



SHERIFF

CHRISTINA CORPUS

SAN MATEO COUNTY SHERIFF'S OFFICE

TRAINING BULLETIN

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IMPORTANT NEW LEGISLATION EFFECTIVE IN THE YEARS 2023 AND 2024.

Here are some of the highlights of the new legislation in California taking effect on or after January 1, 2023. These highlights are summaries of the new laws taking effect.

- [Penal Code section 13680](#) was added to require public agencies employing peace officers to investigate prospective peace officers and complaints against current peace officers regarding engagement in hate groups, participation in hate group activities, or public expressions of hate, as specified, and provides that certain findings of those investigations would constitute grounds for denial or termination of employment as a peace officer. [Penal Code section 487](#) (establishing grand theft) was amended to add, "If the value of the money, labor, real property, or personal property taken exceeds nine hundred fifty dollars (\$950) over the course of distinct but

See "Legislation" continued on page 2

INSIDE THIS ISSUE

- P. 1** Important new legislation effective in the years 2023 and 2024.
- P. 3** A peace officer illuminating a vehicle with a spotlight alone, does not always cause the occupants of the vehicle to be detained.
- P. 6** From the Rangemaster

Inauguration of Sheriff Christina Corpus



FROM THE TRAINING MANAGER

As we begin 2023, there are many new laws that take effect and an assortment of revisions to existing laws that also impact us. Informing you of all these legislative changes is beyond the scope of this training bulletin, but I've chosen to highlight a select few legislative updates that you should be aware of.

It's important to understand that we're expected to know the laws that the public expects us to abide by (and enforce). I encourage you to take some time to familiarize yourself with these new changes. If you have any questions or concerns about the new legislative updates, please consult with your supervisor for guidance. The Training Unit is also a resource for you, so please feel free to contact us if you need additional assistance.

- 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.

"Legislation" continued from page 1

related acts, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan."

- [Government Code section 1031](#) removes provisions of existing law requiring peace

SAN MATEO COUNTY SHERIFF'S OFFICE TRAINING BULLETIN

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officers to either be a citizen of the United States or be a permanent resident who is eligible for and has applied for citizenship.

- **Penal Code section 653.22** misdemeanor crime of loitering with the intent to commit prostitution has been repealed.
- [Penal Code section 853.6](#) was amended to add two additional reasons for a peace officer to not release a misdemeanor arrestee with a notice to appear: (1) The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months; and (2) There is probable cause to believe the person is guilty of committing organized retail theft (P.C. 490.4).
- [Penal Code section 11411](#) was amended to make the crime of hanging a noose on the private property of another person or on the property of a primary school, a junior high school, a high school, college campus, public park, or place of employment, for the purpose of terrorizing another person a felony/misdemeanor (a wobbler). The

section was expanded to also apply to all schools, public places, places of worship, and cemeteries.

- [Penal Code section 16920](#) was amended to expand the definition of “firearm” for the purposes of numerous specified firearms provisions to include firearm precursor parts, and expands the list of Penal Code, Code of Civil Procedure, and Welfare & Institutions Code sections involving firearms that it applies to.
- [Penal Code section 23920](#) was amended to add the new misdemeanor crime of knowingly possessing any firearm, on or after January 1, 2024, that does not have a valid state or federal serial number or mark of identification. There are several exceptions, including a curio, relic, or antique firearm.
- [Penal Code section 29010](#) was added to create the new misdemeanor crime of using a three-dimensional printer to manufacture a firearm, a frame or receiver of a firearm, or a firearm precursor part, unless the person or business holds a California firearms manufacturing license.
- [Vehicle Code section 21451 et seq.](#) were amended to prohibit a pedestrian from being stopped for violating these sections (i.e., jaywalking) “unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.” The section provides that this new prohibition does not relieve pedestrians from the duty of using due care for their safety and does not relieve drivers from the duty of exercising due care for the safety of any pedestrian in the roadway.
- [Welfare and Institutions Code section 625.7](#) was added to prohibit a law enforcement officer from using threats, physical harm, deception, or psychologically manipulative interrogation tactics during the custodial interrogation of a minor (age 17 and younger). Provides for exception: The law

enforcement officer reasonably believed the information sought was necessary to protect life or property from imminent threat, and the questions asked were limited to those that were reasonably necessary to obtain information related to that threat. Effective July 1, 2024.

- [Welfare and Institutions Code section 627](#) was amended to provide that immediately after being taken to a place of confinement, and no later than two hours after a minor has been taken into custody, a probation officer must notify the public defender or the indigent defense provider for the county, that the minor has been taken into custody.
- [Vehicle Code sections 1656.3 & 2806.5](#) were added. Requires, beginning January 1, 2024, a peace officer making a traffic or pedestrian stop to state the reason for the stop before asking any questions related to a criminal investigation or traffic violation, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.
- [Vehicle Code section 23109](#) was amended to expand the crimes of motor vehicle exhibition of speed and speed contest, to include parking lots and off-street parking facilities.

Please consult the full code sections here:
<https://leginfo.legislature.ca.gov/faces/codes.xhtml>
.☆

A PEACE OFFICER ILLUMINATING A VEHICLE WITH A SPOTLIGHT ALONE, DOES NOT ALWAYS CAUSE THE OCCUPANTS OF THE VEHICLE TO BE DETAINED.

A deputy sheriff was on duty and drove through an area known for narcotics sales and weapons possession. The deputy had his headlights and high beams on so that he could have extra visibility.

As he patrolled the area, the deputy observed a car that was parked legally in front of a residence. The vehicle was parked near a streetlight. The car's engine was off. The deputy could see smoke coming from the windows of the vehicle, which were slightly open. There were three people inside the vehicle. The deputy made eye contact with the occupants as he drove by. The deputy then made a U-turn and parked behind the car. He left about 15-20 feet of distance between his marked patrol car and the subject vehicle.

The deputy turned on his spotlight. He did not activate his emergency lights or give any commands to the occupants of the vehicle. The deputy sat in his patrol car for about 15 to 20 seconds while he spoke to a dispatcher regarding his location. He then got out of his patrol car and walked towards the vehicle.

As the deputy approached the vehicle, a woman who had been sitting in the back seat jumped out of the car quickly and abruptly. To the deputy, it was unusual behavior. She walked towards the back of the car. The deputy asked her what she was doing. She said that she lived there.

At that point, the deputy was concerned for his safety and directed the woman to stand near the sidewalk behind the car. He had her stand in a location where he could keep an eye on her. He spoke to the woman in a calm voice and did not draw a firearm or other weapon. The woman complied with the deputy's direction.

The deputy then continued his walk towards the car. When he got within a few feet of the car, he could smell marijuana smoke. Because the car's windows were tinted, the deputy needed the assistance of the spotlight and his flashlight to see into the interior of the vehicle. He was able to see one large and two smaller clear plastic bags containing a green leafy substance consistent with marijuana.

The deputy spoke to the person sitting in the driver's seat. The deputy asked him about a partially burned, hand-rolled cigarette that he saw on the center console as well as the leafy

substance in the plastic bags. He also asked the driver if he was on probation. The driver said he was on probation.

The deputy confirmed through a records search that the driver was on probation with a condition that he must submit to warrantless search and seizure. When additional law enforcement officers arrived, the deputy searched the vehicle. He located the three plastic bags, the hand-rolled cigarette, and a vial with 70 pills that were later determined to be hydrocodone. The quantities of substances were consistent with possession for sale. The driver was placed under arrest, and a search incident to that arrest revealed \$1,904 in cash.

In the case of [People v. Tacardon](#), the California Supreme Court ruled that the use of a spotlight for illumination did not violate the driver's Fourth Amendment rights. The Court sent the case back to the trial court for additional findings regarding the passenger's detention and whether it caused the driver also to be detained.

In its written decision, the Court first stated, "An officer may approach a person in a public place and ask if the person is willing to answer questions. If the person voluntarily answers, those responses, and the officer's observations, are admissible in a criminal prosecution. Such consensual encounters present no constitutional concerns and do not require justification. However, when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen, the officer effects a seizure of that person, which must be justified under the Fourth Amendment to the United States Constitution. In situations involving a show of authority, a person is seized if in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave, or otherwise terminate the encounter, and if the person actually submits to the show of authority."

The Court continued, "We consider the totality of the circumstances in determining

See "Spotlight" continued on page 5

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.

whether a detention occurred. Relevant circumstances may include: the presence of multiple officers, an officer's display of a weapon, the use of siren or overhead emergency lights, physically touching the person, the use of a patrol car to block movement, or the use of language or of a tone of voice indicating that compliance with the officer's request is compelled. The facts are reviewed objectively."

The Court then stated, "It is clear that [the driver] was detained at some point. The question is when. The timing is critical to the outcome. The parties agree that [the deputy] had no reasonable suspicion of criminal activity before he smelled marijuana smoke and saw what appeared to be bags of marijuana in the backseat. So if [the driver] was detained before that point, the action was unjustified and evidence subsequently discovered during the deputy's search was subject to suppression."

The Court then looked at the question of

whether the use of spotlight illumination created a detention of the occupants of the vehicle. The Court noted that a previous California court decision did not adopt a bright-line rule that an officer's use of emergency lights in close proximity to a parked car will always constitute a detention of the occupants. Instead, the court emphasized such an inquiry must take into account all of the circumstances surrounding the incident in each individual case.

In the driver's case, a spotlight was used rather than emergency lights. The Court stated, "This case involves the use of a spotlight, rather than red and blue emergency lights. Accordingly, we consider how the use of a spotlight affects the analysis of whether a detention took place."

The Court stated, ". . . [A] reasonable person would understand that spotlights can have a practical function that differs from the essentially communicative function of emergency lights. A

See "Spotlight" continued on page 6

“Spotlight” continued from page 5

spotlight can be used to illuminate the surrounding area for safety or other purposes unrelated to the projection of authority. Proper illumination enhances the officer’s ability to make swift, on-the-spot decisions that are appropriate to the circumstances. And, in certain circumstances, depending on how the spotlight is used, it might help both the officer and the civilian see what the other is doing and make decisions accordingly [W]e believe a reasonable person would distinguish between a spotlight and red and blue emergency lights in considering whether the person was free to leave or otherwise terminate the encounter.”

The Court declined to state a bright-line rule. The Court stated, “A court must consider the use of a spotlight together with all of the other circumstances. It is certainly possible that the facts of a particular case may show a spotlight was used in an authoritative manner. These may include flashing lights at the driver to pull the car over or attempting to blind the driver, which would be relevant considerations under the totality of the circumstances. But use of a spotlight, standing alone, does not necessarily effect a detention.”

The Court then looked at the facts of the driver’s case and stated, “Considering the circumstances here, [the driver] was not detained when [the deputy] parked behind the [car], shined a spotlight on it, and began to approach on foot. [The deputy] made eye contact with [the driver] as he drove by. He then made a U-turn, parked 15 to 20 feet behind [the driver]’s car, and employed the

spotlight. After taking about 20 seconds to inform the dispatcher, he began walking towards the car. The deputy’s conduct up to this point conveyed none of the coercive hallmarks of a detention. He did not stop [the driver]’s vehicle or block him from driving away. He did not activate a siren or emergency lights or give directions by loudspeaker. He did not approach rapidly or aggressively on foot or draw a weapon. He gave no commands and made no demands; in fact, he did not seem to communicate at all with [the driver] or his passengers until the woman got out of the car and began to walk away. . . . [I]t was only after she was given, and complied with, [the deputy]’s directive to remain that she was detained.”

The Court then noted that the deputy detained the passenger when he ordered her to stand near the sidewalk. The detention lacked reasonable suspicion. The Court noted, however, that for [the driver] to be detained when the passenger was ordered to stand near the sidewalk, he “must be aware of the officer’s show of authority directed at another.” The Court further stated, “Here, then, the critical factual question was whether [the driver] overheard or otherwise perceived the deputy’s interaction with the passenger. But the record shows the magistrate did not consider this question.” The Court remanded the case for new factual findings as to whether [the driver] was aware of the woman’s detention and to assess whether [the driver] was detained under the totality of the circumstances. ☆

FROM THE RANGEMASTER

Are 80% firearm receivers legal?

80% lower firearm receivers in the State of California are currently legal to possess. Issues can occur after the lower is completed (100%). The term “Ghost Gun” was coined from 80% lowers because this was how people worked around the law. With a few simple tools, a person can complete the 80% lower

and have a completely functioning rifle or handgun (after assembling the remaining necessary parts to the receiver). Here's is an example of an 80% completed AR-15 lower receiver (must be machined to complete it). It's lacking holes for necessary pins that hold the selector, trigger, and hammer in place.



Here is an 80% lower receiver that's been machined in a DIY process that makes it a completed part, capable of attaching the remaining firearms components that make it functional.



As of January 1, 2019, any owner of a firearm that does not exhibit a unique serial number according to [PC 29180\(c\)](#) and United States Codes and regulations, are required to apply to the CA Department of Justice (DOJ) for a serial number. Upon receiving the serial number or mark of identification from the DOJ, the firearm serial number must be engraved or affixed within 10 days.



With handguns, a person can buy an 80% unfinished lower receiver. Most manufactures will sell a complete kit with drills bits and a “Jig.” The “Jig” holds everything together while the person drills holes in specific areas and mills out the frame. Once the frame is complete, they can add all the necessary parts to make it a functioning firearm. They must now obtain a firearm serial number from the DOJ though.



[PC 29180\(2\)\(A\)](#) states *“Within 10 days of manufacturing or assembling a firearm in accordance with paragraph (1), the unique serial number or other mark of identification provided by the department shall be engraved or permanently affixed to the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of [Section 923 of Title 18](#) of the United States Code and regulations issued pursuant thereto.”*

After the firearm manufacturer has notified DOJ of the serial number they intend to put on the firearm, they must affix the serial number to the firearm and notify DOJ again within the specified time period provided by DOJ under [PC 29180\(3\)](#). There are certain exceptions to this, but those exceptions are related to “curio” and “relic” firearms under [PC 23925\(b\)\(3\)](#).

[PC 29010\(a\)](#) allows a person without firearm manufacturer license may manufacture up to three firearms within the state in a calendar year (solely for personal use), but not using a 3D printing process. Effective January 1, 2023, [PC 29185\(a\)](#) requires a state and federal firearm manufacturer's license to lawfully use a 3D printer to manufacture a firearm.

It's important to know that an unfinished 80% frame or receiver is a "firearm precursor part", subject to the same laws as a completed/assembled firearm. [PC 16531\(a\)](#) defines a "firearms precursor part" as *"any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted."* The sale and transfer of ownership of unfinished frames and receivers must be conducted through a licensed firearms dealer since unfinished frames or receivers are treated the same as completed frames and receivers pursuant to [PC 16520\(a\)](#) and [PC 16531\(a\)](#).

Effective January 1, 2024, it will be unlawful to knowingly possess an unserialized firearm, including a completed or unfinished frame or receiver pursuant to [PC 23920](#), [PC 23925\(b\)\(5\)](#), and [PC 29180\(c\)](#). This means that possession of an unserialized 80% frame or receiver will be unlawful after January 1, 2024.

- Sgt. David Weidner