



Sheriff's Office Training Bulletin

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SHERIFF'S PERSONNEL SHALL OBSERVE THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO MISSING PERSONS

Sheriff's Office personnel must have a complete understanding of Sheriff's Office Policy 314 regarding missing persons. 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 does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The San Mateo County Sheriff's Office gives missing person cases priority over property-related cases and will not require any set amount of time to pass before beginning a missing person investigation (Penal Code § 14211).

See "Missing" continued on page 2

INSIDE THIS ISSUE

- p. 1** Sheriff's personnel shall observe the provisions of the Policy Manual pertaining to missing persons.
- p. 4** An officer was justified in locating a suspect by obtaining his cell phone service provider data when the officer had exigent circumstances.
- p. 5** A short overview on pinging (locating) cell phones.

Vintage Sheriff's Jeep



FROM THE TRAINING MANAGER:

You may find that you have been assigned training about racial profiling on the POST Learning Portal. This is a change from the way the training has previously been presented.

Penal Code § 13519.4 requires all peace officers to complete a refresher course in diversity and racial profiling at least every 5 years. POST has recently made an online version of this training available, which will allow you to complete the majority of the training remotely and then meet with a trainer to fulfill the requirement.

The online training course will allow us to comply with our legal requirements more safely while working around your schedules.

More details about the training will be included in the forthcoming notification email.

DEFINITIONS

- ✓ At risk - Includes, but is not limited to (Penal Code § 14215):
 - A victim of a crime or foul play.
 - A person missing and in need of medical attention.
 - A missing person with no pattern of running away or disappearing.
 - A missing person who may be the victim of parental abduction.
 - A mentally impaired missing person, including cognitively impaired or developmentally disabled.

- ✓ Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

- ✓ Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National

Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law, and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- ✓ Office report form for use in missing person cases
- ✓ Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- ✓ Missing person school notification form
- ✓ Medical records release form from the California Department of Justice
- ✓ California DOJ missing person forms as appropriate
- ✓ Biological sample collection kits

SAN MATEO COUNTY MISSING PERSONS PROTOCOL

Deputies are encouraged to review and utilize the resources set forth in the County Protocol.

ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the

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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.

report. A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- ✓ Respond to a dispatched call for service as soon as practicable.
- ✓ Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- ✓ Notify an on-duty sergeant immediately if there is evidence that a missing person is

either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

- ✓ Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- ✓ Ensure that entries are made into the appropriate missing person networks as follows:
 - Immediately, when the missing person is at risk.
 - In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- ✓ Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

- ✓ Collect and/or review:
 - A photograph and a fingerprint card of the missing person, if available.
 - A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - Any documents that may assist in the investigation, such as court orders regarding custody.
 - Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- ✓ When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- ✓ Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify an on-duty sergeant and proceed with reasonable steps to locate the missing person.

REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate on-duty sergeant as soon as a missing person report is ready for review.

UNIDENTIFIED PERSONS

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- ✓ Obtain a complete description of the person.
- ✓ Enter the unidentified person's description into the NCIC Unidentified Person File.
- ✓ Use available resources, such as those related to missing persons, to identify the person. ☆

AN OFFICER WAS JUSTIFIED IN LOCATING A SUSPECT BY OBTAINING HIS CELL PHONE SERVICE PROVIDER DATA WHEN THE OFFICER HAD EXIGENT CIRCUMSTANCES.

A man agreed to provide services as a dog sitter. He grew attached to the dog, but the owner arranged to get the dog back. The dog sitter was concerned over the welfare of the dog, and the owner let the dog stay with the sitter.

When the dog owner came to retrieve the dog, the visit lasted for several hours. At the conclusion of the visit, the dog sitter felt something hard on the back of his head. He turned around and saw the dog owner stabbing him several times. The dog owner then clubbed the man on the jaw with a rock. Then he switched back to the knife and stabbed the dog sitter twice in the chest and once in the shoulder.

The dog sitter fought back. He was able to hold onto the dog owner while bleeding from his neck. The dog owner refused to drop the knife. The dog sitter ran down his driveway towards a preschool. He yelled for help.

Two women heard the man's cries and called 911. When an officer arrived, the man told him the suspect's cell phone number before he was taken to the hospital.

The officer contacted his agency's dispatchers and requested they contact the dog owner's mobile phone service provider to try to locate the suspect.

Less than an hour later, a dispatcher contacted the officer and informed him of the possible location of the suspect. The officer responded to that location, and found the suspect and placed him under arrest. He wore a backpack and had his phone and several knives on him. He also had blood on him that tests later confirmed were from the dog sitter.

In the case of People v. Bowen, the California Court of Appeal ruled that the dispatcher's use of the cell phone location information from the cell phone service provider did not violate the suspect's Fourth Amendment

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.

right against unreasonable searches due to exigent circumstances.

In its written decision, the Court first stated, “A long-recognized exception to the warrant requirement exists when ‘exigent circumstances’ make necessary the conduct of a warrantless search. ‘[E]xigent circumstances’ means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall imminent escape of a suspect or destruction of evidence. There is no ready litmus test for determining whether such circumstances exist, and in each case the claim of an extraordinary situation must be measured by facts known to the officers. The reasonableness of the officers’ conduct depends upon whether facts

available at the moment of the search support a reasonable belief that the action taken was appropriate.”

The Court looked at the facts of the case and stated, “Here, at the time [the officer] requested a ping of defendant’s cell phone, the information available to him was that less than an hour earlier [the dog sitter] had been repeatedly stabbed in the neck in an unprovoked attack, within 200 yards of a preschool and near a shopping center and multiple neighborhoods. Further, the suspect, who was possibly still armed with a knife, had fled on foot. The area where the witnesses indicated the defendant had headed was a several-hundred-yard field with multiple entrances and exits leading to a creek trail, houses and apartment complexes, and a store; and there are “hundreds of people moving about” the area. The police were actively looking for defendant when they received the [cell site location information]. Based upon the circumstances known to [the officer], he believed it was imperative that the suspect be found as soon as possible to prevent another possible unprovoked attack. We agree with the trial court’s determination that the exigent circumstances exception applies under the facts of this case, and defendant’s motion to suppress was properly denied.” ☆

PINGING CELL PHONES

Suicides rates in the U.S. have been steadily climbing and, since 1999, have increased almost 35% to become a leading cause of death. Suicide is currently the second leading cause of death of people aged 10 to 34. Law enforcement often gets involved when friends and family of someone in crisis calls for help.

It is also not uncommon for the person in crisis to have left the area. One of the tools we have as law enforcement is to “ping” (or track) cellular phones in the event we believe someone is in danger of death or serious physical injury. In these cases, the cell phone ping is a Fourth Amendment search, but it is permissible because of the exigent circumstances.

The process is fairly simple:

✓ Establish that someone may be in physical danger. For instance, John Doe tells you that his daughter, Jane Doe, stated she was going to drive off a cliff and drove away 10 minutes ago. Based on his statements, you believe that she may, in fact, attempt to drive off a cliff.

✓ Contact County Communications with the phone number and request. Ask County Communications to ping the phone. Provide them with the cell phone information and they initiate the ping. You do not need to provide the detailed information for the warrant at this point.

The cell phone provider may request an email address so that the pings can be automatically emailed. If this is or an active call and units are still out in the field, County Communications will have the updates sent to a dispatcher's email or to the general PSC email. If the pings will be continuous for investigative purposes, let the dispatcher know to provide the deputy's or a detective's email address.

✓ Receive the information and conduct a welfare check. Once County Communications gets the location information, they will provide the GPS coordinates along with location data (such as "westbound on SR 92").

You can then use this information to locate and check the welfare of Jane Doe.

Required Follow-up.

California law (Penal Code 1546.1(h)) states that the officer requesting the information must file a search warrant application or other court order within three court days. This is because the ping constitutes a search under the Fourth Amendment, as was discussed in last month's training bulletin.

The officer must also:

Give notice to the identified target that contains with reasonable specificity the nature of the investigation and a copy of the warrant or written statement setting forth facts giving rise to the emergency. The officer may complete a "Contemporaneous Notice Form" and mail it to the subject's home address along with a copy of the

warrant or written statement. If you opt for the written statement, there is a box on the notice form.

Notice is not required if the agency accesses location information to respond to an emergency 911 call from that device.

If the judge reviewing the warrant determines that it is insufficient, the court shall order the immediate destruction of the information obtained.

In summary, if you have probable cause to believe that someone is in danger of death or serious physical injury, you can ping their cell phone. You then submit a warrant within three court days. If the warrant is not approved, the information collected is ordered destroyed. This process provides a straightforward procedure to conduct welfare checks using cell phone technology.

- *The Training Unit* ☆

FROM THE RANGEMASTER

Red Dot Sights

Red dot sights (RDS) are becoming increasingly popular in the firearms community and in law enforcement. They allow the operator to focus their firearm on a threat. We are always taught to focus on the front sight with traditional iron sights. Red dots enable the shooter to focus on a threat by looking through the glass and placing the dot over the threat.

Red dot sights allow faster target acquisition, faster follow-up shots, and increased accuracy; however, there is a learning curve. You cannot mount a red dot on your firearm and expect immediate speed and accuracy. I trained for approximately four months and attended a three-day red dot instructor program before deciding to carry the red dot full time.

There is no shortcut to learning how to properly use a red dot. Typically, shooters put a red dot

on their firearm and while they are shooting, lose sight of the dot and start searching for it by moving their firearm up and down. This is called “fishing” for the dot.

The way to overcome this problem is through repetition by perfecting your draw stroke. The red dot is great for shooting but also exposes training deficiencies such as improper handgun grip.

Although it is not necessary to shoot hundreds of rounds to learn how to use the red dot, it is important to perfect your draw stroke. This is where the learning curve comes into play. You can practice the draw stroke with an empty weapon by applying the fundamental safety rules.

Which red dot sight should I get?

Before answering this question, it is important to know that the Sheriff’s Office has no affiliation with any red dot manufacturer. I am offering my personal opinion and insight from having taken numerous training classes and what I have seen break or fail. While our Lexipol Policy authorizes optical devices like the red dot, you must first seek approval from the Range Master. This means you should call me first before making a purchase. The

two red dot sights that I would recommend are Trijicon and Holusun. Both are tested and tough for duty. While there are less expensive models out there, we have seen these cheaper models break too easily. If you plan on using a red dot for duty, purchase a quality product.

Please feel free to reach out to me or my range staff. They are all well versed on red dots for handguns and can answer a lot of your questions.

Mounting the Red Dot Sight

Mounting the red dot sights can be challenging. The screws are very small and can easily strip out. If you are not sure how to mount the red dot, please seek out one of the range instructors or me and we will mount it for you. You must use Loctite to keep the screws in place or they will wiggle loose on recoil. If you over-tighten the screws, you risk shearing them off under recoil. My staff and I are more than happy to help you mount your RDS. I have an open-door policy and will always make time to see anyone who needs help.

Sgt. Dave Weidner

