

# Court Training Manual



**Santa Clara County Sheriff's Office  
55 W. Younger Avenue  
San Jose, Ca. 95110**

Updated February 2019

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# Office of the Sheriff County of Santa Clara

Court Services Division  
190 W. Hedding Street  
San Jose, California  
95110

## Court Training Manual

Court Training Program

Laurie Smith, Sheriff  
County of Santa Clara

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**Preface**

The following section describes some basic information about the Sheriff's Office and the Court Training Program.



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## **Foreword**

The purpose of the Court Training Manual is to provide the trainee with the necessary training material presented in a systematic manner. The manual is comprehensive, but by the very nature of police work, cannot cover all material. The program is designed to assist the deputies in making the transition from what they learned in the academy to performing general law enforcement duties competently in the Court Services Division.

It is the primary responsibility of the Court Training Officer (CTO) to facilitate this transition process by supervising, training and evaluating trainees in the application of their acquired knowledge and skills. Each CTO is an experienced deputy who was selected to this position based on their performance and training ability.

The manual is to be used only as a guide. The information contained within this manual was current at the time of printing. Updated Sheriff's Office General Orders, directives, and policies will take precedence over material presented in this manual. A great deal of the material that you will need to know is contained within this manual, but it will be necessary to also refer to General Orders, Patrol Procedures, County Protocols, Penal Code, Vehicle Code, and other reference materials while in the training program.

The CTO will assign the trainee various sections of this manual to learn during training. The trainee will be expected to know and retain this information; continual testing and/or evaluations on this material will be done by the CTO while the trainee is in the program. In addition to the instruction, the trainee will be receiving assignments under the direction of the CTO. It is recommended that the deputy maintain a personal study program on their own time. The broad background of knowledge needed to become an effective deputy cannot be gained entirely on the job.

This manual is designed to ensure that trainees receive specific training in designated areas. In each of the training categories, there will be an accompanying portion that requires both the CTO and trainee to initial and date acknowledging that the material was presented by the CTO and competency was demonstrated by the trainee. The trainee should not sign any section(s) that he/she does not understand as they will be held accountable for all sections signed off. The trainee should notify the CTO and request additional instruction in any area(s) of concern.



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The following symbols will be used to designate the written sources of the subject matter outlined in the sign-off portions of this manual as well as areas to refer to for additional information:

- D Demonstrated
- GO General Orders
- HS Health and Safety Code
- PC Penal Code
- PP Patrol Procedures
- TM Training Manual
- TA Traffic Accident Manual
- TD Transit Patrol Directives
- VC Vehicle Code
- WI Welfare and Institutions Code

The Sheriff's Office is always striving to make the Court Training Program better. The trainee will be given the opportunity to confidentially evaluate each of his/her assigned CTO's and the program as a whole, at the completion of their training.

The Court Training Program staff is always available to assist the trainee with problems or concerns. The trainee should not hesitate to contact any of us for advice or guidance.

A lot of hard work is ahead of you, but the rewards that await you will be worth the effort. I hope that the Court Training Program is a positive and productive experience for you.



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**Message from Sheriff Laurie Smith**

On behalf of the Sheriff's Office Court Services Division, I welcome you to the Court Training Program. All staff of this division is committed to assuring that top quality training is provided to you. Your emergence into our Court Training Program will be the first step into our organization. We trust that the training will provide you with the skills that will allow you to emerge as a competent and inspired Deputy Sheriff.

Your Court Services Division staff is dedicated to providing support, guidance, and direction to you to insure your success. Your experience in the Court Training Program is very important to us and we welcome your input on the effectiveness of your training.

Building partnerships with residents, community based organizations, allied agencies and government/business persons are a top priority. Teaming together in a synergetic fashion allows us to become much more effective.

You are a key element to the future of this department, as your actions today will set the tone, the direction and the focus for tomorrow. I expect you to be a valuable resource for our service to the community and the Sheriff's Office for the remainder of your career.

Best wishes on your training program and welcome to our team.

Laurie Smith,  
Sheriff  
Santa Clara County Office of the Sheriff



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**Santa Clara County  
Laurie Smith, Sheriff**

**Mission Statement**

The Santa Clara County Sheriff's Office is dedicated to the preservation of the public safety by providing innovative and progressive service in partnership with the community.

**Core Values**

- Our principal mission is the protection of life and property.
- Our employees are our most valued assets.
- We strive to maintain the highest level of public trust.
- We demand the highest standards of honesty and integrity.
- We value community partnerships.
- We treat each other, and the community, with dignity.
- We recognize diversity as strength.
- We value personal and professional growth through education and training.
- We recognize the importance of investing in the future of our community's children.
- We recognize the importance of fiscal responsibility through performance-based management.



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**A History of the Santa Clara County Sheriff's Office**

The word “sheriff” can be traced to the early English police system where sheriffs were local officials who performed a number of administrative tasks. “Sheriff” comes from the words “shire” and “reeve”. A shire was a political subdivision such as a county, and the reeve was its administrative official. After the Norman Conquest in 1066, when church courts were separated from state courts sheriffs became the chief officials in counties and head of courts. They were judges in both civil and criminal cases. Today’s sheriffs are generally comparable to police chiefs and have no judicial powers.

The Santa Clara County Sheriff’s Office is one of the oldest law enforcement agencies in the State of California and has the distinction of being the oldest established sheriff’s office in the state. There have been twenty-seven persons serving in the capacity of the sheriff since the first was elected in 1850.

In the year 2000, the Santa Clara County Sheriff’s Office celebrated its 150<sup>th</sup> anniversary. With a total county population of approximately 1,600,000 people, the Sheriff’s Office has a service population of approximately 200,000 people, which includes the contract cities of Saratoga, Cupertino and Los Altos Hills.

Until 1849, when the first California legislature convened, California used the Mexican style of government. Under Mexican law, the Alcalde, a combination of mayor, judge and sheriff, dispensed the law as he saw fit.

Santa Clara County saw a huge influx of people, as did the rest of the state, during the Gold Rush. As in other boomtowns of that era, lawlessness was commonplace in the county. Rarely did a week go by without the local newspapers reporting a murder or a robbery.

In 1849, the first sheriff appeared in San Jose. Robert Cadden Keys became the first person to hold the title of Sheriff when he was appointed by the Common Council. The next and last sheriff, prior to statehood, was J. M. Lowe. Lowe only held the position for a few months, when Santa Clara County held its first official election in April 1850.

On April 8, 1850, John Yontz became the first duly elected Sheriff of Santa Clara County, winning by a mere 116 votes. The county had a population of almost 7,000 people at that time and Sheriff Yontz was the only full time employee. He would deputize men for a few days when he needed a jail guard, bailiff or a posse.

Joseph W. Johnson, once a deputy under Sheriff Yontz, was elected the second sheriff and took office on April 5, 1852. On one occasion, in 1853, Sheriff Johnson and a



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posse of men sought out two Mexican bandits who were holding out in a home near San Jose. The Sheriff was able to seize one of the banditos without a struggle. As he was leading the extremely large prisoner out the door, the bandit escaped from the Sheriff and started running. Sheriff Johnson's pistol misfired as he tried to shoot the bandit. Another posse member rode after the escaping criminal and shot the bandit when he refused to surrender.

Sheriff Johnson left office in 1853 and later became an attorney, a County Judge, and the ninth Mayor of San Jose. He held the position of Justice of the Peace until his death in 1880.

William McCutchen took over the office in October 1853. McCutchen, a member of the ill-fated Donner Party, left ahead of the main wagon train to secure provisions in California. When he learned the group was trapped in the snowed-in Sierra Mountains, he risked his life to bring in food as well as intending to rescue his wife and daughter, who were with the wagon train. Upon reaching his wife, he learned that his one-year-old daughter had become one of the many casualties.

On a Sunday afternoon in 1854, Sheriff McCutchen and San Jose City Alderman Peter Minor held a horse race through the streets of downtown San Jose, much to the dismay of local citizens and the City Marshal. Sheriff McCutchen's horse beat Minor's horse by a neck, winning the bet of a bottle of whisky. The marshal arrested McCutchen and Minor and the next day both pled guilty and was fined ten dollars.

In 1863 a group of Confederate sympathizers from Santa Clara County robbed two stages in a bold hold-up near Placerville, California. Sheriff John Hick Adams received information that these criminals had been traced to this county and were holed up in a house near Almaden. Sheriff Adams and numerous deputies surrounded the house and ordered the criminals to surrender. Instead of surrendering, the outlaws rushed out of the house in a hail of bullets. All of the bandits were either captured or killed. Sheriff Adams was shot in the chest, but his life was saved because the bullet struck his pocket watch.

Almost ten years later Sheriff Adams went in pursuit of the famed bandito Tiburcio Vasquez. He trailed Vasquez from Tres Pinos, near Hollister, through the Central Valley to Los Angeles. Adams missed capturing Vasquez, but was successful in capturing some of the gang members. The next year, in 1874, Vasquez was captured in Los Angeles and returned to Santa Clara County for trial. On March 18, 1875, in almost a party atmosphere, Vasquez was hung from the gallows behind the county jail.



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In the 1880's, Sheriff Giles E. McDougall was so repulsed over the duty of carrying out orders of capital punishment that he lobbied endlessly to have the legislation changed to mandate that the State hang inmates instead of counties.

In May 1896, James Dunham brutally killed his wife and five others at the McGlincey Ranch in Campbell. Sheriff James H. Lyndon immediately set out after the killer, who was last seen heading toward Mt. Hamilton. Unfortunately, Dunham was never located.

Reports surfaced for many years of Dunham sightings in the Eastern United States, Mexico, and even as late as the 1930's as a ranch hand in Northern California. Even today when bones are discovered in the hills, people continue to wonder if they could be the bones of the long lost Dunham. The McGlincey murders stood as the largest mass murder in the county until 1988 when seven people were killed in Sunnyvale.

In 1933 Sheriff William Emig drew unwanted national attention because of a lynching from the County Jail. Brooke Hart, the son of a wealthy and respected downtown department store owner, was kidnapped and murdered. The kidnapers, Thomas Thurmond and John Holmes, were soon captured and held in the Santa Clara County Jail awaiting trial. The body of young Hart was located a few days later in the mud flats of San Francisco Bay by some fisherman.

As word reached the shocked citizens of the county a crowd began to gather outside the County Jail. During the night the crowd became hostile and stormed the jail, forcibly removed Holmes and Thurmond from their jail cells and dragged them across the street to St. James Park, where they were hanged from some large trees.

Thirteen years later, Sheriff Emig was arrested while in office and subsequently convicted of conspiracy for violating the State gambling laws.

From 1850 to 1988, the Sheriff's Office operated the county jail system. In the first year the jail consisted of a single cell in an old adobe. In 1871, the county constructed a three-story brick jail behind what is now called the "old court house." This jail was in use until 1958 when a new jail was constructed at San Pedro and Rosa Streets (now Hedding Street). Also in the 1950's the Jail Farm, which later became known as the Elmwood Correctional Facility, was opened in the city of Milpitas. This facility also included the county's first correctional facility for women.

In the 1970's, the jail system was so overcrowded that numerous prisoners and prison rights groups filed lawsuits against the County and the Sheriff's Office over these conditions. In the early 1980's, the Board of Supervisors approved the remodeling of the current jails, the construction of a new main jail and the additional construction of medium security housing units at the Elmwood facility. Prior to its official opening,



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the County Board of Supervisors developed the County Department of Corrections to staff the jail system.

Six deputy sheriffs have lost their lives in the line of duty since 1850. Each of these deputies served the citizens of Santa Clara County with distinction. They may no longer be with us, but they are not forgotten:

Deputy Martin Roohan	End of Watch: 10/23/1862
Deputy William Hendricks	End of Watch: 02/15/1866
Deputy George T. Headen	End of Watch: 10/20/1897
Deputy Herbert McAuley	End of Watch: 11/11/1931
Deputy Doug Miller	End of Watch: 06/09/1986
Deputy Paul Robert Bush	End of Watch: 09/12/1990

The Santa Clara County Sheriff's Office has had many different patches and badges since its inception in 1850.

**Badges:** At the last count, there were over 90 different styles of badges alone (including different ranks). Those with the rank of sergeant and below will wear the silver colored badge and those with the rank of lieutenant and above will wear a gold colored badge. The current badge is a seven-pointed star with the Seal of the State of California in the center.

**Patches:** Patches are one of the most recognizable attributes of a peace officer's uniform. Santa Clara County has had only two known patches worn by its regular deputy sheriffs. Other patches have been worn by its Reserve organization and specialized units.

The current style patch was introduced in 1950. Besides differences in loom runs, the style has not changes since its introduction. The patch is a shield, with a gold border and blue twill background. The word, "SHERIFF", is embroidered in gold above the Seal of the State of California (EUREKA). "SANTA CLARA COUNTY" is embroidered below the State Seal. This style patch is only worn by two other agencies in California: the San Joaquin County Sheriff and Stanislaus County Sheriff Offices. The only difference is that these agencies' background twill is black, rather than blue. The patch is worn on a khaki (tan) shirt, with forest green slacks, with a ½" wide stripe.



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**Peace Officer Bill of Rights**

If you are a Peace Officer under Sections 830.1(a) and (b) of the Penal Code, you have the following rights:

- You have the right to engage in political activity off duty and out of uniform.
- You have a right to refuse to engage in political activity, if you so choose.
- You have a right not to be subjected to punitive action, or be denied promotion, or be threatened in any such treatment because of the lawful exercise of your rights granted by AB301 or the exercise of any rights under any existing administrative grievance procedure.
- You have a right to have any interrogation conducted at a reasonable hour, with a representative of your own choosing present, preferably at a time when you are on duty, or during your normal waking hours, unless the seriousness of the investigation requires otherwise.
- You have a right to be compensated for time spent in interrogation that are conducted in your off duty hours at the normal rate for your department. You shall not be released from employment for any work missed.
- You have a right to be informed of the name and rank and command of the officer in charge of an interrogation, the interrogation officers, and all persons to be present during the interrogation, in advance of the interrogation.
- You have the right to have all questions directed to you under interrogation through no more than two interrogators at one time.
- You have a right to have the interrogating session limited to a reasonable period, taking into consideration the gravity and complexity of the issue being investigated.
- You have a right, during interrogations, to be allowed to attend to your own personal physical necessities.
- You have a right not to be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogation shall be informed that failure to answer questions directly related to the investigation, or interrogation, may result in punitive action. No promise of reward shall be made as an inducement to answering any question.



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- You have a right not to be subjected to visits by the press or news media without your express consent nor shall your home address or photograph be given to the press or news media by the department without your express consent.
- You have a right of access to any tape recordings of any interrogations or to have your own tape recorder present.
- You have a right to a transcribed copy of any notes made by a stenographer, or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports, which are deemed to be confidential, may be entered in your personnel file.
- You have a right to be informed of your constitutional rights if it is deemed that you may be charged with a criminal offense before the interrogation starts.
- You have a right to have a representative present if formal charges have been made or if punitive action may be taken as a result of the interrogation.
- You have a right not to be loaned, or temporarily reassigned, to a location or duty assignment if a sworn member of your department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.
- You have a right that no punitive action or denial of promotion on grounds other than merit shall be undertaken by any public agency without providing you with an opportunity for administrative appeal.
- You have a right not to have any comment, adverse to your interest, entered in your personnel file, or any other file used for any personal purposes by your employer, without you having first read and signed the instrument containing the adverse comment indicating that you are aware of such comment. If you refuse to sign the document it will be so noted and placed in our file.
- You have a right to refuse to inform your employer of information regarding items of property, income, assets, source of income, debts, or personal or domestic expenditures and those of your family except such information as required by State law or which is necessary for the employer to ascertain the desirability of assignment to a special unit in which there is a strong possibility that there is a conflict of interest or where there is the possibility of bribes or other improper inducements being offered.



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- You have a right to have your locker free of search except when you are present or by other legal means.
- You have a right to have thirty (30) days with which to file a written response to any adverse comment entered in your personnel file and have it attached to, and accompany the adverse comment.
- You have a right to refuse to submit to a polygraph examination. NO disciplinary action, records, or testimony may be given to indicate the fact that you refused the polygraph.



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**Merit System Rules – Disciplinary Action**

All county employees should familiarize themselves with the following sections of the Santa Clara County Codes that relate to disciplinary actions.

Section A25 – 300                      Authorized:

An appointing authority may suspend, demote or dismiss any employee subject to section 810 of the charter covering appeal rights of employees with permanent status or employees serving on a promotional probationary capacity. Probationary employees on original appointments shall not have appeal rights.

Section A25 – 301                      Causes of Suspension, Demotion or Dismissal:

The following list of causes is provided as a guide to both supervisors and employees as to what may constitute proper basis for disciplinary action. It is not an all-inclusive list in that an appointing authority may institute disciplinary action for any other activity which he deems just cause for such action.

- (a) Causes relating to performance of duties:
- (1) Violation of the county charter, merit system rules and regulations, and written and published departmental rules and policies, which do not conflict with this article.
  - (2) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned task or failure to discharge duties in a prompt, competent and responsible manner.
  - (3) Physical or mental incapability for performing duties.
  - (4) Brutality in the performance of duties.
  - (5) Refusal to accept a reasonable and proper assignment from an authorized supervisor; insubordination.
  - (6) Intoxication on duty.
  - (7) Careless, negligent or improper use of county property, equipment or funds, including use for private purposes or involving damage or risk of damage to property.



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- (8) Acceptance of gifts in exchange for “favors” or “influence” or under circumstances, which would tend to compromise the effective discharge of duties.
  - (9) Failure to maintain satisfactory and harmonious working relationships with the public and other employees.
  - (10) Absence without leave. See section A25 – 247(d).
  - (11) Habitual pattern of failure to report for duty at the assigned time and place.
  - (12) Habitual improper use of sick leave privileges.
  - (13) Unauthorized release of confidential information as defined by law from official records.
- (b) Causes relating to personal conduct detrimental or prejudicial to public service:
- (1) Guilty of gross misconduct, or conduct unbecoming a county officer or employee which tends to discredit the county or county service.
  - (2) Guilty of immoral conduct or a criminal act.
  - (3) Failure to make reasonable provisions for payment or just debts.
  - (4) Falsified job information to secure position.
  - (5) Addiction to use of narcotics or habit-forming drugs.
- (c) Engaging in incompatible employment. Any employee in the classified service who directly or indirectly engages in incompatible employment or serves a conflicting interest shall be subject to suspension, demotion or dismissal.

Each department shall maintain a list of its job classifications and outside employment, which is considered incompatible with such classifications. A copy of this list shall be maintained by the departmental personnel clerk. The personnel department shall be furnished a copy of this list and any amendments thereto.

Section A25 – 303

Procedures for Dismissal, Demotion or Suspension for Cause

- (a) In determining the degree of seriousness of an offense which is a cause of suspension, demotion or dismissal, the appointing authority shall consider:



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- (1) The nature and extent of the specific act in terms of its effect upon the function of the department.
  - (2) Damage to public interest or welfare.
  - (3) Whether a reasonable period has elapsed since a prior offense.
- (b) The decision to suspend, demote or dismiss depends on the seriousness of the offense. A suspension of not more than thirty (30) days may be set by the appointing authority.

Procedure for Dismissal, Demotion or Suspension for Cause:

- (a) Disciplinary actions may be taken without prior notice where, in the opinion of the appointing authority the action of the employee makes such action necessary.
- (b) In cases of unsatisfactory performance relating to the inefficiency, incompetence or negligence in the performance of duties, the appointing authority is encouraged to notify the employee in writing on the performance evaluation form, with a copy to the personnel director, or least thirty (30) days before suspension, demotion or dismissal that such action is being considered. The notice shall contain specific reasons why the employee's performance is unsatisfactory, what he must do to raise his performance to a satisfactory level, and a statement that he will be given a thirty (30) day period to improve his work performance, habits or attitudes.



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**ORIENTATION TRAINING MATERIAL**

The following section describes many important issues relating to the Sheriff's Office and the Court Training Program.



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### **Introduction and Description of the Court Training Program**

DESCRIPTION OF THE COURT TRAINING PROGRAM: The objective of the Court Training Program for a Deputy Sheriff is to afford the trainee the very best possible training to become a competent deputy. It will require a great deal of work for each trainee to satisfactorily complete the program, but the rewards are well worth it.

The Chain of Command for a trainee in the Court Training Program is as follows:

- Court Training Officer, Court Training Program Coordinator, Court Services Lieutenant (ADC), Court Services Captain (Division Commander).
- The facility supervisor is available for day-to-day needs.
- The assigned CTO is an experienced deputy and can answer most of the questions posed and is a starting point for direction and guidance.

### THE COURT TRAINING PROGRAM:

The Court Training Program is comprised of training with a Court Training Officer at different court facilities to be exposed to the variety of assignments within the Court Division. The trainee will be required to satisfactorily complete all elements of training. Generally, the final portion of training will include the CTO completing the final evaluations on the trainee before recommending his or her release from the program.

A Daily Performance Appraisal will be completed during each day of training as well as a Weekly Progress Report at the end of each week of training.

### IN HOUSE TRAINING:

Each new trainee will receive a 24-hour in-house orientation course that will cover pertinent material that will assist the trainee in performing the basic court deputy functions.

### GENERAL TRAINING MATERIAL:

This will be the first portion of the training program in which the trainee will work under the supervision of a qualified Court Training Officer. Training topics will cover the use of firearms, use of force, officer safety and various other policies that the trainee must know in order to properly perform his or her job. The CTO will also inspect the trainee for proper grooming, uniform and equipment.



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**OPERATIONAL TRAINING MATERIAL:**

This portion of training will include various investigative techniques, concepts of law as well as the Court Deputy specific functions and duties.

The following performance objectives must be met by the trainee:

- Handcuffing / Waist Chain Application
- Basic Interviewing Position (Stance)
- Searching (Pat Search)
- Inmate Movement / Control
- Forms:
  - Traffic Citation
  - Incident Report Program
  - CHP 180 Form
  - Citation Amendment Form
  - Field Interview Card
- Radio:
  - Running Plates/Subjects
  - Advising of Prisoner Information
  - Monitoring ID
- Booking Subject at the Jail
- 12500 CVC Tow
- Booking Property Into Evidence
- AIB Procedures
- Alarm Responses
- Interviewing
- Investigations
- Report Writing

Deputies will be required to pass a written exam at the completion of the training program. The exam will test the trainee's knowledge of material that has been presented during training. The test will consist of true-false, multiple choice, fill-in, and essay type questions. Points may be deducted for lack of neatness as well as spelling and grammatical errors. A score of 80 out of 100 must be achieved in order to pass the exam. No reference material other than a dictionary will be allowed during the exam.



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**DAILY PERFORMANCE APPRAISAL NUMBERING SYSTEM:**

The trainee will be evaluated each day in the Court Training Program. The easiest way of determining this number is through the Daily Performance Appraisal forms that the CTO completes at the conclusion of each day.

Each completed Daily Performance Appraisal form will be assigned a number that corresponds to the exact number of the day that the trainee has completed. The first day of training will be labeled as “1” and each succeeding day of training will be numbered consecutively. Trainees will only be given credit for the days they actually worked. Trainees that are off because of sickness or vacation will not receive credit for those missed days.

It will be the trainee’s responsibility to keep track of the number of days that have been completed and that the proper number is indicated on each Daily Performance Appraisal form. The trainee is also required to make a copy of each Daily Performance Appraisal form for his or her personal records. The trainee will retain these copies so that they can be readily available for review. This copy is also useful in the event the original is lost or misplaced.

**COMPLETION OF THE COURT TRAINING PROGRAM:**

The CTO will complete a Memorandum to the Division Commander after the completion of the final evaluation as to whether or not the trainee has successfully met the training standards and is qualified to work as a solo deputy.



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**Standardized Guidelines for Daily Appraisal Guide**

The Court Training Officer (CTO) will be using the Daily Performance Appraisal (DPA) for the evaluating of the trainee's performance each day. The DPA rates a trainee's performance on a daily basis and is a modified version of the DPA used in the Field Training Program. In general, continual unsatisfactory ratings indicate that the trainee is incapable or unwilling to perform some of the necessary performance objectives that are necessary to become proficient with the duties and responsibilities of a deputy assigned to the Court Security Division. Ratings of competent and/or exceptional indicate that the trainee met or exceeded those expectations for **that day**.

It is the responsibility of the CTO to properly evaluate and document a trainee's unsatisfactory behavior and performance, and that reasonable attempts to correct the deficient area(s) have been made. The comments that the CTO documents on the DPA will have a dramatic effect on whether the trainee successfully passes the program. The DPA will also show the trainee how he/she is performing and progressing in the program.

The CTO will complete the DPA at the completion of each shift and then present it to the trainee for review and discussion. A trainee that concurs with the evaluation will circle "I concur" below his/her signature line, and then sign the form. A trainee that does not agree with an evaluation will circle "I do not concur" below his/her signature area and also complete an Employee Report directed to the CTO Sergeant explaining the reason(s) for disagreeing. Upon receiving the Employee Report the CTO Sergeant will look into the matter and take appropriate action.

To complete the Court Training Program, a trainee **must**:

- Meet or exceed minimum requirements in all categories of the Daily Performance Appraisal.
- Satisfactorily complete all academic requirements of the Daily Performance Appraisal and the Court Training Program.
- Consistently exercise good judgment.
- Demonstrate competence in all details and assignments.

Trainees can refer to accompanying pages that deal with the Standardized Guidelines for the Daily Performance Appraisal for further information on this evaluation process.



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**APPEARANCE:**

**1. APPEARANCE (WEIGHT/WEAPON/UNIFORM/HYGIENE/HAIR)**

1. Training Objectives:

- To encourage physical fitness for a longer and better quality of life. To possess the physical stamina and fitness to accomplish the demands of a career in law enforcement. To present a healthy and positive image.
- To ensure that the trainee's uniform is complete, clean, neat and properly fitted. This includes weapons cleanliness and leather appearance.
- To ensure that the trainee maintains acceptable physical hygiene habits. To ensure that the trainee meets departmental standards for head and facial hair.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Overweight due to poor eating and/or exercise habits, dirty and/or unauthorized equipment, dirty, incomplete, or unauthorized uniform, dirty personal hygiene habits, or if hair is unkempt or style does not meet department standards.

4 - 5 COMPETENT: Height to weight ratio is within average ranges. Equipment and uniform is available, complete, clean, and department authorized. Personal hygiene is acceptable. Hair is neat and within departmental standards.

6 - 7 EXCEPTIONAL: Height to weight ratio is within standards and physical fitness is above average. Equipment is department approved, always available, maintained in an exceptionally clean and operating condition, and proficiency is above average. Uniform is clean, department approved, and tailored to fit comfortably. Personal hygiene habits are above average in terms of cleanliness and health standards. Head and facial hair is maintained within departmental standards and meticulously groomed.



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**DEMEANOR:**

**2. REACTION TO CONSTRUCTIVE FEEDBACK**

1. Training Objectives:

- To ensure that the trainee is able to accept constructive criticism without dissent.

2. Performance Standards:

1 - 3 Unsatisfactory: Trainee finds excuses or argues whenever constructive feedback is offered. Trainee does not change performance after criticism is given.

4 - 5 Competent: Trainee accepts assistance and criticism with a positive attitude and modifies the action(s) that were addressed.

6 - 7 Exceptional: Trainee solicits and shows appreciation or constructive criticism from CTO and others.

**3. SELF-CONFIDENCE / INITIATIVE**

1. Training Objectives:

- To ensure that the trainee can function independent of direct supervision in routine assignments and emergency conditions.
- To ensure that the trainee is motivated beyond the completion of direct supervision tasks, and that the trainee demonstrates genuine interest in on-going efforts to keep assigned or observed details running smoothly.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee lacks the self-confidence to accept responsibility, or to handle even minor confrontations with suspects or agitated subjects. Trainee seldom volunteers to handle details and must be specially assigned to carry a fair share of the workload. Trainee exhibits nervousness on routine matters.



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4 - 5 **COMPETENT**: Trainee is self-assured and projects an image of self-control without appearing arrogant. Trainee regularly volunteers for details and assignments. Trainee acts immediately within the scope of a specific investigation in order to bring the incident to a successful and quick conclusion. Trainee is alert and reacts to situations that require reaction with minimal supervision.

6 - 7 **EXCEPTIONAL**: Trainee exhibits self-reliance, emotional maturity, strong self-control, but responds positively to inconsequential issues. Trainee is judicious in carrying out assignments; without requiring direction, seeks solutions to problems, makes practical solutions, displays ingenuity in anticipating and meeting unexpected situations, gathers and provides data in advance of need.

**4. BEARING / COMMAND PRESENCE**

1. Training Objectives:

- To ensure that the trainee projects an image of self-reliance, self-control, and maturity in judgment to such a degree that by his/her mere presence others are led to trust and follow given directives, information or advice.
- To ensure that the trainees present themselves in a manner where a hostile environment realizes that the trainee represents authority and that resistance to this authority will be quickly and diligently dealt with.

2. Performance Standards:

1 - 3 **UNSATISFACTORY**: Trainee allows others to control or dictate actions or decisions when it should be the trainee who maintains control and directing the actions of others. Trainee demonstrates contempt or arrogance towards citizens and staff. Trainee demonstrates inconsistency in decisions, actions, and information given to citizens and staff. Trainee is unable to make a decision when faced with routine, urgent, or emergency matters.

4 - 5 **COMPETENT**: Trainee maintains self-control and control of a situation within parameters of responsibility. Consistency of conduct and judgment leads one to trust decisions, information, and advice from the trainee.



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6 - 7 EXCEPTIONAL: Trainee demonstrates exceptional skill and strength in the handling of situations where persons are directed to comply with emergency procedures, or follow given directives. Trainee's demeanor compels the cooperation of citizens and suspects in routine or emergency situations.

**5. ATTITUDE TOWARD DUTIES**

1. Training objectives:

- To ensure that the trainee has a genuinely positive outlook, and dedication to a high standard of performance while assigned to the Court Services Division.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee consistently complains about being assigned to the Court Services Division. Trainee limits participation in the training program to less than what is expected. Trainee performs routine or specific assignments displaying sarcasm or ill feelings toward the assignment or the person who made the assignment.

4 - 5 COMPETENT: Although the trainee may express a desire to be assigned elsewhere, the trainee demonstrates a commitment to doing a good job while assigned to this division. The trainee participates in daily activities and responsibilities and shows an interest in getting the job done properly and expeditiously. Trainee consistently asks questions about unfamiliar subject matters. Trainee is always on time for work and prepared to handle any given detail.

6 – 7 EXCEPTIONAL: The trainee takes an energetic posture toward being assigned to this division. Trainee enthusiastically pursues skills in his/her duties by constantly asking pertinent questions or seeking related information from other sources not included in the court training program.



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**FREQUENT PERFORMANCE TASKS:**

**6. SELF INITIATED ACTIVITY**

1. Training Objectives:

- To ensure a sufficient level of awareness and interest in the Court Services Division functions and all related routine, urgent, and emergency operations. To have the trainee become involved and handle all duties eagerly. The trainee eagerly seeks out activity throughout the shift, in addition to assigned tasks and details.

2. Performance standards:

1 - 3 UNSATISFACTORY: Trainee takes a non-intervention role in his/her daily activities; does not enforce statutes or other observed violations; and does not volunteer to take a proportional share of the workload.

4 - 5 COMPETENT: Trainee takes an active role in unassigned work; takes the initiative to monitor and report activities within the area of responsibility; recognizes, investigates, and enforces statutes and miscellaneous violations.

6 - 7 EXCEPTIONAL: Trainee is active in seeking out suspicious activity, regularly volunteers to handle assignments, recognizes hazards and takes necessary steps to eliminate them; enforces statutes and miscellaneous violations without creating a hostile environment. The trainee keeps informed of all activities within the area of responsibility.

**7. ROUTINE FORMS: ACCURACY AND COMPLETENESS**

1. Training Objective:

- To ensure that the trainee is able to complete routine department forms in an accurate, neat, and timely manner.



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2. Performance Standards:
  - 1 – 3 UNSATISFACTORY: The trainee is unaware that a form must be completed and/or is unable to complete the proper form for a given situation. The forms are incomplete, inaccurate, or improperly used.
  - 4 – 5 COMPETENT: The trainee knows commonly used forms and understands their use. The trainee completes them with reasonable accuracy and thoroughness.
  - 6 – 7 EXCEPTIONAL: The trainee consistently makes accurate form selection and rapidly completes detailed forms without any assistance. The forms display a high degree of accuracy.
  
8. PERFORMANCE: NON-STRESS CONDITIONS
  1. Training Objectives:
    - To satisfactorily complete routine tasks, details, and assignments with minimal supervision.
    - To satisfactorily complete routine details and assignments competently without confusion and performed in a mature and orderly manner.
  2. Performance Standards:
    - 1 - 3 UNSATISFACTORY: Trainee becomes confused and disoriented when performing routine tasks, details, or assignments. The trainee requires constant supervision to complete routine details.
    - 4 - 5 COMPETENT: Trainee completes routine tasks and assignments with minimal supervision and instructions.
    - 6 - 7 EXCEPTIONAL: Trainee is able to perform routine details and assignments with minimal supervision and is able to apply common sense solutions or taught skills to solve problems.



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**9. PROBLEM SOLVING / DECISION MAKING / INVESTIGATIVE ABILITY**

1. Training Objectives:

- To ensure that the trainee is able to detect and deal properly with situations of a tense nature while on duty.
- To ensure that the trainee has the ability to make correct decisions and take appropriate steps to resolve conflict, reduce or eliminate threats, and to apply appropriate laws and their effect.
- To ensure that the trainee has the ability to come to specific conclusions regarding an incident, utilizing proper investigative techniques; both in viewing circumstances and in communicating with citizens regarding the incident.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee does not detect crimes, conflicts, or threats to himself/herself or others. Trainee does not make correct decisions or take appropriate steps to enforce statutes or investigate violations of statutes.

4 - 5 COMPETENT: Trainee detects criminal activity, conflicts and threats. The trainee makes correct decisions and takes appropriate steps to enforce statutes. Trainee has the ability to investigate and document incidents properly.

6 - 7 EXCEPTIONAL: Trainee detects criminal activity, conflicts, and threats; and acts immediately and/or properly to investigate, document, and take the course of action best suited and fitting the situation, with a minimal amount of supervision. Trainee takes an active role in seeking solutions to violations of statutes, conflicts, and threats.

**10. RADIO: APPROPRIATE USE OF CODES / ARTICULATION**

1. Training Objective:

- To ensure that the trainee has a working knowledge of the radio code and is articulate in their use.



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2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee does not use appropriate radio codes. Trainee does not enunciate words clearly with syllables distinctly separated; speaks too softly or too loudly, or gets too excited. The trainee makes the radio transmissions too lengthy.

4 - 5 COMPETENT: Trainee demonstrates workable knowledge of radio codes. The trainee pronounces words clearly with appropriate volume and tone of voice.

6 - 7 EXCEPTIONAL: Trainee demonstrates full knowledge of the radio codes. Trainee enunciates words clearly with appropriate volume and tone of voice. Radio transmissions are succinct, professional and restricted to business use only. Few, if any, radio transmissions have to be repeated.

**11. RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS**

1. Training Objective:

- To ensure the trainee has the ability, while involved in activity, to monitor and understand radio communications.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee consistently misses radio communication related to or directed at the trainee or to other deputies and/or does not comprehend radio traffic.

4 - 5 COMPETENT: Trainee responds immediately and correctly when called on the radio. Trainee is capable of monitoring and comprehending radio traffic when engaged in other activity. Trainee hears calls directed to and coming from other deputies.

6 - 7 EXCEPTIONAL: Trainee demonstrates attentiveness and professionalism in the use of the radio. The trainee hears all radio transmissions directed to him/her, or to or from other deputies.



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**12. REPORT WRITING SKILLS**

1. Training Objectives:

- To ensure that the trainee is able to complete, organize details, spell correctly, write legibly, and use proper grammar in all written forms and reports. The trainee will include all pertinent information in an accurate, neat and timely manner.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee requires an excessive amount of time to complete even simple written reports. Trainee is unaware that a form/report needs to be completed or is incomplete, inaccurate or is unable to complete the proper form/report. Lacks the ability to include and organize the necessary details, spell correctly or use proper grammar.

4 - 5 COMPETENT: The trainee knows the commonly used forms and completes written reports in a timely manner, writes legibly, uses acceptable grammar and spelling. Trainee demonstrates the ability to incorporate and organize details in any written report.

6 - 7 EXCEPTIONAL: Trainee requires a minimal amount of time to complete detailed written reports, makes accurate form selection and displays a high degree of accuracy. Reports are concise and legible using correct grammar and spelling with all pertinent data.

**CRITICAL PERFORMANCE TASKS:**

13. ORIENTATION SKILL: FAMILIARITY WITH FACILITY/RESPONSE TIME

1. Training Objectives:

- To ensure that the trainee knows how to and demonstrates the ability to find specific locations within facilities and their immediate area. The trainee is able to correlate their present location with the shortest route of travel to the location needed.
- To ensure that the trainee demonstrates the ability to give appropriate estimated times of arrival (ETA's) on calls for service.



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2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee is unable to navigate to locations without assistance. Trainee takes too long in finding locations and then decides on a route of travel that is not the shortest route. The trainee gives ETA's that are either too long or too short. Trainee becomes nervous when trying to find a location, thus hampering the trainee's abilities to perform.

4 - 5 COMPETENT: Trainee is able to find locations in a reasonable length of time; takes the most direct route of travel and give the appropriate ETA to the detail.

6 - 7 EXCEPTIONAL: Trainee is able to find locations and respond quickly, using the shortest route, without assistance since the trainee knows the facility.

**14. PERFORMANCE: STRESS CONDITIONS**

1. Training Objectives:

- To ensure that the trainee possesses the necessary degree of maturity to remain calm, act expeditiously and appropriately when under stressful or emergency situations.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee freezes, causes panic, or acts irrationally under stressful conditions, which call for calmness and rational behavior. The trainee demonstrates fear in stressful situations, which hampers his/her performance.

4 - 5 COMPETENT: Trainee's response in stressful situations is calm and deliberate. Trainee is capable of making rational decisions under stressful or emergency situations.

6 - 7 EXCEPTIONAL: In stressful/emergency situations, the trainee remains calm, responds appropriately, and has a calming influence on others.



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**15. OFFICER SAFETY**

1. Training Objective:

- To ensure that the trainee demonstrates the abilities and common sense to perform law enforcement tasks without injury to self or others. Avoids exposing self or others to unnecessary danger or risk.
- To ensure that the trainee demonstrates a consciousness of danger, an awareness of surroundings, and officer safety when dealing with people in all aspects of his/her duties.

2. Performance Standards:

1 - 3 UNSATISFACTORY: Trainee fails to follow accepted safety procedures or to exercise officer safety, (i.e., exposes weapon to the suspect). Trainee unnecessarily occupies his/her gun hand during enforcement situations. Trainee fails to control suspect's movements. Trainee fails to utilize personal safety equipment. Trainee does not anticipate potentially dangerous situations. Trainee stands in front of doors or windows, when knocking. Trainee makes a poor choice of force options to use and when to use them. Trainee fails to cover other officers.

4 - 5 COMPETENT: Trainee exercises common sense or taught safety precautions. Trainee handles situations with caution and awareness of surroundings and people that the trainee is dealing with. Trainee is prepared to react to the hostile actions of others. Trainee understands and acts as a cover officer with concern and ability for the safety of other officers.

6 - 7 EXCEPTIONAL: Trainee demonstrates the ability to be aware and prepared to handle any threat against self, citizens, or any fellow officer. The trainee always places himself/herself into situations in a manner in which the trainee is in control. Trainee is constantly aware of the movements of suspects and controls people. The trainee always has the advantage when controlling and dealing with people.



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**16. CONTROL OF CONFLICT: VOICE COMMAND/VERBAL SKILLS**

1. Training Objective:

To ensure that the trainee is capable of using communication skills to diffuse tension, overcome resistance, dissuade aggression, and compel obedience.

2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee resorts to higher level of force when good communication skills could have avoided a physical confrontation. The trainee freezes, panics, acts irrationally, or loses control when faced with circumstances that call for firmness and resolve.

4 - 5 COMPETENT: When faced with adversity, the trainee effectively demonstrates natural or taught communication skills in directing others.

6 - 7 EXCEPTIONAL: When faced with adversity, the trainee demonstrates effective communications skills to avoid a physical confrontation. The trainee uses effective communication skills to compel the cooperation of others. The trainee is able to use these skills to diffuse the tension that brought about the confrontation, aggression, or resistance.

**17. CONTROL OF CONFLICT: PHYSICAL SKILLS**

1. Training Objective:

To ensure the trainee possesses the necessary physical skills to overcome physical aggression or resistance.

To ensure the trainee has the ability to affect an arrest on a resistance suspect, by utilizing only the amount and type of force necessary to affect the arrest or to overcome the resistance.



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2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee lacks the necessary physical skills to overcome physical aggression or resistance. The trainee fails to select the proper amount of force to effect arrest or overcome resistance. The trainee demonstrates fear to a degree that it hampers the effort to affect an arrest or overcome the resistance.

4 - 5 COMPETENT: The trainee demonstrates the necessary skill to overcome resistance or physical aggression. The trainee demonstrates the knowledge as to what level of force is sufficient to affect an arrest or overcome resistance.

6 – 7 EXCEPTIONAL: The trainee is accomplished in the skill of physical control over violent persons. Trainee uses only that amount of force necessary to control the offender.

**18. DRIVING SKILL: NORMAL/STRESS CONDITIONS**

1. Training Objective:

To ensure the trainee has the ability to drive safely under normal, stress, and emergency conditions.

To ensure the trainee has a complete working knowledge of the following terms as they pertain to and fall within departmental standards: “Code 2,” “Code 3,” and “Pursuit Driving.”

2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee commits traffic violations and/or is inattentive while driving in routine conditions. The trainee fails to constantly anticipate the actions of other drivers in order to react properly or stop suddenly. The trainee drives unsafely in stress conditions. The trainee drives faster than is safe or appropriate. The trainee breaks traffic laws while operating in a “Code 2” response. The trainee drives too slow considering the driving conditions and nature of the situation. The trainee gets “tunnel vision” while driving under stress and therefore drives in an unsafe manner. The trainee cannot arrive to an assigned detail.



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4 - 5 **COMPETENT:** The trainee obeys all traffic laws and practices defensive driving under normal conditions. The trainee is alert to existing driving and roadway conditions. The trainee is completely familiar with departmental policies and standards on “Code 2,” “Code 3,” and “Pursuit Driving.” Under stress conditions, the trainee drives in a manner with safety continuously in mind, stays alert with proper balance in regard to the detail and driving response, and obeys all traffic rules and laws.

6 – 7 **EXCEPTIONAL:** The trainee is highly skilled in anticipating the actions of others, so that there is a proper and ready reaction to avoid a traffic collision. The trainee always obeys all traffic laws. The trainees driving skill indicates total control of the vehicle. The trainee is constantly alert for hazards. The trainee never drives faster than is safe for prevailing conditions. The trainee balances the importance of the driving response and the preparation for the detail. Driving skills under stress conditions are exceptional.

**19. COMMUNICATION SKILLS**

1. Training Objective:

- To ensure that the trainee has the basic ability to communicate with people in person, on the phone, and/or in writing in order to accomplish tasks and details. To ensure that the trainee demonstrates the ability to utilize tact when communicating with another person in a sensitive situation in order to maintain communication.
- To ensure that the trainee has the ability to talk with people in a manner dictated by the situation. To ensure that arrogance is not a trait that the trainee utilizes when communicating and talking with people.

2. Performance Standards:

1 - 3 **UNSATISFACTORY:** The trainee talks with people in a manner where people tend to lead the discussion and the trainee’s presence is inconsequential. Trainee is too timid or too overbearing in communicating. Trainee lacks the speaking skills to be able to communicate with people. The trainee is impolite when answering



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the phone and/or fails to take and relay messages to others. The trainee fails to check and/or respond to emails or other written requests in a timely manner. Written communication by the trainee is incomplete, impolite, poorly written, or otherwise does not appropriately address the issue at hand.

4 - 5 **COMPETENT:** Trainee demonstrates the skill in communication where the trainee is able to talk with subjects under various situations and various levels to solicit the proper information. The trainee can give the proper advice or give directions or take messages. The trainee responds to emails and other written requests in a timely and professional manner. People have a respect of the trainee and the law enforcement profession based partly on the manner in which the trainee communicates with people, both verbal and written.

6 – 7 **EXCEPTIONAL:** The trainee demonstrates the verbal and/or written skills to communicate with people to such a degree that the trainee is always thought of as a professional. The trainee possesses the proper amount of compassion and authority to accomplish assignments and details.

**20. ABILITY TO OBSERVE AND DETECT SUSPICIOUS ACTIVITY**

1. Training Objectives:

- To ensure the trainee has the perception, or powers of observation, to detect or uncover violations of statutes, criminal conduct, suspicious activity, or suspicious circumstances.
- To ensure the trainee has the perception, or powers of observation, to detect and act upon items of safety, hazards to people and/or property.

2. Performance Standards:

1 – 3 **UNSATISFACTORY:** The trainee does not see, detect, or sense any suspicious activity or misses these items on a continuous basis. The trainee does not recognize hazards nor does the trainee know the proper methods of dealing with and/or reporting such discoveries.



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4 – 5 **COMPETENT**: The trainee demonstrates the ability to observe and detect suspicious and illegal activity. The trainee also is able to detect, act upon, and report hazards to life and/or property.

6 – 7 **EXCEPTIONAL**: The trainee demonstrates the ability to detect and observe illegal and suspicious activities. The trainee is constantly alert for such potential observations. The trainee is also constantly alert for detecting hazards to people and their property. The trainee always knows the action to take and who to report the observations to.

**KNOWLEDGE:**

**21. GENERAL ORDERS/POLICIES AND PROCEDURES**

1. Training Objectives:

- To ensure that the trainee is operationally familiar with the Sheriff's Office General Orders, Court Security Procedures, or any other established policies and procedures.
- To ensure that the trainee establishes the proper desire to stay current on procedural changes, as they should occur.

2. Performance Standards:

1 - 3 **UNSATISFACTORY**: The trainee is unable or unwilling to become familiar with General Orders, Court Procedures, or any other established policies and procedures.

4 - 5 **COMPETENT**: The trainee demonstrates a working knowledge of General Orders, Court Procedures, or any other established policies and procedures; as they pertain to his/her duties within this department.

6 - 7 **EXCEPTIONAL**: The trainee demonstrates a thorough knowledge of General Orders, Court Procedures, or any other established policies and procedures as established within this department and as they pertain to his/her duties.



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**22. PENAL CODE / VEHICLE CODE**

1. Training Objectives:

- To ensure that the trainee has a working knowledge of all the California Penal Code and California Vehicle Code sections as called for in the Court Training Program. Trainee is able to correlate this knowledge with actual situations and determine the appropriate type of crime or authorities the investigation should focused on.

2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee is unfamiliar with pertinent penal code sections and vehicle code sections as required in the Court Training Program. The trainee cannot recognize sections of the penal code and correlate them to actual situations.

4 - 5 COMPETENT: The trainee has the full working knowledge of penal code and vehicle code sections that are pertinent to court security duties and is able to recognize situations and to correlate them to applicable sections in the penal code or vehicle code.

6 - 7 EXCEPTIONAL: The trainee has a complete working knowledge of all penal code and vehicle code sections that are dealt with in court security duties and their related functions. The trainee quickly and easily recognizes violations and can determine the applicable penal code or vehicle code sections involved. The trainee is continually trying to upgrade personal knowledge of the penal code and vehicle code, using reference material above and beyond that which is called for in the Court Training Manual.

**23. RADIO CODES**

1. Training Objectives:

- To ensure that the trainee has a working knowledge of all the radio codes used by this department.



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2. Performance Objectives:

1 - 3 UNSATISFACTORY: The trainee does not know all of or any portion of the radio codes.

4 - 5 COMPETENT: The trainee has a working knowledge of all of the radio codes required through the Court Training Program.

6 - 7 EXCEPTIONAL: The trainee has a total working knowledge of all of the radio codes required through the Court Training Program.

**24. KNOWLEDGE: REFLECTED IN VERBAL AND PERFORMANCE TESTS**

1. Training Objectives:

- To ensure that the trainee has a working knowledge of all appraisal items within the “knowledge” portion of the appraisal form. The trainee is required to successfully respond to verbal tests by the CTO or Court Training Program Coordinator. The trainee will successfully complete performance and practical situations as administered by the CTO or the Court Training Program Coordinator.

2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee is unable to respond properly or accurately to verbal testing in related subjects to the Court Training Program. The trainee is not able to successfully complete performance and/or practical testing on topics within the scope of the Court Training Program.

4 - 5 COMPETENT: The trainee is able to answer all questions given on topics related to the Court Training Program. The trainee is able to satisfactorily complete performance tests on topics within the Court Training Program.

6 - 7 EXCEPTIONAL: The trainee is totally knowledgeable on topics as they pertain to the Court Training Program, demonstrated through verbal testing. The trainee is totally knowledgeable in demonstrated performance and practical testing on topics pertaining to the Court Training Program.



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**RELATIONSHIPS:**

**25. WITH CITIZENS IN GENERAL**

1. Training Objectives:

- To ensure that the trainee possesses, or acquires, the ability to effectively interact with citizens and the trainee presents a positive image.

2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee displays abruptness, arrogance, or belligerence when interacting with the public.

4 - 5 COMPETENT: The trainee demonstrates a courteous, friendly, and responsive attitude when interacting with people and the public in general.

6 - 7 EXCEPTIONAL: The trainee is always courteous, friendly, cordial, and helpful, even when dealing with irate members of the public.

**26. WITH JUDGES AND OTHER COURT STAFF**

1. Training Objectives:

- To ensure the trainee possesses, or acquires, the ability to effectively interact with judges and facility staff and always presents a positive professional image.

2. Performance Standards:

1 - 3 UNSATISFACTORY: The trainee demonstrates an inability to work cooperatively with judges and facility staff. Trainee is abrupt, arrogant, argumentative, sarcastic, and/or antagonistic towards judges and staff.

4 -5 COMPETENT: The trainee demonstrates a professional, friendly, and responsive attitude while interacting with judges and facility staff.



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6 – 7 EXCEPTIONAL: The trainee always presents a positive attitude and is always professional, friendly, and helpful toward facility staff.

**27. OTHER DEPARTMENT MEMBERS**

1. Trainee Objectives:

- To ensure that the trainee possesses, or acquires, the ability to effectively interact with other officers of the same rank, superior ranks, and employment capacities.

2. Performance Standards:

1 – 3 UNSATISFACTORY: The trainee demonstrates an inability to work cooperatively and smoothly with fellow officers (including training officers). The trainee demonstrates resentment when given direction from officers of superior rank. The trainee is insubordinate, argumentative, sarcastic, and/or antagonistic towards fellow officers.

4 - 5 COMPETENT: The trainee shows respect for all co-workers and Sheriff's Office employees. The trainee maintains a professional attitude towards superiors, never arguing.

6 - 7 EXCEPTIONAL: The trainee presents a positive attitude to all persons, regardless of rank or status. The trainee is cooperative with peers and superiors. The trainee demonstrates support of division and department policies as well as personnel in supervisory or command status.

**28. WITH SUSPECTS AND/OR IN-CUSTODIES**

1. Training Objectives:

- To ensure the trainee interacts with suspects and/or in-custodies in a manner that is officer safety conscious and does not belittle or antagonize the suspect. The trainee shall conduct his suspect/in-custody contacts in a professional manner.

2. Performance Standards:



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1 - 3 UNSATISFACTORY: The trainee appears afraid or nervous when dealing with suspects or in-custodies in a manner impeding the trainee's performance. The trainee is overbearing or taunts the suspects or in-custodies. The trainee interacts with the suspect or in-custody in an unprofessional manner.

4 - 5 COMPETENT: The trainee deals with suspects and in-custodies in a manner based upon a professional and firm approach. The trainee shows no harshness or cruelty towards any suspects or in-custodies.

6 - 7 EXCEPTIONAL: The trainee is able to deal with all suspects and in-custodies in a firm, professional manner, never with cruelty or inhumanity. The trainee deals with violent or verbally abusive suspects or in-custodies in a safe, professional manner.



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**Court Training Program Evaluation Form Page**

The Santa Clara County Sheriff's Office is always looking for ways to improve the Court Training Program. This evaluation form is to be completed by the trainee at the conclusion of the Court Training Program and submitted to the Court Training Program Coordinator. The trainee is expected to honestly evaluate each of the assigned CTO's, as well as the program.

The Court Training Officer Evaluation for each CTO shall be completed and turned in to the Court Training Program Coordinator within a week of the trainee's final day with any CTO. If a trainee is reassigned to another CTO for one or two days because their assigned CTO was unable to come in to work, the trainee will not complete an evaluation for the temporary CTO. If a trainee spends three or more days with any CTO they shall complete a Court Training Officer Evaluation within the required amount of time. The Court Training Program Evaluation shall be completed and turned in to the Court Training Program Coordinator within two weeks of completing the Court Training Program.

The evaluation forms are found on the following pages. Make sure your handwriting is neat and legible. Do not write your name anywhere on the evaluation forms. Place the evaluations in a document envelope with the Court Training Sergeant's name on it. Write your name on the inside flap of the envelope. Return the evaluations to the Court Training Sergeant within two weeks of completing the program.

**Court Training Officer Evaluation** asks the trainee to evaluate each of the assigned CTO's in eight categories using a numerical scale (from 1 to 5). It is not expected that all of the CTO's would rate a "5" in all categories. That type of scoring would indicate a less than candid response and the trainee might be contacted and asked to qualify the ratings. Complete one evaluation form for each training officer.

**Court Training Program Evaluation** asks for an overall evaluation of the Court Training Program. Again, the trainee is required to be honest and complete in the responses. Trainee is to print and complete one evaluation form for the overall program.

Your candid evaluations are very important. It is one of the most effective means we have to improve our service to you, the trainee. Some of the more significant improvements to the program came from observations of trainees. The information you provide will be kept confidential unless you document that you authorize the release.



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**GENERAL TRAINING MATERIAL**

The following section contains material related to the basic elements of upholding the role of a deputy sheriff.



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### Importance of Ethical Conduct

#### Introduction:

The public expects and requires peace officers to exhibit a level of conduct above that of the “ordinary” citizen. By adhering to this higher standard, officers exhibit the behaviors they are charged to enforce.

#### VALUES:

Values are the fundamental beliefs on which decisions and conduct are based. They may be societal, organizational, professional, or personal.

**Societal values** are beliefs that are reflected by the norms of the community.

**Organizational values** are the collective beliefs that characterize an organization.

**Professional values** are beliefs that are fundamental to and characterize a specific vocational group or discipline.

**Personal values** are the individual beliefs that a person relies on in making the personal decisions in his or her daily life. Officers must recognize that they may sometimes be called upon to take actions that are in conflict with their personal values. If this occurs, officers must be able to keep their own views in perspective and act professionally and neutrally when carrying out their duties. The following instances illustrate potential personal conflict.

- An officer who does not believe in abortions may be called upon to control a crowd of demonstrators at an abortion clinic.
- Officers may be called upon to maintain order at a rally championing political issues to which they are personally opposed.

#### ETHICS:

Ethics are the accepted rules of conduct governing an individual or a group. They are based upon values held. Ethics play a dominant role in an officer’s daily conduct and affect their personal choices. One basic ethical concept that is common to almost every major philosophy of life is the Golden Rule. It states, *Do unto others as you would have others do unto you.*



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The Golden Rule establishes an essential aspect of ethics. The key idea is that a good person is concerned with, and responsible for, the well-being of others. As ethical persons, peace officers should:

- Put themselves in the position of others,
- Recognize how their actions affect others,
- Seek to help when possible,
- Refrain from causing avoidable harm, and
- Intervene to prevent unethical behavior by peers.

### ETHICAL STANDARDS:

Ethical standards are the criteria set for professional conduct. They are the behavior models generally adhered to and accepted, and the principles upon which ethical decisions are made.

### MORALS:

The term “morals” refers to personal convictions about right and wrong.

### PRINCIPLES:

Principles are ethical standards that people rely on for guidance in decision-making. The principles an officer relies on to make decisions, on and off duty, may be influenced by:

- Personal convictions,
- Peers (either negatively or positively),
- Department and community expectations, and
- Published and printed material related to professional conduct.

### IMPORTANCE OF ETHICAL CONDUCT:

If law enforcement is to be considered truly professional, ethical conduct must be a way of life for those in the profession. To maintain partnership with the community, law enforcement must maintain high standards of ethical conduct. Officers must set good examples of the behavior they are charged to enforce. The law enforcement community is only as strong as its weakest link. Unethical police conduct affects the image and morale of the entire profession and offends officers throughout the country.



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**DISTINGUISHING RIGHT FROM WRONG:**

How does an officer know whether a particular act is right or wrong? All matters of law are documented in print. Department rules and regulations are also set forth in writing. When officers are confronted by a situation in which guidelines are not provided by the law or department policy, the officers should be guided by their own moral convictions.

**LAW ENFORCEMENT 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.

**HISTORICAL PRECEDENCE:**

Professions have long recognized the importance of having rules of ethical conduct. The *Hippocratic Oath* is perhaps the best known professional code of ethics. It is named for its creator Hippocrates, the Father of Medicine. Although it was written no later than 400 B.C., this oath is still taken by practicing physicians today.



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The American Bar Association is another well-known professional organization that subscribes to rules of professional conduct. The rules of conduct for both the American Medical Association and the American Bar Association include means for disciplining unethical members. This is typical of many professional groups.

### LAW ENFORCEMENT CODE OF ETHICS:

The adoption of a uniform code of ethics was one of the most progressive steps achieved by law enforcement. The *Law Enforcement Code of Ethics* was adopted in 1956 by the National Conference of Police Associations, representing some 180,000 police officers, and the International Association of Chiefs of Police. Many individual departments and local police associations have also adopted the code.

The code is a product of a national effort by a number of distinguished law enforcement executives, as well as many rank and file police officers throughout the nation. By adopting the code, the law enforcement profession sets its own standards of conduct. The Peace Officers Standards and Training Commission (POST) requires that the *Law Enforcement Code of Ethics* be administered to every peace officer in the State of California (*POST Administrative Manual, Section 1013*).

### ADHERENCE:

Any code is just words until it is translated into action. Officers give the *Law Enforcement Code of Ethics* life and meaning by following it in their everyday conduct.

Along with members of the law enforcement community at all levels, peace officers uphold the values, ethics, and principles of the profession. Officers are sworn to uphold the principles contained in the code. They also adhere to it as a matter of personal integrity. By adhering to the code, officers demonstrate to the community and to their peers that they are honorable and trustworthy.

### KEY ELEMENTS:

POST requires that all peace officers officially subscribe to the *Law Enforcement Code of Ethics* as part of their initiation into the California law enforcement community. Officers should become thoroughly familiar with the code and understand what they promise to uphold.

By subscribing to the *Law Enforcement Code of Ethics*, officers promise to:

- Serve mankind, protecting lives and property and preventing deception, oppression, and violence,
- Respect the constitutional rights of all men and women,



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- Exemplify courageous calm, self-restraint, honesty, and mindfulness of the welfare of others,
- Obey all laws and department regulations,
- Maintain confidentiality of job-related information,
- Enforce the law courteously and appropriately without compromise, favoritism, bias, malice, unnecessary force, or acceptance of gratuities,
- Regard the badge as a symbol of public trust in police service ethics, and
- Dedicate themselves to achieving law enforcement objectives and ideals.

### CODE OF CONDUCT

#### Introduction:

California has supplemented the *Law Enforcement Code of Ethics* with a *Code of Professional Conduct and Responsibilities for Peace Officers (Code of Conduct)*. The *Code of Conduct* is designed to enhance the *Law Enforcement Code of Ethics* by defining specific standards of professional conduct.

The *Code of Conduct*, developed in 1979, is the collective product of the California Peace Officers Association and peace officer representatives throughout the state.

#### CODE OF CONDUCT:

The *Code of Conduct* is comprised of canons and ethical standards.

#### CANONS:

Canons are general statements of the standards of professional conduct expected of peace officers. These standards apply to the peace officer's relations with the public, the criminal justice system, and the law enforcement profession. The canons are the general concepts from which ethical standards and disciplinary rules are derived.

The **ethical standards** in the *Code of Conduct* are statements of the specific objectives for which peace officers should strive. The ethical standards constitute principles on which officers can rely for guidance in specific situations.

Each canon is supported by two or more ethical standards that refer to specific peace officer behavior.



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CANONS:

The *Code of Conduct* has nine canons, which set forth the responsibilities of peace officers. Descriptions of the nine canons that officers promise to uphold are presented in the following table.

<b>Canon</b>	<b>Promise</b>
Canon One	Uphold the Constitution of the United States, state statutes, and local laws.
Canon Two	Perform duties ethically.
Canon Three	Regard discharge of duties as a public trust.
Canon Four	Exemplify high standards of integrity, trust, and morality in public and private life.
Canon Five	Uphold the freedom of others and recognize that it shall not be infringed upon without just and legal cause.
Canon Six	Assist in maintaining the integrity and competence of the PEACE OFFICER'S PROFESSION.
Canon Seven	Cooperate with lawful officials and organizations.
Canon Eight	Refuse to accept, give, or solicit any gratuity.
Canon Nine	Maintain the confidentiality of information.

DISCIPLINARY RULES:

Each law enforcement agency has **disciplinary rules** that specify unacceptable levels of peace officer conduct.

Any officer who violates an agency rule that applies to *Code of Conduct* canons or standards is guilty of unprofessional conduct and may be subject to disciplinary action. Disciplinary rules apply regardless of an officer's rank and nature of assignment.



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**DISCIPLINARY ACTIONS:**

Any violation of disciplinary rules requires appropriate adjudication and disciplinary action. **Adjudication** refers to an appropriate hearing and judgment. Disciplinary actions may include:

- Department/agency actions ranging from verbal reprimand to termination,
- Criminal prosecution, and
- Other administrative action sanctioned by law.

**TRAITS OF EXEMPLARY OFFICERS**

Introduction:

California peace officers can be proud of the reputation law enforcement has in the state. This reputation is based on years of honesty and integrity exhibited by officers throughout the state. Each day, peace officers continue to build this reputation with the high standards of behavior they demonstrate in their professional and personal lives.

**TRAITS:**

It is each officer's responsibility to maintain the good reputation of law enforcement by his or her actions both on and off duty. It is crucial for a peace officer to demonstrate the following traits.

<b>An officer should exhibit...</b>	<b>This trait can be demonstrated by...</b>
Flexibility	<ul style="list-style-type: none"> <li>• Adaptability</li> </ul>
Honesty	<ul style="list-style-type: none"> <li>• Truthfulness,</li> <li>• Accuracy,</li> <li>• Sincerity, and</li> <li>• Straightforwardness.</li> </ul>
Integrity	<ul style="list-style-type: none"> <li>• Acting in ways consistent with core beliefs, and</li> <li>• Adhering to law enforcement principles with courage and character, regardless of personal, political, social, or economic pressures.</li> </ul>
Trustworthiness	<ul style="list-style-type: none"> <li>• Fulfilling commitments</li> </ul>



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Fairness	<ul style="list-style-type: none"> <li>• Impartiality,</li> <li>• Open-mindedness, and equitable treatment of others.</li> </ul>
Tolerance of Diversity	<ul style="list-style-type: none"> <li>• Respect and acceptance of other races, gender, etc.</li> </ul>
Empathy and Concern for Others	<ul style="list-style-type: none"> <li>• Maximizing benefits and minimizing harm, and</li> <li>• Being caring, considerate, kind, compassionate, and</li> <li>• Generous when compatible with official duties.</li> </ul>
Respect for Others	<ul style="list-style-type: none"> <li>• Treating others with courtesy, and</li> <li>• Honoring others' rights to:             <ul style="list-style-type: none"> <li>○ autonomy,</li> <li>○ privacy,</li> <li>○ dignity,</li> <li>○ the information needed to make informed, and decisions.</li> </ul> </li> </ul>
Responsible Citizenship	<ul style="list-style-type: none"> <li>• Observing the spirit of the law and affording due process, and</li> <li>• Exercising civic duties.</li> </ul>



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Pursuit of Excellence	<ul style="list-style-type: none"> <li>• Carrying out duties to the best of their ability, and</li> <li>• Seeking ways to improve</li> </ul>
Personal Accountability	<ul style="list-style-type: none"> <li>• Accepting and taking responsibility for the consequences of the officer's own actions or inactions.</li> </ul>
Anger Management	<ul style="list-style-type: none"> <li>• Exerting self-control.</li> <li>• Maintaining composure,</li> <li>• Not allowing personal animosity to influence, and</li> <li>• Professional behavior.</li> </ul>
Loyalty	<ul style="list-style-type: none"> <li>• Devotion to:               <ul style="list-style-type: none"> <li>○ the Constitution</li> <li>○ the government, and</li> <li>○ democratic principles.</li> </ul> </li> </ul>
Adherence to the principles of public service ethics, including:	
<ul style="list-style-type: none"> <li>• Public Interest</li> </ul>	<ul style="list-style-type: none"> <li>• Treating the officer's authority and powers as a public trust, and</li> <li>• Never compromising integrity for private interest.</li> </ul>
<ul style="list-style-type: none"> <li>• Objective Decision Making</li> </ul>	<ul style="list-style-type: none"> <li>• Making judgments on merits, and</li> <li>• Making sure decisions are free from improper influences.</li> </ul>
<ul style="list-style-type: none"> <li>• Public Accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting business openly, efficiently, equitably, and honorably.</li> </ul>
<ul style="list-style-type: none"> <li>• Democratic Leadership</li> </ul>	<ul style="list-style-type: none"> <li>• Honoring and respecting the principles and spirit of representative democracy.</li> </ul>
<ul style="list-style-type: none"> <li>• Respectability</li> </ul>	<ul style="list-style-type: none"> <li>• Safeguarding public confidence in law enforcement integrity, and</li> <li>• setting a good citizenship example.</li> </ul>



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**BENEFITS OF PROFESSIONAL AND ETHICAL BEHAVIOR**

Introduction:

Professional conduct and ethical behavior benefit not only officers and their department, but also their community and society as a whole.

**BENEFITS:**

The benefits of ethical behavior are apparent to the officer, department, and community.

<b>Person Benefited</b>	<b>How Benefited</b>
Officer	Personal and professional satisfaction in doing the right thing <ul style="list-style-type: none"> <li>• Maintaining a sense of self-worth and pride</li> <li>• Gaining respect and confidence of coworkers</li> <li>• Establishing a higher personal and professional reputation in the community</li> </ul>
Department	Officers' professional and ethical conduct helps their department: <ul style="list-style-type: none"> <li>• provide a positive perception of law enforcement, and</li> <li>• gain the respect, trust and support of the community by promoting professionalism in law enforcement.</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Receiving equitable law enforcement.</li> <li>• A sense of security and trust and a desire to support and work with local law enforcement departments.</li> </ul>

When peace officers behave professionally and ethically, they also *avoid* a negative self, department, and community perception.



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### UNETHICAL/UNPROFESSIONAL BEHAVIOR

#### Introduction:

Unprofessional conduct or breaches in ethical behavior can occur in any profession. The negative effects of such behavior are particularly detrimental in the profession of law enforcement.

#### IMPORTANCE OF CONDUCT:

The effectiveness of law enforcement depends on the public's trust. As a result, peace officers are held to higher standards of behavior. Any indiscretion severely damages the credibility of officers and their agencies and compromises public trust and support.

#### TYPES OF UNETHICAL/UNPROFESSIONAL CONDUCT:

Unethical/unprofessional conduct can involve any of the following.

- violation of law,
- violation of a person's civil rights,
- violation of agency policies and procedures, or
- breach of ethical behavior or professional responsibility as set forth in the code(s) of the profession.

#### EXAMPLES OF UNETHICAL/UNPROFESSIONAL CONDUCT:

The *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers* set forth the governing standards of the profession. Types of unethical and unprofessional conduct may include, but are not limited to, the following.

- Verbal abuse, discourtesy, or inappropriate language,
- Discrimination, racism, or favoritism,
- Unlawful use of force,
- Violation of a person's civil rights, including:
  - false arrest,
  - unlawful detention, and
  - unlawful search and seizure,
- Alcohol and other substance abuse,
- Misusing or compromising confidential information or privileged communications,



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- Accepting gifts of any kind from anyone who could benefit by influencing professional decisions or conduct,
- Theft or misappropriation of evidence or other property,
- Obstruction or miscarriage of justice, which may include:
  - falsification or destruction of official documents,
  - perjury,
  - planting false evidence,
  - invoking a *code of silence* to cover up a coworker's wrongdoing, and
  - non-enforcement of specific laws based on personal bias or prejudice,
- Accepting gratuities.

Unethical and unprofessional conduct can include an officer's off-duty behavior. Inappropriate off-duty behavior may include, but is not limited to, the following:

- illegal gambling,
- excessive indebtedness,
- inappropriate domestic behavior,
- inappropriate sexual behavior, and
- misuse of the badge of office.

### CONSEQUENCES OF UNETHICAL/UNPROFESSIONAL BEHAVIOR

Introduction:

Any unprofessional conduct by a peace officer can result in a loss of respect for the law enforcement profession and for specific law enforcement agencies. Unprofessional conduct can damage the image of law enforcement in the community and damage the community's cooperation and support.

### MISCARRIAGE OF JUSTICE:

Peace officers are sworn to uphold the law and protect citizens and property. If a peace officer chooses to engage in illegal action or not to enforce specific laws based on their own personal choice or bias, this can result in a loss of public trust and in public confusion about the meaning of the law. The examples officers set in the community determine the attitude and cooperation they receive in return.



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### SOLICITING OR ACCEPTING GRATUITIES:

If an officer selects or receives gratuities, it promotes a negative public image of the entire law enforcement profession. It also creates a real or perceived obligation for the officer to do something for the gift giver (i.e., the concept of *quid pro quo*, or *this for that*). Rationalizing this unacceptable conduct can lead to accepting larger gifts, committing serious misconduct, or even committing a crime.

### INAPPROPRIATE OFF-DUTY BEHAVIOR:

The *Law Enforcement Code of Ethics* calls for peace officers to keep their "private lives unsullied as an example to all..." Inappropriate off-duty behavior can bring embarrassment to individual officers, their agencies, and the law enforcement profession. Officers should remember that they cannot expect better behavior from others than they demonstrate themselves.

### CONSEQUENCES FOR OFFICER:

Unprofessional conduct directly affects the officer in addition to affecting the image and effectiveness of law enforcement in the community. Consequences to the officer range from mild to severe and may include the following:

- reprimand,
- disciplinary action,
- personal liability,
- public embarrassment,
- family humiliation,
- civil and/or criminal liability (personal and departmental),
- responsibility for punitive damages, or
- termination.

On a personal level, an officer often suffers humiliation and low self-esteem as a result of unprofessional conduct.



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**Department's Body Worn Camera (BWC) System**

Trainees must know, in detail, the General Order that relates to the use of the body worn camera (BWC) system for the Sheriff's Office.

Refer to Sheriff's Office General Order 10.06 for specifics.

**Department Use of Force Policy**

Trainees must know, in detail, the General Order that relates to the use of force policy for the Sheriff's Office.

Refer to Sheriff's Office General Order 12.00 for specifics.

**Department Firearms Policy**

Trainees must know, in detail, the General Order that relates to the firearms use policy for the Sheriff's Office.

Refer to Sheriff's Office General Orders 12.02 and 12.03 for specifics.

Following is a copy of the Sheriff's Office Firearms Use Report.



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**FIREARMS USE REPORT  
SANTA CLARA COUNTY-OFFICE OF THE SHERIFF  
SAN JOSE, CALIFORNIA 95110**

Rank \_\_\_\_\_ Name \_\_\_\_\_ Badge# \_\_\_\_\_ Division \_\_\_\_\_ Incident # \_\_\_\_\_

Date of Incident: \_\_\_/\_\_\_/\_\_\_ Time: \_\_\_\_\_ Duty Status \_\_\_ On \_\_\_ Off

Your Weapon: Serial Number: \_\_\_\_\_ Dept. Issue \_\_\_ Personal \_\_\_

Pistol: Glock \_\_\_ Model 22 \_\_\_ 23 \_\_\_ 27 \_\_\_ Other \_\_\_\_\_

Rifle: Colt \_\_\_ AR-15 \_\_\_ SP \_\_\_ A2 \_\_\_ A3 \_\_\_ Other \_\_\_\_\_

Shotgun: Mossberg 590 \_\_\_ Other \_\_\_\_\_

Less Lethal: Sage \_\_\_ SL-6 \_\_\_ SL-1 \_\_\_ Shotgun \_\_\_ 37MM \_\_\_

Ammunition Used: Brand \_\_\_\_\_ Caliber \_\_\_\_\_ Number of Rounds Fired by You: \_\_\_\_\_

Location of Incident: \_\_\_\_\_ Type Premises: \_\_\_\_\_ Backstop: \_\_\_\_\_

Incident Occurred: Outdoors \_\_\_ Indoors \_\_\_ Other (describe) \_\_\_\_\_

Nature of Incident: \_\_\_\_\_

Why You Used Weapon: Protect Self \_\_\_ Citizen \_\_\_ Officer \_\_\_ Dispatch Animal \_\_\_

**\*\*\*\*\*DO NOT FILL OUT SECTION BELOW IF SHOOTING IS AN ANIMAL DISPATCHING\*\*\*\*\***

Describe Event Precipitating Use of Firearm: \_\_\_\_\_

Lighting Condition: \_\_\_\_\_ Weather Condition: \_\_\_\_\_ Number of Opponents: \_\_\_\_\_ Their Weapons Used: \_\_\_\_\_

Number of Shots Fired at You: \_\_\_\_\_ Distance From Suspect When: First Shot Fired: \_\_\_\_\_ Last Shot Fired: \_\_\_\_\_

Deputies Position: Standing \_\_\_ Crouching \_\_\_ Kneeling \_\_\_ Sitting \_\_\_ Prone \_\_\_ Other \_\_\_\_\_

Was Cover Available? \_\_\_Y \_\_\_N Was Cover Used? \_\_\_Y \_\_\_N Describe Cover Available \_\_\_\_\_

Was Concealment Available? \_\_\_Y \_\_\_N Was Concealment Used? \_\_\_Y \_\_\_N Describe Concealment \_\_\_\_\_

Was Weapon Drawn and Ready Before Needed? \_\_\_Y \_\_\_N

If Weapon Not Drawn Was Safety Strap Secured? \_\_\_Y \_\_\_N

Are You: Right Handed \_\_\_ Left Handed \_\_\_ Ambidextrous \_\_\_ Was Gun Worn On Your Right \_\_\_ Left \_\_\_ side?

Holster Used: Uniform Issued (Level II) \_\_\_ Personal Level III \_\_\_ Plain Clothes Issued \_\_\_ Other \_\_\_\_\_

Number of Rounds Fired Right Handed \_\_\_ Left Handed \_\_\_

Did You Reload? \_\_\_Y \_\_\_N Did You Have Time To Use Your Sights? \_\_\_Y \_\_\_N

Injuries: Deputy: \_\_\_\_\_

Suspect: \_\_\_\_\_

Other: \_\_\_\_\_

Property Damaged: \_\_\_\_\_

Employee's Report Attached \_\_\_Y \_\_\_N Incident Report Number \_\_\_\_\_ Attached \_\_\_Y \_\_\_N

Signature of Deputy \_\_\_\_\_ Immediate Supervisor Signature \_\_\_\_\_

Date Reported \_\_\_/\_\_\_/\_\_\_ Time Reported \_\_\_\_\_



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**Firearms Ready Position, Discharge, Storage, etc.**

The use of a firearm means the firing of the weapon for the purpose of shooting at a suspect. Warning shots will not be fired. Approved use of the weapon is contingent upon legal and moral consideration, the professional judgment of the deputy, and departmental policy.

The deputy must notify their immediate supervisor as soon as possible whenever he/she discharges a weapon other than at the range. The circumstances of the discharge will be documented on the Firearms Use Report and an accompanying Employee's Report.

“READY” POSITION OF FIREARM:

- Pistol: [REDACTED]
- Shotgun: [REDACTED]
- AR-15 rifle: [REDACTED]

THE 12 GAUGE SHOTGUN:

- Authorized Shotgun: Only departmental authorized shotguns will be carried by deputies. Under no circumstances will a deputy carry his/her own personal shotgun while on-duty. The range master may issue a department shotgun to individual deputies. That shotgun will be carried and used by the individual deputy that the weapon is assigned to.
- End of Shift Procedure: The shotgun will be unloaded and checked to ensure that no rounds are left in the weapon at the completion of the shift. Deputies will follow the unloading procedure as instructed by the range staff; depressing the cartridge stop to remove each round from the magazine. Deputies WILL NOT unload the shotgun by racking rounds out of the magazine using the pump action.

THE AR-15 RIFLE:

- End of Shift Procedure: The AR-15 rifle will be unloaded and checked to ensure that no rounds are left in the weapon at the completion of the shift. Under no circumstances will a loaded AR-15 rifle be returned to its storage area.



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### Officer Safety

Mental preparation goes hand in hand with all of the other training we do in this career. When you find yourself engaged in a deadly encounter, no amount of mental preparation will help you survive that encounter if you have not trained and armed yourself with the skills necessary to deal with it. Conversely, you can spend hundreds of hours a year in the gym, on the range, and in the mat room, but if you haven't prepared yourself mentally to fight through and survive a life threatening situation, you might never employ any of that training as you stand there trying to process the chaos happening in front of you.

How do you prepare yourself mentally? An important part of the mental preparation is training itself. Training develops skills, builds muscle memory, and gives confidence to the deputy that they can effectively deploy learned skills if necessary. Planning is another important piece of mental preparation. Your body will have an easier time going where the mind has already been. What actions will you take when a defendant jumps up and starts charging towards the judge? Are you in a good position to react in time? What will you do when an inmate refuses to stand up to leave the courtroom? What will you do when he grabs his defense attorney around the neck and takes him hostage? There is an endless stream of scenarios that a deputy could encounter and we can't possibly prepare for every one of them, but working through as many scenarios as we can think of prepares us mentally to expect an incident to happen. When it happens, our mind has already been there and our body will have a better chance of reacting appropriately.

It is also important for the deputy to understand that incidents seldom go as planned. While we prepare ourselves by playing out scenarios in our minds, we also need to be ready to go to an alternative plan or make a quick decision when the situation changes. Deputies with good command presence get calmer as a situation gets worse, allowing them to make good decisions at critical moments.

The courthouse is a place where emotions often run high for defendants, victims, families, attorneys, and others. Sometimes these emotionally charged court visits result in people reacting in irrational ways. Deputies cannot become complacent and go about their day expecting nothing to happen. It is our responsibility to remain alert to accomplish our goal of maintaining the security of the courthouses in our county.



## Office of the Sheriff – Santa Clara County Court Training Program – Court Training Manual

### Office Programs and Requirements

#### FIRST AID, CPR, RANGE, DRIVER LICENSE REQUIREMENTS:

CPR and First Aid shall be renewed every two years. Deputies are responsible for checking the monthly training compliance report and completing their training in a timely manner so their CPR or First Aid certifications do not expire. The training calendar for CPR and First Aid can be found at [http://soweb/#Course 11](http://soweb/#Course11) and you can sign up through the Training Division. Deputies are subject to corrective action or discipline if they allow themselves to become out of compliance with these certifications.

Deputies are required to qualify with their duty weapon, the 12-gauge shotgun, AR-15 Rifle (if issued) and the SAGE gun (if authorized) twice per year (once each half). Deputies must complete approved training classes before being authorized to carry a department issued AR-15 or SAGE gun. Deputies will attend the range on-duty or will be compensated at the overtime rate if they are ordered to go during their off duty time.

You are required to have a valid California Driver License and be current with your County Driver's Permit training whenever you are operating a county owned vehicle. The County Driver's Permit Renewal Training can be found online at <http://soweb/> and must be renewed every 3 years.

#### GENERAL ORDERS/COURT SECURITY DIVISION PROCEDURES:

The Sheriff's Office General Orders and the Court Security Division Procedures are available on all department desktop and laptop computers. There is a great deal of pertinent information in these orders and deputies will be responsible for knowing and understanding the contents of each order. Trainees should dedicate study time to these orders, as there will be verbal and written tests on them throughout the training program. The final test will also test trainees' knowledge in these areas.

#### COURT TRAINING MANUAL:

The Court Training Manual and all associated resources will be issued to all trainees prior to starting in the Court Training Program.

The Court Training Manual will become the trainee's property once they have completed the program. It is encouraged that trainees use this manual for notes and other pertinent information that can later be used as a reference when they enter the Field Training Program. At the end of each category in the Court Training Manual will be a portion where the CTO and the trainee sign off on important information and tasks that should be



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demonstrated and/or explained to the trainee by the CTO. Under no circumstances should a trainee feel obligated to sign off any area of material that was not covered or not understood.

The trainee and the CTO will also be expected to sign off the Category Completion form at the end of training. This form will be returned to the Court Training Program Coordinator at the time the examination is taken.

**DEPARTMENTAL CAREER INCENTIVE PROGRAM (CIP):**

Personnel and Training has the necessary information regarding the Career Incentive Program that is available to qualified employees.

**MERIT RAISES:**

You can refer to the current Memorandum of Understanding or contact a representative of the DSA for information regarding merit raises.

**SICK LEAVE:**

A trainee that will be unable to report for his/her normal shift shall notify the scheduling sergeant at 408-808-████ as far in advance as possible, but no later than an hour prior to their scheduled reporting time. Upon returning to work, the trainee will complete a “blue slip” for his/her sergeant. A trainee will only be given training credit for days that he/she actually works.

**MEAL BREAK:**

All court deputies are entitled to a one-hour unpaid meal break during his/her shift.

**SMOKING POLICY/“NO SMOKING AREAS”:**

Trainees will familiarize themselves with the General Order that deals with this topic. Remember: Smoking is prohibited within patrol vehicles or within county buildings unless in a designated smoking area.



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WHEN AND WHERE TO REPORT FOR DUTY:

Trainees will be given a schedule of their entire training assignment, which will indicate which facility to report to for each week(s). The following facilities have assigned CTO's available to facilitate your training.

- Hall of Justice
- Family Justice Center
- Old County Courthouse
- Downtown Superior
- Palo Alto
- South County
- Santa Clara
- Juvenile Hall

Once a trainee completes the Court Training Program he/she is usually assigned to a vacant position in the division. If there is not a vacancy at the time of completion, the trainee will be assigned as an "extra" or daily fill-in. This assignment will remain in effect until either a vacancy occurs or the annual transfer, whichever comes first.

PERSONAL APPEARANCE, HYGIENE AND PROPER MAINTENANCE OF EQUIPMENT:

Deputies are expected to arrive for work for their assigned shift at the designated time and be properly groomed, dressed in a clean and neatly pressed uniform, and have the necessary equipment to work.

Deputies must adhere to the appropriate General Orders that outline each of these areas. Continual failure to abide by these General Orders may result in corrective or disciplinary action.

Deputies will not be allowed to start their shift if they are not in the authorized Sheriff's Office uniform, including badge and nametag.

All trainees assigned to the Court Training Program are required to have the following listed equipment (these items can be obtained from Personnel and Training):

- Duty belt, holster, handcuff case, ammo holders and case, key ring, keepers and baton ring
- Pepper spray
- Duty weapon
- Body armor
- Handcuffs
- Baton / ASP
- Helmet
- Gas mask



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Deputies will also have to obtain a building key card from the Court Services Administrative Sergeant.

### **Tour of 55 W. Younger Avenue**

Your CTO will take you on a tour of the Sheriff's Office building. The tour will include, but not be limited to, Operations Desk, Squad room, Report Writing Room, Field Training Coordinator's Office, Patrol Administration, Records Section, Civil Division, Detective Division, Evidence Room, Drying Room, Sheriff's Administrative Offices, and Accounting.

### **Tour of Court Facility**

Your CTO's will give you a tour of the facility you are assigned to for that week of training. At the end of the training program you will be given the opportunity to tour the remaining facilities you were not exposed to.



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**On-Duty Employee Injury – Reporting Procedure**

**PROCEDURE:**

A deputy who is injured, no matter how minor, will abide by the following procedures:

- Immediately notify their supervisor of the nature and the facts surrounding the circumstances of the injury.
- The supervisor will advise the deputy on a course of action (proceed to the hospital, etc.).
- The injured deputy and all deputies that witnessed the injury will complete an Employee's Report directed to their Division Commander that fully describes the circumstances and nature of the injury.



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**County Vehicle Involved In Traffic Accident**

Deputies involved in an on-duty traffic accident will adhere to the following:

- Accidents in unincorporated/city police jurisdiction: The police having jurisdiction will respond for the report. In unincorporated areas this will be the California Highway Patrol. Westside will send a traffic deputy for a County Vehicle Accident Report if it is an accident involving injury, major property damage, or high liability concerns.
- Accidents in a contract city: The Sheriff's Office will handle all traffic investigation in these matters.
- General accident reporting procedures: Employees involved in an on-duty traffic accident will:
  - Attempt to render first aid to any injured parties
  - Request additional emergency personnel
  - Preserve the accident scene by use of flares, traffic control, etc.
  - Immediately notify their supervisor
  - Request the police agency having traffic jurisdiction respond for a report
  - Locate witnesses
- The following reporting procedures must be adhered to:
  - The driver of the county vehicle and any other departmental personnel that witnessed the accident must complete an Employee's Report as soon as practical and turn it in to their supervisor.
  - The driver of the county vehicle must also complete the County Accident Report form as soon as practical in this matter and turn it in to their supervisor.



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### Use of Police Radio

Trainees must learn the proper radio terminology that is used to communicate while on duty. The use of the proper radio codes and phonetic alphabet is a necessity. Trainees must gain this knowledge in order to properly use the hand pack radios. Failure to properly use or identify a radio code can be a serious officer safety issue.

Below are the radio codes trainees will be held responsible for knowing. Remember, this list is for radio use only and should not be used as a reference when determining what to charge a suspect with. For example; the list shows “PC 148” for “Resisting, Obstructing Arrest,” but there are multiple subsections that outline specific elements for different “PC 148” circumstances. Trainees should refer to the applicable code book (i.e. Penal Code, Vehicle Code, Health and Safety Code) when studying elements and determining appropriate charges.

Code 1	At Your Convenience
Code 2	Urgent-No Lights and Siren
Code 3	Emergency-Use Red Lights and Siren
Code 4	No Further Assistance Needed
Code 5	Stakeout
Code 6A&D	Armed and Dangerous
Code 6H	Hazard Potential
Code 6F	Felony Want
Code 6M	Misdemeanor Want
Code 7	Mealtime
Code 10	Bomb Threat
Code 20	Officer Needs Assistance-Emergency
Code 22	Restricted Radio Traffic (Code 2/3)
Code 30	Officer needs assistance-Major Emergency
Code 33	Restricted Radio Traffic- Do Not Transmit
Code 1000	Aircraft Crash
Code 3000	Roadblock
AID	Public Safety Assist
904	Fire (Specify Type)
952	Report on Conditions
956	Detail Unfinished, But Available
148	(PC) Resisting, Obstructing Arrest
187	(PC) Murder
207	(PC) Kidnapping
211	(PC) Robbery



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220	(PC)	Assault w/Intent to Commit Felony Sex Crimes
240	(PC)	Assault
241	(PC)	Assault on an Officer
242	(PC)	Battery
243	(PC)	Battery on a Peace Officer
245	(PC)	Assault w/Deadly Weapon (ADW)
246	(PC)	Shooting Occupied Vehicle or Inhabitable Dwelling
261	(PC)	Rape
273D	(PC)	Child Abuse
273.5	(PC)	Spouse Abuse/Domestic Violence
288	(PC)	Felony sex offense
314	(PC)	Indecent exposure
368	(PC)	Elderly Abuse (Physical & Financial)
415	(PC)	Disturbance
415A		Disturbance, Fight
415F		Disturbance, Family
415G		Disturbance, Gang
415J		Disturbance, Juvenile
415M		Disturbance, Music
415N		Disturbance, Neighbor
415W		Disturbance, Weapons
417	(PC)	Brandishing a Weapon
422	(PC)	Criminal Threats
451	(PC)	Arson
459	(PC)	Burglary
470	(PC)	Forgery
476A	(PC)	Bad Checks
484	(PC)	Theft
487	(PC)	Grand Theft
488	(PC)	Petty Theft
496	(PC)	Receiving/Possession of Stolen Property
530.5	(PC)	Identity Theft
537	(PC)	Defrauding an Innkeeper
594	(PC)	Malicious Mischief
601	(WI)	Uncontrollable Juvenile
602	(PC)	Trespassing
647A	(PC)	Soliciting for Lewd Conduct
647B	(PC)	Soliciting for Prostitution
647F	(PC)	Drunk in Public
653M	(PC)	Obscene or Harassing Phone Calls
4000A	(CVC)	Expired Registration
4532	(PC)	Escape
5150	(WI)	Mentally Disturbed Person



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10851 (CVC) Stolen vehicle  
10851R Recovered stolen Vehicle  
10852 (CVC) Tampering with a Vehicle  
11300 (H&S) Narcotics  
25400 (PC) Carrying Concealed Firearm  
14601 (CVC) Driving with Suspended Driver's License  
20001 (CVC) Felony Hit & Run  
20002 (CVC) Misdemeanor Hit & Run  
22350 (CVC) Speeding  
22500 (CVC) Parking Violations  
22507 (CVC) Handicapped Parking Violation  
23103 (CVC) Reckless Driving  
23109 (CVC) Speed Contest  
23152 (CVC) Misdemeanor DUI of Alcohol or Drugs  
23153 (CVC) Felony DUI of Alcohol or Drugs  
25662 (B&P) Minor in Possession of Alcohol in Public

10-1 Receiving poorly  
10-2 Receiving OK  
10-3 Change Channels (Specify)  
10-4 Message Received and Understood  
10-5 Relay to:  
10-6 Busy, Stand by  
10-7 Out of service (Location and Nature)  
10-7B Out of service, Personal  
10-7C Out of service, Court  
10-7 OD Off Duty  
10-7R Out of Service, Monitoring Radio  
10-7T Out of service, Training  
10-8 In Service  
10-9 Repeat  
10-10 Out of service at home  
10-12 Visitors or Officials Present  
10-13 Weather Conditions  
10-14 Escort  
10-15 Prisoner in Custody (How Many)  
10-16 Pick-Up  
10-19 Return/En route to Station  
10-20 Location  
10-21 Phone Your Office or Phone:  
10-21B Phone Home  
10-21R Phone Radio  
10-22 Cancel



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10-23	Standby
10-27	Request Driver's License Info
10-28	Registration
10-29	Check Wanted Vehicle or Property
10-29A	Check Wanted Subject (computer Only)
10-29C	Check Wanted Subject (Wants & Records, Complete)
10-32	Drowning
10-33	Alarm (Silent, Audible)
10-34	Open Door
10-35	Open Window
10-36	Confidential Information
10-39	Status of
10-40	Is _____available For A Phone Call
10-44	Maternity
10-45	Injured Person
10-46	Sick Person
10-49	Proceed/Proceeding To
10-50	Take A Report
10-51	Intoxicated Person
10-52	Resuscitator
10-53	Person Down
10-54	Possible Dead Body
10-55	Coroner's Case
10-56	Suicide
10-56A	Attempted Suicide
10-57	Firearms Discharged
10-58	Garbage Complaint
10-59	Malicious Mischief (594 PC)
10-62	Meet the Citizen
10-65	Missing Person
10-65MD	Missing Person, Mentally Disabled
10-66	Suspicious Person
10-66P	Suspicious Package
10-67	Person Calling For Help
10-69	Wire Down
10-70	Prowler
10-71	Person Shot
10-72	Person stabbed
10-73	How Do You Receive?
10-80	Explosion
10-86	Any Traffic?
10-87	Meet The Officer
10-91	Stray Animal



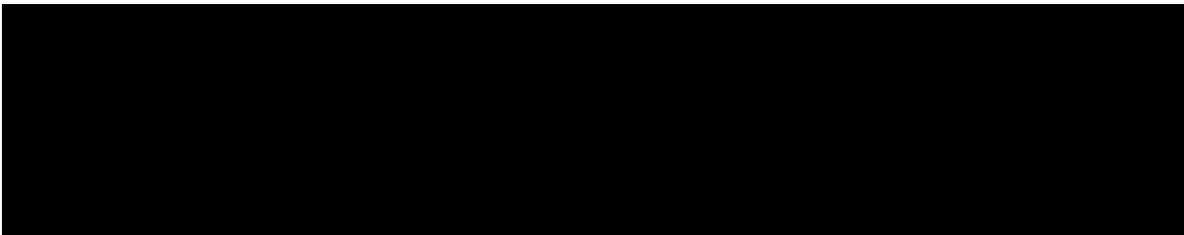
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10-91A	Vicious Animal
10-91B	Noisy Animal
10-91C	Injured Animal
10-91D	Dead Animal
10-91E	Animal Bite
10-91F	Sick Animal
10-91H	Stray Horse
10-95	Pedestrian Stop (Location, Send Fill After Specified Time)
10-96	Pedestrian Stop – Send Fill (Location)
10-97	Arrived At Assignment
10-98	Completed Last Assignment
11-24	Abandoned Vehicle
11-25	Traffic Hazard
11-26	Abandoned or Found Bicycle
11-54	Suspicious Vehicle
11-79	Vehicle Accident, Ambulance Dispatched
11-80	Vehicle Accident, Major Injury (Ambulance Needed)
11-81	Vehicle Accident, Minor Injury
11-82	Vehicle Accident, Property Damage
11-83	Vehicle Accident, Unknown Injury – Advise
11-84	Traffic Control
11-85	Tow Truck Needed
11-95	Vehicle Stop (Location & License – Send Fill After Specified Time)
11-96	Vehicle Stop-Send Fill (Location & License)

The use of the letter “X” after giving a code refers to a female. An example is a 10-51X. This refers to an intoxicated female.

Deputies will also provide Court Operations with beginning and ending mileage when transporting males or females in a vehicle for any reason.

SIGNAL 13:





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**Phonetic Alphabet**

A phonetic alphabet is a list of words used to identify letters in a message transmitted on the radio or telephone. This practice helps to prevent confusion between similar sounding letters, such as “m” and “n”, and to clarify transmissions that may otherwise be hard to comprehend because of background noise or radio issues. The phonetic alphabet recommended by the Associated Police Communications Officers has been adopted for standardized purposes.

Phonetic Alphabet

A	Adam	N	Nora
B	Bravo	O	Ocean
C	Charles	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-ray
L	Lincoln	Y	Young
M	Mary	Z	Zebra

SHERIFF’S OFFICE RADIO FREQUENCIES:

Trainees must know the proper function and location of the following channels on the police radio (pack set):

**CONTROL 1:**

The main Sheriff’s Office patrol frequency for HQ Patrol, Transit Patrol and AMTRAK. Westside Patrol also utilizes Control 1 between 0130 and 0700 hours.

**CONTROL 2:**

The Sheriff’s Office patrol frequency for Westside Patrol and West Valley College Police between 0700 and 0130 hours.



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**CONTROL 3:**

Used as a car to car frequency or as a secondary frequency during large scale events in order to free up the main channels for normal radio traffic.

**TAC 4:**

County wide tactical or car-to-car frequency

Frequency 10 (CALAW1/LMA 150):

Law Mutual Aid – Used by several different law enforcement agencies for inter-agency coordination.

Frequency 15 (Court A) / Frequency 16 (Court B):

Primary frequencies for Sheriff's Office Court Deputies

**LOG ON PROCEDURES WITH COUNTY COMMUNICATIONS:**

Refer to General Order #20.00 for specifics.

**Clearance Codes:**

R = Report  
A = Accident  
W = Field Warrant Citation  
T = Traffic Citation  
F = Field Interview Card  
N = No Report  
X = Extra/Fill Unit  
S = Supplemental Report



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Alpha Beat Designator for Court Security:

- Z1- Downtown Superior, Old County Courthouse
- Z2- Hall of Justice, Juvenile Hall
- Z5- Palo Alto Courthouse
- Z6- Family Justice Center
- Z8- Santa Clara Courthouse
- Z9- South County Courthouse

Case Numbers are written in the following format: 'Year - Julian Date - Event Number with Beat Designator'

YY-JJJ-EEEEB

Example: 14-033-0101Z.



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### Report Writing General Information

The writing of a good report increases a deputy's chances of getting proper charges filed against a suspect and the subsequent conviction. The reports that are written will be viewed by countless people and will reflect on a deputy's ability and professionalism. No matter how good the investigation, the written report is often what will determine the outcome of a case.

Trainees are expected to be proficient with Basic English writing skills before they enter the Court Training Program. Trainees that do not have the ability to use proper spelling and grammar are at a tremendous disadvantage and will probably have difficulty passing the Court Training Program. The CTO will suggest changes or modifications for trainees experiencing problems with spelling and grammar, but the CTO does not have time to teach Basic English writing skills to the trainee.

The trainee enters the Court Training Program having completed the Basic Academy Report Writing block of instruction, and is expected to have an understanding of the basic report format and what information should be included in police reports. Additionally, the academy teaches report writing using the Sheriff's Office standardized report writing system. Trainees are expected to have a good working knowledge of the report writing system upon entering the Court Training Program. The CTO will instruct the trainee on how to upload and save a report, and check on its status.

Trainees should consider the use of various spellchecking programs, available online or through smartphone apps, when proofreading reports to ensure proper spelling and grammar. Trainees should also thoroughly proofread reports before submitting them to their CTO to minimize unnecessary time spent rewriting and correcting mistakes.



## Office of the Sheriff – Santa Clara County Court Training Program – Court Training Manual

### Introduction to the Various Report Forms

The CTO will explain to trainees each form that is currently being used by court deputies.

#### INCIDENT REPORT:

General Information: The Incident Report is the basic format for recording criminal reports for the Sheriff's Office.

Use of the Incident Report includes but is not limited to:

- Document criminal offenses.
- Document unattended coroner's cases, suicide, or attempted suicide.
- Document all missing persons and 72-hour holds (5150 W&I).
- Document incidents of personal injury or damage involving City or County property, excluding traffic collisions (i.e., injuries in City/County parks, on City/County sidewalks, etc.).
- Document all arrests including Private Persons' arrests.
- Document all found property.
- Document juvenile arrests (with the JCR as an attachment).
- When deemed appropriate by the current circumstances or a supervisor.

#### SEPARATION OF INCIDENT REPORTS FOR A SINGLE EVENT:

Refer to Patrol Procedure #B4.



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**AFFIDAVIT RE PROBABLE CAUSE**

The Affidavit Re Probable Cause is a sworn statement made by a deputy that explains why an arrest was based on sufficient evidence that the person in custody is the person who likely committed the related crime.

The Affidavit Re Probable Cause is completed by the deputy and submitted to intake deputies upon the booking of the suspect referred to in the affidavit. The main purpose of the Affidavit Re Probable Cause is to provide the judge with enough information to determine if the deputy had enough probable cause to arrest, and to set an appropriate bail amount.

When important information is missing from the Affidavit Re Probable Cause, it can result in the judge requesting the missing information and in the worst cases, the release of a suspect. This causes more work for custody staff and for you. Below is a list of the most frequently missed items on affidavits:

- Deputy's signature! Forgetting this will result in you having to return to the jail to sign your affidavit.
- The reason for the vehicle or pedestrian stop that lead to the discovery of the crime.
- Presumptive test results for drug possession cases.
- Symptoms of intoxication for under the influence cases.
- In auto burglary cases, whether the car was locked or not.
- Symptoms of intoxication, injuries, PAS results, and how the defendant caused the accident in VC 23153 cases.
- For PC 273.5 cases, the relationship between the victim and the defendant, their living situation, and the nature of injuries.



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AFFIDAVIT RE PROBABLE CAUSE AND BAIL SETTING

THE AFFIANT, A PEACE OFFICER FOR THE STATE OF CALIFORNIA (AGENCY) \_\_\_\_\_, STATES THAT: ON (DATE) \_\_\_\_\_, (NAME) \_\_\_\_\_ (CEN#) \_\_\_\_\_ (ARREST TIME) \_\_\_\_\_ (BOOKING TIME) \_\_\_\_\_, WAS BOOKED AT THE SANTA CLARA COUNTY JAIL ON THE FOLLOWING CHARGES: CASE# \_\_\_\_\_

Table with 4 columns: REF. NO., ON-VIEW FELONY CHARGE(S), ON-VIEW MISD. CHARGE(S), SCHEDULED BAIL. Includes a note: (DO NOT ADD IN BAIL FOR OFFENSES THAT ARE THE SAME COURSE OF ACTION)

( ) BAIL SET BY COURT BAIL SCHEDULE TOTAL: \$ \_\_\_\_\_
( ) BAIL SET BY MAGISTRATE TOTAL: \$ \_\_\_\_\_ Judge \_\_\_\_\_
AUTHORIZED SIGNATURE: \_\_\_\_\_

DIRECTIONS FOR COMPLETION

What facts led you to believe that the defendant committed the above felony/misdemeanor offense(s)? State reasons for initial contact/car stop. Describe actions of the defendant, addressing the elements of the offense(s), including symptoms of intoxication FSTs; injuries and how inflicted. If you relied on third party information, describe incident and state who can establish the facts:

REASONS FOR STOP/SEARCH/ARREST

Multiple horizontal lines for writing reasons for stop/search/arrest.

EACH APPLICABLE SECTION BELOW MUST BE COMPLETED:

- 1) Was the suspect armed? (Yes/No) Describe weapon: \_\_\_\_\_
2) Did the suspect resist arrest?( Yes/No) Combative to officer(s)? (Yes/No) Describe \_\_\_\_\_ Fled only (Yes/No)
3) Assault victim info: Age \_\_\_ Ht \_\_\_ Wt \_\_\_ Sex \_\_\_ Relationship to suspect \_\_\_\_\_
4) Injuries sustained by victim: None \_\_\_\_\_ Minor \_\_\_\_\_ Moderate \_\_\_\_\_ Major \_\_\_\_\_
5) Type of theft: Person \_\_\_\_\_ Residence \_\_\_\_\_ Commercial \_\_\_\_\_ Other (describe) \_\_\_\_\_
6) Property taken and approximate value: \_\_\_\_\_
7) Property recovered: None \_\_\_\_\_ Partial \_\_\_\_\_ Full Recovery \_\_\_\_\_
8) Controlled substances involved: (Type) \_\_\_\_\_ Presumptive test results \_\_\_\_\_
(Required Information) \$ Value \_\_\_\_\_ Quantity \_\_\_\_\_
9) Threats to victim(s) or witness(es): including information leading you to believe that the defendant may injure the victim(s)/witness(es) (threats, prior violence, etc.) or may flee prior to a court appearance: \_\_\_\_\_

I declare under penalty of perjury, that the foregoing is true and correct.

Signature of Affiant/Badge Number \_\_\_\_\_ Affiant/Print name \_\_\_\_\_ Date \_\_\_\_\_

DISTRIBUTION: WHITE- Court BLUE-Booking Jacket CANARY-Classification GREEN- OR PINK-Arrestee



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## BOOKING, MEDICAL QUESTIONNAIRE

The medical questionnaire is a required document to be completed by the arresting agency and submitted to jail staff upon booking an arrestee. The purpose of the form is to alert the intake nurses of any information that could suggest the need for medical treatment.

Keep in mind that while it is permissible to ask the arrestee questions to assist you in filling out the questionnaire, arrestees are not required to answer questions about their medical conditions. If they refuse to respond, simply fill it out based on your observations and information you may have already obtained and advise the nurse that the arrestee refused to answer questions. If the arrestee shares personal medical information with you, the only person you are allowed to share that information with is the medical professional assessing the health of your arrestee during the booking process.

**SANTA CLARA COUNTY  
DEPARTMENT OF CORRECTION  
AGENCY ADVISORY FORM**

ARRESTEE'S NAME: \_\_\_\_\_ BOOKING #: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

This form must be completed by the arresting agency prior to the arrestee being received by the Santa Clara County Jail.

1. Do you have any information or observations which would indicate that the arrestee has/had any of the following symptoms/problems prior to or during the contact that resulted in his/her arrest?

	YES	NO
a. Loss of Consciousness?	<input type="checkbox"/>	<input type="checkbox"/>
b. Seizures?	<input type="checkbox"/>	<input type="checkbox"/>
c. Respiratory Problem/Difficulty	<input type="checkbox"/>	<input type="checkbox"/>
d. Heart Problem	<input type="checkbox"/>	<input type="checkbox"/>
e. Hypertension (High Blood Pressure)	<input type="checkbox"/>	<input type="checkbox"/>
f. Diabetes	<input type="checkbox"/>	<input type="checkbox"/>
g. Alcohol or Drug Intoxication?	<input type="checkbox"/>	<input type="checkbox"/>
h. Bizarre or Aggressive Behavior?	<input type="checkbox"/>	<input type="checkbox"/>
i. Psychiatric/Mental Health History/Developmentally Disabled?	<input type="checkbox"/>	<input type="checkbox"/>
j. Is the arrestee suicidal?	<input type="checkbox"/>	<input type="checkbox"/>
k. Known or reported injury/illness?	<input type="checkbox"/>	<input type="checkbox"/>
l. Any physical trauma or visible signs of injury?	<input type="checkbox"/>	<input type="checkbox"/>
m. Involved in a traffic collision?	<input type="checkbox"/>	<input type="checkbox"/>
n. Hearing impaired?	<input type="checkbox"/>	<input type="checkbox"/>
o. Any physical disabilities?	<input type="checkbox"/>	<input type="checkbox"/>
p. Any contagious diseases, e.g. Tuberculosis?	<input type="checkbox"/>	<input type="checkbox"/>

Other \_\_\_\_\_

2. Were any of the following used on the arrestee prior to or during the arrest?

a. * Chemical agents (O.C., Mace, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
b. * T.A.R.P. ( Total Appendage Restraint Procedure)	<input type="checkbox"/>	<input type="checkbox"/>
c. * Carotid Restraint	<input type="checkbox"/>	<input type="checkbox"/>
d. * Taser/Any electric control/stun device	<input type="checkbox"/>	<input type="checkbox"/>
e. Baton	<input type="checkbox"/>	<input type="checkbox"/>
f. Proned during handcuffing, approximate duration _____	<input type="checkbox"/>	<input type="checkbox"/>

\* These conditions must be evaluated as indicated on the reverse side of this form.

3. Was there any physical resistance by the arrestee prior to or during the arrest?  YES  NO  
APPROXIMATE DURATION \_\_\_\_\_ (MINUTES)

4. Is the arrestee on any type of Mental Health Hold (5150, W&I, etc.)?  YES  NO

ARRESTING OFFICER \_\_\_\_\_ BADGE # \_\_\_\_\_ AGENCY \_\_\_\_\_

Reviewed by Receiving Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_

Any affirmative answers will be referred to a nurse for clearance prior to acceptance.

Reviewed by Medical/Mental Health: \_\_\_\_\_

Distribution: Original to Administrative Booking file Yellow copy to Classification Pink Copy to Classification

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**Pre-Hospital Communicable Disease Exposure:**

Refer to General Order 25.00 regarding the procedure for handling communicable disease exposure.



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**Handcuffs, Waist Chains and Leg Shackles**

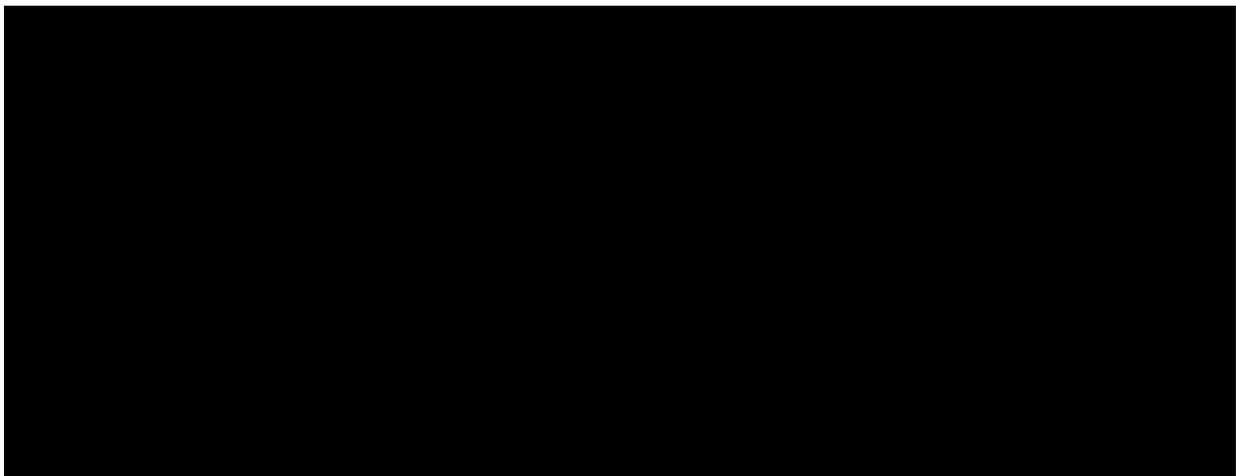
The Sheriff's Office has evaluated several different Arrest Control Techniques to determine which techniques would be the department's accepted standard. While many techniques might be considered effective, they were not selected if they at any time placed the safety of the officer in jeopardy. The selected techniques are taught to recruits in the Basic Academy and in all ACT Update classes required every two years. The CTO will ensure that the trainee demonstrates appropriate handcuffing techniques per department standards when taking compliant arrestees into custody.

It is recognized that Daisy Chains, Waist Chains, and Leg Shackles require the use of techniques that are not taught during the Basic Academy or ACT Update classes. The CTO will ensure that trainees receive thorough training in the safest, most effective methods of applying these restraints to inmates. The CTO will also ensure that, absent unusual circumstances, the trainee requests a cover deputy when placing restraints on a subject, and acts as an effective cover deputy when their partners are applying restraints. Concentrate on:

Handcuffs:

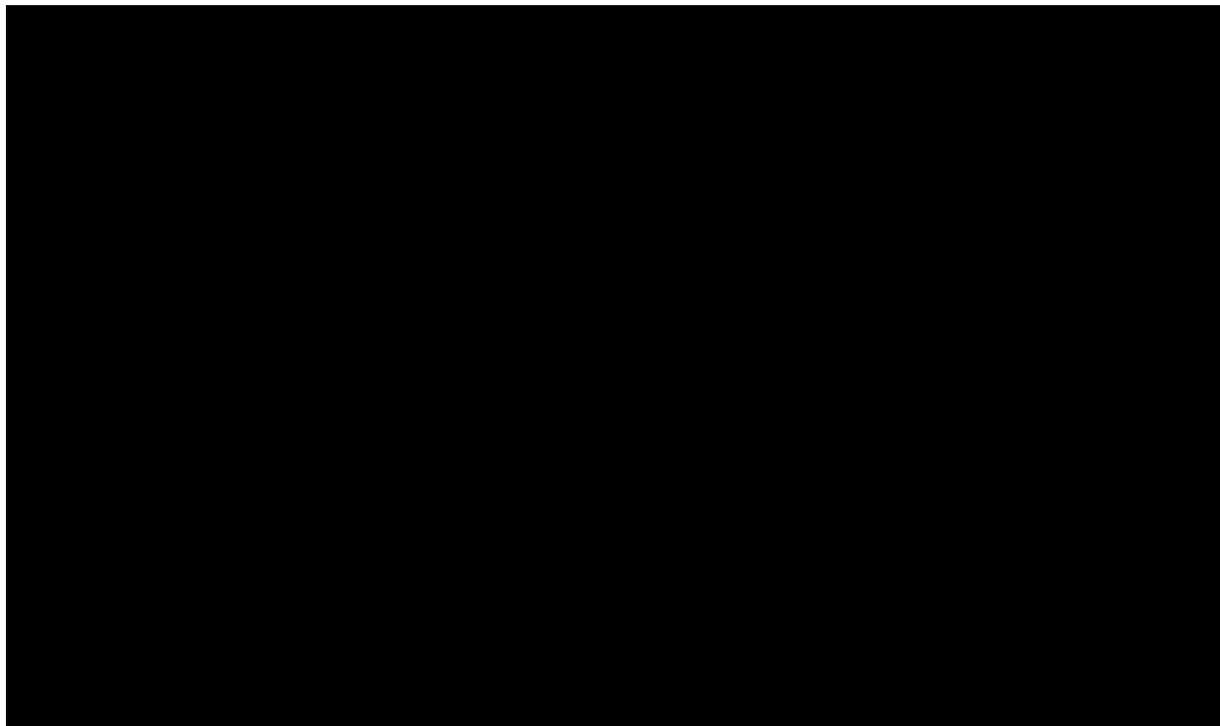
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Waist Chains and Leg Shackles:





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**The “WRAP” Restraint System**

Refer to Patrol Procedure #B-17 for a description of the WRAP Restraint System and its application and removal.



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### Field Interviews

Field interviews are a standard law enforcement tactic used to identify individuals and document their presence at a particular location at a particular time, discourage planned criminal activity, and note companions with whom the person is associating; information which sometimes becomes important and relevant in later prosecutions. Field interviews may be handled as a consensual encounter or, if reasonable suspicion exists, a detention.

#### FIELD INTERVIEW DETENTIONS:

While a field interview may be handled as a consensual encounter, there are times where we are authorized to detain a person for purposes of investigating unusual actions, which reasonably infer criminal activity. Temporarily detaining a person for the purpose of verifying or negating the person's possible connection with some criminal activity, based upon an articulable "reasonable suspicion" that the person may be involved in criminal activity, is lawful (*Terry v. Ohio* (1968) 392 U.S. 1 [20 L.Ed.2<sup>nd</sup> 889]). The possibility of an innocent explanation does not deprive an officer of the capacity to entertain a reasonable suspicion of criminal activity. This applies to pedestrians as well as individuals in vehicles.

In order to temporarily detain someone for the purpose of a field interview, you must have "reasonable suspicion" that: (1) criminal activity may be afoot and (2) the person you are about to detain is connected with that possible criminal activity.

If during a detention the officer does not learn facts rising to the level of probable cause, the individual must be allowed to go on their way (*Illinois v. Wardlow* (2000) 528 U.S. 119, 126).

Absent "reasonable suspicion," a detention for the purpose of a field interview is unlawful unless it is handled as a consensual encounter.

#### REASONABLE SUSPICION:

"*Reasonable suspicion*" is information which is sufficient to cause a reasonable law enforcement officer, taking into account his or her training and experience, to *reasonably believe* that the person to be detained is, was, or is about to be, involved in criminal activity.

Reasonable suspicion may arise out of a contact, or it may exist prior to or independently of a contact. Reasonable suspicion may be based on factors such as appearance, actions,



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prior knowledge, area, time, and experience. In addition, deputies will strive to utilize factors that can be documented later. Mere hunches or guesses are not adequate.

### INITIAL APPROACH:

Once the required elements have been established, the person may be stopped. However, provided that the public is not endangered and the chance of losing the suspect is not significant, it may be better for the deputy to wait if it is thought that by so doing he/she will be able to develop additional information to establish probable cause for an arrest. The guideline is: Don't ruin a good arrest by a premature stop.

### USE OF FORCE TO DETAIN:

A peace officer may use that amount of force that is reasonably necessary under the circumstances in order to enforce a lawful detention. (*In re Tony C.* (1978) 21 Cal.3<sup>rd</sup> 888, 895; *In re Gregory S.* (1980) 112 Cal.App.3<sup>rd</sup> 764, 778.)

In determining the reasonableness of using force during a detention, the deputy should take into consideration the following factors:

- The severity of the suspected crime;
- Whether the suspect poses an immediate threat to the safety of the officers or others;
- Whether the suspect is actively resisting arrest or attempting to evade the officers by flight;
- Whether the detention during a search was unnecessarily painful, degrading or prolonged (*Graham v. Connor* (1989) 490 U.S. 386, 395-396 [104 L.Ed.2<sup>nd</sup> 443, 455-456].), or whether it involved an undue invasion of privacy. (*Franklin v. Foxworth* (9<sup>th</sup> Cir. 1994) 31 F.3<sup>rd</sup> 873, 876.)

*Refusal to Submit* to a lawful detention is probable cause to arrest, pursuant to **Penal Code § 148(a)** (Interfering with a peace officer in the performance of his or her duties). (*In re Gregory S.*, *supra*, at p. 780.)

### MOVING THE DETAINED INDIVIDUAL:

Deputies should not transport or otherwise move a stopped individual from the location where the stop is made unless it is truly necessary. The courts have established exceptions to this rule, but generally, requiring a suspect to accompany you to another



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location or interrogation room without valid consent or compelling reason may turn your detention into an unreasonable arrest.

That being said, case law has established that moving a detained subject a reasonable distance based on the circumstances will not necessarily turn a detention to an arrest. There is not an established distance that has been defined as acceptable to transport a detainee before it becomes unlawful. The distance you transport a detainee without their consent must be reasonable. For example, if you detain a subject walking in a lane of traffic, it would be reasonable to move them onto a sidewalk where they are safe. It would become unreasonable if you continued moving the individual past the point where they are no longer in danger of being hit by a passing car without consent or a compelling reason.

The motive for moving a detained individual must also be reasonable. In the above example, the compelling reason was safety of the individual. If you legally detain an individual and a hostile crowd sympathetic to the detainee starts to form around you, it would be reasonable to move the individual to another location to continue the investigation for your own safety (**People v. Courtney 1970**).

Be extremely careful when making the decision to move a detained individual. If it is not necessary and you have not obtained valid consent, do not move the individual. If you do have a compelling reason to move them, ensure that the distance you move the individual is reasonable under the circumstances.

### DURATION OF STOP:

"Time" or the "duration" of a detention is another factor you must be aware of. A detention is temporary and may last no longer than is necessary to resolve the circumstances that justified its initiation. In other words, a detention can be legal at its beginning and then become illegal if you extend it beyond what is reasonably necessary under the circumstances. On the other hand, there is no set time limit for an investigative detention. The key is simply whether you diligently took reasonable steps to confirm or deny your suspicions. (**United States v. Sharpe 1985**)

Many times, circumstances will come to light during a detention (such as demeanor, conduct, observation of suspicious objects) that will justify extending its duration. On the other hand, if the suspect answers all questions about the suspicious circumstances satisfactorily, so that your suspicion decreases or disappears, you must let him go.



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**FIELD INTERVIEW CARD:**

Since a field interview is based on suspicious activity that relates to a crime, deputies should normally complete a “Field Interview Card” and file it in the appropriate location at the completion of the shift. In addition, deputies initiating a field interview should maintain a detailed record of the specific facts and circumstances that justified the stop in their field notebook for future reference.

**DEFINITION OF PROBABLE CAUSE:**

Probable cause to arrest exists when the totality of the circumstances would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.

Probable cause [to arrest] exists when, under the totality of the circumstances known to the arresting officers, a prudent person would have concluded that there was a fair probability that [the defendant] had committed a crime.



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### Searches by Deputies of the Opposite Gender

Laws governing search and seizure make no distinction between treatment of men and women. Deputies may conduct a search of either sex incident to an arrest. However, it is preferred that searches be performed by a deputy of the same gender when circumstances reasonably allow for it.

### Search and Seizure – Cursory Searches

#### CURSORY SEARCHES:

During a detention, you may conduct a patdown or limited search of someone you have detained, but (1) only for weapons, (2) only of their outer clothing, and (3) only if you have specific facts that would make a reasonable person feel in danger.

We may not conduct cursory searches as a matter of “standard procedure,” and although we don’t need to be absolutely certain, we must perceive a substantial possibility that the person is armed or may be armed.

Cursory searches are also commonly referred to as “pat search” or “Terry search.”

#### REQUIRED ELEMENTS:

The following are factors that, alone or in combination, may be sufficient to establish a reasonable suspicion that the person may be armed:

- The person’s appearance: Does the person’s clothes bulge in a manner suggesting the presence of any object capable of inflicting injury?
- The person’s actions: Did the person make a furtive movement, as if to hide a weapon, when you approached? Does the person appear nervous during the course of detention? Are the person’s words or actions threatening?
- Prior knowledge: Does the deputy know if the person has a police record for weapon offenses or for assaults or for assaults on police officers or others? Does the deputy know if the person has a reputation for carrying weapons or for violent behavior?
- Location: Is the area known for criminal activity (a “high crime” area)? Is the area sufficiently isolated so that a law enforcement officer is unlikely to receive aid if attacked?



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- Time of the day: Is the confrontation taking place at night? Does this contribute to the likelihood that the deputy will be attacked?
- Police purpose: Does the deputy's suspicion of the suspect involve a serious and violent offense? An armed offense? (If so, the same factors justifying the detention also justify the cursory search.)

The cursory search may be conducted immediately upon making the stop or at any time during the stop whenever a reasonable suspicion develops.

### SCOPE OF THE CURSORY SEARCH:

A cursory search should not exceed the patting down of the outer clothing unless developing circumstances authorize a more intrusive search. However, courts have permitted a limited search, similar to a cursory search, of a vehicle, a fanny pack placed near a suspect, and a closed fist during a detention based on reasonable fear for the safety of a peace officer. Deputies also must remember that we are authorized to look for weapons only during a cursory search.

### SEIZURE OF ITEMS FOUND:

If, when conducting a cursory search, a deputy feels an object which he/she reasonably believes to be a weapon or dangerous instrument or may contain such an item, that deputy may reach into the area of the person's clothing where the object is located, e.g. a pocket, waistband, or sleeve, and remove the object. The discovery of the object must have been accomplished while the deputy was still in the process of searching for weapons and the contraband nature of the object became **immediately apparent** to the deputy through their sense of sight, smell, or touch. If the nature of the object is not **immediately apparent** to the deputy, he/she may not squeeze, slide, or otherwise manipulate the object to determine whether it is contraband or not. If the deputy has determined that the object is not a weapon and is not **immediately** recognized as contraband, the deputy must continue on with the search without further manipulation of the object.



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**Fugitive from Justice (1551.1 PC)**

Along with local warrants, deputies will occasionally encounter subjects that have out-of-state warrants. The out-of-state warrant may be bookable, but not as a warrant. It is an on-view crime in California to have an out-of-state warrant with charges that have a punishment of death or imprisonment of more than one year. Follow these steps when dealing with this type of warrant:

1. Through Court Operations, confirm the warrant with the originating agency and make sure that agency will extradite the subject.
2. Confirm that the original charges have a punishment of death or imprisonment exceeding one year (this can be done when confirming the warrant).
3. Book the subject for an on-view charge of 1551.1 PC and complete a Probable Cause Affidavit.
4. Complete an Incident Report outlining the details of the event

The Civil/Warrants Unit handles all follow-up on out-of-state warrants.



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**Assisting the Public in the Field**

**LOCKOUTS OF VEHICLE:**

Deputies are discouraged from using a “Slim Jim” or other device to aid citizens in entering their locked vehicle. The deputy, not the Sheriff’s Office, could be liable for any damage done to the vehicle. Many cars have electric locking devices or other theft deterrents that may be damaged by attempting to use a device to gain entry. Citizens should be told to contact a qualified locksmith or a tow company for help.

**JUMP STARTING VEHICLES:**

Deputies are discouraged from jump-starting citizen’s vehicles. Damage can be caused to both vehicles should the jumper cables be applied improperly. Citizens should be told to contact a tow company for help or the deputy can do so through County Communications.



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**Storing and Impounding Vehicles**

Refer to Patrol Procedure #B6.



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### Moving and Parking Citations

The Sheriff's Office uses two different types of citations: Traffic citations and Parking citations. Each has a specific purpose and the citations are not interchangeable in their use. Citation books in the courts division can be obtained from the Courts Division Executive Assistant.

- **NOTE: FIFTH AMENDMENT PROTECTION:** “No person shall be subject for the same offense to be twice put in jeopardy”. In other words, if a deputy books a suspect in the jail for DUI and also cites and releases that driver for an on-view 12500(a) CVC he/she has created a “double jeopardy” situation. The driver could go to court and enter a guilty plea on the 12500(a) charge. Once a guilty plea is entered regarding this incident the driver could not be prosecuted for the DUI charge. A subject cannot be prosecuted for the same incident twice.
- **TRAFFIC CITATIONS:** The Traffic citation is used for the issuance of traffic violations and adult misdemeanor offenses. These citations can be easily distinguished from the parking citation because they have a completely different format and the violator’s copy is a single yellow sheet (see Parking Citations). Each area of the citation must be properly completed with the violator being given his/her copy after it is signed.
- **PARKING CITATIONS:** The Parking citation is used only for parking violations. These citation numbers begin with a specific letter, depending which area the cite is to be used in:
  - P Unincorporated, County parks and city of Los Altos Hills
  - S City of Saratoga
  - C City of Cupertino
- Parking cites only require information for the vehicle and do not require information on the driver (no driver signature is required). The violator’s copy is a yellow envelope and is usually left on the windshield of the violator’s vehicle. Parking violations cannot be written on Traffic citations.
- **AMENDING/DISMISSING CITATIONS:** Occasionally a citation must be amended or dismissed after it has been written. The deputy must use the appropriate amendment or dismissal form and forward to HQ.



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**Parking Citation**

<b>P</b> 805425		<b>OFFICE OF THE SHERIFF</b>				<b>COUNTY OF SANTA CLARA</b>				<b>HEARING COPY</b>		
		DATE	TIME	LOCATION						<b>No P 805425</b>		
<b>PARKING CITATION</b>	VEHICLE LIC. NO.	EXPIRES	STATE	MAKE	MODEL	COLOR	LAST 4 of VIN#					
	PLACE OF OCCURRENCE: <input type="checkbox"/> UNINCORPORATED <input type="checkbox"/> COUNTY PARK <input type="checkbox"/>											
	<input type="checkbox"/> LOS ALTOS HILLS <input type="checkbox"/> STANFORD UNIVERSITY											
	<input type="checkbox"/> 22500.1 CVC POSTED FIRE LANE			<input type="checkbox"/> 22507.8 CVC DISABLED SPACE			<input type="checkbox"/> B12-120 CO. ORD. NO PARKING ZONE					
	<input type="checkbox"/> 22502(a) CVC PARK DIRECTION OF TRAFFIC OR WITHIN 18 IN. OF CURB			<input type="checkbox"/> 22614 CVC WITHIN 15 FT. OF FIRE HYDRANT			<input type="checkbox"/> B17-95 CO. ORD. POSTED PERMIT ZONE					
	VIOLATION OF:											
	CODE _____ DESCRIPTION _____											
	VIOLATION OF:											
	<input type="checkbox"/> 22500( ) C.V.C.											
	CODE _____ DESCRIPTION _____											
VIOLATION OF:												
<input type="checkbox"/> 21113 (a) C.V.C.												
CODE _____ DESCRIPTION _____												
<b>PENALTY AMOUNT \$</b>			I hereby declare under penalty of perjury that the foregoing is true and correct. Executed at the place and on the date shown above.									
Penalty For Violation is Indicated Above ENCLOSE PAYMENT IN ENVELOPE.			OFFICER SIGNATURE _____				BADGE _____					

Enclose a check or money order (payable to Santa Clara County Parking) for the amount of the penalty indicated and mail it to the address on the reverse side of the citation. You may contest the parking violation by requesting a hearing within 21 days. Failure to respond within 21 days will result in the loss of your option to dispute the ticket. For information call (408) 299-6686 weekdays 9 am to 4 pm. Failure to pay the penalty or complete arrangements for a hearing will result in additional penalty fees and a hold placed against your registration by the Department of Motor Vehicles (CVC 4750). Any vehicle having 5 or more unpaid parking violations may be impounded and held by the Office of the Sheriff (CVC 22851 (f)).

FORM 1394 REV 7/98  
**735.09A**

**Citation Amendment form**

NAME OF COURT:	PEOPLE OF THE STATE OF CALIFORNIA		
STREET ADDRESS:	VS.		
MAILING ADDRESS:	NOTICE OF CORRECTION AND PROOF OF SERVICE		
CITY AND ZIP CODE:	(Vehicle Code, § 40505)		
BRANCH NAME:	DEPARTMENT/AGENCY:	CASE NUMBER:	
TELEPHONE:	AMENDING OFFICER NAME/ID NO.:	CITATION NUMBER:	

1. A Notice to Appear/Notice to Correct Violation was issued to you by an officer of this department on (date): \_\_\_\_\_
2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.
  - Date/time of violation should be \_\_\_\_\_
  - Date/time of court appearance should be changed from \_\_\_\_\_ to \_\_\_\_\_
  - Violation section(s) should be changed from \_\_\_\_\_ to \_\_\_\_\_
  - Location of violation should be changed from \_\_\_\_\_ to \_\_\_\_\_
  - Other (specify): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_ (Signature of officer)



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**Misdemeanor Arrests and Misdemeanor Warrant Citations**

Refer to Patrol Procedure #B7-1

**On View Misdemeanors**

The Traffic Citation form is used for issuing a Notice to Appear/Citation in misdemeanor cases. An Incident Report (Event) number must be indicated in the appropriate box on this citation and the violator must be given a court date and time for the appropriate court of jurisdiction. An Incident Report will be written in all instances when a misdemeanor citation is issued.

According to 853.6 PC, a peace officer shall use the written notice to appear procedure set forth in that section for any misdemeanor offense in which the officer has arrested a person without a warrant pursuant to Section 836 PC or in which he or she has taken custody of a person pursuant to Section 847 PC. The Sheriff's Office will use the traffic citation form for this purpose.

Whenever any person is arrested by a deputy for a misdemeanor, that person shall be released according to the procedures set forth in 853.6 PC unless one of the following is a reason for non-release, in which case the arresting deputy may release the person, or the arresting deputy shall indicate, on the Pre-Booking Form box labeled 853.6 PC, which of the following was a reason for non-release:

- The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
- The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.
- The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
- There were one or more outstanding arrest warrants for the person.
- The person could not provide satisfactory evidence of personal identification.
- The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.



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- There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
- The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

In all cases in which a deputy has issued a criminal citation for a misdemeanor violation in lieu of a physical arrest and the defendant is to be booked, the deputy will check the “booking required” box on the citation and instruct the defendant to appear at the Sheriff’s Office Records Section at the appropriate time for fingerprinting and photographs.



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### Traffic or Misdemeanor Citation

COUNTY OF SANTA CLARA, OFFICE OF THE SHERIFF												NO. N 298201					
<b>NOTICE TO APPEAR</b>												<input type="checkbox"/> MISDEMEANOR		<input type="checkbox"/> Traffic		<input type="checkbox"/> Nontraffic	
Date of Violation / /			Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S			Case No.									
Name (First, Middle, Last)										<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)							
Address																	
City				State				ZIP Code									
Driver Lic. No.		State		Class NIP		Age		Birth Date / /		<input type="checkbox"/> Juvenile (Phone No.) ( )							
Sex	Hair	Eyes	Height	Weight	Race	Other Description											
Veh. Lic. No. or VIN						State		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))									
Yr. of Veh.	Make	Model	Body Style	Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)											
Evidence of Financial Responsibility												<input type="checkbox"/> Same as Driver					
Registered Owner or Lessee												<input type="checkbox"/> Same as Driver					
Address												<input type="checkbox"/> Same as Driver					
City				State				ZIP Code									
Correctable Violation (Veh. Code, § 40610)										<input type="checkbox"/> Booking Required		Misdemeanor or Infraction (Circle)					
Yes	No	Code and Section			Description			M	I								
<input type="checkbox"/>	<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>								
Speed Approx.		P.F./Max. Spd.		Veh. Lmt.		Safe	Radar	Direction of Travel N S E W		<input type="checkbox"/> Continuation Form issued							
Location of Violation(s) at										City/County of Occurrence							
Comments (Weather, Road & Traffic Conditions)												<input type="checkbox"/> Accident					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.																	
Arresting or Citing Officer										Badge No.		Vac. dates					
Date										Name of Arresting Officer, if different from Citing Officer		Badge No.		Vac. dates			
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> <input checked="" type="checkbox"/> Signature																	
WHEN: ON OR BEFORE THIS DATE: / /										Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM					
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.																	
WHERE:																	
<input type="checkbox"/>	Traffic Court			1095 Homestead Road, Santa Clara, CA 95050				(408) 808-3100									
<input type="checkbox"/>	Hall of Justice			190 W. Hedding Street, San Jose, CA 95110				(408) 808-6600									
<input type="checkbox"/>	South County			12425 Monterey Road, San Martin, CA 95046				(408) 695-5000									
<input type="checkbox"/>	Palo Alto			270 Grant Ave, Palo Alto, CA 94306				(650) 462-3800									
<input type="checkbox"/>	Juvenile Court			840 Guadalupe Parkway, San Jose, CA 95110				(408) 278-5800									
<input type="checkbox"/> TO BE NOTIFIED																	
PFN (FOR COURT USE ONLY)				FPO Barcode				CEN (FOR COURT USE ONLY)									

Notice to Appear form approved by the Judicial Council of California.  
Rev. 09/2005 (Veh. Code, §§ 40500(b), 40510(b), 40522, 40600 Pen. Code, § 853.9)

COURT COPY

SEE REVERSE  
5833 (D) REV 11/06 TR-130



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### Warrant Arrests

All misdemeanor and infraction warrant arrestees must be cited and released per 827.1 PC, unless one of the following conditions exists:

- The misdemeanor cited in the warrant involves violence, a firearm, resisting arrest or giving false information to a peace officer.
- The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.
- The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.
- The person has other ineligible charges pending against him or her.
- There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- The person refuses to sign the notice to appear.
- The person cannot provide satisfactory evidence of personal identification.
- The warrant of arrest indicates that the person is not eligible to be released on a citation.
- The misdemeanor cited in the warrant involves violence. In addition, the Sheriff's Office will not cite on Penal Code sections 166.4, 243(e)(1), 273.5 and 273.6.
- The charge is a probation violation, Penal Code sections 1203.2(a) and (b).
- The charge is Vehicle Code section 23152(a) or (b).
- The warrants include three or more failure to appears, Vehicle Code section 40508(a) or described in the description of charges.
- The warrant is stamped "No Bail".



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- The warrant is stamped “No SCIT”, “No Walkover”, “No Cite Release”, or “No Requests.”

Deputies will issue citations and release individuals eligible for release on specified misdemeanor warrants as described below:

- Arrest for misdemeanor in-county arrest warrant where the bail amount is under \$15,000.00.
- Arrestee may not have three or more failure to appear warrants, or bail totaling \$15,000.00 or more.
- Out-of-county misdemeanor warrants may be cited and released at the direction of the issuing county regardless of bail amount, and the warrant meets our county release criteria.

For warrant cite and releases use the Sheriff’s Office Notice to Appear form (749.01). Each form can be used for multiple warrants as long as the warrants are from the same issuing facility. Otherwise, each warrant needs to be on a separate release form. Contact Sheriff’s Records and confirm the warrant. Ensure to circle the “Booking Required” item (if applicable). Upon confirming the warrant, contact County Communications and they will generate an event number for the warrant citation. This number goes into the “Case Number” box in the upper right corner. Only one event number is necessary, per arrestee, even if several citations are issued. Provide this event number to Sheriff’s Records.

It is a requirement to obtain both thumbprints on the back of each copy of the Notice to Appear form. After completing the “Notice to Appear” form (749.01), distribute the copies accordingly (see bottom of form for distribution list). When the arrestee meets the requirements for cite and release on an out of county warrant, he or she must be advised of his or her rights per 821 and 822 PC. Document the cite and release on a court arrest and activity log.



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**Warrant Citation**

**SANTA CLARA COUNTY SHERIFF'S OFFICE**  
55 W. Younger Avenue • San Jose CA 95110  
Telephone: (408) 808-4700

**Notice to Appear**  
**Pursuant to 853.6 P.C.**

**(ONE FORM PER ISSUING COURT)**

CEN		PFN		Case Number	
Arrest Date		Arrest Time		<input type="checkbox"/> Booking Completed Prior to 853.6	
Name (Last)		(First)		(Middle)	
Residence Address		City		Zip Code	
Business Name/Address		City		Zip Code	
Occupation		Scars/Marks/Tattoos			
DL#		State	SS#		Date of Birth <small>Month/Day/Year</small>
Sex	Hair	Eyes	Height	Weight	Race
Vehicle License		Color	Model	Veh. Year	

CODE	SECTION	DESCRIPTION	WARRANT NO.	F/M/I	BOOKING REQUIRED <small>Circle One</small>	
					YES	NO

Arrest Location \_\_\_\_\_ City \_\_\_\_\_

Arrest Officer Name Printed \_\_\_\_\_ Arresting Officer's Signature \_\_\_\_\_ Badge/CJIC NO. \_\_\_\_\_

Issuing Officer Name Printed \_\_\_\_\_ CJIC NO. \_\_\_\_\_ Facility \_\_\_\_\_

*Without admitting guilt, I promise to appear at the time and place indicated below, before a Judge or Clerk of the Superior Court.*

**X SIGNATURE** \_\_\_\_\_

---

Date of Release \_\_\_\_\_ Time of Release \_\_\_\_\_

Date of Appearance \_\_\_\_\_ Time of Court Appearance \_\_\_\_\_

Court Name \_\_\_\_\_

So    PA  
 LG    SU  
 HOJ    TR.CT.SJ.  
 OTHER CO.

**SEE REVERSE SIDE FOR INSTRUCTIONS**

*Distribution: WHITE-Court Copy • CANARY-Case File • PINK-Defendant Copy*





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### Notice to Appear Form (Subpoena)

The “Notice to Appear for Trial” form is initiated by the Traffic/Court clerk in the Investigations Bureau when notified that Sheriff’s Office personnel are needed for a court appearance. The form is given to the concerned deputy’s direct supervisor for serving to the deputy. Both the supervisor and the concerned deputy must sign acknowledging receipt of the form. The original signed copy of the form is to be returned to the Traffic/Court clerk and the second copy is to be retained by the deputy.

Deputies are required to be present for all court appearances for which they have received a subpoena, absent a compelling reason. If a deputy believes a compelling reason exists to excuse their appearance, they must note it on the signed copy of the subpoena and receive approval through their supervisor.

Deputies should not take subpoenas lightly. The testimonies presented by law enforcement in court are an integral part of the legal process. All deputies should show up to court thoroughly prepared to testify to the best of their ability. To accomplish this, deputies should review their reports and any related attachments to refresh their recollection as much as possible prior to the day of their court appearance.



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**WITNESS NOTIFICATION  
WITNESS RESPONSE**

**Witness:** Agency: SCCSO Unit: Detective Bureau  
**Defendant(s):**  
**Docket:** OFCN:  
**Charges:**  
**Hearing:** Jury Trial  
**Date:** Time:  
**Address:**  
**Dept:** Hall of Justice, East Wing, Dept. 24  
**DA:** DA Case Number:  
**Contact Person:** Phone Number:  
 Officer will appear.  
 Officer agrees to be on Telephone Standby. **DA must preapprove TSB.** See comments box on witness copy to determine if you can be on standby. List your phone numbers below.  
 Officer will not appear because:  
 Return to Duty Date: \_\_\_\_\_ Date Notice Sent: \_\_\_\_\_  
 Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Circle Days Off: M T W T H F Scheduled Time Off: \_\_\_\_\_

Cell: \_\_\_\_\_ Pager: \_\_\_\_\_ Home: \_\_\_\_\_

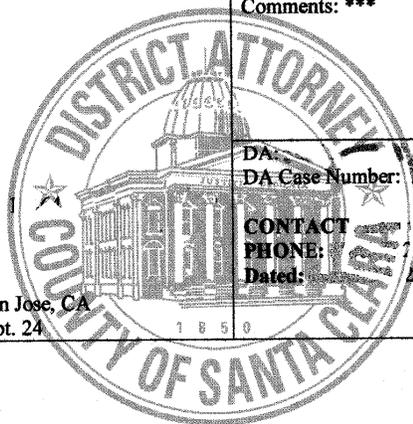
Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Notice to San Jose Police Department Officers:** This notice must be given personally to the officer. If the supervisor cannot personally serve the officer, he or she must notify Court Liaison immediately so witness coordination can inform the District Attorney's Office. The witness should return the top portion of this form to the Court Liaison Unit. If this response is promptly returned, the witness does not need to contact the DA's Office directly.  
**All Other Officers:** Please return the top half of this form to the District Attorney's Office.

Dated:

**WITNESS COPY**

Agency: SCCSO Unit: Detective Bureau I/O: Badge :	Comments: ***
Defendant(s): Docket: OFCN: Charges:	DA: DA Case Number:
Hearing: Jury Trial Date: Address: 190 W. Hedding Street, San Jose, CA Dept: Hall of Justice, East Wing, Dept. 24	<b>CONTACT PHONE: Dated:</b>



**YOU MUST IMMEDIATELY CALL THE CONTACT PERSON AT THE ABOVE NUMBER**



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### Private Person's Arrest

It is not uncommon for beat deputies to respond to an incident that will involve a private person's arrest ("citizen's arrest" - 837 PC). Deputies must ensure that the private person making the arrest has met the requirements in 837 PC before accepting the arrest. If the requirements of 837 PC are not met, deputies do not have to accept the arrest of the subject (142(c) PC). Deputies are not civilly liable under state law if they do not accept this arrest. Deputies must conduct a thorough investigation to determine whether or not 837 PC has been satisfied. If it has been satisfied, they must accept the arrest per 142(a) PC.

Deputies must complete an Incident Report on all private person's arrests. If the subject is released, the District Attorney's Office will review the report to see if any further action is warranted. The report should include the full identity of the private person making the arrest and the fact that this person is the one that placed the person under arrest.

Depending on the charges and other circumstances, the deputy can do the following:

- \* Obtain all the necessary information for the report then release the violator per 849(b) PC and refer the matter to the District Attorney's Office for review.
- \* Issue the violator a misdemeanor citation. (Refer to 853.6 PC.)
- \* Book the violator into jail.



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**General Points of Law**

- Definition of a crime (15 PC)
- Classification system of crimes (16, 17, 18, and 19 PC)
- Definition of *corpus delicti*: Substantial fact establishing that a crime has been committed.
- Types of criminal intent:
  - Specific
  - Transferred intent
  - General intent
  - Criminal negligence
- Definition of *entrapment* – Something so appealing that the normally prudent person would be lured into the act or action.
- Definition of “which persons” are capable of committing crime (26 PC).
- Definition of the following:
  - *Case law*: Laws that are enacted by judicial review.
  - *Statutory law*: Laws enacted by legislative body.



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### Laws of Arrest

The following penal code sections should be referred to for information on this section:

- Peace officer and authority (830.1 PC)
- Arrest (834 PC)
- How an arrest may be made (835, 835a, and 843 PC)
- Circumstances when arrest may be made (836 PC)
- Posse comitatus (150 PC)
- Time of day an arrest can be made (840 PC)
- What a peace officer must inform a person of that he/she arrests (841 PC)
- When the peace officer may search a person and when the officer may take a weapon from the person (833 and 846 PC).
- When a peace officer may arrest for non-observed driving under the influence (40300.5 VC)



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**Juvenile Matters**

Refer to Patrol Procedures #B3-1 through #B3-8 for Juvenile Matters





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**OPERATIONAL TRAINING MATERIAL**

The following section contains material related to the operational duties of a deputy sheriff.



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**Mentally Ill Persons (5150 W&I)**

Refer to Patrol Procedure #B21



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**5150 W&I 72-Hour Hold**

State of California - Health and Human Services Agency Department of Mental Health

**APPLICATION FOR 72 HOUR DETENTION  
FOR EVALUATION AND TREATMENT**  
MH 302 (Rev. 08/04) Front

*Confidential Client/Patient Information*  
See California WIC Section 5328 and  
HIPAA Privacy Rule 45 C.F.R. § 164.508

Welfare and Institutions Code (WIC), Section 5157, requires that each person when first detained for psychiatric evaluation be given certain specific information orally, and a record be kept of the advisement by the evaluating facility.

**Advisement Complete**                       **Advisement Incomplete**

Good Cause for Incomplete Advisement

Advisement Completed By

**DETAINMENT ADVISEMENT**

My name is \_\_\_\_\_  
I am a (Peace Officer, etc.) with (Name of Agency).  
You are not under criminal arrest, but I am taking you  
for examination by mental health professionals at  
(Name of Facility).

You will be told your rights by the mental health staff.

*If taken into custody at his or her residence, the  
person shall also be told the following information in  
substantially the following form:*

You may bring a few personal items with you which I  
will have to approve. You can make a phone call  
and/or leave a note to tell your friends and/or family  
where you have been taken.

Position	Date
----------	------

To \_\_\_\_\_

Application is hereby made for the admission of \_\_\_\_\_

Residing at \_\_\_\_\_, California, for 72-  
hour treatment and evaluation pursuant to Section 5150, (adult) et seq. or Section 5585 et seq. (minor), of the WIC. If a  
minor, to the best of my knowledge, the legally responsible party appears to be / is: (Circle one) Parent; Legal Guardian;  
Juvenile Court as a WIC 300; Juvenile Court as a WIC 601/602; Conservator. If known, provide names, address and  
telephone number:

\*\*\*\*\*

The above person's condition was called to my attention under the following circumstances: (see reverse side for definitions)

The following information has been established: (Please give sufficiently detailed information to support the belief that the person  
for whom evaluation and treatment is sought is in fact a danger to others, a danger to himself; herself and/or gravely disabled.)

Based up on the above information it appears that there is probable cause to believe that said person is, as a result of mental  
disorder:

**A danger to himself/herself.**     **A danger to others.**     **Gravely disabled adult.**     **Gravely disabled minor.**

Signature, title and badge number of peace officer, member of attending staff of evaluation facility or person designated by county.	Date	Phone
	Time	

Name of Law Enforcement Agency or Evaluation Facility/Person	Address of Law Enforcement Agency or Evaluation Facility/Person
--	---

**Weapon was confiscated and detained person notified of procedure for return of weapon pursuant to Section 8102 WIC.**  
(officer/unit & phone #) \_\_\_\_\_

**NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY**

**NOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATMENT FACILITY IS REQUESTED BY THE REFERRING PEACE  
OFFICER BECAUSE:**

**Person has been referred under circumstances in which criminal charges might be filed pursuant to Sections 5152.1 and 5152.2 WIC.**  
Notify (officer/unit & telephone #) \_\_\_\_\_

**Weapon was confiscated pursuant to Section 8102 WIC.**  
Notify (officer/unit & telephone #) \_\_\_\_\_

**SEE REVERSE SIDE FOR INSTRUCTIONS**



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**Confiscation of Deadly Weapons (8102 W&I)**

Refer to Patrol Procedure #B21-1

**BACKGROUND:**

On occasions, deputies take persons into custody pursuant to section 5150 W&I who possess firearms or other deadly weapons. Section 8102 W&I states, "... the firearm or other deadly weapons shall be confiscated by any law enforcement agency or peace officer from a person who has been detained or apprehended for examination for his/her mental condition."

Once a deputy confiscates any firearm or other deadly weapon (as defined in Penal Code 12020) from a person who has been detained or apprehended pursuant to 5150 W&I, Sheriff's Office Investigations Bureau personnel will notify County Counsel. County Counsel has 30 days after the person is released without judicial commitment, unless good cause is shown, to initiate a petition in Superior Court for a hearing to determine whether the items should be returned to the person. If these proceedings are not started within the 30 days, the weapons must be returned.

**CONFISCATING WEAPONS:**

Any firearm or deadly weapon confiscated pursuant to section 8102 W&I will be booked in the evidence room in compliance with current departmental policy.

Deputies will provide written notice to the person at the time of the detention, using the appropriate departmental form (8102 W&I form), informing him/her of the procedure to be followed for the release of their confiscated weapon(s). Deputies will also provide written notice (using the same form) to the medical facility at the time of the commitment, informing them that the person had a firearm or other deadly weapon in his/her possession and that the weapon was confiscated.

**DOCUMENTATION:**

Deputies will document each incident where weapons have been confiscated under 8102 W&I in the Incident Report. The serial numbers of all firearms must be entered into the computer systems at the Sheriff's Office Records Section.



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CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 8102

NOTICE

NAME: \_\_\_\_\_ CASE #: \_\_\_\_\_
ADDRESS: \_\_\_\_\_
PHONE NUMBER: \_\_\_\_\_

PLEASE TAKE NOTICE that the Santa Clara County Office of the Sheriff has confiscated your firearm(s) or deadly weapon(s) pursuant to California Welfare and Institutions Code Section 8102.

The County has 10 days from the date you are released from the examining health facility to initiate a petition in the Santa Clara County Superior Court to determine whether the return of your firearm(s) or deadly weapon(s) would result in endangering yourself or others.

If the County initiates such a petition, you must file a written response with the Court Clerk of the Santa Clara County Superior Court located at 191 North First Street, San Jose, California, (408) 299-3874, within 30 days to confirm whether you desire a hearing before a judge on this matter.

If you do not respond to the Clerk within 30 days from the time a petition is initiated, a default order will be entered and your confiscated firearm(s) or deadly weapon(s) will be forfeited.

DEPUTY: \_\_\_\_\_
BADGE/PIN #. \_\_\_\_\_
DATE: \_\_\_\_\_

\*\*\*\*\*

(TO BE COMPLETED BY THE EXAMINING HEALTH FACILITY UPON RELEASE)

PLEASE TAKE NOTICE that the above-named person, who has been detained at this facility for examination of his/her mental condition, is being released.

Pursuant to Welfare and Institutions Code Section 8102, the Santa Clara County Office of the Sheriff has confiscated the above-named person's firearm(s) or deadly weapon(s). The County has 10 days from the date of this notice to determine whether the return of the firearm(s) or deadly weapon(s) would result in the endangerment of the above-named person or others.

If the County initiates such a petition, you must file a written response with the Court Clerk of the Santa Clara County Superior Court located at 191 North First Street, San Jose California, (408) 299-3874, within 30 days, to confirm whether you desire a hearing before a judge on this matter.

If the above person fails to respond to the Clerk within 30 days from the time a petition is initiated, a default order will be entered and your confiscated firearm(s) or deadly weapon(s) will be forfeited.

I verify that the above-named person has been provided with a copy of this notice.

DATE: \_\_\_\_\_

SUPERVISOR OF EXAMINING HEALTH FACILITY
(or his/her designee)

DATE: \_\_\_\_\_

SIGNATURE OF PERSON BEING RELEASED

After release, the examining health facility must send a copy of this form to: Santa Clara County Office of the Sheriff
Investigative Services
55 W. Younger Ave.
San Jose, CA 95110

WHITE: Santa Clara County Sheriff's Office copy CANARY: to person upon commitment PINK: to medical facility GOLDENROD: to person upon release

7542 REV 2/94



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**Narcotics and Dangerous Drugs – General Information**

SUGGESTED CHEMICAL TESTS FOR DETECTION:

SUBSTANCE:

RECOMMENDED TEST:

ALCOHOL	BLOOD, BREATH
MARIJUANA	BLOOD
OPIATES	BLOOD
CNS STIMULANTS	BLOOD
CNS DEPRESSANTS	BLOOD
INHALENTS	BLOOD
HALLUCINOGENS	BLOOD
DISSOCIATIVE ANESTHETIC	BLOOD

When the incident involves the use of a combination of controlled substances, or the deputy is unable to determine the specific substance, a blood specimen may be obtained and submitted for analysis as evidence.

TAKING OF SPECIMEN:

According to case law, the drawing of blood is in fact a search and seizure. This can only be done under the normal circumstances of:

- Warrant
- Consent
- Exigent Circumstances

23152 CVC (DUI – drugs or combination of alcohol and drugs):

If the DUI involves drugs or a combination of alcohol and drugs, a blood specimen shall be obtained. Blood or breath, are the only tests offered to DUI suspects per the Vehicle Code.

FELONY CASES:

Case law also allows for a blood draw if there is some relevance to the court proceeding. If a deputy determines that the blood has some relevance to the crime, follow the appropriate procedures to obtain the blood sample. It should be well documented in the report why the deputy conducted the search and seizure. There is no set procedure on drawing blood in felony cases.



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SPECIFIC CHEMICAL TEST PROCEDURES:

Deputies will adhere to the following additional procedures when intending to obtain any of the following biological specimens for a chemical test:

- Blood Test: Deputies intending to subject a suspect to a blood test will make a reasonable effort to determine if the suspect is a hemophiliac or using anticoagulants under the direction of a physician. When it is determined that a suspect is a hemophiliac or using anticoagulants, such a suspect is exempt from the blood test.
- Urine Test: Is not used for DUI or alcohol related incidents. A urine sample is acceptable if a blood sample is unobtainable in cases involving a controlled substance.
- Breath Tests: Intoxilyzer certified officer must operate the breath analysis machine or a qualified laboratory technician must be called to administer the test, (most laboratory technicians are not qualified).

METHODS OF INGESTION:

ONSET

SMOKING	3-5 Seconds
INJECTION (I.V.)	5-10 Seconds
INHALING	5-15 Seconds
INSUFFLATION (Snorting)	2-3 Minutes
APPLIED	2-3 Minutes
ORAL	20-30 Minutes

COCAINE/METHAMPHETAMINE (CNS STIMULANTS):

Representatives:

Methamphetamine, Amphetamine, Methylphenidate



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These drugs are central nervous system (CNS) stimulants, which speed up breathing and heart rate, and also raise blood pressure. CNS stimulants can cause a number of health problems within an individual. Impaired judgment, insomnia, and transient psychotic episodes are common symptoms of this drug. Paranoia can also be present with large dosages and/or prolonged use of the drug.

Cocaine has been used as a local anesthetic by ear, nose, and throat specialists, but is being replaced by other drugs.

Cocaine, Methamphetamine and other CNS stimulants are found in a number of forms, i.e., pills, powder, rock, and liquid (speedball - mixture of cocaine and heroin).

When Cocaine/Methamphetamine or other CNS stimulants are introduced into the body by mouth, nose (snorting), injection, or smoking, the individual may exhibit one or more of the following symptoms. These symptoms are variables and do not exist in every person. Objective/Subjective symptoms and their onset are strongly based on a person's tolerance, amount ingested, and the quality of the substance.

### Objective Symptoms:

- Dilated pupils
  - 6.0 mm or above
  - May be below 6.0, but should be fixed with a minimal response (.5mm) under controlled conditions.
  - Addicts or chronic users may show a non-reactive pupil response (3.0 mm) due to a damaged optic nerve, which controls dilation and constriction of the pupil.
  - Pupils dilate within 5 to 15 minutes after substance is introduced into the body and will usually last between three to six hours, but can be longer.
- Vigorous behavior (rapid and excited speech/moves fast)
- Rapid pulse rate (110+ beats per minute)
- Rapid respiration (approximately 25 breaths per minute)

### Subjective Symptoms:

- Rush
- Alertness
- Energetic (senses energy)
- Nervousness
- Irritability



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**PHENCYCLIDINE (PCP):**

PCP is also known as Angel Dust, Dust, KJ, and a dozen other pseudonyms and is sold as pills, powder, and liquid. It is sprinkled on marijuana cigarettes (Sherms, Super Kools) or parsley (Lenos).

PCP is a deliriant with effects resembling stimulants, depressants, anesthetics, and hallucinogens, depending on dosage. The drug primarily affects the brain and the central nervous system.

PCP is normally found in cigarettes (hand-rolled joints) and commonly smoked as joints in the Bay Area. A cigarette normally contains approximately 1/10<sup>th</sup> of a gram. When PCP is introduced into the body by mouth, injection, or smoking, the individual may exhibit one or more of the following:

**Objective Symptoms:**

Normally occurs approximately 10-15 minutes after introduction into the body.

- Horizontal (normally less than 20 degrees) and vertical; gaze nystagmus.
- Strabismus (nonconvergence)
- Blank stare
- Droopy eyelids (sleepy look or hooded)
- Muscular rigidity (wide rigid gait/robotic)
- Bizarre behavior
- Sweating (increased body heat)
- Poor coordination
- Non-responsive
- High pulse rate (normally above 120 beats per minute)

**SUBJECTIVE SYMPTOMS:**

- Rush
- Numb feelings
- Warm/flush
- Hallucinate/delusions

All of the above Objective/Subjective symptoms and their onset are strongly based on a person's tolerance, amount ingested, and the quality of the substance.



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HEROIN (OPIATE):

- Representative: Opium and opiates derivatives are heroin, codeine, and morphine.
- Synthetic: Methadone, meperidine (Demerol), hydromorphone (dilaudid) J, oxycodon (percodan), pentazocine (talwin), and propoxyphene (Darvon).

Heroin is a narcotic and acts on the central parasympathetic nervous system to slow down the body systems, reduce sensitivity to pain, and to induce sleep. Heroin has no medical use in the United States, but other opium derivatives or a synthetic substitute are prescribed to relieve pain, coughing, diarrhea, and as a pre-anesthetic medication.

Heroin comes in the form of powder or as a substance that resembles tar. “Tar Heroin” is commonly used in the Bay Area while “China White” is more prominent on the East Coast. When heroin is introduced into the body by injection (most common method), mouth, nose (snorting), or smoking, the individual may exhibit one or more of the following:

Objective Symptoms:

- Constricted pupils 3.0 mm or below
- May be above 3.0, but should be fixed with minimal response (.5 mm) under controlled conditions. Pupil constriction will normally occur in approximately 15 minutes with 4 mg to 6mg of heroin and last four to six hours.
- Puncture wounds (injection sites)
- Droopy eyelids (hooded)
- Sedation
- Slow, shallow breathing
- Slow reflexes
- Slurred speech
- Thirst due to dryness in mouth (heroin commonly dehydrates the body)

Subjective Symptoms:

- Euphoria
- Relaxed
- Nausea
- Upset stomach (may result in vomiting)



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All of the subjective symptoms are variables and do not exist in every person. Objective/subjective symptoms and their onset are strongly based on their tolerance, amount ingested, and the quality of the substance.

### CANNABINOIDS (MARIJUANA):

- Representatives: Trade/Street names include weed, THC, pot, grass, joint, reefer, ganja, sinsamilla, dab, hash, hash oil, wax, and honey oil.

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing mood and perception altering effects it produces. The active chemical in Marijuana is Delta-9-Tetrahydrocannabinol (THC).

The active chemical, THC, is stored in body fat and is slowly released over time. Marijuana smoking has long-term effects on performance. Combining alcohol, or other depressant drugs, and marijuana can produce a multiple effect, increasing the impairment effect of both the depressant and marijuana.

### Objective Symptoms:

- Reddened eyes (possible hooded eyelids)
- Slowed speech
- Elevated pulse rate
- Non-convergence (Strabismus)
- Eyes near normal or slightly dilated
- Distinctive odor on clothing
- Divided attention impairment
- Body tremors
- Disoriented
- Eyelid tremors
- Relaxed attitude

### Signs and Symptoms/Regular Use of Marijuana:

- Delayed decision making
- Diminished concentration
- Impaired short-term memory loss, interfering with learning
- Impaired signal detection, (ability to detect a brief flash of light) a risk for users who are operating machinery.
- Impaired tracking and depth perception



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All the subjective symptoms are variables and do not exist in every person. Objective/Subjective symptoms and their onset are strongly based on their tolerance, amount ingested, and the quality of the substance.

### ALCOHOL:

- Representatives: Beer, wine, and hard liquor

The chronic consumption of alcoholic beverages over time may result in the following hazards: Fatal liver disease, kidney disease, ulcers, pancreatitis, and cancer of the mouth, tongue, pharynx, esophagus, rectum, breasts, and malignant melanoma. There can also be a decreased sexual functioning.

The human body metabolizes alcohol at the rate of .02 BAC per hour, which is the equivalent of one drink an hour (one-12 oz. glass of beer, or one-6 oz. glass of wine, or one-1 oz. glass of hard liquor).

### Objective Symptoms:

- Odor of alcoholic beverage
  - Beer
  - Wine
  - Hard liquor
- Horizontal gaze nystagmus
- Vertical gaze nystagmus when the blood alcohol level is .20 or above.
- Slurred speech
- Impaired coordination
- Flushed face
- Slow reflexes
- Drowsiness
- Non-convergence (Strabismus)
- Possible elevated pulse rate

### ROHYPNOL (“date rape” drug):

- Representatives: Street names: Roofies, ropies, circles, R-2, roaches
- Method of Use: Oral. Usually with alcohol or other drugs
- Duration of Effect: When taken orally effects begin within 30 minutes and peak within 2 hours.



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- Possible Effects: Decreased blood pressure, memory impairment, drowsiness, and confusion. Physiological effects similar to Valium, although 10 times more potent.
- Facts: Produced and sold legally in Latin America and Europe. In countries where the drug is legal, it is used as a short-term treatment for insomnia and pre-anesthetic medication. This drug is smuggled into the United States and is being increasingly found in California, Texas, and Florida. These small white pills are sold for as little as \$1.50 each. The word “ROCHE” and the number “1” or “2” is etched into one side of the pill.

NARCOTICS AND DANGEROUS DRUG LAWS:

- HS 11377 - Amphetamines
- HS 11377 - LSD
- HS 11357(a)(1)/(b)(1)/(d)/(a)(2)/(b)(2)/(c) - Marijuana
- HS 11358(a)/(b)/(c)/(d) - Cultivation of marijuana
- HS 11350 - Peyote
- HS 11350 - Heroin
- HS 11350 - Cocaine
- HS 11364 - Paraphernalia Possession, of an opium pipe or device, instrument used for unlawful injecting or smoking instrument or controlled substance
- PC 381 – Possession/Under the influence of toluene
- BP 4140 - Possession of a hypodermic needle
- HS 11550(a) – Under the influence of certain drugs



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**Property and Evidence**

REFERENCE: General Order #17.01



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### Interviews and Interrogations

Deputies will remain alert to gather information from witnesses, suspects, or arrestees that will help in the solution of crimes. However, it is necessary to be equally alert to ensure that interviews and interrogations conform to legal standards. Carelessness can very easily result in otherwise good testimonial evidence being declared inadmissible. Therefore, deputies will interview, interrogate or otherwise question persons in accordance with the law and established procedures of the Sheriff's Office.

#### INTERVIEWS/INTERROGATIONS - DEFINITION AND PURPOSES:

The task of gathering information from individuals involves the use of two general techniques: interviews and/or interrogations. For purposes of this manual, the definition for each technique is as follows:

- Interviews: An interview is a non-accusatory question and answer session with a suspect, victim, or witness. The goal of an interview is to gather information relevant to the investigation and make an assessment of the subject's credibility. The interviewer is encouraged to adopt a neutral and objective attitude and should not accuse the subject of wrongdoing during an interview.
- Interrogations: The purpose of an interrogation is to elicit the truth from a person whom the investigator believes has lied during an interview. The goal of the interrogation is to obtain the truth; not to get the subject to admit they committed the crime.

#### LEGAL RESTRICTIONS:

The Fifth Amendment to the U.S. Constitution states that a person "shall not be compelled in any criminal case to be a witness against himself." This privilege against self-incrimination may apply in a variety of formal and informal settings when a person's answer to "official questions" might incriminate him in future criminal proceedings. The privilege applies during custodial interrogation by the police. Because of the inherently compelling pressures such a situation entails, a suspect must be advised of his right to remain silent and to the presence of counsel in advance if his answers are to be admissible against him at a subsequent trial. **Miranda v. Arizona**, 384 U.S. 436 (1966)

It is important to understand that both custody and interrogation must co-exist at the same time before Miranda advisements are required. Absent either one of these conditions, Miranda simply does not come into play.



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**“CUSTODY” OF ADULTS:**

Custody exists for Miranda purposes when two requirements are met:

1. The suspect must have been formally arrested or had his freedom restrained to a degree associated with a formal arrest.
2. The suspect must personally be aware of this lack of freedom or reasonably believe that it exists.

The area in these two requirements that brings up the most discussion is the de facto arrest. If the circumstances establish a show of authority by the officers which are so coercive or intimidating that a reasonable and innocent person would believe that he is not free to leave, that person is “in custody” for the purposes of the Miranda advisement.

Objective circumstances which could establish that a reasonable person would believe that he is not free to leave include:

- The number of deputies, especially compared to the number of suspects
- A drawn weapon (if the suspect sees it), lights, sirens, etc.
- The application of restraints
- The manner of questioning (accusatory or confrontational v. investigative and low-key)
- The location of the questioning (the suspect’s home v. a public place v. the police station)
- The length of the detention
- Involuntary transport of the suspect from one place to another

It is important to note that these are objective circumstances that could establish that a reasonable person would believe he is not free to leave, but do not necessarily elevate the encounter to a “custody” situation for the purposes of Miranda. While these circumstances should be considered when determining if custody exists, the ultimate determination should be weighed against how a reasonable person would perceive his/her circumstances.



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“CUSTODY” OF JUVENILES:

Juveniles will be read the Miranda advisement, as soon as possible and when practical, when taken into custody, regardless of whether the deputy intends to question the juvenile, for any of the following:

- A violation of 601 or 602 Welfare and Institutions Code
- A violation of a court order
- Escape from a court-ordered detention facility or place of commitment

MANNER OF ADVISEMENT:

While case law has established that the advisement is not an exact word formula that has to be given word for word, the law does require that the correct advisements be given. If the manner of your delivery is brought into question during court, and you had admonished your suspect of their rights from memory, you would be required to recite the advisements from memory in court so they could determine if it met the requirements set forth by the law. If you read it from a reference card, you would be permitted to read it word for word from that card during court, removing doubt regarding the validity of the advisement.

To avoid mistakenly giving an incorrect advisement or forgetting part of it, not to mention to avoid potential embarrassment in court, the Sheriff’s Office has provided a Miranda advisement card to badged personnel. The Sheriff’s Office issued Miranda advisement card should be used when advising any person of their constitutional rights. The information on this card should be read out loud to the suspect.

When reading the Miranda advisement, you must establish that the person understood the rights as they were read to them. This may be accomplished by asking the person after reading all four of the rights, or after reading each one individually. The deputy should attempt to obtain a verbal “yes” or “no” response when asking if the person understood their rights rather than a head movement, arm motion, or verbal “sound” that might be difficult to document and can be interpreted multiple ways. If the suspect refuses to, or cannot, give a clear verbal response, document their non-verbal responses thoroughly.

WAIVER OF MIRANDA RIGHTS:

A suspect may waive their Miranda rights and need not use any particular word or phrase or “predetermined form” to do so. The prosecution will bear the burden of proving that the waiver was valid, so it is important to establish that the suspect knowingly, intelligently, and voluntarily waived their rights, and to document as such.



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The suspect's waiver may be either "express" or "implied."

An "express" waiver means that you actually ask the suspect if they are willing to go forward and answer your questions, and they expressly give an affirmative response. Examples of questions you can ask to obtain an express waiver are provided on the Sheriff's Office issued Miranda advisement card. You may also choose to ask a simpler, non-controversial question about going forward, such as, "Do you want to tell me your side of the story?" or "Can I ask you a few questions?" If the suspect expressly gives an affirmative response, you have a valid express waiver.

An "implied" waiver occurs when a suspect is given the Miranda advisement, you establish that he understands them, and he indicates, through his actions, that he intends to waive them. For example, a deputy reads the Miranda advisement to a suspect who indicates that he understood each right. Before the deputy has the opportunity to seek a waiver, the suspect, unsolicited, begins to tell his side of the story from the beginning and answers any questions the deputy asked during his statement. The action the suspect took of giving his side of the story and answering the deputy's questions implied that the suspect was waiving his rights. However, the fact that the suspect answers your questions after giving the advisement, does not, by itself, automatically establish a valid implied waiver. You still have to establish that they are knowingly, intelligently, and voluntarily giving up their rights. Make sure that you establish these elements and can document them in your report.

Both "express" and "implied" waivers are acceptable and legal ways to obtain a waiver. Which method to use is the deputy's choice so long as he/she ensures that the established requirements are met to result in a valid waiver.

### VOICE RECORDING OF CONVERSATIONS:

Santa Clara County Police Chief's Association developed a standard protocol for voice recording of violent offender's statements. Refer to the official protocol located in the SCCPCA Protocols folder in the shared drive.

If the suspected crime is not considered a "violent felony" as identified in PC 667.5(c), it is the deputy's discretion whether to record the party's statement or not. When deciding whether or not to record a statement, the deputy should consider that in certain cases, such as domestic violence, parties often later change their statements and an electronically recorded statement from the initial investigation might be a valuable piece of evidence for the prosecution.

Digital Voice Recorders are issued to deputies by the Sheriff's Office for use in recording statements during investigations. Voice recordings should be transferred to CD's in the



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same manner as described for digital photographs, with a copy booked as evidence and a second copy submitted as an attachment.



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**Child Abuse Investigations**

REFERENCES: Patrol Procedure #B3 and Santa Clara County Police Chief's Association Child Abuse Protocol. 11165.1 PC, 11165.3 PC, 11165.4 PC

Deputies shall know and understand the Santa Clara County Protocol, Departmental Procedures, and applicable laws that pertain to Child Abuse Reporting and Investigation.

PERTINENT PENAL CODE VIOLATIONS

261 PC	Rape
261.5 PC	Unlawful sexual intercourse
273a PC	Child Endangerment
273d PC	Corporal Injury of a child
285 PC	Incest
286 PC	Sodomy
288 PC	Lewd acts on a child
288.5 PC	Continuous sexual abuse of a child
288a PC	Oral Copulation
289 PC	Penetration with a foreign object
311.3 PC	Sexual exploitation of a child
647.6 PC	Annoy or Harass a minor



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**Domestic Violence Investigations**

**REFERENCES:** General Order 17.09 and Santa Clara County Police Chief's Association Domestic Violence Protocol.

Deputies shall know and understand the General Order, Santa Clara County Protocol, and Office policies that pertain to Domestic Violence Reporting and Investigation.

**PERTINENT PENAL CODE VIOLATIONS:**

Deputies should know the below listed common Penal Code violations that can result from the investigation of a domestic violence situation:

136.1	Intimidating or dissuading a witness
148	Resisting arrest
166	Violation of a court order (generally non-domestic)
187	Murder
207	Kidnapping
236/237	False imprisonment
240	Assault
242	Battery
243(d)	Battery with serious bodily injury
243(e)(1)	Battery to: offender's current/former spouse, someone in current/former engagement/dating/cohabitant relationship with offender, someone with child in common with offender
245	Assault with a deadly weapon
246	Shooting at an inhabited dwelling
261.5	Unlawful sexual intercourse
262	Spousal rape
273.5(a)	Battery with corporal injury to: offender's current/former spouse, someone in current/former engagement/dating/cohabitant relationship with offender, someone with child in common with offender
273.6	Violation of a D.V. protective order
417	Brandishing a weapon
418	Forcible entry into a home of another
422	Criminal threats
459	Burglary
591	Malicious destruction of a telephone
594(b)	Vandalism
602.5	Trespassing
603	Forcible entry with damage to property



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647(f)  
646.9  
653m  
29825

Public drunkenness  
Stalking  
Annoying telephone calls  
Unlawful firearms possession, restricted by TRO



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**Emergency Protective Restraining Order (EPRO)**

**REFERENCES:** Patrol Procedures #B1-1

Family Code sections: 6211, 6218, 6224, 6240(b), 6250, 6252, 6256, 6271, 6273, 6304, 6380, 6381, 6382, 6383, 6384, 6388, 6389.

Penal Code sections: 166(a)(4), 273.6, 836(c)(1) & (2), 840(1), 853.6(a), 12021(g), 13700, 13710(c).

Welfare & Institutions: 213.5

**Civil Matters/Restraining Order Violations**

**REFERENCE:** Patrol Procedures #B12

**Hate Crimes and Related Information**

**REFERENCES:** General Order #17.07, Patrol Procedures #B9

**Missing Persons**

**REFERENCES:** Patrol Procedures #B13, General Order #22.02



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**Demonstration/Civil Disturbances**

It is not the intention or desire for the Sheriff's Office to suppress or restrain lawful activity. The Sheriff's Office will extend whatever resources are necessary to protect the rights of any person or group to conduct a peaceful and lawful demonstration within the jurisdiction of the Sheriff's Office. However, unlawful activity will not be condoned and will be promptly handled by the Sheriff's Office. The Sheriff's Office will take appropriate legal steps to discourage unlawful conduct whenever it occurs. The Sheriff's Office will utilize the Crowd Control Unit when there exists a need to manage a large crowd in preplanned or unplanned incidents per **General Order #17.03**.

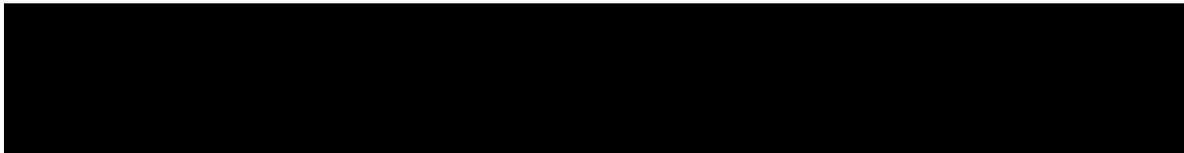
SHERIFF'S OFFICE RESPONSE TO DEMONSTRATIONS:

Demonstrations are often highly emotional incidents. Deputies will strive to remain objective in order to maintain effectiveness.

EQUALITY OF TREATMENT:

Deputies will treat demonstrators, onlookers, or counter-demonstrators with equal treatment.

RESPONSE TO VIOLENT CONDUCT:



RESPONSE TO OTHER ILLEGAL CONDUCT:

Arrests will occasionally have to be made because of a demonstrator's nonviolent but nevertheless illegal conduct: for example, illegal obstruction of the streets or of a building entrance. In such situations the on scene supervisor will decide if such arrests are to be made.

NEWS MEDIA RELATIONS AT THESE SCENES:

Section 409.5 of the Penal Code authorizes officers to close disaster scenes such as earthquakes or fires to the public. Subsection (d), however, allows duly authorized representatives of any new service, newspaper, or radio or television station or network to enter closed areas.



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**ONLOOKERS AT THE SCENE OF A DEMONSTRATION, CIVIL DISTURBANCE  
OR OTHER INCIDENT:**

Onlookers may remain in the vicinity as long as the presence of these persons does not interfere with the deputies' duties or create a safety concern for the deputy, person detained or onlooker. They must, however, maintain a reasonable distance when monitoring police activities depending on the circumstances.

Onlookers have the right to record the incident, and the recording device (camera, video camera, tape recorder, and any film or tape from a recording device) cannot be seized by a deputy at the scene except under authority of a search warrant. If the immediate circumstances lead the deputy to believe that the recording contains crucial evidence, the deputy may ask the citizen to voluntarily surrender the recording material.

**FIRST DEPUTY AT SCENE:**



**ORDER TO DISPERSE:**

A dispersal order must be given before a person can be guilty of remaining at a place of a riot, rout, or unlawful assembly.



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**Court Procedures/Apearances**

Deputies will periodically have to appear in court as a part of an incident that they investigated or witnessed. Deputies will conduct themselves in a professional manner and be prepared to testify truthfully to the facts of the case.

**ATTENDANCE AND DRESS:**

Deputies should appear either in full uniform or in civilian clothes of businesslike appearance. The deputy's clothing should be neat, clean, appropriate, and consist of one of the following:

- Business suit and tie
- Sport coat, slacks and tie
- Women's equivalent for the above
- Class A Uniform (Long sleeve shirt and a tie, except for traffic court)

**PREPARATION OF EXHIBITS:**

Deputies will have the case in which they are concerned properly prepared, and all property that is to be used as evidence suitably arranged for presentation in court. Several days prior to the court date, deputies should check with the detective assigned to the case to determine who will be bringing the evidence to court. Often, the detective will not appear in court and it will be the deputy's responsibility to retrieve the evidence.

**NOTIFICATION OF ARRIVAL:**

Deputies, appearing in court, will notify the prosecuting attorney or assigned court deputy of their arrival.

**NOTIFICATION OF NON-ATTENDANCE:**

Deputies must notify either the court clerk in the Investigations Division or the assigned Deputy District Attorney in all cases when they will be unable to make a scheduled court appearance after initially acknowledging that they will be there. Deputies who fail to appear on a court case can be subject to departmental disciplinary action.

**CONFLICTING COURT APPEARANCE DATES:**

When a deputy receives two or more court notices requiring an appearance that cause a conflict with one another, such as two trials at the same time, that deputy is responsible for notifying the assigned Deputy District Attorneys of the conflict.



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**TESTIFYING:**

Deputies will testify with the strictest accuracy, and when cross-examined by the defense, will answer with the same readiness and civility as when testifying in support of the charge.

Deputies should have with them the Miranda advisement card that is issued by the Sheriff's Office that was used to advise the defendant of his/her rights. The court will require that the deputy's testimony specify the exact words used in the advisement.

**APPEARANCE IN CIVIL COURT:**

Deputies that are subpoenaed in a civil action will ensure that the party requesting his/her appearance has paid the appropriate fees to the Sheriff's Office. These fees must be paid prior to the deputy's appearance in court.



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