



# SHERIFF

# CHRISTINA CORPUS

SAN MATEO COUNTY SHERIFF'S OFFICE

# TRAINING BULLETIN

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## SHERIFF'S PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE POLICY MANUAL PERTAINING TO FOREIGN NATIONALS AND DIPLOMATS.

Sworn personnel must have a complete understanding of Sheriff's Office policy regarding foreign nationals and diplomats. Sworn personnel shall be familiar with the policy and what it contains. Sheriff's Office Policy Manual Policy 606 establishes the Sheriff's Office policy regarding foreign nationals and diplomats. The following are excerpts from that policy. All affected personnel must be familiar with the entire Policy as stated in the Sheriff's Office Policy Manual.

### POLICY

A "foreign national" is any person who is not a citizen of the United States. The term "foreign national" includes persons who are visitors to the United States, resident aliens who hold documents

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### Storm Watch - Coastside Patrol



### FROM THE TRAINING MANAGER

The Sheriff's Office held a two-day Active Violence incident response class this month, geared towards first responder level personnel. The training was held in Half Moon Bay, with other patrol bureaus participating (in addition to Fire and local school administrators joining in). The first day was comprised of classroom instruction: covering case studies, strategic/tactical considerations, and prioritization of tasks within an active incident.

Day two of the training transitioned to practical application in the field, with real world live scenarios being presented to students. Each scenario increased in complexity, challenging the participants to apply their classroom knowledge and experience in real time under simulated stress. This type of valuable training is vital to preparing first responders for active violence incidents.

- 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.

*"Foreign" continued from page 1*

providing for resident status, and persons residing in the United States without a legal right to do so. The San Mateo County Sheriff's Office Correctional Facility will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Office will investigate all claims of immunity and accept

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custody of the person when appropriate. The San Mateo County Sheriff's Office Correctional Facility will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative.

### DIPLOMATIC AND CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the San Mateo County Sheriff's Office Correctional Facility, the receiving deputy shall first inform the Watch Commander and then generally proceed as follows:

- ✓ Do not accept custody of the person from the transporting deputy. The person should not be brought inside the San Mateo County Sheriff's Office Correctional Facility unless doing so would facilitate the investigation of his/her claim of immunity.
- ✓ Do not handcuff the person, or, if handcuffs

have been applied, remove them unless there is an articulable threat that would justify their use.

- ✓ If the person has already been accepted into custody, inform the person that he/she will be detained until his/her identity and immunity can be confirmed. Attempt to obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.
- ✓ In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

It will be the responsibility of the Watch Commander to communicate the claim of immunity to the on-duty supervisor of the arresting office (if not the San Mateo County Sheriff's Office). The Watch Commander is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

### CONSULAR NOTIFICATIONS

The Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing inmates of rights related to consular notification should also be posted.

Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and officials at the U.S. Department of Homeland Security (28 CFR 115.51).

The Vienna Convention on Consular Relations also requires mandatory notification of

an official from the consulate of the country of an arrestee if the arrestee is the national of certain countries.

Office members assigned to book inmates shall:

- ✓ Inform the foreign national, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.
- ✓ Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
- ✓ If the foreign national's country is not on the list for mandatory notification but the foreign national requests that his/her consular officers be notified, then:
  - o Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
  - o Forward any communication from the foreign national to his/her consular officers without delay.
- ✓ If the foreign national's country is on the list for mandatory notification, then:
  - o Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
  - o Tell the foreign national that this notification has been made and inform him/her without delay that he/she may communicate with his/her consular officers.
  - o Forward any communication from the

foreign national to his/her consular officers without delay.

- o Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Watch Commander.

### PROCEDURE

When an individual is determined to be a foreign national the following procedures shall be used:

- ✓ The receiving Intake Deputy/Correctional Officer will note the arrestee's place of birth or origin on the booking sheet. When a known or suspected foreign national is booked into MCF, the on-duty Intake Sergeant shall be notified by the Intake Deputy/Correctional Officer receiving the foreign national arrestee. The Intake Deputy/Correctional Officer will question the arrestee to verify foreign national status.
- ✓ The Intake Deputy/Correctional Officer will advise the suspected foreign national of his/her right to speak to their respective consulate pursuant to Penal Code Section 834c. The Intake Deputy/ Correctional Officer will then document the advisement in the comments section of the San Mateo County Arrest Report/Booking Sheet (IE: "Subject advised of his/her rights to notify his/her consulate." His/Her response should also be documented).
- ✓ The Intake Deputy/Correctional Officer will complete the San Mateo County Sheriff's Office Consulate Form (stored in the upper storage cabinet in the Intake Sergeant's Office).
- ✓ The consulate form will be immediately faxed

to each respective country of origin for the inmate that is listed as mandatory notification under the Vienna Convention by the receiving Intake Deputy/Correctional Officer. All other consulates will be notified if requested by an inmate foreign national. The Consulate Notification log will then be filled out by the Intake Deputy/Correctional Officer. A current list of telephone and fax numbers for foreign embassies and consulates in the United States can be obtained on the Department of State's website at <http://www.travel.state.gov/law/notify.html>.

- ✓ The Consulate Form will be retained in the Intake Sergeant's Office for a period of (3) years. The Consulate Form, Consular Notification Log Sheet, and a copy of the San Mateo County Arrest Report/Booking Sheet will be placed into the Consular Notification binder inside of the Intake Sergeant's Office. The binder will be clearly marked as "Consular Notification" and stored inside of the Intake Sergeant's Office.
- ✓ A copy of the faxed Consulate Form will be placed in the inmate jacket.
- ✓ The on-duty Intake Sergeant will be notified of the completion of all forms pursuant to Consular Notification. The Intake Sergeant will inspect the documents to ensure proper documentation. ☆

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### **A PAROLE SEARCH VIOLATED THE SUSPECT'S FOURTH AMENDMENT RIGHTS BECAUSE IT WAS THE PRODUCT OF AN UNLAWFUL DETENTION.**

A police officer responded late one night to a call of a possible vehicle burglary in a parking lot of a business. When the officer arrived at the scene, a security officer told him that she had seen two individuals on bicycles shining flashlights into parked cars.

The officer drove through the parking lot. He did not see anything unusual. The officer then drove through an adjacent parking lot. There were four or five parked cars in the lot. One of the cars was occupied. The officer could see that

## 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.

the car had one occupant. The male occupant was reclining in the passenger seat of the vehicle. The officer made contact with the occupant of the vehicle. He appeared to be "hanging out."

The officer ordered the man to get out of the car. He complied. The officer asked him for identification. The officer allowed the man to return to his car to retrieve his identification. The officer performed a records check and found out that the man was on active and searchable parole. The officer searched the man and his vehicle. He located a firearm, drugs, and drug paraphernalia.

In the case of People v. McWilliams, the California Supreme Court ruled that the search of the vehicle was the product of an unlawful detention and that the evidence found in the vehicle should be suppressed.

In its written decision, the Court first stated, "The Fourth Amendment to the United States Constitution protects the right of the

people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. The right is primarily enforced through the exclusionary rule, a deterrent sanction that bars the prosecution from introducing evidence obtained by way of a Fourth Amendment violation. Where it applies, the exclusionary rule forbids admission of both the primary evidence obtained as a direct result of an illegal search or seizure and evidence later discovered and found to be derivative of an illegality—familiarily known as the fruit of the poisonous tree."

The Court continued, "The exclusionary rule does not, however, apply in every case involving a Fourth Amendment violation. Balancing the benefits of the exclusionary remedy against its costs, the United States Supreme Court has fashioned various exceptions to the exclusionary rule, including the so-called

*See "Detention" continued on page 6*

attenuation doctrine. The attenuation doctrine holds that, notwithstanding the exclusionary rule, evidence is admissible when the connection between unconstitutional police conduct and the evidence is remote or has been interrupted by some intervening circumstance, so that the interest protected by the constitutional guarantee that has been violated would not be served by suppression of the evidence obtained. In conducting the attenuation inquiry, courts are guided by three factors first set out in *Brown v. Illinois*: (1) the ‘temporal proximity’ between the unlawful conduct and the discovery of evidence; (2) the ‘presence of intervening circumstances’; and (3) the ‘purpose and flagrancy of the official misconduct.’ Once the defendant establishes a Fourth Amendment violation, the prosecution bears the burden of establishing admissibility under this exception to the exclusionary rule.”

The Court ruled that the discovery of the parole search condition had no considerable attenuating effect under the circumstances of the case. The Court noted that a previous California Supreme Court had ruled that the discovery of a valid arrest warrant was an intervening circumstance that attenuated the causal chain between the unlawful stop and the incriminating evidence. According to the Court, despite their similarities, arrest warrants differ from parole search conditions in a critical respect: As judicial mandates to take a suspect into custody, arrest warrants not only authorize, but compel, further action by the officer.

The Court then looked at another factor in whether the parole search was attenuated—the flagrancy and purpose-fulness of police misconduct. The Court stated, “While the first two factors identify forces — time and intervening circumstances — that may tend to

attenuate the causal connection between the misconduct and the discovery of evidence, the focus of the third factor is different: It is directly tied to the purpose of the exclusionary rule — deterring police misconduct. Police misconduct is most in need of deterrence when it is purposeful or flagrant. The greater the degree of purpose-fulness or flagrancy associated with the police misconduct, the greater the justification required to admit evidence obtained through the misconduct.”

The Court stated, “Every attenuation case involves an improper search or seizure, but not every impropriety rises to the level of purposeful or flagrant illegality.” The Court looked at the facts of [the suspect’s] case and stated, “The security guard in a business parking lot had reported suspicious activity involving two individuals riding bicycles and shining flashlights into cars. [The officer] found [the suspect] alone and reclined inside a car, with no bicycle or flashlight in sight. Rather than approaching [the suspect] to ask him for information, [the officer] instead ordered [the suspect] out of the car for asserted safety concerns, thereby effecting a seizure of his person. Then, despite these asserted safety concerns, [the officer] allowed [the suspect] to return to his car to retrieve his identification and used that identification to run a records check.”

Here, as in *Brendlin* and *Strieff*, an officer conducted a concededly unlawful seizure: The Court of Appeal in this case concluded, and all parties now agree, that Officer Croucher violated the Fourth Amendment when he ordered McWilliams out of his vehicle with no basis to suspect McWilliams of involvement in any criminal activity. And here, as in *Brendlin* and *Strieff*, the officer conducted a records check after that unlawful detention. ☆

## FROM THE RANGEMASTER

### *Autism Awareness for Law Enforcement*

On a daily basis police officers encounter a multitude of individuals in emergency situations. Just as each emergency differs from the next, so does the individual involved, especially in regards to people with autism. Police are trained to respond to a crisis situation with a certain protocol, but this protocol may not always be the best way to interact with people with autism. Because police are usually the first to respond to an emergency, it is critical that these officers have a working knowledge of autism, and the wide variety of behaviors people with autism can exhibit in emergency situations. Teaching first responders the signs of autism is an important first step toward preventing unfortunate situations.

A person with autism might:

- Have an impaired sense of danger.
- Wander to bodies of water, traffic or other dangers.
- Be overwhelmed by police presence.
- Fear a person in uniform (ex. fire turnout gear) or exhibit curiosity and reach for objects/equipment (ex. shiny badge or handcuffs).
- React with "fight" or "flight".
- Not respond to "stop" or other commands.
- Have delayed speech and language skills.
- Not respond to his/her name or verbal commands.
- Avoid eye contact.
- Engage in repetitive behavior (ex. rocking, stimming, hand flapping, spinning).
- Have sensory perception issues.
- Have epilepsy or seizure disorder.

If a first responder is able to identify that a child or adult may have autism, he or she can then respond in a way that best supports the individual.

When interacting with a person with autism:

- **Be patient and give the person space.**
- Use simple and concrete sentences.
- Give plenty of time for person to process and respond.
- Be alert to signs of increased frustration and try to eliminate the source if possible as behavior may escalate.
- Avoid quick movements and loud noises.
- Do not touch the person unless absolutely necessary.
- Use information from caregiver, if available, on how to best respond.

General training guidelines\*:

- Law enforcement agencies should proactively train their sworn workforce, especially trainers, patrol supervisors, and school resource officers, to recognize the behavioral symptoms and characteristics of a child or adult who has autism, and learn basic response techniques.
- A training program should be designed to allow officers to better protect and serve the public and make the best use of your valuable time, and avoid mistakes that can lead to lawsuits and negative media scrutiny, loss of confidence from the community, morale problems, and lifelong trauma for all involved.

- A good autism recognition and response workshop is designed to inform law enforcement professionals about the risks associated with autism, and offers suggestions and options about how to address those risks.

Stay safe,

- Sgt. David Weidner

Article sourced from: <https://www.autismspeaks.org/information-law-enforcement>

\*Credit to Dennis Debbaudt, [Autism Risk & Safety Management](#)