



Sheriff's Office Training Bulletin

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SHERIFF'S PERSONNEL SHALL OBSERVE THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO FIRST AMENDMENT ASSEMBLIES.

Sheriff's Office personnel must have a complete understanding of Sheriff's Office policy regarding First Amendment assemblies. All personnel shall be familiar with the departmental policy and what it contains. Policy 426 establishes the Sheriff's Office policy regarding First Amendment assemblies. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Policy Manual.*

POLICY

The San Mateo County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this Office not to unreasonably interfere with, harass or discriminate against persons engaged in the lawful exercise of their

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Feeding the Homeless During Covid-19 Pandemic



FROM THE TRAINING MANAGER:

As you are almost certainly aware, there has been much talk about the carotid control hold, also known as the lateral vascular neck restraint. While much of this conversation has been using the terms "chokehold" and/or "stranglehold," the semantics are unimportant. What is important is the recent removal of the carotid control hold from authorized force options.

On June 5th, Gov Newsom administratively banned training of the carotid control hold, with legislation to follow. Shortly thereafter, SMSO Special Order 2020-14 issued a modification to our use of force policy, so that the San Mateo County Sheriff's Office is no longer authorized to use the carotid control hold. While it has been infrequently used in the past, I think this bears repeating due to current events and the importance to ensure everyone is perfectly clear on the policy.

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rights, while also preserving the peace, protecting life and preventing the destruction of property.

GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- ✓ Lawful, constitutionally protected actions and speech.
- ✓ Civil disobedience (typically involving minor criminal acts).
- ✓ Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may

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encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- ✓ Engage in assembly or demonstration-related discussion with participants.
- ✓ Harass or unreasonably intimidate participants.
- ✓ Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- ✓ Location
- ✓ Number of participants
- ✓ Apparent purpose of the event
- ✓ Leadership (whether it is apparent and/or whether it is effective)
- ✓ Any initial indicators of unlawful or disruptive activity
- ✓ Indicators that lawful use of public facilities, streets or walkways will be impacted
- ✓ Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to San Mateo County Public Safety Communications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

USE OF FORCE

Use of force is governed by current Office policy and applicable law. Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conducted Energy Devices should be

considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this Office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

ARRESTS

The San Mateo County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- ✓ Reasonable measures to address the safety of deputies and arrestees.
- ✓ Dedicated arrest, booking and report writing teams.
- ✓ Timely access to medical care.
- ✓ Timely access to legal resources.
- ✓ Timely processing of arrestees.
- ✓ Full accountability for arrestees and evidence.
- ✓ Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy). ☆

LAW ENFORCEMENT ACQUISITION OF CELL SITE DATA FROM A SERVICE PROVIDER VIOLATES FOURTH AMENDMENT RIGHTS OF THE SUBSCRIBER.

After a series of robberies of electronics and cell phone businesses, federal agents obtained court orders, but not search warrants, for cell site records of cell phone carriers. This data is used to find location points that can catalog the movements of a particular cell phone and the person in possession of the phone.

In 2018, the United States Supreme Court decided the case of Carpenter v. United States, which ruled that the warrantless search of the suspect's cell site records violated his Fourth Amendment rights against unreasonable searches and seizures.

In its written decision, the Court stated, "The case before us involves the Government's acquisition of wireless carrier cell-site records revealing the location of [the suspect]'s cell phone whenever it made or received calls. This sort of digital data—personal location information maintained by a third party—does not fit neatly under existing precedents."

The Court further stated, "The question we confront today is how to apply the Fourth Amendment to a new phenomenon: the ability to chronicle a person's past movements through the record of his cell phone signals. . . . Much like GPS tracking of a vehicle, cell phone location information is detailed, encyclopedic, and effortlessly compiled."

The Court then stated, "A person does not surrender all Fourth Amendment protection by venturing into the public sphere. To the contrary, what one seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. A majority of this Court has already recognized that individuals have a reasonable expectation of privacy in the whole of their physical movements. Prior to the digital age, law enforcement might have pursued a suspect for a brief stretch, but doing so for any extended period of time was difficult and costly and therefore rarely undertaken. For that reason, society's expectation

has been that law enforcement agents and others would not—and indeed, in the main, simply could not—secretly monitor and catalogue every single movement of an individual's car for a very long period. Allowing government access to cell-site records contravenes that expectation. Although such records are generated for commercial purposes, that distinction does not negate [the suspect]'s anticipation of privacy in his physical location. Mapping a cell phone's location over the course of 127 days provides an all-encompassing record of the holder's whereabouts. As with GPS information, the timestamped data provides an intimate window into a person's life, revealing not only his particular movements, but through them his familial, political, professional, religious, and sexual associations. These location records hold for many Americans the privacies of life. And like GPS monitoring, cell phone tracking is remarkably easy, cheap, and efficient compared to traditional investigative tools. With just the click of a button, the Government can access each carrier's deep repository of historical location information at practically no expense."

The Court dismissed the Government's argument that the data belonged to a third party and that the suspect did not have any reasonable expectation of privacy. The Court stated, "Given the unique nature of cell phone location information, the fact that the Government obtained the information from a third party does not overcome [the suspect]'s claim to Fourth Amendment protection. The Government's acquisition of the cell-site records was a search within the meaning of the Fourth Amendment."

The Court further concluded, ". . . [T]he Government must generally obtain a warrant supported by probable cause before acquiring such [cell site] records. Although the ultimate measure of the constitutionality of a governmental search is 'reasonableness,' our cases establish that warrantless searches are typically unreasonable where a search is undertaken by law enforcement officials to discover evidence of criminal wrongdoing." An exception applies when exigent circumstances are so compelling that a warrantless search is objectively reasonable. ☆



FROM THE RANGE MASTER:

Hello everyone, I would like to introduce our new range staff (from left to right): Deputy Koehler, Deputy Barrett, Deputy Cheever, Deputy Constantino, Deputy Wozniak, Honorary Deputy Padilla, Deputy Marcussen, Sgt. Trickett, Deputy Piper, Deputy Cosens, Deputy Arcila, Reserve Deputy Aenlle, Deputy Mulvihill, Deputy Tashiro.

We will start the alpha groups August 1st. You have all heard about the staff range day on the fourth Friday of the month. This will give you an opportunity to come in on your own time and practice. I will provide the targets. As your new Range Master, I have an open-door policy and my staff and I are always here to help. Do not hesitate to reach out to one of us for help or questions.

FROM THE TRAINING MANAGER:

(cont'd from page 1)

Finally, I've included the Code of Ethics. It can be disheartening seeing how a few members of the public conduct themselves and how they speak about our profession. But, it's important to remember that the bad conduct of others does not excuse bad conduct on our part.

We all agreed to, and are proud to, conduct ourselves to a high ethical standard. It can be encouraging to remember this and reaffirm our commitment to our communities and each other.

CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

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.

