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SAN RAFAEL POLICE DEPARTMENT TRAINING FINAL REPORT MARCH / APRIL PHASE 2010

MEMORANDUM

DATE: 5/8/10

TO: MATTHEW ODETTO, CHIEF OF POLICE
JEFF FRANZINI, CAPTAIN 168272
DAVE STARNES, CAPTAIN 6532
ALAN PIOMBO, LIEUTENANT 48597

FROM: CORPORAL MIKE MATHIS
TRAINING MANAGER/ INSTRUCTOR

RE; FINAL REPORT
SDAT/ "OPEN CARRY" UPDATE

On the CD-Rom attached you will find the course outline, safety policies, training record sheets, individual POST arrest and control records, class sign in sheets and the POST course rosters. There were a total of five sessions presented including an instructor day. The first session was held 3/22/10 and the last session at the time of this report was 4/2/10. The training was perishable SDAT incorporating the [REDACTED] Officers were tested in ground fighting/ escapes, command presence, verbal skills and pugilistic. The class was held at the National Guard Armory in San Rafael.

Our training day started with the officers registering for the class and then they were given an overview of the day. After registration, each class participated in a facilitated discussion regarding "Open Carry" and how it affects the City of San Rafael. Topics discussed were current case law surrounding the second amendment, procedure in dealing with subjects practicing open carry in the city of San Rafael and procedures in handling

each case. Each group was given a Lexipol policy update and San Diego training bulletin related to Open Carry. Topics discussed included police authority to detain, legal issues, authority sections, and officer safety issues. At the conclusion of the facilitated discussion students participated in two open carry scenarios. Each student contacted a role player displaying a firearm in plain view. Students were able familiarize themselves with opening a variety of semi-automatic and revolver handguns and how each gun individually operates.

Students then were taken over to the SDAT mats where each student was lead by the instructor staff in a series of stretches, loosening up their bodies in order to avoid injury. Each student then participated in 4 separate ground escapes. The purpose of the ground escape portion of the class was to familiarize and pass along the knowledge to the students on how to escape and create distance if the student ever found themselves on the ground with a suspect on top of them. The 4 positions taught were:

- Escaping from a suspect in the officer's guard
- Handgun retention with the suspect in the officer's guard
- Escaping from the suspect who is in the mounted position
- Escaping from your stomach with the suspect on the officer's back

At the conclusion of the escape technique portion of the day, each student participated in two Hit Man scenarios. The officers jogged around the exterior of the gymnasium. Each scenario was performed one at a time and each officer had an approximate 35 to 45 minute rest between each of the scenarios (depending on the size of the class).

The first scenario the officer lay on their back and the Hit Man (the suspect) positioned himself inside the officer's guard. On the instructors command the officer had to perform the appropriate escape technique.

The second scenario the officer lay on their stomach and the Hit Man (the suspect) positioned himself by straddling the officer's back. On the instructors command the officer had to perform the appropriate escape techniques.

During the scenarios, officers wore their uniform, duty belt and either tennis shoes or duty work boots. All escape techniques and weapon retention techniques were done on padded mats.

All students who participated in the training days satisfactorily passed and performed in all portions of the training day.

P.O.S.T. CERTIFICATION:

1. SDAT - Ground Fighting and pugilistic training
2. "Open Carry" update

6 hours
2 hours

SAFETY ISSUES:

There were no reported safety issues

REMEDIAL TRAINING:

None

EQUIPMENT CHECK:

All officers had the correct equipment for training.

DID NOT COMPLETE OR ATTEND THE SDAT PORTION OF THE PHASE TRAINING:



CONCLUSION:

During all training days it was evident that a majority of our line personnel's fitness level is below average. Numerous officers were winded and showed signs of fatigue during each scenario.

Most officers showed a positive attitude. On average, each individual officer's effort and performance in this phase of training was very good. The feedback that I received from each class was very positive.

SAN RAFAEL POLICE DEPARTMENT

TRAINING UNIT

SDAT PHASE March / April 2010

DATE: 3/08/2010
TO: ALL SRPD OFFICERS
FROM: MICHAEL MATHIS TRAINING MANAGER
RE: SDAT Phase Training

March/ April 2010

LOCATION: National Guard Armory

DATES:

- **15 MAXIMUM NUMBER OF ATTENDEES**
- Instructor day Mon, March 22nd, 2010
- Team 4 Tues, March 30th, 2010
- Team 2 Wed, March 31st, 2010
- Team 1 Thurs, April 1st, 2010
- Team 3 Fri, April 2nd, 2010

TIME: 0800 hours to 1600 hours

UNIFORM: SRPD Class C Training Uniform, SRPD ball cap, running shoes, ballistic vest, water and towel

EQUIPMENT: Duty Belt

SCHEDULE:

0800 - 0830 hrs. Sign in/ Overview/ Safety check

0830 - 0930 hrs. "Open Carry" discussion

0930 - 1200 hrs. Ground defense and weapon retention

1200 - 1300 hrs. Lunch

1300 - 1430 hrs. SDAT practical application

1430 - 1600 hrs. "Hit Man" scenario



TRAINING SCHEDULE

- 0800 hours Arrive at training site. National Guard Armory
- 0800-0830 hours Registration, paperwork
- 0830-1030 hours "Open Carry" and, How it effects San Rafael?
- 1030-1200 hours SDAT Ground Defense fundamentals and escapes
- Officers with the suspect in the guard escape
 - Officers escaped with the suspect in the mount
 - Officers on their back weapon retention
 - Officers movement from their stomach to their back
- 1200-1300 hours LUNCH
- 1300-1430 hours Hitman scenarios – Single officer
- Escape a suspect in officers guard
 - Officers on their stomach escape a suspect on their back
- 1430-1500 hours Debrief
- !500 hours End of Training

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Lexipol Client Advisory Alert

Unloaded Open Carry (UOC) Movement

WARNING – Proponents of "open carry" laws in California are wearing (unloaded) handguns in public. This legal activity presents officer safety challenges and potential liability for public safety agencies. [See e.g. www.californiaopencarry.org].

Throughout the state, officers/deputies are coming into contact with individuals who are carrying holstered firearms in plain view, generally on a gun belt and with ammunition in close proximity (in a loaded magazine on the gun belt or carried bandolier style). The information gathered through these encounters and from a variety of internet sites characterizes these encounters as part of a growing movement of citizens who are exercising what they believe to be their right to openly carry unloaded firearms in public. These same websites intimate that some of the involved individuals may, in fact, be seeking to provoke and record, via witnesses or electronic media, a negative contact with law enforcement in order to elevate the level of debate or as a catalyst to litigation in concert with the ongoing national discussion around 2nd Amendment freedoms (See District of Columbia v. Heller 128 S. Ct. 2783 and McDonald v. City of Chicago, Ill. — S. Ct.—, 2010 (argued before the U. S. Supreme Court on March 2, 2010)). The increasing willingness to stage interactions surrounding UOC and record same creates a challenging and potentially volatile environment for law enforcement responders.

The purpose of this Advisory is to briefly discuss underlying issues and identify best practices. We intend to clarify defensible officer response strategies and provide a consistent approach in responding to these complex, challenging and potentially dangerous encounters.

Authority

- Inspection of a firearm: PC 12031(e) provides that peace officers are authorized to examine any firearm carried by anyone on his or her person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory.
- Determining if a firearm is loaded: PC 12031(g) defines loaded as "when there is an unexpended cartridge or shell consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm ..." People v Scott (1996) 45 Cal.App.4th 1147 says a weapon is "loaded" when a shell or cartridge is in such a position so that the weapon may be fired (a weapon is not "loaded" even though shells or cartridges are in close proximity to the firearm).
- Refusal of firearm inspection: "Refusal to allow a peace officer to inspect a weapon pursuant to this section constitutes probable cause for arrest for violation of this section" (PC 12031(e)).
- Identification: Existing law does not require an UOC individual to produce identification. A refusal to identify oneself, coupled with other circumstances giving rise to reasonable suspicion, can justify further detention (People v. Lopez, 119 Cal. App. 4th 132 (2004)).
- Serial Number: While inspecting the firearm to determine if it is loaded, and only if

the serial number is observed in plain view the serial number may be inspected, PC 537e (a) makes it unlawful to buy, sell, possess, etc. any personal property with an altered, defaced removed, etc. serial number. PC 12090 proscribes tampering and renders illegal possession of a firearm with altered, covered or obliterated serial numbers.

- Restrictions: Drug addicts (PC 12021(a)(1)); Felony convictions (PC 12021(a)(2)); Minors (12101(a)(1)); Possession within 1,000 feet of a public/private school (knowledge required) (PC § 626.9); and Unlawful in public buildings, open public meetings or state offices (PC § 171b and c).

Best Practices

We recognize that these events are dynamic and must be approached on a case-by-case basis. However, we encourage taking the following measures:

- Remind officers/deputies of the likelihood that their actions will be documented or recorded by third parties.
- Ensure that a supervisor responds to the scene whenever possible.
- Evaluate information and employ appropriate resources and tactics to ensure officer safety when dealing with an unknown person carrying a firearm. Remain professional, know the law and enforce it fairly.
- Deploy technology such as in-car video when available to record an incident.
- Initiate contact in a safe, expeditious and reasonable manner while, to the extent practicable, treating individuals with dignity and courtesy.
- Explain to the individual the reason for the interaction, the officer safety aspects and how the officer/deputy will conduct the investigation.
- Thoroughly and accurately document the contact regardless of whether a detention results.
- Debrief and memorialize lessons learned.

Conclusion

While we cannot predict the future of the open carry movement or the response of the courts or legislature (if any), it is critical that law enforcement personnel respond in a safe, informed and legally sound manner to this potential officer safety issue. By being aware of and guided by sound officer safety practices and legal authority, law enforcement personnel will be in a position to confront this issue in a manner designed to maximize safety and minimize potential exposure to liability. I have attached an advance copy of the Lexipol Daily Training Bulletin (DTB) on this topic. This training bulletin will be part of the April DTB package released to agencies who subscribe to the DTB service.

- Copy of Open Carry Daily Training Bulletin

If you have any questions regarding this advisory or about our LEXIPOL services please call us at (949) 484-4444 for further information or visit our website at www.lexipol.com.

Dan Merkle

SwiftPageEmail

CEO
Lexipol LLC

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