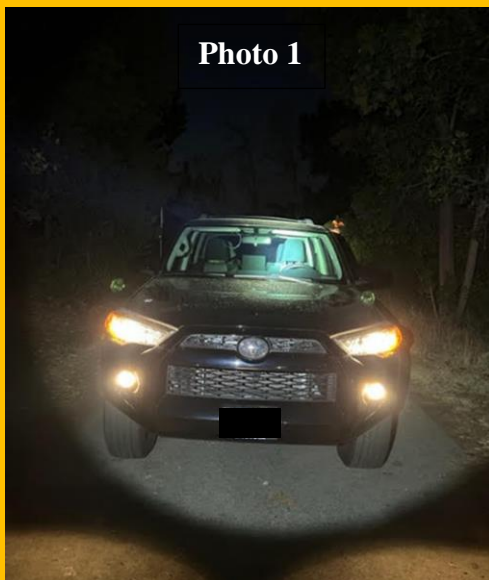
information was not stale. Four months is not an inordinate amount of time when digital child pornography is at issue. Further, the uploading of two images over a couple of weeks suggests that the person who uploaded the images had an ongoing interest in child pornography, did not act purely by mistake or ignorance when posting the two images to the Internet, and could reasonably be considered a person who sexually objectifies children. These circumstances, combined with the information contained in the affidavit regarding the proclivities and predilections of persons who sexually objectify children and view child pornography, provided the magistrate a substantial basis for finding that child pornography would be found on Rowland's property. . . ." ☆

### **FROM THE RANGEMASTER**

#### *Photonic Barriers and Light Sources*

Photonic barriers are the light sources that are between you and the thing you wish to observe. When you turn a flashlight on, your light should be strong enough to cut through the light source that is in between you. For example, if a car is approaching you and they have their headlights on, your light should be strong enough to cut through those headlights so you can see inside of the vehicle. When you are working nights, there are plenty of lights sources that work to diminish your handheld light. Street lights and porch lights are common examples. The purpose of a powerful light is to illuminate the interior of the vehicle, alley way, house we are searching, or building structure we are searching. We want the light to be able to cut through of light sources with ease.

**Photo 1**



In Photo 1, you can see the vehicle headlights are on. The agency issued Modlite flashlight is powerful enough to cut through the headlights and give me a clear visual into the cabin of the vehicle.

**Photo 2**

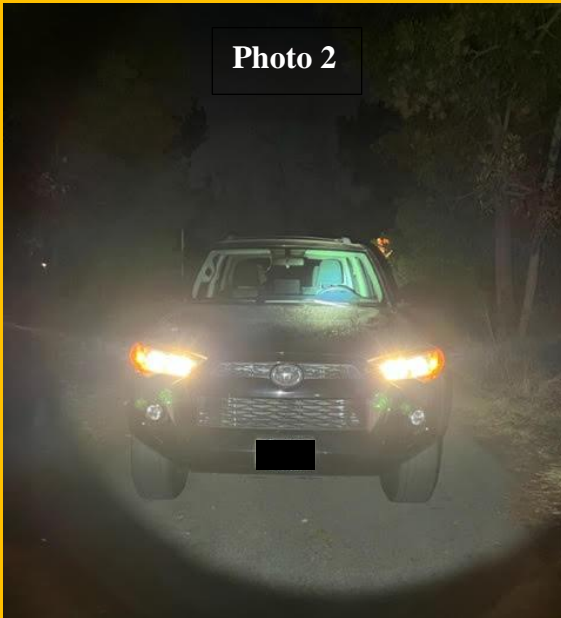


Photo 2 represents the high beams on, and the Modlite is able to cut through the high beams and give me clear visual into the cabin of the vehicle. Notice the intensity of the beam and how the beam clearly illuminates the driver seat. The Modlite provides a nice, intense, focused beam which aids in cutting through other light obstacles.

**Photo 3**



Photo 3 represents my Streamlight TLR7-A, which is a smaller weapon mounted light meant for compact guns. The light is only 500 lumens and is designed to have more of a spill/flood pattern (rather than a focused spot beam pattern). Even though the lumen count is lower than the Modlite (1500 lumens), the weapon light still penetrates through the headlight photonic barrier and effectively illuminates the cabin.

When choosing a flashlight or weapon mounted light, make sure it is bright enough for the task you wish to accomplish. A lot of staff members learned very valuable lessons about weak lights in the recent low light firearms qualifications. When choosing a light, you want it as bright as the sun. You can always diffuse light brightness, but you cannot increase maximum brightness. You don't want to need a bright flashlight or weapon mounted light when it really matters. Stay safe.

- Sgt. David Weidner