



# Sheriff's Office Training Bulletin

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## **SHERIFF'S PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO WARRANT SERVICE.**

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding warrant service. Sworn personnel shall be familiar with the policy and what it contains. Sheriff's Policy 606 establishes the Sheriff's Office policy regarding warrant service. *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 balance the safety needs of the public, the safety of Office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

See "Warrant" continued on page 2

### **INSIDE THIS ISSUE**

- p. 1** Sheriff's personnel shall understand the provisions of the Sheriff's Policy Manual pertaining to warrant service.
- p. 4** A private search of a laptop computer did not violate a suspect's Fourth Amendment rights even though the computer was brought to a law enforcement agency.
- P. 6** From the Rangemaster's Office.

Sheriff's Activities League Booth – North Fair Oaks



### **FROM THE TRAINING MANAGER**

In a recent Second Amendment related ruling, the Supreme Court of the United States changed the standard used by states to grant Concealed Carry Weapon (CCW) permits. *The New York State Rifle and Pistol Association, Inc. v. Bruen (2022)* case [ruling](#) ultimately struck down the requirement to show "proper cause" (special need distinguishable from the general public) by a person in their CCW application. Like New York, California has required the applicant to show good/proper cause exists when applying for a concealed firearm license.

As a result of *Bruen*, the state of California is in the process of amending existing statutory laws governing carrying a concealed firearm in public. Refer to California [Senate Bill 918](#) for the proposed concealed firearm legislation.

As law enforcement, we may eventually encounter more CCW license holders in our jurisdiction. Plan accordingly for that scenario and be safe.

- 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.

*"Warrant" continued from page 1*

### **SEARCH WARRANTS**

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. They will also complete the risk assessment form and submit it,

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along with the warrant affidavit, to the appropriate supervisor for review and classification of risk.

### **ARREST WARRANTS**

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk. If the warrant is classified as high risk, service will be coordinated by the field supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### **WARRANT PREPARATION**

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains, as applicable:

- ✓ Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- ✓ A clear explanation of the affiant's training, experience and relevant education.
- ✓ Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- ✓ A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- ✓ Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- ✓ A specific description of the location to be searched, including photographs of the location, if reasonably available.
- ✓ A sufficient description of the items to be seized.
- ✓ Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### **HIGH-RISK WARRANT SERVICE**

The field supervisor or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which

the warrant will be served, including the number of deputies deployed. The member responsible for directing the service should ensure the following, as applicable:

- ✓ When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- ✓ The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- ✓ Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- ✓ Reasonable efforts are made during the search to maintain or restore the condition of the location.
- ✓ Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- ✓ Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- ✓ A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- ✓ A copy of the search warrant is left at the location.
- ✓ The condition of the property is documented with video recording or photographs after the search.

## **DETENTIONS DURING WARRANT SERVICE**

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

## **ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

## **OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The field supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- ✓ Identity of team members
- ✓ Roles and responsibilities
- ✓ Familiarity with equipment
- ✓ Rules of engagement
- ✓ Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the field supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The supervisor should ensure that members of the San Mateo County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of San Mateo County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance. If the field supervisor is unavailable, the watch commander should assume this role.

If deputies intend to serve a warrant outside San Mateo County Sheriff's Office jurisdiction, the field supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy. Deputies will remain subject to the policies of the San Mateo County Sheriff's Office when assisting outside agencies or serving a warrant outside San Mateo County Sheriff's Office jurisdiction.

## **MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy. ☆

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## **A PRIVATE SEARCH OF A LAPTOP COMPUTER DID NOT VIOLATE A SUSPECT'S FOURTH AMENDMENT RIGHTS EVEN THOUGH THE COMPUTER WAS BROUGHT TO A LAW ENFORCEMENT AGENCY.**

A woman broke up with her fiancé. The woman had quite a few good reasons to break off the engagement. Her fiancé lied to her about his



## 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.

alcohol consumption and his finances. Also, she found inappropriate text messages on his phone. The messages went to other women.

The man acknowledged his alcohol abuse and went into a treatment program. He left his belongings at their residence. While the man was undergoing treatment, the woman looked at the man's laptop computer. She was primarily looking for information about his finances, but she suspected that he had been viewing child pornography and was looking for evidence that he had viewed child pornography. Access to the computer's functions required a password. The woman used the "forgot your password" feature and successfully answered the man's security questions, which allowed her to receive a temporary password. She successfully reset the password for the computer and opened the computer.

The woman found a folder that contained pictures of naked infants with exposed genitalia and images of scantily clad young females in sexually provocative poses. The woman was disgusted and took the laptop to her local sheriff's

office. She spoke with a detective and told him what she had found.

The detective and a colleague requested that the woman show them only images that she had already viewed when she had accessed the laptop by herself. The woman complied with the request and showed the detectives only the thumbnail images and accompanying file names she had previously seen. She was the only person who operated the computer while she was with the detectives. A subsequent search of the computer located 4,750 images of child pornography and 538 child pornography videos.

In the case of United States v. Phillips, the Ninth Circuit of the United States Court of Appeals ruled that the law enforcement search of the computer did not violate the man's Fourth Amendment rights against unreasonable searches.

In its written decision, the Court first stated, "The Supreme Court has long held that it does not violate the Fourth Amendment for a law enforcement officer to accept and use evidence that a private party discovers pursuant to its own

*See "Computer" continued on page 6*

private search, even if that private search was unlawful. This rule is based on the principle that the Fourth Amendment's protection against unlawful searches and seizures applies to governmental action and was not intended to be a limitation upon other than governmental agencies. . . . Specifically, extension of the exclusionary rule to all private illegal searches for purposes of deterrence would be difficult to justify because the private searcher is often motivated by reasons independent of a desire to secure criminal conviction and seldom engages in searches upon a sufficiently regular basis to be affected by the exclusionary sanction."

The Court noted that, in the man's case, the woman searched the laptop on her own volition and uncovered child pornography. The Court stated, "While she may not have had the authority to conduct the search on that password-protected laptop, she was clearly acting as a private party. Having discovered child pornography, and thus finding herself in possession of contraband, she decided to take and show it to law enforcement authorities. And when she was informed by a law enforcement officer that she should access the computer so that he could see what she wanted to show him, he made it clear that he did not wish to see anything more than what she had already seen, and she acted in line with those instructions."

The Court then looked at the man's assertion that the woman acted as a state agent when she completed the second search because

she took her cues from the detective when doing so. The Court pointed out that the United States Supreme Court has ruled that where a private party notifies law enforcement of its private search, a state agent's subsequent search is permissible and constitutional to the extent that it mimics the earlier private search.

The Court then looked at the facts of the case and stated, "That is precisely what occurred here. [The woman] went to the sheriff's office to alert law enforcement to what she uncovered on [the man]'s laptop. [The detective] testified that he told [the woman] to '[j]ust do what you had done and show me what you saw.' [The woman] testified that she 'opened up the computer and turned it on, used the same password to log into [the man's] user name, and then opened up the same . . . folder.' She then scrolled down and showed him 'the same files that [she] saw' the previous night with the same names that she had remembered. She 'did not access anything that [she] had not previously seen.' . . . Based on this evidence, the district court judge found that '[The detective] told [the woman] to not show him anything she had not already seen, she understood his instruction, and she did not show anything she had not already seen.' Indeed, the judge 'infer[red]' from [the detective]'s admonition that '[the detective] was aware of the private search exception and was trying to operate within it.'" ☆

## **FROM THE RANGEMASTER'S OFFICE**

### **PROPER GRIP MATTERS**

When holding a handgun, we have to pay attention to proper grip. After all grip matters for recoil management, shot placement and follow-up shots. An improper grip can frustrate a student by having inconsistent shot placement, increased felt recoil and the gun feeling as if it is trying to jump out of the hand. The question always comes up, "How hard should I squeeze the gun." This is a very good question and there are a lot of myths on the internet. Some have said to squeeze the gun with "60%/40%, or 70%/30%" of pressure. The problem with this methodology is, this is not measurable by the student. I always tell people to squeeze the gun evenly with both hands. You don't want to squeeze the gun so hard that your knuckles are turning white. I always say squeeze hard and back off a little, so it feels comfortable.

The job of the “Gun hand” is to hold the gun properly with your master grip. The master grip is the grip you never want to adjust, in other words it’s the perfect grip out of the holster every time. The support hand is just as important as the master grip as this hand helps control all recoil, shot placement, and follow up shots. When you relax the support hand, you are releasing your grip from the gun while it is firing. This can cause shots to strike high.

### Proper Grip



In these photos, you can see how the gun is fully supported by both hands. The gun is basically an extension of the hand. Even pressure is being applied with both hands. This will increase accuracy and follow-up shots.

### Improper Grip



In the first photo on the left, you can see the space between the backstrap and web of the hand. This will make the gun feel like it’s jumping in your hand and follow up shots will be slower and less accurate. In the second photo, you can see the support index finger is wrapped around the trigger guard. This will cause you to pull the gun to the left. Contrary to popular belief, this does not give you better control of the gun, it actually makes you less accurate. In the third photo, you can see the thumbs bending over each other. This may feel like you are in control of the gun, however, you will always adjust your grip with every shot. You also have less contact with the gun which will create less accuracy and slower follow-up shots. In the fourth photo, the support side finger is again wrapped around the light and trigger guard. This will cause you to pull your shots left.

Maintaining a good stable shooting grip is easy to do. It will give you better support, stabilize the gun, and give you better control when it matters. Stay safe.

- Sgt. David Weidner