



Sheriff's Office Training Bulletin

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SHERIFF'S PERSONNEL SHALL OBSERVE THE PROVISIONS OF THE POLICY MANUAL AND APPLICABLE DIVISION POLICIES PERTAINING TO IMMIGRATION VIOLATIONS.

Sheriff's Office personnel must have a complete understanding of Sheriff's Office policy regarding immigration violations. All personnel shall be familiar with the departmental policy and what it contains. Policy 413 establishes the Sheriff's Office policy regarding immigration violations. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Policy Manual.*

In addition, Corrections Division Policy 4.09 provides specific policies regarding Corrections.

DEFINITIONS

The following definitions apply to this policy

See "Immigration" continued on page 2

INSIDE THIS ISSUE

- p. 1** Sheriff's personnel shall observe the provisions of the Policy Manual and applicable Division policies pertaining to immigration violations.
- p. 3** A peace officer was justified in stopping a vehicle based on information that the registered owner's driver's license was revoked.

Delivering Easter Baskets During the Emergency



FROM THE RANGEMASTER:



As we progress forward during our next range cycle, we will be learning to shoot from various positions of cover. These barricades help simulate different angles someone may encounter. We will also be learning to shoot, move and communicate more. Range session may take a little longer than normal but we plan on incorporating more training in our range cycles. The outdoor range and shoot house will be completed by our next range cycle. We look forward to utilizing our new resources to provide the best training possible. Stay safe.

(Government Code § 7284.4):

- ✓ Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.
- ✓ Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation 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 - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

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

SAN MATEO COUNTY SHERIFF'S OFFICE TRAINING BULLETIN

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of their national origin or immigration status.

It is also the policy of the San Mateo County Sheriff's Office to comply with state law, including but not limited to the Truth Act and the California Values Act, governing law enforcement's ability to interact and cooperate with federal immigration officers.

CORRECTIONS DIVISION POLICY

See Corrections Division Policy 4.09 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 without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

IMMIGRATION INQUIRIES PROHIBITED

Deputies 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 criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC §

1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

**SELECTED CORRECTIONS PROVISIONS
(POLICY AND PROCEDURES SECTION
4.09):**

POLICY

The Sheriff's Office will cooperate with immigration officials only if the inmate has been convicted in adult court of a serious or violent felony listed in Penal Code §§1192.7 or 667.5 or otherwise meets the criteria set forth in California Government Code § 7282.5. In these cases, cooperation with ICE shall be limited to:

- ✓ Providing information regarding an inmate's anticipated release date.
- ✓ Making an inmate, who voluntarily consents, available for an ICE interview.
- ✓ Transferring the custody of an inmate to an ICE official inside a correctional facility

The Sheriff's Office will provide release information to ICE if any of the following has occurred:

- ✓ All criminal charges have been dropped or dismissed. (Penal Code § 849(b)(1), 849(b)(2))
- ✓ The individual has been acquitted of all criminal charges.
- ✓ The individual is time served.
- ✓ The individual has posted a bond.
- ✓ The individual is otherwise eligible for release per applicable law or policy (e.g., PTA, OR)

The Sheriff's Office will comply with the ICE requests for notification of release of an inmate, only if the inmate has a documented qualifying serious or violent felony conviction or otherwise meets the criteria set forth in Government Code § 7282.5 and no pending out-of-county matters at time of release.

The Sheriff's Office will comply with judicial warrants, but will not comply with non-

judicial warrants issued by federal immigration officials. If a state court judge orders an inmate be transferred to the custody of immigration authorities, the order will be provided to counsel for the Sheriff's Office, and unless the order is facially defective in which case counsel will seek clarification, the order will be executed.

BACKGROUND

ICE is currently using Form I-247A (Immigration Detainer – Notice of Action) for requests that local law enforcement detain the inmate up to 48 hours after their scheduled release date, to enable immigration officials to take custody of the inmate. Receipt of this form does not provide the Sheriff's Office sufficient legal authority to hold an inmate past their scheduled release date.

The form I-247A may be accompanied by one or both of the following forms: I-200 (Warrant for Arrest of Alien), I-205 (Warrant of Removal). Unless signed by a judge or magistrate, which would not ordinarily be the case, these warrants do not constitute valid judicial warrants and, consistent with the law and this policy, will not be honored. ☆

**A PEACE OFFICER WAS JUSTIFIED
IN STOPPING A VEHICLE BASED
ON INFORMATION THAT THE
REGISTERED OWNER'S DRIVER'S
LICENSE WAS REVOKED.**

A deputy sheriff in Kansas was on duty when he observed a moving pickup truck. The deputy ran the license plate. The plate came back to the correct make and model for the pickup truck. The data base also revealed that the truck's registered owner had a revoked driver's license in the State of Kansas. The deputy followed the truck. He did not observe any traffic violations. He also did not attempt to observe the driver by positioning himself to get a good look at the driver.

Based solely on the information that the

See "Registration" continued on page 4

registered owner's driver's license was revoked, the deputy initiated a traffic stop. He contacted the driver, who turned out to be the registered owner.

In the case of *Kansas v. Glover*, the United States Supreme Court ruled that the traffic stop did not violate the driver's Fourth Amendment right against unreasonable seizures.

In its written decision, the Court first stated, "Under this Court's precedents, the Fourth Amendment permits an officer to initiate a brief investigative traffic stop when he has a particularized and objective basis for suspecting the particular person stopped of criminal activity. Although a mere 'hunch' does not create reasonable suspicion, the level of suspicion the standard requires is considerably less than proof of wrongdoing by a preponderance of the evidence and obviously less than is necessary for probable cause."

The Court continued, "Because it is a less demanding standard, reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause. The standard depends on the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. Courts cannot reasonably demand scientific certainty where none exists. Rather, they must permit officers to make commonsense judgments and inferences about human behavior."

The Court further stated, "Before initiating the stop, [the deputy] observed an individual operating a [certain pickup truck]. He also knew that the registered owner of the truck had a revoked license and that the model of the truck matched the observed vehicle. From these three facts, [the deputy] drew the commonsense inference that [the registered owner] was likely the driver of the vehicle, which provided more than reasonable suspicion to initiate the stop."

The Court continued, "The fact that the registered owner of a vehicle is not always the driver of the vehicle does not negate the reasonableness of [the deputy]'s inference. Such is the case with all reasonable inferences. The reasonable suspicion inquiry falls considerably

short of 51% accuracy, for, as we have explained, to be reasonable is not to be perfect."

The Court further stated, "[The registered owner]'s revoked license does not render [the deputy]'s inference unreasonable either. Empirical studies demonstrate what common experience readily reveals: Drivers with revoked licenses frequently continue to drive and therefore to pose safety risks to other motorists and pedestrians."

The Court then looked at the defendant's claim that an officer's reasonable suspicion must be based on the officer's own training and experience. The Court stated, "Nothing in our Fourth Amendment precedent supports the notion that, in determining whether reasonable suspicion exists, an officer can draw inferences only through law enforcement training and experience. We have repeatedly recognized the opposite. . . . The inference that the driver of a car is its registered owner does not require any specialized training; rather, it is a reasonable inference made by ordinary people on a daily basis." The Court further stated, "In reaching this conclusion, we in no way minimize the significant role that specialized training and experience routinely play in law enforcement investigations. We simply hold that such experience is not required in every instance."

The Court added, "We emphasize the narrow scope of our holding. Like all seizures the officer's action must be justified at its inception. The standard takes into account the totality of the circumstances—the whole picture. As a result, the presence of additional facts might dispel reasonable suspicion. For example, if an officer knows that the registered owner of the vehicle is in his mid-sixties but observes that the driver is in her mid-twenties, then the totality of the circumstances would not raise a suspicion that the particular individual being stopped is engaged in wrongdoing. Here, [the deputy] possessed no exculpatory information—let alone sufficient information to rebut the reasonable inference that [the registered owner] was driving his own truck—and thus the stop was justified." ☆