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**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: INTRODUCTION</b>	
<b>NO. 1.1</b>	<b>DATE: 12/10/2019</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 2/27/2012; 01/15/2015</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

This Policy and Regulations Manual ("Manual") for the Bureau of Investigation ("Bureau") establishes the principles of authority and responsibility necessary to ensure efficient management of Bureau operations. The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All Bureau members are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines that Bureau members shall comply with. It is recognized, however, that police work is not always predictable, and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

**II. CLASSIFICATIONS**

The provisions of this Policy and Regulations Manual apply to all District Attorney personnel assigned to the Bureau of Investigation in the following classifications:

- A. District Attorney Investigator
- B. Trial Support Specialist
- C. Investigative Technician
- D. Paralegal (if supervised by a Supervising Investigator)
- E. Process Server
- F. Investigative Specialist
- G. Delivery Vehicle Driver
- H. Staff Development Specialist
- I. Crime Analyst
- J. Assistant Weapons Coordinator
- K. International Case Coordinator

**III. POLICY MANUAL REVIEW**

An electronic copy of this Manual will be available to every Bureau member on the DANet. A hard copy of the entire Manual shall be maintained in the Commander's office of each Division.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: INTRODUCTION</b>	
<b>NO. 1.1</b>	<b>DATE: 12/10/2019</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 2/27/2012; 01/15/2015</b>	<b>PAGE: 2 of 2</b>

Periodic Manual additions, deletions, and revisions will also be available to all Bureau personnel. Staff are responsible to review all manual updates. This Manual provides every employee contemporary technical guidance on critical, but infrequent tasks, as well as offering less experienced employees the opportunity to study policies related to tasks or events not yet encountered. Even veteran employees need to review this Manual to ensure they are familiar with the most current procedures in an ever-changing profession. Every employee is expected to review this Manual and, if further clarification is necessary, to discuss with their Supervisor. Employees detecting any needed corrections or amendments should notify their immediate supervisor who should notify (preferably in writing) the Special Operations Division for any possible recommended changes.

#### **IV. SPECIAL ORDERS**

The Chief, Assistant Chief or Deputy Chief Investigators may occasionally issue a Special Order. These Special Orders will be kept in the Special Orders section of this manual. As appropriate, Special Orders will be incorporated into the body of this manual. These updates will indicate which Special Order it replaces.

#### **V. SPECIAL DIRECTIVES**

The District Attorney, Assistant District Attorney or Chief Deputy District Attorney will occasionally issue a Special Directive. These Special Directives will be kept in the Special Directives section of this manual. As appropriate, Special Directives will be incorporated into the body of this manual. These updates will indicate which Special Directive it replaces.

#### **VI. POLICY MANUAL UPDATES**

The Policy and Regulation Manual will be reviewed no less frequently than biennially to assure its continuing accuracy and relevance by a board, appointed for that task by the Chief Investigator and will be revised accordingly based upon the reviews. The board will make recommendations to the Chief on proposed changes.

New policies or significant changes made to existing policies will be posted on the on-line training information tab in Personnel XP.

#### **VII. EXPECTATION**

**Bureau members shall achieve and maintain familiarity with all provisions of the Manual, and with all subsequent revisions to its content.**

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: MISSION STATEMENT</b>	
<b>NO. 1.2</b>	DATE: 11/1/2021
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 2/27/2012, 4/20/2020	PAGE: 1 of 1

**I. MISSION STATEMENT**

The mission of the Bureau of Investigation is to pursue equal and fair justice for all in partnership with the prosecution team, allied law enforcement agencies and the community we serve by ethically supporting the prosecution of those who commit crime, protecting victims and preventing future harm.

**II. GOALS**

- **TRUST**—Foster healthy relationships through ethical decision making, empathy and honest communication
- **EFFICIENCY**—Responsible utilization and management of our resources
- **ACCOUNTABILITY**—Ensure high standards of performance, ethics and professional conduct
- **MENTORING**—Develop a professional work force through selection, training, expectations and succession planning

**III. LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ...law enforcement.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: LEGALITY OF CONTENTS</b>	
<b>NO. 1.3</b>	DATE: 2/27/2012
NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 1 of 1

**I. PURPOSE**

This Policy Manual is the ongoing product of changing laws, practices and procedures that are integral to providing guidance and direction to every member of this Department. Upon review, updates are included to incorporate the most contemporary National, State and Local standards and laws that range from critical incidents to reporting requirements. While this Policy Manual is comprehensive, the foremost professional attribute must first include a standard of community service that embodies the tenets of the Law Enforcement Code of Ethics that embrace excellence in our personal and professional lives.

If any section, subsection, item, clause, or phrase contained in the Policy and Regulation Manual ("Manual") is inconsistent with applicable provisions of Federal, State, or local laws or regulations, or is otherwise held to be invalid or unenforceable by any court or regulatory body of competent jurisdiction, only that specific section, subsection, item, clause or phrase shall be suspended and superseded by such applicable law or regulation. The remainder of the Manual, and all its parts, shall remain in force.

**II. MEMORANDUM OF AGREEMENT PROVISIONS**

The provisions of a valid Memorandum of Agreement (MOA) between the County of San Diego and the recognized employee organization for any Bureau member supersede manual provisions only for a topic or issue specifically governed by MOA provisions.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: GRAMMATICAL CONSTRUCTION</b>	
<b>NO. 1.4</b>	DATE: 2/27/2012
NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 1 of 1

**I. RULES**

The following rules of grammar apply throughout the Policy and Regulation Manual:

**CONSTRUCTION OF TENSES:** The present tense includes the past, present and future tenses. The future tense includes the present tense.

**CONSTRUCTION OF SINGULAR AND PLURAL:** The singular form includes the plural. The plural form includes the singular.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DEFINITIONS AND TERMINOLOGY</b>	
<b>NO. 1.5</b>	DATE: 4/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 2/27/2012	PAGE: 1 of 5

**I. DEFINITIONS AND TERMS**

The following words and terms have the meanings and definitions indicated or assigned in this section, unless the specific context of their use clearly indicates a different meaning or definition.

**ACTING:** A person temporarily designated to act in place of a Bureau executive, commander, supervisor or lead-person, with the full authority and responsibility of the position assumed.

**ASSISTANT CHIEF INVESTIGATOR:** An executive manager having authority over the various investigative groups and is responsible for its activities and operations. This position acts for the Chief Investigator in their absence. Same as "Deputy Chief Investigator."

**BUREAU:** The San Diego District Attorney Bureau of Investigation.

**BUREAU PROPERTY:** Any property or equipment intended for Bureau use, notwithstanding its source, for which the Bureau has responsibility or control. (See Office Property)

**CHAIN-OF-COMMAND:** The unbroken line of authority within the Bureau, extending from the Chief Investigator through a single subordinate at each level of command, to the level of execution.

**CHIEF INVESTIGATOR:** The executive manager having authority and responsibility for all Bureau of Investigation activities and operations.

**CIVILIAN EMPLOYEE:** Any member not legally vested with peace officer powers, as articulated in section 832 of the California Penal Code.

**COMMANDER:** A management rank, equivalent to DAI V, having functional authority and responsibility for managing the operation of a Bureau division(s).

**COUNTY:** The County of San Diego.

**COUNTY PROPERTY:** Any property or equipment owned or operated by the County of San Diego. (See Office Property)

**DEPUTY CHIEF INVESTIGATOR:** See "Assistant Chief Investigator."

**DEPUTY DISTRICT ATTORNEY (DDA):** A licensed attorney, employed as assistant or deputy to the District Attorney to fulfill the functional responsibilities and obligations of that office.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DEFINITIONS AND TERMINOLOGY</b>	
<b>NO. 1.5</b>	<b>DATE: 4/20/2020</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/14/97, 2/27/2012</b>	<b>PAGE: 2 of 5</b>

**DISTRICT ATTORNEY:** The person holding the elected office of District Attorney for San Diego County, California; also, the Office of San Diego County District Attorney.

**DISTRICT ATTORNEY EMPLOYEE:** Any person employed by the Office of the San Diego County District Attorney. This term includes all personnel, whether or not that employee is assigned to the Bureau of Investigation.

**DISTRICT ATTORNEY INVESTIGATOR (DAI):** A peace officer, pursuant to section 830.1 of the California Penal Code, employed as a general criminal investigator for the District Attorney.

**DIRECTIVES:** Authoritative instructions issued by a high-level body or official that serves to direct or guide action.

**DUTY:** The legal or ethical obligation to perform an action or task required by or related to a position or occupation; also, a member's obligation to perform certain tasks related to a functional assignment.

**DUTY INVESTIGATOR:** An Investigator assigned on a rotating basis to handle "walk-in" complaints from citizens and emergency incidents within the HOJ or branch division.

**EMPLOYEE:** The terms "employee," "personnel," "member" and "Bureau member" are used interchangeably and apply to any person employed by the San Diego District Attorney **and** assigned to the Bureau of Investigation.

**INCOMPETENCE:** Incapable of satisfactory duty performance.

**INSUBORDINATION:** Willful or repeated failure to comply with any Bureau policy, regulation, directive, procedure or rule, or with any lawful order issued by a Bureau member with formal or functional supervisory responsibility.

**INTERNATIONAL CASE COORDINATOR:** A non-sworn member of the Bureau who assists in determining if foreign citizens who commit crimes in San Diego can be successfully located, arrested and prosecuted, and perform related work.

**INVESTIGATIVE SPECIALIST (IS):** A non-sworn, non-peace officer member of the Bureau, responsible for the service of civil and criminal process, the pickup and delivery of witnesses or documents. (See Process Server)

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DEFINITIONS AND TERMINOLOGY</b>	
<b>NO. 1.5</b>	DATE: 4/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 2/27/2012	PAGE: 3 of 5

**INVESTIGATIVE TECHNICIAN (IT):** A non-sworn, non-peace officer, responsible for fingerprint comparisons, provides routine trial exhibit and audio/video redaction and copying support.

**INVESTIGATOR:** A sworn peace-officer in the DAI classifications.

**LAWFUL ORDER:** A specific rule, regulation, or authoritative direction or command that is not contrary to established laws.

**LEAVE OF ABSENCE:** A period of time during which an employee is excused from duty and may or may not receive compensation, depending upon the circumstances of the leave of absence. As an additional reference see Rule XVII (Glossary & Definition) of the Civil Service Rules and applicable Memorandum of Agreement provisions.

**MANAGER:** An Investigative Commander, Deputy Chief, Assistant Chief, or Program Coordinator.

**MAY:** "May" is permissive. (See also Shall, Should, and Will)

**MEMORANDUM OF AGREEMENT:** A negotiated agreement between the County and a recognized employee organization which specifies compensation levels and certain personnel matters affecting that organization.

**MINOR:** Any person under the age of eighteen years. With respect to the Alcoholic Beverage Control Act, any person under the age of twenty-one years.

**NEGLECT OF DUTY:** Failure to give suitable attention to the performance of duty. Examples include: failure to complete a work assignment, failure to report for duty as directed, absence without approved leave, failure to comply with division and/or unit orders or procedures.

**OFFICE:** The Office of San Diego County District Attorney; also, the physical working space of an employee.

**OFFICE PROPERTY:** Property or equipment owned or operated by the County of San Diego and controlled by the Office of the District Attorney; and, property or equipment for which the Bureau has responsibility, notwithstanding its source.

**PERMANENT EMPLOYEE:** A Bureau employee who has completed an entry-level period of probationary employment within a specific personnel classification. As an additional reference see Rule XVII of the Civil Service Rules.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DEFINITIONS AND TERMINOLOGY</b>	
<b>NO. 1.5</b>	DATE: 4/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 2/27/2012	PAGE: 4 of 5

**POLICY:** A definite course or method of action, selected from among alternatives and in consideration of given conditions, intended to consistently guide and determine present and future decisions; or, a high-level overall plan embracing the general goals and acceptable procedures of the District Attorney.

**PROBATIONARY PERIOD:** A designated selection and evaluation time period within a specific classification preceding the attainment of permanent status in such specific classification. As an additional reference see Rule XVII (Glossary & Definitions) of the Civil Service Rules.

**PROCEDURE:** An established and preferred method of handling any given situation, as prescribed by policy, directive, or order.

**PROCESS SERVER:** A non-sworn, non-peace officer member of the Bureau, responsible for the service of civil and criminal process, the pickup and delivery of witnesses or documents. (See Investigative Specialist)

**RANGE MASTER:** A District Attorney Investigator selected by the Chief Investigator to conduct firearm training and qualification for the office, manage firearms and equipment, and manage Bureau interests at the San Diego Regional Firearms Training Center.

**RANGE SAFETY OFFICERS (RSO):** District Attorney Investigators selected to assist the Range Master with firearm training and qualification for the office.

**RANK:** The Civil Service title of the employment classification held by an employee.

**SENIORITY:** For operational purposes, seniority is first established by rank; second, by time in rank. For Bureau personnel of equal rank and time in rank, seniority precedence is first established by unbroken tenure with the Bureau of Investigation; second, by unbroken tenure with the County of San Diego.

**SHALL:** "Shall" is mandatory. (See also May, Should, and Will)

**SHOULD:** "Should" is strongly advisory. (See also May, Shall, and Will)

**SICK LEAVE:** Time during which an employee is excused from active duty by reason of illness or injury as provided in the County's Compensation Ordinance. As an additional reference see Rule XVII (Glossary & Definitions) of the Civil Service Rules and applicable MOA provisions.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DEFINITIONS AND TERMINOLOGY</b>	
<b>NO. 1.5</b>	DATE: 4/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 2/27/2012	PAGE: 5 of 5

**SPECIAL ASSIGNMENT:** Duties assigned in lieu of a member's normal assignment. Such duties may be internal or external to the Bureau and may be of any duration necessary for their satisfactory completion.

**SUPERVISING INVESTIGATOR:** A supervisory rank, equivalent to DAI IV. See "Supervisor."

**SUPERVISOR:** An employee who, by formal rank or functional assignment, has been delegated the responsibility and authority to manage or supervise the action or tasks of other Bureau members.

**SWORN PERSONNEL:** General authority and specialized peace officers employed by the District Attorney to perform specified law enforcement duties.

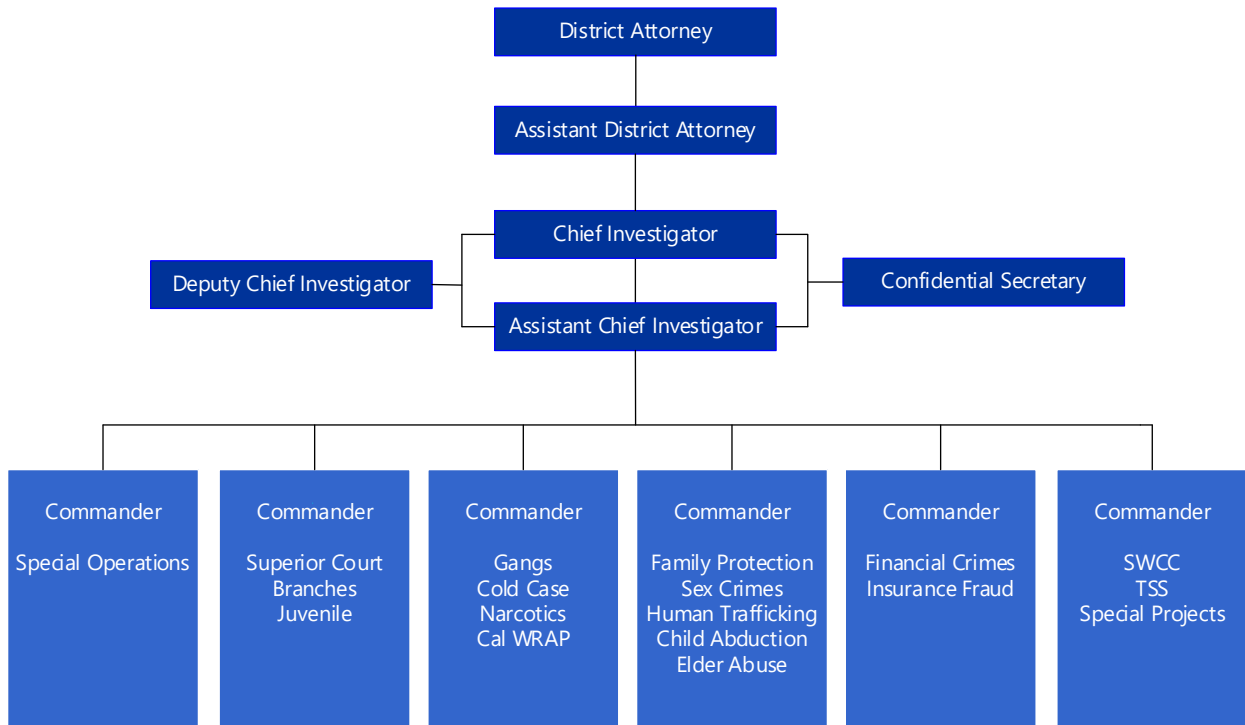
**UNITY-OF-COMMAND:** A formal structure for Bureau administration and supervision in which every employee has one, and only one, supervisor to whom they directly report in their chain-of-command.

**WILL:** "Will" is mandatory. (See also May, Should, and Shall)

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: ORGANIZATIONAL STRUCTURE</b>	
NO. 1.6	DATE: 04/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/01, 01/31/17	PAGE: 1 of 1

**I. BUREAU COMMAND STAFF STRUCTURE**



**II. ORGANIZATIONAL STRUCTURE**

See DANET for current organizational chart.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DIVISION/UNIT ORDERS</b>	
<b>NO. 1.7</b>	<b>DATE: 04/20/2020</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES: 03/15/2012</b>	<b>PAGE: 1 of 1</b>

**I. UNIT ORDERS**

Each commander of a division(s) will construct, or cause to be constructed, a set of unit orders or Standard Operating Procedures (SOPs) which specify the procedures, instructions, and directives to be followed by investigative personnel assigned to that division or unit. Although unit orders will, by necessity, be specific to the division in which they originate, all such orders must conform to the provisions of the Policy and Regulations Manual.

**II. UPDATES**

Each division or unit shall maintain and regularly update a complete and current copy of that unit's orders on the District Attorney's Office website (DANet).

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: COMPLIANCE WITH POLICIES AND REGULATIONS</b>	
<b>NO. 1.8</b>	DATE: 03/15/2012
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97	PAGE: 1 of 1

**I. PURPOSE**

It shall be the duty of every Bureau member to be thoroughly familiar with the provisions of the Policy and Regulations Manual, applicable policies of the District Attorney, applicable County policies, and the legal requirements of their respective position. **Bureau members shall comply with and obey all policies and regulations established in this manual, as well as those established at division or unit level, and any other official document specifically pertinent to Bureau operations or District Attorney personnel.** Failure or refusal to comply with any policy or regulation articulated or incorporated in this manual may constitute neglect of duty, in addition to the specific policy or regulation violation, and provide cause for formal disciplinary action.

**II. ON-LINE POLICY REVIEW**

New policies, orders or directives, or significant changes made to existing policies, orders or directives, will be posted on the on-line training information tab in Personnel XP. Once notified of a posting, Bureau personnel must review the posted information within the allotted time by accessing it via his/her own Personnel XP account.

**III. ENSURE COMPLIANCE**

Bureau managers and supervisors are responsible for seeing immediate action is taken to ensure compliance with the policies and regulations pertaining to Bureau operations and personnel.

**IV. EXPECTATION**

Bureau members shall not violate the policies or regulations of the Bureau of Investigation, the Office of the District Attorney, or the County of San Diego.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: CHAIN OF COMMAND</b>	
<b>NO. 1.9</b>	DATE: 03/12/2012
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97	PAGE: 1 of 1

**I. APPOINTING AUTHORITY**

The District Attorney is the appointing authority.

**II. CHIEF INVESTIGATOR**

The Chief Investigator is the administrator and commander of the Bureau of Investigation, responsible for managing, organizing, and directing the activities of the Bureau and its members. The Chief Investigator is the terminal link in a chain of command which runs directly from commander, to supervisor, to subordinate, to the most junior member of the Bureau.

**III. VERTICAL MANAGEMENT AND COMMUNICATION**

To effectively perform the duties and responsibilities of this office, the Chief Investigator may appoint specific Bureau members to assist in the administration and supervision of Bureau personnel. These management and supervisory members are the divisional or unit links in the chain of command, responsible for vertical transmission of information and instructions in both directions along that chain. In the proper chain of command, each Bureau member is responsible, through their immediate supervisor, to the Chief Investigator.

**IV. COMMAND UNITY**

The principle of command unity ("unity-of-command") demands that every subordinate member have one, and only one, immediate supervisor to whom they normally report. Command unity and chain of command together support accurate communication and provide clear direction for every Bureau member.

**V. EXPECTATIONS**

**All personnel shall adhere to the chain of command established within the Bureau of Investigation.** Bureau personnel shall follow the advice and direction of a Deputy District Attorney only in matters pertaining to the legal requirements and direction of a specific case. A Bureau member shall not, under any circumstances, follow the instructions of a Deputy District Attorney if such instructions violate any Bureau policy, regulation or directive, violate any Special Order or Special Directive, or is in fact an unlawful order. Bureau members shall immediately notify their supervisor if such circumstances arise.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: ADMINISTRATIVE AND STAFF-WORK ASSIGNMENTS</b>	
<b>NO. 1.10</b>	DATE: 03/12/2012
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97	PAGE: 1 of 1

**I. PURPOSE**

The effective and efficient administration of the Bureau may require assignment of administrative or staff-work tasks and projects to personnel throughout the organization. All Bureau members shall be eligible and available for the assignment of administrative or staff-work tasks, regardless of normal duty assignment. Tasks or projects may include committee assignments, surveys, staff-studies, or special reports. Assignments may be made through solicitation of volunteers or through direct appointment by the Chief Investigator or their designee.

**II. PRIORITY**

Bureau personnel who are assigned or volunteer for administrative or staff-work assignments shall consider those tasks a priority duty assignment. Bureau Personnel should actively pursue the efficient and effective completion of those tasks, with diligence and professional commitment, reflecting the highest standards of public service and the District Attorney's Office.

**III. SUPERVISOR APPROVAL**

To insure the efficient and effective operation of Bureau divisions, all Bureau members volunteering for administrative or staff-work tasks and projects, or seeking collateral duty assignments, i.e. Special Services Team, Peer Support, Range Safety Officer, etc., shall first obtain the approval of their respective chain of command.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: GENERAL CONDUCT</b>	
<b>NO. 2.1</b>	<b>DATE: 1/16/2015</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/14/97, 05/24/12</b>	<b>PAGE: 1 of 2</b>

**I. PROFESSIONAL CONDUCT**

While on duty, Bureau personnel shall conduct themselves in a professional manner which reflects favorably on the Bureau and the District Attorney's Office. Whether on or off duty, Bureau personnel shall not engage in conduct which brings the Bureau into disrepute, impairs discipline, or otherwise brings discredit upon the employee or the Bureau of Investigation.

**II. ADHERANCE TO LAW**

Bureau personnel shall obey all federal, state, and local statutes, laws and ordinances.

**III. POLITICAL ACTIVITIES**

While acting in their official capacity, a Bureau member shall not solicit any person, committee, or association for political purposes, nor shall any member use the influence of their official position for political reasons. Per county charter 914, officers and employees shall not engage in political activities during hours they are required to perform assigned duties.

**IV. IMPROPER ASSOCIATIONS**

Except as necessary in the performance of official duties, Bureau personnel shall avoid regular or continuous associations with persons whom they know are under criminal investigation or indictment, or whom they have reason to believe are presently involved in criminal behavior, unless unavoidable because of an immediate family relationship. However, to avoid conflicts in prosecutions, such associations involving an immediate family relationship shall be reported to a supervisor.

This section shall not apply to contacts with persons involved in infractions or driving violations. This section shall not prevent Bureau personnel from associating with any persons in connection with civic, religious or community events where contact is casual or infrequent. Bureau members shall continue to enjoy the right of association as protected by the California and United States Constitutions.

**V. PUBLIC INTERACTION**

While on duty, every Bureau member shall strive to gain public support and citizen cooperation to accomplish Bureau objectives. Bureau personnel should project an attitude of service and courtesy.

**VI. REPRESENTING THE OFFICE**

Bureau personnel shall not present or identify themselves as a representative of the District Attorney's Office or Bureau of Investigation when addressing any public gathering, appearing on any radio, television, or other electronically transmitted program, appearing in any photograph, writing articles or manuscripts, or endorsing any publication or product without first receiving permission for such representation from the Chief Investigator. This policy does not restrict

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: GENERAL CONDUCT</b>	
<b>NO. 2.1</b>	<b>DATE: 1/16/2015</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 05/24/12</b>	<b>PAGE: 2 of 2</b>

authorized personnel from providing public information to media representatives about specific Bureau activities and operations.

**VII. PUBLIC CRITICISM**

Bureau members shall not, with reckless disregard for the accuracy or truth of their statements, publicly criticize or ridicule the District Attorney or the Office of the District Attorney, nor any policy or personnel of that office by speech, writing, or other expression which tends to compromise organizational effectiveness or reduces public trust. Nothing in this policy is intended to infringe upon those rights guaranteed by the United States or California State Constitutions.

**VIII. GENERAL CONDUCT**

Bureau members shall be courteous and respectful in their interaction with members of the public, District Attorney personnel and representatives of other government agencies.

**IX. INAPPROPRIATE LANGUAGE**

While conducting official business, Bureau personnel shall not use insolent, coarse, profane, threatening, or insulting language or gestures, nor shall any Bureau member make derogatory or prejudicial comments concerning the race, gender, sexual orientation, religion, or national origin of an individual or group.

**X. ENDORSEMENTS**

Bureau members shall not permit the use of their name, official title or photograph for advertising purposes, nor by testimonial recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the Bureau of Investigation or the Office of the District Attorney, without prior approval for such activity by the Chief Investigator.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: OFFICIAL CORRESPONDENCE</b>	
<b>NO. 2.2</b>	DATE: 01/23/2017
NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES: 08/01/01, 6/27/2003	PAGE: 1 of 1

**I. OFFICIAL LETTERHEAD**

All correspondence transmitted on the official letterhead of the San Diego County District Attorney shall be for official business. Bureau personnel shall not use the official letterhead stationery of the District Attorney for any personal purpose.

**II. OFFICIAL SIGNATURE BLOCK**

All correspondence that leaves the office on District Attorney letterhead will use the following signature block:

Sincerely,

(Investigator's signature)  
(INVESTIGATOR'S NAME) ID #  
(TITLE)  
(DIVISION)

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: CONFIDENTIAL INFORMATION</b>	
<b>NO. 2.3</b>	DATE: 01/13/2015
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 5/24/2012	PAGE: 1 of 1

**I. CONFIDENTIAL INFORMATION**

Bureau personnel shall consider all information regarding the official business of the Office of the District Attorney or the Bureau of Investigation confidential in nature. Bureau members shall not disclose or otherwise provide confidential information to anyone who does not have both the **operational need and legal right** to receive such information, unless otherwise directed by their chain of command or legal process.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: COMPLIANCE WITH ORDERS</b>	
<b>NO. 2.4</b>	<b>DATE: 01/13/2015</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/2001</b>	<b>PAGE: 1 of 2</b>

**I. EXPECTATIONS**

Bureau personnel shall obey and execute any lawful order or instruction issued to them by a Bureau manager or supervisor. This includes orders or instructions relayed from supervisors by non-supervisory members. Orders or instructions are equally valid whether issued verbally, in written form, or by electronic transmission. Orders or instructions are equally valid whether framed as a command or a request. Bureau supervisors shall be responsible for all orders and instructions issued to personnel under their direction, as well as any consequences arising from compliance with such orders or instructions.

**II. NONCOMPLIANCE**

**Failure or refusal to promptly and fully comply with any lawful order constitutes insubordination and neglect of duty and will be considered cause for formal disciplinary action.**

**III. AUTHORITY**

Bureau personnel who are authorized to act in a capacity above their permanent rank possess the full authority of that higher rank for the duration of such assignment. Bureau members who have responsibility for the direction of Bureau personnel during a specific activity have formal authority to complete such duties in a safe and effective manner. The following examples illustrate assignments possessing formal supervisory authority to ensure their effective completion: Range Master, training coordinator, vehicle coordinator, training instructors and range safety personnel.

**IV. IMPROPER CRITICISM**

Bureau personnel shall not openly criticize nor make derogatory comments to any Bureau member or person outside the Bureau of Investigation regarding orders or instructions issued by any Bureau supervisor or manager. Bureau personnel shall not openly criticize nor make derogatory comments regarding orders or instructions issued by any Bureau supervisor or manager if such action undermines morale or tends to compromise organizational effectiveness. However, in any case where there is sound reason to believe such orders are inconsistent or unjust; it is the right and obligation of the member receiving same to respectfully present their concerns to the issuing supervisor or manager.

**V. UNLAWFUL ORDER**

Bureau managers and supervisors shall not knowingly issue an order which conflicts with, or tends to nullify any established policy, regulation, special order, special directive or law, except when necessary in cases of emergency. Bureau managers or supervisors who issue such orders shall be responsible for providing appropriate and sufficient justification for their action to the Chief Investigator.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: COMPLIANCE WITH ORDERS</b>	
<b>NO. 2.4</b>	DATE: 01/13/2015
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/2001	PAGE: 2 of 2

**VI. COMPLIANCE WITH VALID ORDER**

All orders and instructions issued by Bureau managers and supervisors are presumed lawful and valid. Bureau personnel who receive an order which appears to conflict with an existing policy, regulation, special order, special directive, order, instruction, or procedure shall respectfully inform the supervisor issuing the order of the apparent conflict and explain the conflict. If the questioned order is not retracted or altered by the issuing supervisor, it shall stand. Bureau personnel shall obey the fresh order or instruction issued by the supervisor and will not be held responsible for disobedience of the previous policy, regulation, special order, special directive, order, instruction, or procedure giving rise to the apparent conflict.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DISCHARGE OF DUTIES</b>	
<b>NO. 2.5</b>	<b>DATE: 1/13/2015</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/14/97, 5/24/2012</b>	<b>PAGE: 1 of 2</b>

**I. EXPECTATIONS**

Every sworn member of the Bureau shall take appropriate enforcement action to preserve the public peace, detect and arrest violators of the law, protect life and property, and enforce those federal laws, laws of the State of California, and the ordinances of the County of San Diego which the Office of the District Attorney is obligated to enforce. Notwithstanding, the assignment of specific duties and responsibilities, Bureau members shall perform all other duties as may be required by their chain of command or other competent authority.

**II. DUTY ASSIGNMENTS**

All assignments in the Bureau of Investigation are temporary. Bureau members shall be available for assignment to any existing Bureau office or duty station, and to any new Bureau office or duty station that may be activated or constructed, consistent with the operational needs of the District Attorney or the Bureau of Investigation.

**III. DUTY TO RESPOND**

Sworn members of the Bureau shall report and take appropriate action in any circumstance requiring police action or intervention within a reasonable time after arriving on the scene of such an event.

**IV. DUTY TO REPORT TRUTHFULLY**

Bureau personnel shall not make false statements concerning their official activities; nor shall Bureau personnel make, or cause to be made, false official reports; nor shall Bureau personnel knowingly or willingly enter, or cause to be entered, any inaccurate or false information in official records.

**V. RESPECTFUL CONDUCT**

Bureau members shall be courteous and respectful in their interactions with members of the public, District Attorney personnel, and representatives of other government agencies.

**VI. GRATUITIES**

A Bureau member shall not accept, directly or indirectly, from any person liable to arrest or complaint, or in custody, or after discharge from custody, or from any friend or friends of any such person, any gratuity, fee, loan, reward, or gift of any kind.

**VII. ENFORCING POLICIES**

Bureau managers and supervisors shall take immediate and appropriate action when they become aware of a violation of any provision of the Policy and Regulation Manual.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: DISCHARGE OF DUTIES</b>	
<b>NO. 2.5</b>	DATE: 1/13/2015
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**VIII. APPROPRIATE CORRECTIVE ACTION**

Supervising members should avoid, as far as circumstances warrant, censuring a subordinate in the presence of others, and shall support a subordinate when that member is acting within their rights.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: PERSONAL APPEARANCE / UNIFORM STANDARDS</b>	
<b>NO. 2.6</b>	DATE: 11/012021
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 03/03/04, 2/26/2010, 01/30/2017, 7/30/2020	PAGE: 1 of 6

**I. EXPECTATIONS**

All members of the Bureau of Investigation, both sworn and professional staff, shall maintain high standards of personal hygiene, dress, and professional appearance consistent with generally accepted standards of professional and business casual dress for members of the San Diego legal community.

Employees are expected to exercise common sense in selecting clothing and footwear appropriate for a business environment. Unacceptable clothing which distracts from a professional environment is not permitted. Dress Code standards may be tailored to specific assignments at the discretion of the Division Commander.

**II. PROFESSIONAL DRESS**

Professional dress is the primary standard for District Attorney Investigators when appearing in court, interacting with the public, attending formal meetings or events, or engaging in any other activity where professional dress would enhance the image and/or mission of the San Diego County District Attorney and Bureau of Investigation.

**III. BUSINESS CASUAL DRESS**

Business casual dress is appropriate when primary duties include classroom training or "Field" work where contact with the public other than in the professional setting is anticipated.

**IV. COOL SUMMER DAYS**

Business casual dress standard is also the appropriate dress for all Bureau employees during the County's Cool Summer Days.

All categories of dress standards DO NOT include the following:

- A. Baggy or sagging pants, hip-huggers and/or pants with dragging cuffs or rips
- B. Faded or dirty clothing
- C. Leggings
- D. Sweatshirts or sweatpants
- E. T-shirts or shorts (Range staff excepted)
- F. Tank tops or halter tops
- G. Overly revealing or sheer clothing
- H. Any shirt/top with company logos, provocative or offensive writing, emblems, or advertisements not appropriate for a legal office environment (i.e., cocktail glasses, Harley-Davidson emblems, cigars, ostentatious Hawaiian style shirts etc.). Small brand or trademark logos are acceptable.
- I. Tennis shoes, thongs, flip-flops, and beach sandals
- J. Any type of clothing that detracts from a professional image

**V. READINESS**

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: PERSONAL APPEARANCE / UNIFORM STANDARDS</b>	
<b>NO. 2.6</b>	DATE: 11/012021
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All Bureau members shall maintain a readily available set of professional attire, which can be changed from casual should circumstances warrant an upgrade in attire.

**VI. TATTOOS AND PIERCINGS**

The purpose of this section is to establish uniform guidelines for visible body art such as tattoos, brands, piercings, etc. while still preserving the professional environment of the office. It is the responsibility of the employee's immediate supervisor to enforce this policy. Any disputes regarding appropriateness of the tattoos, brands, piercings, or other body art shall be subject to the final decision of the appointing authority or designee.

Many factors influence the community's confidence in our office. The image we present to the community must be one of professionalism. Our appearance is of utmost importance. It is the preference of the Bureau that should personnel obtain any tattoo, scarification, branding or piercing, it should be in an area of the body that can be covered by professional or business casual attire, or by the approved uniform.

- A. While on duty or representing the District Attorney's Office in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or while representing the DA's Office in any official capacity shall any tattooed surface exceed 25% of the exposed body part.
- B. Bureau members are prohibited from having any tattoo, brand, or other body art visible upon the neck, face or head. All tattoos and body art anywhere on the body that are obscene, advocate sexual, racial, ethnic, religious discrimination or gang affiliation, as well as any image contradictory to the Mission, Vision, and Values of the District Attorney's Office or Bureau of Investigation are prohibited and must be covered while at work or representing the department in any official capacity.
- C. Piercing:
  - 1. While on duty, Bureau members may wear up to two sets of earrings. Earrings may only be worn in the earlobes. The piercing and wearing of associated jewelry in all other visible parts of the body is prohibited. Only stud earrings are approved when in uniform. Earrings worn during tactical operations or tactical training (i.e., search warrant service, defensive tactics training, etc.) will be at the discretion of the supervisor or instructor in charge.
  - 2. While on duty, Bureau members will not wear any visible type of jewelry designed for display through the act of body piercing.
  - 3. Stretching of the earlobes or any other visible body part by way of specialized jewelry or "flesh tunnels", also known as "gauging", is expressly prohibited.
- D. Exceptions:
  - 1. When deemed operationally necessary, sworn Bureau members in undercover assignments may display tattoos, scarifications, brands, or jewelry otherwise prohibited by this order with approval of their Commander.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: PERSONAL APPEARANCE / UNIFORM STANDARDS</b>	
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2. Jewelry, tattoos, scarifications or brands that are a required part of a recognized religious organization or practice.

**VII. HAIR**

Hair shall be neat, clean, and trimmed to present a well-groomed appearance. Hairstyles inconsistent with professional appearance standards or that create a potential safety hazard are unacceptable.

**VIII. JEWELRY**

Jewelry shall be professional in design. Jewelry which, due to design or composition, creates a potential safety hazard shall not be worn.

**IX. PERFUMES, COLOGNE, PERSONAL FRAGRANCES**

Bureau personnel shall refrain from wearing perfume, cologne, or personal fragrances which are offensive or adversely affect the health or job performance of any other person.

**X. UNIFORMS**

Uniforms issued to Bureau personnel shall be maintained in a clean condition and readily accessible at all times while on and off duty.

In the event of an emergency call-out for law enforcement mutual aid or executing high-risk or residential search and/or arrest warrants, Bureau members shall wear their uniform.

**Uniform**

The uniform shall consist of: "5-11" brand green-colored tactical pants, black BDU belt; black Bureau issued "Police" short or long sleeve polo shirt over a black T-shirt, black soft shell jacket (optional), black boots, black socks and raid gun belt or black plain-clothes concealment gear. The uniform shirt shall be worn tucked in. When wearing the Bureau issued polo shirt with a cloth DAI badge, DAIs have the option of also wearing the metal badge on the belt.

**Tactical Uniform**

The tactical uniform shall consist of: "5-11" brand green-colored tactical pants, black BDU belt; Bureau issued green long sleeve tactical shirt with subdued Bureau patches over a black T-shirt, black soft shell jacket (optional), black boots, black socks and raid gun belt. The uniform shirt shall be worn tucked in. When wearing the Bureau issued tactical shirt with a cloth DAI badge, DAIs have the option of also wearing the metal badge on the belt. The tactical uniform is only to be worn in tactical operations.

**Optional Gear**

- A. Ballistic vest with tactical cover
- B. Black rain suit

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: PERSONAL APPEARANCE / UNIFORM STANDARDS</b>	
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- C. Black quarter boot or black police oxford
- D. Long sleeve black t-shirt may be worn under black "Police" short sleeve polo shirt
- E. Green Police baseball cap

**Training Uniform**

To enhance identification, uniformity and professionalism at the San Diego Regional Firearms Training Center (SDRFTC) and other tactical training venues, the following training uniform will be worn for scheduled tactical training such as firearms qualifications, defensive tactics, witness protection, executive protection, etc.:

- A. For DAIs: Approved "5-11" brand green-colored tactical pants, black BDU belt, black Bureau issued T-shirt (long or short sleeve), black soft-shell jacket (optional), black socks and black or tan boots. Additional equipment will be dictated by the Range Master or instructor depending on the nature of the training.

The training uniform T-shirt shall be worn tucked in. When wearing the Bureau issued training uniform T-shirt with a silkscreen DAI badge, the metal badge will not be worn on the belt. The issued uniform black polo shirt for DAIs is not approved for use at training. Casual dress or street clothes are not approved for tactical training at the SDRFTC unless approved by a supervisor and instructor. Previously issued or obsolete uniforms, such as black polo shirts with yellow lettering, are not authorized to be worn for any duty or training assignment.

**Class A Uniform**

District Attorney Investigators are authorized to purchase the Class A uniform at their own expense (not a required uniform for DAIs). This uniform may be worn for special occasions and ceremonies, such as law enforcement memorial services, police academy graduations, promotional ceremonies, etc. Investigators wishing to attend any event wearing a Class A uniform must first obtain authorization from the Chief Investigator via the chain of command.

The below-listed uniform shall only be worn in a clean and neatly pressed condition.

**Class A Uniform Specifications:**

- A. Trousers:

Uniform trousers will be 100% worsted wool with a sap type pocket, LAPD Blue in color. The width of the belt loops shall be 3/4".

- B. Shirts:

Uniform shirts will be long sleeve 100% worsted wool, LAPD Blue in color. Shirt shall have the DA/BOI authorized black and silver patches on both sleeves worn 1/2 inch down from the top sleeve seam. Supervising Investigators shall wear silver sergeant chevrons with black background below the patch (no space between patch and chevrons).

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: PERSONAL APPEARANCE / UNIFORM STANDARDS</b>	
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Commanders and above shall wear a silver 5/8" star rank insignia on each side of the shirt collar. The rank insignia will be centered between the top and bottom edge of each collar, with the outer edge of the insignia one inch from the front edge of the collar. Years of service hash marks, silver in color, shall be worn on the left sleeve, 1/2" above the cuff seam. Each hash mark equates to 5 years of sworn law enforcement service.

C. Ties:

Plain black of the four-in-one hand style with a clip-on or other break away feature. The bottom of the tie must not extend below the top of the trouser belt or gun belt. Glossy silver tie bar shall be worn with tie or the continental style tie. Glossy silver tie bar shall be worn with tie, except for continental style.

D. Nametags:

The regulation nametag shall be a glossy silver 5/8" and 2 1/2 inch in length with black lettering. Nametag shall be worn above the right breast pocket on the uniform shirt. The top line of the nametag will bear the employee's first name, middle initial and last name, or his/her initials followed by their last name.

Metal nametags and badges will be kept free of tarnish. Stars shall be displayed under name to indicate years of law enforcement service. Each star equates to 5 years of sworn law enforcement service.

E. Footwear:

Shoes shall be Oxford style with a round plain or capped toe, be low heeled, with a smooth Corafram type glossy finish. Low-cut Corafram boots "Chukkas" with smooth black glossy finish are also permissible. Socks shall be plain black on that portion of the sock that shows above the shoe top. Sock weight and material are optional.

F. Duty Belt and Accessories:

The duty belt shall be equipped with only a handgun holster, e.g., Accumold Elite by Bianchi, double magazine pouch, handcuffs case, and 4 duty belt keepers. No other accessories shall be attached to the duty belt. All Leather gear, including belt keepers shall be black in color with a smooth Corafram type finish without exterior silver snaps. Trouser belt shall be Corafram as well. The duty belt buckle shall be chromium (glossy silver), colonial style.

G. Uniform Caps:

The uniform cap must be maintained in a presentable manner. Caps that are excessively worn, frayed, torn or discolored may not be worn. For certain events, the Chief Investigator may waive the use of the uniform cap with the Class "A" attire. Uniform caps must meet the below-listed specifications:

- Manufacturer: Keystone Uniform Cap
- Style: R13-Air Force, Round Top
- Material: 55% - 45% Dacron Wool Navy Blue Serge
- Interfacing: The front projection is to have a 3/16" charcoal clickable foam lamination.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: PERSONAL APPEARANCE / UNIFORM STANDARDS</b>	
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- Lining: Black/navy taffeta plastic holder for identification card
- Frame: 2” Black 030 poly
- Band: The outside band will be of the same material as the top (blue)
- Grommet: Plastic grommet inserted into the top of the cap
- Visor Shape: 88 black – 2 1/8”
- Sweatband: 1/4” leather per sweat machine sewn into the cap using standard stitching
- The DAI cap shall have a 1/2” black patent leather-type strap with gunmetal black buttons
- Supervising Investigators shall have a 1/2” black patent leather-type strap with silver metallic “P” buttons.
- Commanders shall have a silver braided cloth strap with silver metallic “P” buttons.
- Chiefs shall have a silver braided cloth strap with silver metallic “P” buttons and two silver leaf branches on a cloth visor. The branches will have three leaf clusters with stems pointing outward.
- All caps shall include the silver approved hat piece (two prong type) with County of San Diego center piece.

**XI. SPECIAL CONSIDERATIONS**

Commanders and Supervising Investigators have authority to authorize temporary or task specific deviation from elements of the Personal Appearance Standards policy when circumstances reasonably suggest that standard business attire, or other appearance standards, would be inappropriate for the task under consideration. Qualifying circumstances may include, but are not limited to, task force, surveillance, and undercover assignments. Deviations from the Personal Appearance Standards shall be temporary, reasonable, and supported by objective facts known to the authorizing Commander or Supervisor when the deviation is approved.

Notwithstanding the special considerations listed above, Bureau personnel shall adhere to all applicable elements of these regulations when appearing as a witness in any court or representing the office.

**XII. SUMMARY**

Bureau personnel shall maintain a high standard of personal appearance and hygiene, and shall not wear apparel, hairstyles, jewelry, or fragrances which cause, or tend to cause, disruption or degradation of workplace performance, demeans any person or group, or creates a potential safety hazard.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: SEXUAL HARASSMENT</b>	
<b>NO. 2.7</b>	<b>DATE: 04/20/2020</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 08/01/01</b>	<b>PAGE: Page 1 of 2</b>

**I. PURPOSE**

The District Attorney and the Bureau of Investigation are committed to creating and maintaining a work environment free of any, and all types of discrimination and harassment, including sexual harassment. Bureau managers and supervisors will take all measures available to prevent and correct any behavior that violates this policy, including disciplinary measures directed toward the offending employee, which may include termination.

This policy applies to all Bureau personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission. Members are encouraged to promptly report any discriminatory, retaliatory, harassing conduct, or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Any member who believes, in good faith, they have been discriminated against, harassed, or subjected to retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy. Any member who has observed harassment or discrimination is responsible to promptly report those observations to a supervisor. Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation.

**II. DEFINITION**

The Federal Equal Employment Opportunity Commission defines sexual harassment in the workplace as unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

As an additional reference, see Board of Supervisors' Policy C-22 and Department of Human Resources Policy 111 regarding sexual harassment, which is incorporated herein by reference and is applicable.

**III. RESPONSIBILITY**

A supervisor or manager may be personally liable when they fail to take immediate corrective action when they know, or reasonably should know, that an employee is being subjected to harassment on the job; or, if they retaliate against any employee who complains of sexual harassment, or who participated in any manner on behalf of a complainant.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: SEXUAL HARASSMENT</b>	
<b>NO. 2.7</b>	<b>DATE: 04/20/2020</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/14/97, 08/01/01</b>	<b>PAGE: Page 2 of 2</b>

**IV. SUMMARY**

Discrimination and harassment violate federal and state law and county policy and will not be tolerated in the Bureau of Investigation.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: RESPECT AND COOPERATION</b>	
<b>NO. 2.8</b>	<b>DATE: 08/01/01</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/14/97</b>	<b>PAGE: 1 of 1</b>

**I. EXPECTATIONS**

Bureau members shall conduct themselves in a manner which promotes teamwork and cooperation between one another, and with other office divisions, units, and personnel.

**II. RESPECT**

Every Bureau member shall treat all District Attorney employees with respect, and shall not use abusive, threatening or insulting language toward any District Attorney employee.

**III. HONESTY**

All Bureau personnel have a duty to be candid in communications with their superiors. Therefore, Bureau personnel shall be truthful and shall not knowingly make false statements to a Bureau manager or supervisor when questioned, interviewed, or in submitting any official report.

**IV. PUBLIC CRITICISM**

As a representative of the Bureau, Bureau members shall not **publicly** criticize an official act or statement by any District Attorney employee, judicial officer, elected officer of the County of San Diego, or sworn member of another law enforcement agency.

**V. PERSONAL INFORMATION**

Bureau personnel shall provide their correct name, current address, and current telephone number to the Chief Investigator or designee and shall within 48 hours notify same after any change in this information. Upon request, Bureau members shall provide the name, address, and telephone number of whom to notify in the event of emergency. Information provided in compliance with this section shall be maintained in each member's department personnel file.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

SUBJECT: ALCOHOL AND DRUG USE	
NO. 2.9	DATE: 04/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/01, 06/26/2014	PAGE: 1 of 1

**I. EXPECTATION**

No Bureau member shall report for or remain on duty while under the influence of alcohol or any other drug. If a member is taking any drug or medicine which could impair their fitness for any normal duty requirement, including vehicle operation, that member shall promptly inform their immediate supervisor of that fact. Such notification is mandatory, whether or not the drug or medicine has been prescribed for use by a licensed physician or other licensed medical practitioner.

Any Bureau member who has knowledge or reason to suspect another member is on duty while under the influence of alcohol and/or drugs must immediately report that information to a supervisor.

**II. ILLEGAL SUBSTANCES**

The unlawful use or possession of any illegal drug, narcotic, or controlled substance is expressly prohibited. Bureau members shall not unlawfully use or possess any illegal drug or narcotic, nor shall a member use any controlled substance except as prescribed by a licensed physician or medical practitioner.

**III. ODOR OF ALCOHOL**

For purposes of all Policy and Regulations Manual sections relating to the use of alcohol, the odor of an alcohol beverage on a member's breath shall be considered a rebuttable presumption of alcohol use by such member. The Board of Supervisors Policy C-25 and Department of Human Resources Policy 107 are incorporated herein by reference.

**IV. ALCOHOL USE WHILE ON DUTY**

Bureau members shall not consume any alcoholic beverage between the beginning and the end of their assigned work period, except as necessary in the direct performance of duty. **Any exception to this regulation requires specific prior approval by the Chief Investigator.** For the purpose of this section, performance of duty is defined as investigation of vice or narcotics activity, intelligence or surveillance operations, or the actual investigation of any other offense when the investigator is working in an undercover capacity and such activity is required by operational necessity.

No member shall operate a County vehicle while under the influence of alcohol or drugs.

While off-duty, firearms shall not be carried by any member who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the member's senses or judgment.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: MANDATORY RANDOM AND REASONABLE SUSPICION DRUG AND ALCOHOL TESTING</b>	
<b>NO. 2.9A</b>	DATE: 04/20/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/01	PAGE: 1 of 2

**I. PURPOSE**

The purpose of this policy is to implement the Mandatory Random and Reasonable Suspicion Drug/Alcohol Testing for newly hired District Attorney Investigator classifications I -V, into the County of San Diego and the Office of the District Attorney, to promote a safe and healthy work environment for the public, the clients of the Department and the employees of the District Attorney, by the agreed upon use of random and reasonable suspicion drug and alcohol screening.

**II. RANDOM SCREENING**

This policy is for all newly hired District Attorney Investigator classifications I – V, into the County of San Diego and the Office of the District Attorney, who are peace officers as defined in Section 830.1 of the California Penal Code. All newly hired employees in the District Attorney Investigator classifications I-V during their respective probationary periods in the DI and DM units, which shall also define the eligible pool, shall be subject to the use of random and reasonable suspicion drug and alcohol screening pursuant to the testing procedures detailed in the Omnibus Transportation Employee Testing Act of 1991 except that:

- A. For purposes of random selection, the eligible pool as described above, sixty percent (60%) shall be subject to random drug screening, and twenty percent (20%) shall be subject to random alcohol screening.
- B. Employees selected for random testing must report for testing within four (4) hours of notification.
- C. All drug and alcohol screening shall be subject to the procedures detailed in the Department of Human Resources Policy and Procedure Manual Policy No. 1106, entitled "Omnibus Transportation Employee Testing Act of 1991."

Training and educational programs shall be provided to all subject employees and supervisors.

**III. DESCRIPTION OF POSITIVE TEST RESULTS**

Definition: cutoff level – The cutoff level is the threshold level above which a test result is considered positive. These levels are established by the Department of Health and Human Services and are subject to change as warranted by advances in technology or other considerations.

Rule: confirmatory test – When the result of an initial test is positive, a confirmatory test is automatically conducted.

Cutoff level: drugs/alcohol – drug cutoff levels as described in the Omnibus Transportation Employee Testing Act of 1991 and are subject to change in accordance with Federal regulations. Refer to Department of Human Resources Policy and Procedure Manual Policy No. 1106.

**IV. CONSEQUENCES OF POSITIVE TEST RESULTS:**

How test results are reported to the County: The San Diego County Department of Human Resources' Medical Standards Unit will be notified by the County Medical Provider that the

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<b>NO. 2.9A</b>	DATE: 04/20/2020
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employee is either cleared or not cleared (positive test results) for duty, including results of the alcohol breath test. Prior to notification to the County, the drug test reports are reviewed by a Medical Review Officer and the alcohol test by a Breath Analysis Technician. At the Office's request, the medical provider will provide quantitative test results to the Chief Investigator through the Medical Standards Office.

- A. Employees not cleared for duty must be immediately removed from their duties.
- B. An employee with positive drug and or alcohol results will be failed during the probationary period.
- C. Besides the presence of drugs or medication exceeding levels specified in the Omnibus Act, the following action(s) will also cause the test to be reported positive.
  - Refusing to provide a specimen including failure to report for testing as directed, or
  - Refusing to sign documentation required to allow processing and reporting of the test, or
  - Failing to provide a sufficient sample, without adequate medical reason, or
  - Addition of any substance(s) to the sample, or
  - Substitution of the sample of another person.

**V. ADMINISTRATION**

Coordination: The Bureau of Investigation is responsible for coordinating this program. The Department of Human Resources' Medical Standards Unit will provide oversight; to include random selection of employees tested, coordination of all drug and or alcohol testing with the medical provider and maintenance of records.

References:

Civil Service Rule 4.2.5 (c) Dismissal during probationary period.

The Memorandum of Agreement between the District Attorney Investigators Association and the County of San Diego from September 25, 2018 – June 22, 2023.

Related policies:

Board of Supervisor's Policy C-25 Drug and Alcohol Use Policy

DHR Policy No. 107 Drug and Alcohol Use Policy

DHR Policy 1106 Omnibus Transportation Employee Testing Act of 1991

For further information:

Contact the Office of the District Attorney Human Resources (HR) for a copy of the County Drug and Alcohol Use Policy.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: SMOKING AND TOBACCO USE</b>	
<b>NO. 2.10</b>	DATE: 11/14/97
NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 1 of 1

**I. FACILITIES AND VEHICLES**

Bureau members shall not smoke, or otherwise use smoking or tobacco products, within any County building or vehicle. Members shall obey all smoking rules and regulations of government or business facilities they enter while conducting official business. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

**II. PUBLIC**

Bureau members shall not smoke or use tobacco while interacting with members of the public during an investigation or interview, when doing so could be considered obnoxious or offensive, or when tobacco use of any kind may be detrimental to good conduct, appearance or procedure.

**III. DESCRIPTION**

For the purpose of this policy, smoking and tobacco products include, but are not limited to, pipes, cigars, cigarettes, (tobacco, clove, herbal) electronic cigarettes, chewing tobacco, and ground tobacco or snuff products.

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<b>SUBJECT: MISCONDUCT AND DISCIPLINE</b>	
<b>NO. 2.11</b>	<b>DATE: 02/01/10</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES: 11/14/97</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

Discipline is a process intended to promote observance of the policies, regulations, and procedures necessary to achieve organizational goals in an efficient and effective manner. The establishment and maintenance of effective discipline is an essential element for ensuring the coordination of effort, efficient use of resources, and reliable operation of the Bureau of Investigation.

**II. POLICY VIOLATIONS**

Bureau personnel shall be subject to reprimand, transfer, suspension, demotion, disciplinary reduction in compensation or rank, or dismissal from District Attorney's Office and from the service of the County of San Diego, for violation of the policies and regulations appearing in the Policy and Regulations Manual, or for violating any other policy, rule, regulation, general or special order, or directive of the District Attorney's Office or rules of the County of San Diego.

**III. COMPREHENSIVE**

It is not possible to establish rules of conduct specific to every case and event arising in the general discharge of law enforcement or other duties, or in the personal activities of an individual employee. Therefore, Bureau personnel shall refrain from any activity or behavior which undermines, or tends to undermine, the good order and effective operation of the Bureau of Investigation or the Office of the District Attorney. Examples of activity and behavior prohibited under this policy include, but are not limited to: violation of any federal, state or local law, or county charter, county policy or county civil service rule, insubordination, overt disrespect toward supervisors or members of the public, initiating or perpetuating a disruptive rumor or gossip concerning office policy or personnel, dishonesty, neglect of duty, or action which intentionally disrupts the stability of the work environment or brings discredit upon the office or individual as a member of the District Attorney's office.

**IV. REFERENCE**

Reference and Guidance:

County of San Diego Employee Discipline Policy #1004.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: CITIZEN COMPLAINTS AND COMPLAINT PROCESS</b>	
NO. 2.12	DATE: 05/31/16
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97, 08/01/01	PAGE: 1 of 3

**I. PURPOSE**

Any person wishing to file a complaint of a sworn or non-sworn employee of the Bureau of Investigation may do so through contact with any member of the Bureau or through any other police agency for relay to the District Attorney's Office.

**II. NOTICE OF COMPLAINT**

The person wishing to file a complaint will be provided with the standard complaint form (DANET BOI Library/Forms) conforming to 148.6 P.C. The employee receiving a verbal or written complaint will immediately notify their supervisor. If the supervisor who normally would be notified is the subject of the complaint, the next supervisor in the chain of command will be notified instead. A log or other documentation will be maintained by all supervisors to track all verbal and written complaints. The documentation shall include the date and time of the complaint, name of complainant, address, telephone number, name of investigator, date of occurrence, and nature of complaint.

**III. COMPLAINT ASSIGNMENT**

All written complaints shall be forwarded to Special Operations Division. They will evaluate the nature of the complaint and forward it to the Chief Investigator or to the appropriate Division Commander for further action and/or investigation.

**IV. CHIEF INVESTIGATOR NOTIFICATION**

Alleged violations of law or civil rights shall be immediately reported to the Chief Investigator, who shall initiate further action as appropriate. All Investigations shall be properly documented and directed to the Chief Investigator for any final disposition or resolution.

**V. COMPLAINT PROCEDURES:**

The following procedures should be followed when a complaint is received:

1. The supervisor or commander should attempt to resolve the complaint at their level and as soon as practical, brief the appropriate Bureau Chief. The County procedure outlined in The County of San Diego Administrative Manual 0040-5, requires the supervisor/commander to contact the complainant within 5 working days. If a formal complaint is indicated, the supervisor or commander will mail the complaint report form to the complainant and include an addressed and stamped return envelope.
2. Accommodations will be provided for any complainant who wishes to fill out the form with assistance from the supervisor/commander.
3. The complainant is entitled, if requested, to a written explanation of our complaint process.
4. The complainant will be provided a copy of the complaint report after they complete and sign the form.
5. The complainant will be notified in writing (signed by the Chief Investigator) thirty (30) days upon disposition of the complaint.

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<b>SUBJECT: CITIZEN COMPLAINTS AND COMPLAINT PROCESS</b>	
NO. 2.12	DATE: 05/31/16
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The type of discipline imposed may not be revealed to the complainant per California Penal Code 832.7 Dissemination of Complaint Findings. We may reveal the findings of the complaint, which include the following:

- A. Sustained
- B. Not Sustained
- C. Exonerated
- D. Unfounded
- E. No Finding

**VI. GUIDELINES AND CONSIDERATIONS:**

- Most complaints can be handled at the division level. However, the Special Operations Division will provide any needed assistance.
- Some complaints may be referred directly to the Special Operations Division. The Chief Investigator, in concert with the Assistant District Attorney, will generally make that decision. The case may be handled as a citizen complaint or internal affairs investigation.
- There are no rules by which the decision is made to handle the complaint at the division level or assign it to the Special Operations Division. Certain factors, unique to each case, are considered in the decision.
- The Special Operations Division is the repository for all investigations concerning private person complaints against Bureau members. Once there is a disposition of the complaint, regardless of the finding, the supervisor/commander will forward the completed investigation to the Special Operations Division via their chain of command. This does not preclude the concerned division from maintaining a copy at the division level. Any complaint that is closed, regardless of the disposition, will be purged from all files after five years.
- An occasion may arise when the complainant fails to mail or return their statement or refuses to pursue or cooperate in the investigation. In these instances, the standard practice will be:
  - Contact the complainant either by sending a second letter, by telephone or in person. A good faith effort must be made to resolve the citizen's complaint and resolve any issue of potential misconduct.
- A member of the Bureau will generally not be asked to respond in writing to accusations made by a citizen as the member's written response could form the basis for disciplinary action.

**Whenever the potential for a criminal charge exists, the investigator must be advised of their Miranda rights. Remember that the answers may be compelled, and such answers are limited to the scope of an administrative investigation (Lybarger Admonishment).**

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<b>SUBJECT: CITIZEN COMPLAINTS AND COMPLAINT PROCESS</b>	
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**VII. INTERNAL AFFAIRS INVESTIGATION:**

The decision to conduct an internal affairs investigation may only be made by the District Attorney, Assistant District Attorney, or Chief Investigator. The complaint will then be assigned an internal affairs number and become the responsibility of the Special Operations Division Commander and the Deputy District Attorney Chief of Special Operations. The files and records of internal affairs investigations, which are older than five years, may be destroyed if the approved conclusion was anything other than sustained and the subject of the investigation has not been the subject of another investigation during the prior five years.

A copy of the Public Safety Officers' Procedural Bill of Rights (GC 3300- 3311) is included as a resource. Pertinent sections of the current MOA should be reviewed before beginning any personnel investigation.

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<b>SUBJECT: OFFICE AND WORKSPACE DECORATION</b>	
<b>NO. 2.13</b>	DATE: 03/25/14
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/01	PAGE: 1 of 1

**I. PURPOSE**

In order to promote and maintain a professional office environment for visiting members of the public and other District Attorney personnel, the following guidelines for personal workspace and office decoration shall be followed by all Bureau personnel:

**II. PROPER DISPLAYS**

All photographs, pictures, diplomas, certificates, awards and similar materials shall be appropriately framed or mounted on a presentation plaque for display.

**III. PROHIBITED MATERIAL**

The following materials shall not be displayed in any Bureau office or workspace:

- A. Material which may reasonably be considered vulgar or offensive.
- B. Material which tends to demean or degrade any person or group because of race, gender, sexual orientation, religion, or national origin.
- C. Contemporary political advertisements, posters, bumper-stickers or similar materials.
- D. Materials which tend to create a sexist working environment.

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<b>SUBJECT: OUTSIDE EMPLOYMENT AND ACTIVITIES</b>	
<b>NO. 2.14</b>	DATE: 1/29/2015
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES:11/14/97	PAGE: 1 of 4

**I. PURPOSE**

Every member of the Bureau of Investigation shall comply with the provisions of Special Directive 05: "Incompatible Activities", the complete text of which is incorporated herein as Bureau Policy 2.14.

Government Code section 1126 describes prohibited activities of all employees of county agencies. In compliance with subdivision (b) of that section, as well as article VI, section 604, of the San Diego County Charter - prohibiting the private practice of law by Deputy District Attorneys – below is the current *Rules for Office of District Attorney Regarding Incompatible Activities*.

Your reading and familiarity with these rules are essential. Please note that if you engage in any outside employment, activity or other enterprise for compensation, you must, if you have not already done so, fill out the form attached to the rear of the rules and forward it to the Chief Investigator, Bureau of Investigation, Mail Station D-421. This form is in addition to the Disclosure Statement cards required to be submitted two times per year. An electronic submission form (via the supervisor) to the District Attorney's Office, Human Resources Division (HR) is also acceptable.

**II. INCOMPATIBLE ACTIVITIES**

According to Government Code section 1126(a) all officers and employees of the District Attorney's Office are prohibited from engaging in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to the duties, functions and responsibilities of the officer or employee, or the District Attorney's office.

Pursuant to Government Code section 1126 (b) each appointing authority of the County of San Diego is authorized to formulate rules specifying those activities, outside of County duties, of the employees under its jurisdiction, which are inconsistent with, incompatible to, or in conflict with their duties as County employees. In exercise of this authority, the District Attorney of San Diego County has determined that the outside activities set forth in these rules are inconsistent with, incompatible to, or in conflict with the duties, functions, and responsibilities of employees of this department and are therefore prohibited.

- A. Any outside employment, activity or enterprise for compensation which is inconsistent with, incompatible to, or in conflict with the duties, functions, and responsibilities of the employee, the District Attorney's Office, the District Attorney, officers or other employees of the District Attorney's Office.
- B. Any activity which involves the use, for an employee's private gain or advantage, or the private gain or advantage for another, of County time, facilities, equipment or supplies.

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<b>SUBJECT: OUTSIDE EMPLOYMENT AND ACTIVITIES</b>	
<b>NO. 2.14</b>	DATE: 1/29/2015
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- C. Any activity which involves the use, for private gain or advantage of the employee or another, of the badge, identification card, prestige, or influence of the individual's County employment.
- D. Any activity which involves the receipt or acceptance by the employee of money or other consideration from someone other than the County of San Diego for the performance of acts which the employee is expected to render in the regular course of his or her duties as a County employee.
- E. Any outside employment, activity, or enterprise for compensation in which a part of the employee's efforts therein may be subject directly or indirectly to the control, inspection, review, audit, or enforcement of another employee, officer, board or commission of the County of San Diego, except when specifically authorized by the District Attorney.
- F. Any outside employment, activity, or enterprise, whether or not for compensation which involves or includes any form of private security, private law enforcement, or private investigation.
- G. Any activity which involves time demands or interferes with the health or efficiency of the employee that renders the performance of the employee's County duties less efficient.
- H. Any activity which divulges confidential information, data or records to any person to whom issuance of such information, data or records has not been authorized.
- I. Any activity which uses any confidential information acquired by virtue of employment by the District Attorney's Office for the employee's or another's private gain or advantage.
- J. Receiving or accepting any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan or any other thing of value from anyone who is doing or seeking to do business of any kind or who is involved in any prosecutorial efforts with this office under circumstances from which it reasonably could be inferred that the gift was intended to influence an employee in his or her official duties or was intended as a reward for any official action on his or her part.
- K. Any activity by a technician or expert, including but not limited to the handwriting experts, lab technicians and fingerprint technicians, employed by the District Attorney's Office, which involves his or her respective skills without first obtaining approval of the District Attorney.
- L. Any activity, whether or not for private gain, compensation, or advantage, that involves a business, private entity, or other organization operating in a field that is subject to prosecution in the employee's assignment. [Examples would include but are not limited to the following: Owning, operating, working, or assisting in a child care facility when assigned to the child abuse unit; owning, operating, working, or assisting in a recycling business or other entity regulated by environmental laws when assigned to the environmental protection unit; owning, operating, working, or assisting in a bar or tavern when assigned to any unit that prosecutes alcohol related crimes; owning, operating, working, or assisting in a real

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: OUTSIDE EMPLOYMENT AND ACTIVITIES</b>	
<b>NO. 2.14</b>	DATE: 1/29/2015
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES:11/14/97	PAGE: 3 of 4

estate business, or representing persons who are buying and selling real estate, when assigned to the real estate fraud unit; owning, operating, or working in a nursing home when assigned to the elder abuse unit.] If you have any questions on a particular outside endeavor, contact your supervisor.

**III. SERVICE ON BOARDS, COMMISSIONS, ETC.**

Pursuant to Government Code section 1128, service on an appointed or elected governmental board, commission, committee, or other body by an assistant or deputy district attorney shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to the duties of that attorney as an assistant or deputy district attorney and shall not result in the automatic vacation of either such office.

**IV. PRIVATE LAW PRACTICE**

Pursuant to Section 604 of Article VI of the San Diego County Charter, the District Attorney's deputies shall not engage in private law practice.

**V. DISCLOSURE OF OUTSIDE ACTIVITIES**

Pursuant to the last paragraph of Government Code section 1126 each appointing authority of the County of San Diego is authorized to adopt procedures governing the application of the incompatible activities rules. In exercise of this authority, the District Attorney of San Diego County has established the following disclosure requirements.

- A. All employees of the District Attorney's Office must obtain approval from the District Attorney before engaging in any outside employment, activity or enterprise for compensation.
- B. Request for approval forms may be obtained from the Chief Investigator's Office, and when completed, returned to the District Attorney for processing.
- C. All employees of the District Attorney's Office shall continue to twice annually report to the District Attorney the status of any outside employment, activity or enterprise (Form AUD 263), by submitting a County of San Diego Disclosure Statement via e-mail.
- D. If any employee of the District Attorney's Office receives an assignment of County duties that relate to any organization, property, or activity in which the employee or any member of the employee's immediate family has an interest, the employee shall immediately disclose and report such interest in writing to the District Attorney.

**VI. PENALTY FOR VIOLATION**

Participation in any prohibited activity by any officer or employee of the District Attorney's Office may be cause for disciplinary action, including dismissal, suspension, demotion, transfer or reprimand within the procedures set forth in the County Charter and the Rules of the Civil Service Commission.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: OUTSIDE EMPLOYMENT AND ACTIVITIES</b>	
<b>NO. 2.14</b>	DATE: 1/29/2015
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**VII. EXPECTATION**

**This policy reaffirms the applicability of all provisions of the "Incompatible Activities Code for the District Attorney's Office" to all Bureau of Investigation personnel and requires that every member comply fully with its provisions.**

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: REPORTABLE EVENTS</b>	
<b>NO. 2.15</b>	<b>DATE: 4/17/2014</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES:</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

Bureau personnel shall report any of the following events, of which they are or may be a subject, to their division head or immediate supervisor and the Chief Investigator within twenty-four (24) hours of the event:

- A. Detention, citation or arrest for any public offense by any law enforcement agency; or
- B. Indictment by any Grand Jury.

**II. IMMEDIATE REPORTING EVENTS**

Bureau personnel shall immediately report any of the following events, of which they are or may be a subject, to their immediate supervisor, Commander or Deputy Chief Investigator:

- A. A citation for any violation of the vehicle code, not amounting to a misdemeanor, while driving a County vehicle; or
- B. Suspension, revocation, or expiration of their driver's license; or
- C. Service with a restraining order or protective order from any Court that involves violence or restricts or impairs a person's ability to perform their duties.

**III. DELAYED REPORTING EVENTS**

Bureau personnel shall report any of the following events, of which they are or may be a subject, to their immediate supervisor within one (1) week of the event if the event has a nexus to their employment:

- A. Filing for personal or business bankruptcy by the Bureau member.
- B. Entry into any lawsuit as plaintiff **or** defendant.

**IV. ROUTING**

Supervisors or Division Heads receiving any report under this section shall promptly transmit such information to the Chief Investigator for evaluation, via the chain of command.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: SOCIAL MEDIA</b>	
NO. 2.16	DATE: 01/14/2022
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES: 06/01/2016	PAGE: 1 of 1

**I. PURPOSE AND SCOPE**

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the San Diego District Attorney's Office.

**II. POLICY**

District Attorney employees are responsible for content they publish, send to others, or make available to be viewed on user-generated social media. Employees should protect the integrity of the office and the criminal justice system as well as their own personal and professional reputation by exercising good judgment when using social media at work or at home.

Employees should be mindful the use of social media may compromise their personal information, create security risks for themselves and others, and the information they disperse can become public and permanent. All employees should assume their speech and related activities on social media sites will reflect upon this office.

Employees are free to express personal opinions. However, if an employee has identified themselves as a member of the District Attorney's Office, the employee must include a statement they are speaking as an individual and not on behalf of this office. Employees must comply with the County's code of ethics and all applicable policies including the County's policies on social networking, discrimination, harassment, violence, and threats, either express or implied, in the workplace. Employees shall not post inappropriate content such as discriminatory or harassing content, or express or imply threats of violence.

Employees shall not reveal confidential information, including information regarding any criminal case or law enforcement investigation on either closed or open cases on any social media site or by mass dissemination via any means of electronic distribution.

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<b>SUBJECT: ELECTRONIC MAIL</b>	
<b>NO. 2.17</b>	<b>DATE: 06/30/16</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

The purpose of this policy is to establish guidelines for the proper use and application of the San Diego District Attorney's Office electronic mail (e-mail) system by employees of the Bureau of Investigation (BOI). E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the e-mail system are primarily for official business activities containing information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or general practices of the office.

**II. E-MAIL RIGHT OF PRIVACY**

All e-mail messages, including any attachments transmitted over office networks are considered official records and therefore are department property. The office reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its e-mail system or stored on any department system. The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the District Attorney's Office. Therefore, the e-mail system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of office e-mail. Employees using the office e-mail system shall have no expectation of privacy concerning communications utilizing the system. Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the District Attorney's Office.

**III. PROHIBITED USE OF E-MAIL**

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages or media on the e-mail system is prohibited and may result in discipline. E-mail messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users and must be approved by the Chief Investigator or the District Attorney, Assistant District Attorney and/or designee. Personal advertisements are not acceptable. It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to lock or log off the DA network when their computer is unattended. This added security measure may minimize the misuse of an individual's e-mail, name and/or login DA network password by others.

**IV. MANAGEMENT OF E-MAIL:**

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in the "L" Drive. If case related, the printed e-mail may be placed or scanned in the original case file via the notification and approval of the assigned Deputy District Attorney.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: VISIBLE DISPLAY OF IDENTIFICATION</b>	
<b>NO. 2.18</b>	<b>DATE: 12/30/2025</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for all investigators to be readily identifiable to the public by the visible display of the bureau name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the San Diego County District Attorney's Office is committed to transparency, accountability, and public trust.

**II. DEFINITIONS**

Definitions related to this policy include:

**Enforcement duties** - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

**Visibly display identification** - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the investigator interacts.

**III. POLICY REQUIREMENTS**

It is the policy of the San Diego County District Attorney's Office that all investigators visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

This requirement shall not apply under the following conditions:

- a. When investigators are engaged in active undercover operations or investigative activities
- b. When investigators are wearing personal protective equipment that prevents display
- c. When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the investigator is responding to those circumstances while off-duty
- d. When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the investigator

**IV. POSTING OF POLICY**

The Chief Investigator or the authorized designee shall make this policy publicly available on the bureau website.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: VISIBLE DISPLAY OF IDENTIFICATION</b>	
<b>NO. 2.18</b>	DATE: 12/30/2025
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 2 of 2

A written challenge regarding this policy shall be forwarded to the Chief Investigator or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: FACIAL COVERINGS</b>	
<b>NO. 2.19</b>	<b>DATE: 12/30/2025</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the San Diego County District Attorney's Office is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

**II. DEFINITIONS**

Definitions related to this policy include:

**Facial covering** - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by an investigator utilizing a vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

**III. POLICY REQUIREMENTS**

It is the policy of the San Diego County District Attorney's Office that facial coverings shall not be worn by investigators in the performance of their duties except as set forth in this policy.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: FACIAL COVERINGS</b>	
<b>NO. 2.19</b>	<b>DATE: 12/30/2025</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 2 of 2</b>

Generalized and undifferentiated fear and apprehension about investigator safety shall not be sufficient to justify the use of facial coverings.

**IV. FACIAL COVERINGS**

Facial coverings shall not be worn by investigators when performing their duties except under the following conditions:

- a. Active undercover operations or assignments authorized by a supervisor or court order
- b. Tactical operations where protective gear is required for physical safety
- c. Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
- d. Protection of identity during a prosecution proceeding
- e. Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow an investigator to violate state law or bureau policy limiting the use of a facial covering.

**V. POSTING OF POLICY**

The Chief Investigator or the authorized designee shall make this policy publicly available on the bureau website.

A written challenge regarding this policy shall be forwarded to the Chief Investigator or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: ATTENDANCE AND LEAVE</b>	
<b>NO. 3.1</b>	<b>DATE: 03/24/14</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES:</b>	<b>PAGE: 1 of 1</b>

**I. REPORTING FOR DUTY**

Bureau personnel shall report for duty at the time and location specified by their supervisor or other competent authority. Habitual failure to report for duty as directed shall be considered neglect of duty.

**II. SICKNESS OR INJURY LEAVE**

No member shall be absent from duty without proper leave or permission, except when unable to report for duty because of sickness or injury to the member or the member's immediate family. Bureau members shall not feign sickness or injury, nor shall a member deceive, or attempt to deceive, a Bureau supervisor or representative about his or her real condition.

**III. REPORTING SICKNESS OR INJURY**

If a Bureau member must be absent from duty because of illness, the member shall report that fact to their supervisor within 30 minutes of the time they are normally scheduled to begin work. If a Bureau member becomes ill or injured while on-duty, the member shall immediately inform their supervisor and request permission to leave their duty assignment if necessary.

**IV. PHYSICIAN RELEASE**

Consistent with existing County policy, a supervisor may request or require a written physician's release for any employee to return to work after an injury or illness. Refer to the MOA that covers your position (job) classification.

**V. LEAVE REQUESTS**

All leave requests (to include shift adjustments) must be submitted to a member's immediate supervisor for approval prior to leave being granted or taken, except as provided under section II regarding sickness or injury leave. Supervisors may grant requests for leave which are made without advance notice but are not obligated to do so if granting such request could adversely affect any Bureau operations.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: GUIDELINES FOR LIMITED DUTY ASSIGNMENTS</b>	
<b>NO. 3.1A</b>	<b>DATE: 03/24/14</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: YES SUPERSEDES: 03/03/04</b>	<b>PAGE: 1 of 3</b>

**I. PURPOSE**

The Bureau of Investigation will reasonably accommodate, when possible, any Bureau employee whose doctor is requiring limited duty, or has authorized the employee to return to duty on a modified basis. This policy provides the mechanism to maintain an employee's salary and benefits, and foster continued productivity while they are working with medical restrictions. This policy does not replace or supersede the DHR Workers Compensation policy #501.

**II. LIMITED DUTY**

An employee designated "Limited Duty" is defined as any person with documented and legitimate medical restrictions which prevent them from performing one or more of the essential job functions as clearly defined in the applicable job classification description.

**III. LIMITATIONS**

The Bureau of Investigation does not maintain permanent limited duty positions. Limited duty assignments are temporary and dependent on the Bureau's ability to provide reasonable accommodations, as specified by the employee's medical provider, on a case by case basis, subject to the needs of the District Attorney to provide the public with its core services. The Bureau reserves the latitude to make assessments regarding the ability and likelihood of the individual to maintain a viable and meaningful contribution. The Chief Investigator and the Chief of Human Resources may authorize a limited duty assignment for up to 90 days. This assignment may be extended beyond 90 days for qualifying special circumstances as determined by the Chief Investigator and Chief of Human Resources, but may require at that point, the employee accept a non-safety assignment.

**IV. RESTRICTIONS**

Persons placed on limited duty are subject to various restrictions per authority of the California Constitution, Article XI, Section 4(c); San Diego Charter, Article VI, Section 605, and Penal Code Sections 830 & 832. These restrictions may include, but are not limited to:

- Temporary removal of concealed and carry weapons authority
- Temporary removal of peace officer authority as granted in P.C. 830.1
- Temporary removal of authority to operate a County vehicle
- Surrender of departmental weapons, badge, and identification
- Personnel with "no altercation" limitations will not fill routine peace officer assignments requiring contact with suspects, prisoners, or uncooperative witnesses, and cannot be an active member of the Special Services Team.

**V. PROCEDURE**

Employees returning to work who qualify for limited duty shall provide 1) a written medical report from their treating physician detailing the medical limitations and 2) a memorandum of request to the Chief Investigator and the Chief of Human Resources via the chain-of-command. This

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memorandum should clearly indicate the employee's desire for a temporary limited duty assignment, and must contain the following:

- Employee's name
- Regular assignment
- Physical limitations
- Requested accommodations
- Basic contact information for attending physician
- Estimated date of return to normal duty status
- Detailed proposal for the limited duty assignment

Factors for consideration throughout the process of limited duty deliberation include:

- A written medical report from the treating physician detailing the employee's medical limitations which must be provided to Human Resources before the inter-active process begins
- The Chief Investigator and Chief of Human Resources or their designees shall conduct an interactive process with the employee to explore options and determine if an employee's current assignment can be temporarily modified to meet imposed limitations when the employee's physician authorizes return to work in a limited duty capacity.
- If an employee's assignment cannot be adjusted to meet imposed limitations, the Bureau and Human Resources will attempt to locate an alternative temporary assignment.
- The Chief Investigator will coordinate with Human Resources and Worker's Compensation to ensure that any temporary assignment meets requirements set by the employee's physician.

#### **VI. EMPLOYEE'S RESPONSIBILITIES**

All employees working in a limited duty status or returning to work after an extended leave due to injury, are required to provide medical status updates from their treating physician every (45) days. Employees with qualifying physical limitations must comply with all medically prescribed treatment and/or rehabilitation. Limited duty personnel are prohibited from engaging in work or recreational activities designated counterproductive to recovery and/or rehabilitation by their physician.

#### **VII. RETURN TO FULL DUTY**

Full duty status will only be restored with a statement of authorization from the employee's treating physician. The authorization must include concrete language stating the employee's ability to perform all the duties they were assigned prior to the qualifying injury.

#### **VIII. MANDATORY TRAINING**

Limited duty employees are required to attend all mandatory training. Employees will be excused from any component of training that exceeds their physician recommended limitations. When

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excused from a training component, limited duty personnel must remain and observe others performing those portions. All mandatory classroom presentations must be attended.

**IX. MEDICAL INFORMATION**

All correspondence from the treating physician and related medical records shall be maintained by Human Resources.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: INVESTIGATOR AVAILABILITY</b>	
<b>NO. 3.2</b>	<b>DATE: 11/01/2021</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/14/97, 04/16/14</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

District Attorney Investigators for the San Diego County District Attorney's Office shall be considered available for immediate assignment. When necessary and possible, callouts shall follow the chain of command beginning with the Chief Investigator, or designee, and extending through unit supervisors. Investigators shall respond as requested during any callout, consistent with the duties and responsibilities of their position. Except in extreme emergencies, personnel who are on annual leave will not be required to respond to a callout event.

**II. MOBILE TELEPHONE**

While on-duty, District Attorney Investigators shall keep their assigned mobile telephone turned on and in their immediate possession whenever circumstances permit. While off-duty, DAIs who choose not to carry their assigned mobile telephone shall identify an alternate phone number through which they may be contacted. In such situations, the alternate phone number shall be listed within the DAI's Personnel Information in Personnel XP.

**III. TELEPHONE/ADDRESS UPDATES**

All sworn personnel shall maintain a telephone (landline or mobile) at their place of residence in order to facilitate contacting off-duty personnel as such need may arise. All investigative personnel shall advise their immediate supervisor of any change of residence address or telephone number within 48 hours of such change.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: OFFICE SECURITY AND DUTY INVESTIGATOR</b>	
<b>NO. 3.3</b>	<b>DATE: 04/15/2014</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES: 08/01/01</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

The Duty Investigator is to provide security to employees of the District Attorney's Office by responding to requests of assistance by staff and to provide assistance to the public in some instances. The Duty Investigator assignment will be staffed every business day from 8 a.m. to 5 p.m. This policy is generally established for DA Investigators assigned to the Hall of Justice. However, the Commander assigned to Branches or Juvenile divisions may create a unique Duty Investigator policy for those locations.

**II. SCHEDULING**

Staff assigned to the Special Operations Division will prepare a monthly duty roster that designates District Attorney Investigators assigned on a daily basis as the Duty Investigator. The roster will be alphabetically compiled and will list two investigators for each day. The monthly rosters will be posted on the DANet under BOI Resources-DAI Duty Schedule ([link](#)). It is the responsibility of the assigned investigator to check the schedule and find another investigator to cover a shift if she/he is unable to work the assigned shift. Investigators will utilize the "email us" link on the DAI Duty Schedule page to report any changes to the schedule. The Duty Investigator's Supervisor will be responsible for assigning a replacement to assume the duties of the Duty Investigator, should she/he be absent or unavailable.

The morning investigator's hours will be from 8AM until 12:30 PM. The afternoon investigator's hours will be from 12:30 PM to 5PM.

**III. RESPONSIBILITIES**

The assigned Duty Investigator will carry the designated Duty Mobile Phone and maintain the Duty Book during their scheduled shift. The morning Duty Investigator will retrieve the Duty Cell Phone from the Evidence Locker Room on the 10<sup>th</sup> floor at the beginning of the assigned shift. The Duty Investigator will review the Duty Book located by the Duty Phone for any new BOL or Safety Bulletin and shall remain within the confines of the Hall of Justice for effective communication and immediate response during the shift.

At the end of the shift, the morning Duty Investigator will pass the Duty Cell Phone and Duty Book to the afternoon Duty Investigator and brief the afternoon Duty Investigator on any unusual incident or scheduled event. The afternoon Duty Investigator will return the Duty Cell Phone to the Evidence Locker Room at the end of the shift, and attach it to the charging cord.

The Duty Investigator will perform various assignments within the District Attorney's areas. These assignments may include handling "walk-ins" or phone calls from citizens seeking assistance, or situations involving emergency incidents such as fire, building evacuation, threats, or violence in the workplace. Reports on these incidents will be made when deemed necessary and forwarded to the Special Operations Division Commander. A copy of the report or BOL will be placed in the Duty Book.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: OFFICE SECURITY AND DUTY INVESTIGATOR</b>	
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If an incident occurs in which the Duty Investigator feels additional assistance is needed, it will be provided from the Duty Investigator's Division. In an emergency, assistance should be obtained from the most expedient source available.

**IV. APPEARANCE AND EQUIPMENT**

During his/her assigned shift, the Duty Investigator shall comply with professional dress code standards, as per BOI Policy 2.6, Section II or X. The Duty Investigator shall be armed with their duty handgun, extra magazine and handcuffs during the entire shift.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: PRESS RELATIONS</b>	
<b>NO. 3.4</b>	<b>DATE: 4/16/14</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: SUPERSEDES:</b>	<b>PAGE: 1 of 1</b>

**I. PRESS AND MEDIA INQUIRIES**

Except as otherwise directed by the Chief Investigator, Bureau personnel shall direct press and media inquiries about District Attorney matters to the Deputy District Attorney (DDA) responsible for that matter or case. If the responsible Deputy District Attorney is unknown or unavailable, Bureau personnel shall refer all press and media inquiries to the District Attorney's Communications Team.

**II.**

Press and media inquiries concerning specific Bureau of Investigation activities shall be preferentially referred to the Chief Investigator, or to the District Attorney's Communications Team.

**III.**

Notwithstanding other provisions of this policy, the Chief Investigator may direct the supervisor of a Bureau operation, or another member, to provide relevant information about specific Bureau activities to the press and media or respond to inquiries concerning other specific events.

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<b>SUBJECT: P.C. 830.1 SUBPOENA PROTOCOL</b>	
<b>NO. 3.5</b>	<b>DATE: 01/06/2022</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 04/16/2014</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

Subpoenas served on Investigators can be criminal or civil in nature. This policy outlines the procedure for each type of subpoena.

**II. CRIMINAL CASES**

The acceptance of witness subpoenas for a DAI in a criminal case will depend in part on the investigator's work location. All criminal subpoenas for investigators assigned to the Hall of Justice or outside task forces are to be directed to the Bureau of Investigation Secretary on the thirteenth floor of the Hall of Justice. The Bureau Secretary will accept the subpoena and will then contact the named investigator's supervisor, or his/her designee, for service of the subpoena.

If service is attempted at the Hall of Justice for a Branch, the Bureau Secretary will not accept the subpoena. The process server will be required to deliver the subpoena to the Branch in question (for Branch investigators) and will be given the correct work address and the name of the investigator's immediate supervisor. An exception will be made if a Branch investigator works for a supervisor who is located in the Hall of Justice. In such cases the HOJ supervisor or his/her designee will accept the subpoena and forward it to the investigator.

*Regardless of a DAI's work location, the Appellate & Training Division shall be notified of any subpoenas for DAI testimony or production of any San Diego County District Attorney Office records where our office is not the prosecuting agency. For example, the prosecuting agency may be the City Attorney, California Attorney General, U.S. Attorney, etc. Where our office is in fact the prosecuting agency, notice of the subpoena shall be provided to the assigned Deputy District Attorney (DDA) or his/her division chief if a DDA is not yet assigned.*

If service is made at the correct location, and if the subpoena is in a valid form and complies with the service requirements of Penal Code sections 1328(c) through (f) it will be accepted on behalf of the investigator in question. [Note: a subpoena tendered less than 5 days prior to the hearing, where it is not reasonably certain that service can be completed, may be refused (Penal Code § 1328(e).] To ensure that someone is always available to accept valid service of process, a supervisor who will be away from the office, should designate one or more persons to accept criminal subpoena service during his/her absence.

Additionally, whenever a supervisor is out of the office and a subpoena is accepted by a designee, a phone message or email should be left for the supervisor in question advising him/her of the acceptance. If the supervisor will be absent for more than one day, the message must also be provided to the back-up supervisor for the unit.

Should it subsequently be determined that the investigator in question will not be available on the date specified in the subpoena, it will be necessary for the supervisor, or designee, to contact the

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<b>SUBJECT: P.C. 830.1 SUBPOENA PROTOCOL</b>	
<b>NO. 3.5</b>	<b>DATE: 01/06/2022</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 04/16/2014</b>	<b>PAGE: 2 of 2</b>

person who originated the subpoena and advise them of the investigator's unavailability (Pen. Code § 1328(f)).

### **III. CIVIL CASES**

Because civil subpoenas are more complex in nature, they will first be reviewed by designated deputy district attorneys assigned to handle such matters. All civil subpoenas, no matter where the DAI is assigned, should be directed to the Appellate Division

Because all civil subpoenas must be personally served on the investigator in question (there is no provision for service on an agent, such as a supervisor or other designated person, as exists for peace officer witnesses in criminal cases) the deputy district attorneys handling civil subpoenas will apply the following guidelines:

#### **A. Work Related Civil Subpoenas**

If the civil subpoena is properly issued, and if it seeks the testimony of an investigator based on facts perceived or discovered while acting in his/her capacity as a DAI, the deputy district attorney assigned to the matter, or his/her designee, will attempt to reach the investigator to see if the subpoena can be served at that time. If the investigator cannot be reached, or if the time is inconvenient, the deputy or assignee handling the matter will attempt to arrange a time that is convenient to both parties in order to complete service of the subpoena.

Whenever this office or another county agency is a party to the civil case, it is expected that the investigator in question will make himself/herself available for service of process in a timely manner. If this office or another county agency is not a party to the lawsuit, it is still expected that the investigator will cooperate with the process server, and make himself/herself available for service. If an investigator believes there is good cause not to voluntarily accept a civil subpoena, the matter must be discussed with his/her supervisor and any deviation from the above procedure must be approved. In all events, personal service is required before the subpoena is effective.

#### **B. Nonwork-related Civil Subpoenas**

In the case of nonwork-related civil subpoenas, process servers will be advised that the matter does not relate to office business, and therefore, the office will not play any role in service of the subpoena.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: HANDLING IN-CUSTODY INDIVIDUALS</b>	
<b>NO. 3.6</b>	<b>DATE: 08/01/01</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE:1 of 2</b>

**I. PRISONER DEFINED**

A "Prisoner" is a person who is in any type of custody. While fair and humane treatment is always required, the **SAFETY** of District Attorney staff shall be the primary consideration when dealing with prisoners.

When transporting or maintaining security of prisoners, District Attorney personnel are expected to use sound safety practices and judgment and shall not place themselves or the office in an unsafe, compromising, questionable or unfavorable position.

**II. PROCEDURES FOR HANDLING PRISONERS**

When handling prisoners, whether male or female, District Attorney personnel shall:

- A. Use a minimum of two (2) sworn personnel to transport prisoners.
- B. Restrain prisoners at all times with proper restraints.
- C. Keep prisoners in view at all times. While an investigator might step back to allow a private conversation between a prisoner and their attorney of record, investigators will not lose sight of the prisoner, unless the privileged conversation occurs in a secure setting or the prisoner has been temporarily released to the custody of another sworn law enforcement officer.
  - 1. The only exception is when a prisoner is placed alone in a secure holding cell/room. Only sworn personnel shall enter a holding cell/room containing a prisoner.
  - 2. Prisoners placed in a secure holding cell/room will be personally viewed by sworn personnel every 15 minutes and an entry will be made in a holding cell/room logbook. The entry will include the sworn officer's name and the date and time of the inspection.
  - 3. All prisoners shall be thoroughly searched for weapons and contraband before being placed into a holding cell/room.
- D. Never leave prisoners alone or with non-sworn personnel, unless the prisoner is placed in a secure holding cell/room. While non-sworn personnel might be able to view the prisoner through a window or video feed due to the location of the holding cell/room within or adjacent to a normal work area for such staff members, they are not to have access to or incidental contact with the prisoner. All prisoners shall be subjected to a thorough search of their person and property by any DAI receiving custody of that prisoner.
- E. Inspect any items received for a prisoner for weapons and/or contraband.
- F. Never allow a prisoner to be given or possess any alcohol, controlled substance or weapons.
- G. Never allow a prisoner to have intimate contact with anyone.
- H. Never allow a prisoner to visit with anyone other than an attorney of record, unless:

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<b>SUBJECT: HANDLING IN-CUSTODY INDIVIDUALS</b>	
<b>NO. 3.6</b>	<b>DATE: 08/01/01</b>
<b>NEW PROCEDURE: X</b>	<b>PAGE:2 of 2</b>
<b>PROCEDURAL CHANGE:</b>	
<b>SUPERSEDES:</b>	

1. The visit has been authorized by the DDA handling the case and approved by their DDA Division Chief and Division Commander. The DDA must file a CIDR with the Special Operations Division documenting the consideration given. Authorized visits will only be with immediate family members, (i.e., mother, father, spouse or child of prisoner). Family members are subject to a personal search before a visit.
  2. Visits of prisoners must be cleared before they occur by the Investigator in charge of the prisoner. The Commander of the division will have the final decision if and when a visit will occur with a prisoner under an investigator's care.
- I. Never disclose the location of a prisoner who is in the custody of an Investigator to anyone who does not have both a need and right to know such information. Personnel within the District Attorney's Office will only be told of a prisoner's location on a need to know basis.
  - J. Female Prisoners: These additional guidelines will also be followed when handling female prisoners.
    1. Female prisoners who are transported from another jurisdiction shall have at least one sworn female staff member present throughout the transport.
    2. Local custody female prisoners (San Diego County detention facilities or San Diego MCC) should be transported whenever possible with a least one sworn female personnel member. When sworn female personnel members are not available, time and mileage must be used.
      - a. For those with radio communications, contact SDDS Administration dispatch with your location, mileage and destination. SDDS Administration dispatch will give you the time. Upon arriving at your destination advise SDDS dispatch of your ending mileage.
      - b. For those without radio communication, the following information shall be documented on an ISR or in the case notes to document the transportation: Prisoner name, destination, starting location, starting time and mileage, and ending mileage and ending time.

**III. DOCUMENTING BENEFITS**

Should any activity or action which could be interpreted as a benefit be provided to a prisoner while in the custody of an investigator, a CIDR must be completed by the investigator. Additionally, should a Deputy District Attorney provide a prisoner in the custody of an investigator a benefit, the investigator shall ensure a CIDR is prepared by the Deputy District Attorney.

See also Bureau Policy 3.6A

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<b>SUBJECT: COOPERATING INDIVIDUALS - REDACTED</b>	
<b>NO. 3.6A</b>	DATE: 02/14/14
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 1 of 1

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: PRODUCING PRISONERS - REDACTED</b>	
<b>NO. 3.7</b>	<b>DATE: 08/01/01</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 1</b>

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: EMERGENCY PROCEDURES FOR SMOKE OR FIRE - REDACTED</b>	
NO. 3.8	DATE: 10/30/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 1/31/17	PAGE: 1 of 1

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: RECUSAL POLICY</b>	
<b>NO. 3.9</b>	<b>DATE: 04/17/14</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES: 08/01/01</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

This policy identifies the minimum standards and obligations to which every District Attorney Investigator shall adhere when this office is recused or otherwise disqualified from participation in a specific case.

**II. BACKGROUND**

District Attorneys have a well-established duty of neutrality which extends to their deputies and agents. They must act impartially to ensure justice is done and maintain public confidence in the legal system. Because public prosecutors hold positions of trust that require the discharge of multiple functions, circumstances occasionally arise to create a real or perceived conflict of interest. Therefore, it is not uncommon for a court to recuse (disqualify) a prosecutor from a particular case, nor for prosecutors to recuse themselves or seek such an order.

**It is important to note, recusal from a case applies to the entire District Attorney's Office, most particularly to the Deputy District Attorney and District Attorney Investigator directly involved in the case under review.** Although courts have recognized a "Duty to Transition" in such circumstances, providing a reasonable opportunity for the recused prosecutor to transfer materials and case responsibilities to the new prosecuting agency, recusal generally requires a "clean break" of responsibility from the case by every member of the disqualified prosecutor's office.

**III. EXPECTATIONS**

Bureau personnel shall fully comply with all provisions of any recusal order that disqualifies this office from participation in a specific case and shall complete all investigative tasks necessary to ensure the timely transfer of all evidence, case materials and responsibility for cooperating individuals to the Office of the Attorney General or other designated prosecuting agency.

Whenever this office is recused from a case involving a cooperating individual, or if other special issues are present, the responsible District Attorney Investigator shall immediately notify the Division Chief **and** his/her Division Commander and fully comply with their instructions.

Investigators shall complete all necessary reports for activities completed prior to the recusal order in a timely manner. The responsible case investigator shall also complete a detailed case closure report, documenting the termination of their own investigative activities and transfer of case materials to the new prosecuting agency. After internal review and approval, all investigative reports will be transferred to the new prosecutor as part of the normal case transition process.

Although professional cooperation with the new prosecutor is appropriate to the transition process, District Attorney Investigators shall not conduct or participate in any official or investigative activities concerning a recused case without receiving prior approval from their Division Chief

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**and** Division Commander. This section does not apply to appearance or preparation for appearance as a witness in a judicial proceeding.

As part of the transition process, the responsible District Attorney Investigator shall arrange for the introduction of all relevant witnesses to an authorized representative of the new prosecuting agency. District Attorney Investigators shall document all contacts they receive from witness and/or cooperating individuals after the recusal order is effective and shall refer all such persons to the authorized representative of the new prosecuting agency. Contact documentation shall be in the form of an investigative report and shall be submitted to the Division Commander for review.

Prior approval by the District Attorney, Assistant District Attorney, Chief Deputy District Attorney or Chief Investigator is required for deviation from any element or section of this policy.

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<b>SUBJECT: USE OF PUBLIC TRANSPORTATION</b>	
<b>NO. 3.10</b>	<b>DATE: 04/17/14</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES: 08/01/14</b>	<b>PAGE: 1 of 1</b>

**I. AUTHORIZED USE**

District Attorney Investigators are authorized to utilize the San Diego Trolley and San Diego Transit buses without charge, while on-duty and performing functions related to their employment.

**II. BUREAU IDENTIFICATION**

Investigators will present valid departmental identification in lieu of a fare when inspected by Transit Enforcement Officers. Investigators will report any criminal activity to Transit Enforcement Officers and assist them when they are attempting to apprehend resistive violators.

**III. PRISONERS ON PUBLIC TRANSPORTATION**

The use of public transportation for the movement of prisoners is generally prohibited.

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<b>SUBJECT: TRAVEL POLICY</b>	
<b>NO. 3.11</b>	<b>DATE: 04/17/14</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES: 08/01/01</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

This policy establishes protocols in accordance with the County of San Diego Travel Policy which allows local, out of state and foreign country travel. In addition, it establishes guidelines and procedures for claiming expense reimbursements and outlines the related process for prior approval of travel. This policy conforms with the County of San Diego Administration Code Section 470 and the Administrative Manual Item 0200-1.

**II. PROCEDURE**

All employees should consult the Travel Sections on the DANet for current information and guidelines. <http://danet2/Pages/Travel-Request.aspx>

International Travel

- A. District Attorney personnel will not conduct official business in any foreign country without notifying the International Liaison Unit (ILU).
- B. District Attorney personnel will not enter any foreign country carrying any firearm, weapon, ammunition, handcuff, impact weapon, or pepper spray.
- C. Current ILU Standard Operating Procedures and Unit Orders will be consulted and complied with.
- D. All out of country travel must be approved by the Assistant District Attorney or designee.

Child Abduction Unit (CAU)

- A. CAU Investigators may travel to Mexico for investigations or to pick up children without being accompanied by an ILU member.
- B. Current CAU Standard Operating Procedures and Unit Orders will be consulted and complied with.

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<b>SUBJECT: EVIDENCE STORAGE</b>	
NO. 3.12	DATE: 12/24/2014
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 03/03/2004	PAGE 1 of 5

**I. PURPOSE**

The purpose of this policy is to establish uniform and standard procedures for the identification, marking, storage, tracking, removal and disposition of evidence by Bureau of Investigation staff. The Special Operations Division will establish and maintain a dedicated Central Evidence Room for all divisions within the Hall of Justice, with the exception of Fraud and Economic Crimes. Fraud and Economic Crimes, as well as all Branches, will establish and maintain their own dedicated evidence room, which will be operated pursuant to this written policy. All items entered into the evidence room must be properly impounded pursuant to this written policy.

**II. SCOPE**

The evidence storage system is designed to provide only temporary storage of evidentiary items. Investigators should make attempts to limit the amount and size of evidentiary items they seize during investigations to those items necessary for investigation and prosecution. Items of evidence in the custody of, and impounded at, another law enforcement agency should remain with that agency and not be transferred to any Bureau evidence room. For the purpose of this policy, all items stored in any evidence room will be treated as items of evidence. There will generally be no storage of items unless the procedures detailed in this policy are followed. Each individual member of the Bureau of Investigation is responsible for the documentation and tracking of all actions related to the handling of evidence in their custody.

**III. EVIDENCE DEFINED**

As it pertains to this policy, evidence is any material object that may be used to prove the existence or non-existence of a fact. Examples of such evidence are original documents, original photographs, original audio and video recordings, currency, weapons and personal property. Found property is not evidence and should be handled by the local law enforcement agency.

**IV. EVIDENCE ROOM COORDINATOR**

Each division or branch with a dedicated evidence room will assign a Supervising DAI or other DAI designated by the Division Commander as the Evidence Room Coordinator. The Coordinator will be responsible for the management of the evidence room, to include security of the room, managing evidence records in the PMI Evidence Tracker program or Evidence Log Book, proper intake and storage of evidence, and proper documentation of the release and disposition of evidence. Each division shall assign and train an alternate Evidence Room Coordinator to act as a back-up when the primary Coordinator is unavailable. Access to the evidence room will be limited and will be controlled by the Coordinator. An Evidence Room Clerk may also be designated to handle evidence duties in the Central Evidence Room. An Evidence Room Clerk may be non-sworn and shall receive training on Evidence Room procedures.

Each evidence room shall contain an evidence safe to be used exclusively for the purposes of storing evidence. The Central Evidence Room in Special Operations Division will maintain a safe to be used for the storage of firearms, large amounts of currency and valuable items. The Special

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Operations Division Commander or designee will maintain control of the Central Evidence Room safe.

**V. EVIDENCE MANAGEMENT SYSTEM**

The Bureau of Investigation currently uses PMI Evidence Tracker software (hereinafter PMI) to manage and track impounded evidence. This network-based software allows Bureau personnel with authorized access to PMI to enter information into the system from their desktop computer for the purpose of recording a new evidence impound and to track previously impounded evidence. The PMI Evidence Tracker program takes the place of an Evidence Log Book and Property Tag File. All evidence impound information in the Central Evidence Room and Branches will be entered into the PMI database. Commanders may have any DAI or other qualified employee in their Division assigned a username and password permitting them access to PMI. In divisions where PMI Evidence Tracker is not utilized (i.e. Economic Crimes and Insurance Fraud), an Evidence Log Book must be maintained.

**VI. GENERAL EVIDENCE PROTOCOL**

Narcotics/Drugs: Absolutely NO narcotics or drugs are to be impounded by Bureau of Investigation staff. Narcotics or drugs WILL NOT be stored in any evidence room or safe. In the event a staff member locates or recovers narcotics or drugs, the local police agency shall be notified immediately and the items turned over to that agency for storage. **EXCEPTION:** On the rare occasion when an Investigator is required to pick-up narcotic or drug evidence from an agency or laboratory for court purposes, the item **MUST BE SEALED** and will be properly entered into the evidence safe for that day and the chain of custody documented. These items will not be kept overnight and will be returned to the agency or lab the same day. Photographs are advisable to show the condition of the items at the time the Investigator assumes control. No bulk items will be accepted due to size and the inability to properly weigh items.

Currency and Jewelry: Currency and jewelry shall be impounded into evidence using a separate PMI entry. No other evidentiary items shall be listed on the PMI entry. Currency and jewelry shall be inventoried by the case investigator and presented to a Supervisor or Evidence Room Coordinator for full verification. The Supervisor or Evidence Room Coordinator shall sign and date the evidence packaging verifying the inventory. Digital photographs will be taken of any jewelry items prior to the items being placed in the safe. The photographs will remain with the case file. Currency or jewelry will be stored in the evidence safe in the Central Evidence Room in Special Operations Division. The Special Operations Division Evidence Room Coordinator or designee will inspect, verify, and maintain records in PMI for all evidence received by in the Central Evidence Room.

*Currency Exception: Currency which is evidence in and of itself, such as marked bills, may be impounded and stored as stated above. All currency which has no independent evidentiary value will be transferred from evidence storage to the District Attorney Trust Fund. The case investigator*

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*is required to complete this transfer as soon as possible after the currency is seized. The DA Trust Account will be managed by Fiscal. A Deposit Permit will be used to facilitate the deposit and serve as documentation of the transfer and deposit. Entries indicating the transfer and deposit shall be made in PMI. The Case Investigator shall retain signed copies of the Deposit Permit in the case records.*

**Firearms:** All firearms will be unloaded and stored in a safe manner in an evidence safe. In the event a firearm is too large to store in a safe (i.e. shotguns, rifles), it may be stored in the secure area of the evidence room. Ammunition from any firearm shall be packaged and stored in a safe manner.

**VII. CONTROL PROCEDURES: CENTRAL EVIDENCE ROOM AND BRANCHES**

All evidence will be properly identified, marked, and stored according to acceptable law enforcement evidence handling procedures. Investigators will provide a Receipt for Property form (See Attachment A) to any person or entity from which the evidence has been received. In the event evidence is obtained during the execution of a search warrant, investigators may use a Receipt and Inventory (R&I) form in place of the Receipt for Property Form.

All evidence stored in the Central or Branch Evidence Room will be inventoried PRIOR TO STORAGE by the Investigator assigned to the case or the investigator(s) responsible for making the seizure. A description of the items of evidence will be entered into the PMI program. The PMI program will automatically assign an item number for each entry. The primary case number for any PMI entry is the CMS number, followed by the DA Case Number. If the evidence was seized pursuant to a search warrant, the Search Warrant Number **must** be entered in the appropriate box. Evidence seized pursuant to a search warrant shall include a copy of the search warrant and R&I with the evidence impound. All information requested in the PMI Evidence Tracker program must be completed if applicable.

Once the evidence entry information is saved in PMI, the system will assign a unique item number. This number must be clearly written in permanent marker on the outside of the evidence packaging, along with the CMS number, name of the impounding investigator and date of impound. The packaged evidence can then be brought to the appropriate Branch evidence room or the Central Evidence Locker room located on the 10<sup>th</sup> floor at HOJ and secured in a locker. The investigator shall ensure the locker door is properly locked before leaving.

If an error is made when evidence information is entered and saved into the PMI Evidence Tracker program, the responsible investigator shall notify the Evidence Room Coordinator to have the error corrected.

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**VIII. RETRIEVING EVIDENCE**

The Evidence Room Coordinator or designee must approve the release of any evidence from the Evidence Room. When it is necessary for an investigator to retrieve or release evidence or property, the investigator shall contact the Evidence Room Coordinator or Clerk and provide the Item Number. The Coordinator will record the retrieval or release of evidence in the PMI Evidence Tracker "Chain of Custody" link to ensure the preservation of the chain of evidence. Evidence retrieved from the Central Evidence Room can be picked up by the Investigator from the pass-through window in the Evidence Locker Room. For proper Evidence Room protocol, unauthorized personnel are not permitted to enter the Evidence Room.

If previously removed items of evidence are returned to the Evidence Room, the investigator shall contact the Evidence Room Coordinator to properly document the return of the evidence in PMI.

**IX. RELEASE, DISPOSAL AND DISPOSITION OF EVIDENCE**

Caution and discretion must be exercised in the release, return or disposal of evidence. In the event items are released to court or other entities, the exact nature of the release will be documented in PMI or on the Property Tag. If any item of evidence is released to another person, the owner of the property or an outside agency, the investigator shall complete a Property Receipt. The signed receipt should be retained in the case file. Photographs showing the owner in possession of released items may be taken to further document the release of valuable evidence.

The release of evidence obtained through a search warrant requires a Court Order for Destruction or Release of Evidence. The Deputy District Attorney assigned to the case, Division Chief, or Assistant Division Chief must approve such a release.

The Case Investigator has the responsibility to track the case through the court and legal process for appeals. The Case Investigator is responsible for the timely release or disposition of items logged as evidence. Evidence from a prosecution case may be disposed of in a lawful manner sixty (60) days after sentencing when an appeal has not been filed. The Deputy District Attorney assigned to the case should be consulted prior to the release of any evidence.

Upon completion of the case (including all appeals), the Case Investigator will ensure the proper disposition of all seized evidence, including the return of evidence to the lawful owner(s), destruction, asset forfeiture, etc. The Disposition type and Date of Disposition must be entered into the PMI Evidence Tracker program for each item of evidence.

**X. EVIDENCE ROOM LOG BOOK**

Evidence rooms in Economic Crimes and Insurance Fraud Divisions, where PMI Evidence Tracker is not used, will utilize an Evidence Log Book detailing the intake, storage and release of all evidence. The Evidence Room Coordinator will make all entries into the log book. The log book will identify items of evidence by a specific Case Number. The evidence will be logged under that

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Case Number and the log book will be maintained indefinitely. Each log book will provide an area to list exact storage locations within the evidence room, to include exact shelf, safes, etc.

Economic Crimes and Insurance Fraud Divisions shall establish specific Unit Orders governing evidence procedures that shall be adhered to by investigators handling evidence for those divisions.

**XI. EVIDENCE TRACKING**

Each evidence room and safe should be inventoried and an audit conducted on a yearly basis by the Evidence Room Coordinator. The purging of evidence must be accomplished through lawful means and documented in PMI or the Evidence Log Book. Audits of all Evidence Rooms managed by the Bureau will be the responsibility of the Special Operations Division Commander or designee.

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<b>SUBJECT: HIGH PROFILE/RISK ASSESSMENT REPORTING</b>	
NO. 3.13	DATE: 01/15/2015
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES: 07/03/06	PAGE: 1 of 1

**I. PURPOSE**

Bureau personnel may be involved in the investigation and prosecution of high profile and/or high-risk cases. These cases make it vital that our office work closely with the Sheriff's Department Court Services Bureau in planning for and providing as safe an environment as possible for all involved in the criminal court process.

**II. HIGH PROFILE/HIGH RISK ASSESSMENT REPORT**

When applicable, Bureau personnel shall complete the High Profile/High Risk Assessment Report form which will then be submitted to the Witness Protection Coordinator or designee who will forward it through the Bureau chain of command, and to the Sheriff's Department Court Services Bureau.

The High Profile/High Risk Assessment Report contains pertinent information, including a synopsis of the case and a routing record to ensure appropriate personnel are notified about the case. The High Profile/High Risk Assessment form can be found on the DA Net, BOI Forms.

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<b>SUBJECT: GMS TASKS</b>	
NO. 3.14	DATE: 09/26/22
NEW PROCEDURE: PROCECURAL CHANGE: X SUPERSEDES:4/26/16	PAGE: 1 of 1

**I. PURPOSE**

Data entered in the Case Management System (CMS), under the General Management System (GMS) Tasks database, contributes to maintaining an accurate record of the investigative work performed in the furtherance of our cases. All DAIs, Supervising Investigators, Process Servers, Investigative Specialists, TSS members, and additional Bureau positions deemed necessary by the Division Commander shall adhere to this policy. Deviation from this policy requires approval from the Division Commander.

**II. BUREAU PERSONNEL RESPONSIBILITY**

- A. All GMS task entries shall include the date, count (number of tasks), category, and a brief description of the task(s) performed.
- B. GMS task entries shall be completed as soon as practical, but no later than the end of the week in which the task was completed.
- C. To ensure accurate monthly reports can be generated, GMS tasks shall be entered no later than the last working day of the month in which the task was completed.
- D. Time spent on special projects or unusual work circumstances may still be documented in GMS. In these instances, Bureau personnel should follow the direction of their immediate supervisor and/or commander.

**III. SUPERVISOR RESPONSIBILITY**

- A. Supervisors shall regularly monitor GMS Task entries by Bureau personnel under their supervision to ensure timely and accurate information is being recorded.
- B. At the end of each month, supervisors shall review GMS tasks entries recorded by all BOI personnel under their supervision. Supervisors shall evaluate the monthly statistics for accuracy, personnel performance, and workload trends that could impact staffing needs.
- C. Supervisors will report any significant statistical changes and/or observations to the Division Commander.

**IV. COMMANDER RESPONSIBILITY**

- A. Division commanders shall work closely with supervisors to ensure GMS Tasks are accurately and timely documented by Bureau personnel under their supervision.
- B. Division Commanders shall evaluate and report any significant statistical changes and/or observations to the Bureau Assistant Chief Investigator and/or Deputy Chief Investigator.
- C. Commanders shall continuously evaluate workload and staffing needs and make recommendations based on factual and statistical CMS/GMS information.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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SUBJECT: <b>FLYING ARMED</b>	
NO. 3.15	DATE: 05/31/16
NEW PROCEDURE: <b>X</b> PROCEDURAL CHANGE: SUPERSEDES:	PAGE: <b>1</b> of <b>3</b>

**I. PURPOSE**

As part of a regular on-duty assignment, District Attorney Investigators may be required to fly armed to a destination within, or out of the State of California. These assignments may include extraditions, follow-up investigations, victim/witness interviews, interstate compact activity, enforcement of family court orders, and special details. All investigators shall adhere to the below-listed federal guidelines and policy while flying armed.

**II. FLYING ARMED FEDERAL GUIDELINES**

To qualify to fly armed, federal regulation states that a law enforcement officer must meet all of the following requirements:

- A. Be a Federal law enforcement officer or a full-time municipal, county, or state law enforcement officer who is a direct employee of a government agency
- B. Be sworn and commissioned to enforce criminal statutes or immigration statutes
- C. Be authorized by the employing agency to have the weapon in connection with assigned duties
- D. Have completed the TSA Law Enforcement Officer Flying Armed Training Course

In addition to the above requirements, the officer must present an operational need to have the weapon accessible from the time he or she would otherwise check the weapon, until the time it would be claimed after deplaning. The need to have the weapon accessible aboard the aircraft must be determined by the employing agency and based on one of the following:

- A. Assigned to a protective duty as a principal or advance team, or on travel required to be prepared to engage in a protective function
- B. Conducting a hazardous surveillance operation
- C. **On official travel** with a requirement to report to another location armed and prepared for duty immediately upon landing
- D. Employed as a federal law Enforcement officer, whether or not on official travel, and armed in accordance with an agency-wide policy
- E. Escorting an in-custody prisoner, or on a round trip ticket returning from escorting or traveling to pick up a prisoner

**Per federal guidelines, there are common examples of travel that do not meet the threshold for carriage of accessible weapons:**

- A. Possess the status of a retired, contract, reserve, auxiliary or annuitant law enforcement personnel
- B. Law enforcement officers who have not been granted general arrest authority and/or are limited specifically to governmental facilities
- C. Any law enforcement officer who is employed by a department, agency or service that is not fully taxpayer funded

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**D. Attendance of non-operational or enforcement related activities (e.g. training, conferences, police week, memorial services, personal travel, etc.)**

**III. DAI FLYING ARMED PROTOCOL**

All investigators shall adhere to the following protocols:

- A. All investigators intending to fly armed must first confirm all flights with DA Travel.
- B. Investigators shall personally complete the Law Enforcement Officer Flying Armed (LEOFA) form on the DANET (under travel/training requests) for each direction of the flight. This includes the airline carrier, date and flight number, departing and connecting airport, final destination, etc. All fields must be completed, including the escorted individual's name, if applicable. Completion of this online form will transmit a formatted message via the National Law Enforcement Telecommunications System (NLETS) generating a unique alphanumeric identifier printout from the Transportation Security Operations Center (TSOC).
- C. If possible, complete the form at least 24 hours before the scheduled flight and pick up the printout from the DA's Office Agency CLETS Coordinator.
- D. On the day of travel, the investigator shall check-in at the carrier ticket counter or with TSA security personnel before passing thru any security checkpoint.
- E. Investigators shall present the unique alphanumeric message printout, badge and credential, boarding pass, and a second form of government ID, such a driver's license. You may be required to fill out an additional Person Carrying Firearm (PCFA) form while at the airline counter.
- F. The forms will be reviewed by the flight crew before or during the boarding process. Please keep in mind that **the flight crew reserves the right to refuse the boarding of any armed law enforcement officer**. If there is change in flight plans (delays, transfer to different airline carrier) on the same day in the same airport, the original NLETS printout is still valid for travel.
- G. If the flight is changed or delayed for a different day, contact the DA's Office CLETS Coordinator via e-mail or by phone immediately. A new NLETS message with the updated flight information will be e-mailed or faxed to the investigator as soon as possible.
- H. All investigators are prohibited from flying armed for any international travel destination, i.e., Mexico, Europe, Asia, etc.

**IV. TRANSPORTING FIREARMS AND AMMUNITION**

Investigators traveling to non-operational or enforcement related activity may transport unloaded firearms in a locked hard-sided container as checked baggage only. Identify yourself as a law enforcement officer (LEO) and declare the firearm and/or ammunition to the airline when

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checking your bag at the ticket counter. The container must completely secure the firearm from being accessed. Locked cases that can be easily opened are not permitted. Be aware the container the firearm was in when purchased may not adequately secure the firearm when it is transported in checked baggage. All investigators shall adhere to the below-listed federal guidelines:

- A. Firearms must be unloaded and locked in a hard-sided container and transported as checked baggage. Only the passenger should retain the key or combination to the lock.
- B. Ammunition, firearm magazines, whether loaded or empty, must be securely boxed or included within a hard-sided case containing an unloaded firearm for checked baggage.
- C. Firearm parts, including magazines, clips, bolts and firing pins, are prohibited in carry-on baggage, but may be transported in checked baggage.
- D. Replica firearms, including firearm replicas that are toys, may be transported in checked baggage only. Rifle scopes are permitted in carry-on and checked baggage.
- E. If needed, investigators may contact the range staff or Agency CLETS Coordinator to check out an approved locked case for travel.

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<b>SUBJECT: EMPLOYEE DEATH</b>	
NO. 3.16	DATE: 12/24/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 07/29/16, 09/11/2017	PAGE: 1 of 4

**I. PURPOSE**

The death or life-threatening injury of an employee, on or off duty, requires certain actions be taken, including the proper notification of the District Attorney, Chief Investigator and the affected Division. Although every circumstance is different, this policy shall serve as a guideline in the event of an employee death. The protocol in this procedure is subject to change at the discretion of the District Attorney or Chief Investigator.

**II. DEFINITIONS**

Line of duty death: An investigator or Bureau member has died as a direct and proximate result of a personal injury sustained in the line of duty. This would also include investigators who, while in an off-duty capacity, act in response to a violation of the law.

Non-line of duty death: An investigator or other Bureau member, while off-duty, has died by accidental or natural means.

Suicide for the purposes of this procedure will be treated as a non-line of duty death.

**III. LINE OF DUTY DEATH**

Any Bureau member who learns of a line of duty death or life-threatening injury of any other Bureau employee shall immediately notify that employee's Division Commander or designee, who in turn shall immediately notify the Chief Investigator. The Chief Investigator or designee shall inform the District Attorney. The Division Commander or designee, in coordination with the Chief Investigator, will then see to the timely notification of the employee's family.

The Division Commander shall also notify DA Human Relations (HR) and the District Attorney Investigator's Association. At the discretion of the Division Commander or the Supervising Investigator, the Peer Support Unit may be activated to assist the immediate family and the affected office employees.

The Division Commander or designee shall coordinate with local law enforcement agencies for the planning of a formal funeral procession. A contact person, i.e. coworker of the decedent, may be assigned to have direct contact with the family to assist and serve as a liaison during the memorial services or funeral arrangements. The funeral arrangements and procedures must remain flexible and the wishes of the deceased employee's family are at the highest priority.

**IV. NON-LINE OF DUTY DEATH**

A non-line of duty death or life-threatening injury of an employee is equally as tragic and also requires immediate notification of the District Attorney and Chief Investigator. The Division Commander shall make the proper notifications and may designate a contact person, i.e. coworker to have direct contact with the deceased employee's family. The Division Commander

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or Supervising Investigator may also activate the Peer Support Unit to assist the immediate family and the affected office employees. As soon as practical, the Division Commander or designee shall notify DA Human Relations (HR) and the District Attorney Investigator's Association. The Division Commander shall draft an office wide e-mail (with prior family approval) via the Chief Investigator's Office with specific details relating to the memorial services or funeral arrangements.

**V. EMERGENCY NOTIFICATION**

The Bureau of Investigation has certain duties to fulfill whenever there is a death or life-threatening injury suffered by any member. Therefore, it is mandatory that all Bureau members complete, at minimum, the first three sections of the Emergency Notification Packet. The employee shall verify at least once each year that the packet information is current and up to date. Members are encouraged to review and complete all sections applicable to each individual.

Emergency Notification Packets will be sealed in a manila envelope by the employee and delivered to the Chief's office. Packets will be stored in a locked file and may only be opened and reviewed by the named employee for the purpose of providing updated information, etc.

In the event of a death or life-threatening injury, a member of the Bureau command staff and a representative of the District Attorney Investigators Association Board of Directors shall unseal and review the material within the packet. The documents shall remain confidential and only the person(s) named by the employee will be tasked with the requests listed in the packet.

Upon official separation of employment from the District Attorney's Office, the emergency notification packet will be returned to the employee or it will be destroyed after 30 days.

**VI. DECEASED EMPLOYEE'S PROPERTY**

As soon as practical, a Supervisor, or person(s) named by the employee in the Emergency Notification Packet, shall inventory the deceased employee's personal property at his or her workstation and assigned vehicle. The Supervising Investigator or designee shall deliver the personal belongings to the immediate family as soon as possible, unless determined as evidence during a criminal investigation. The Supervising Investigator shall also make arrangements to ensure that all county property is returned, e.g. county vehicle, radio, access cards, etc.

**VII. DEATH OF RETIRED INVESTIGATORS**

Requests by the decedent's family for assistance and/or participation by Bureau personnel will be directed to the office of the Chief Investigator.

Participation of Bureau personnel will be at the discretion of the Chief Investigator and the Division Commander.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: EMPLOYEE DEATH</b>	
NO. 3.16	DATE: 12/24/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 07/29/16, 09/11/2017	PAGE: 3 of 4

**VIII. ATTENDANCE**

In the event of the death of an active or retired investigator, funeral arrangements may include participation by District Attorney Bureau personnel, including support personnel, i.e., paralegals, investigative specialists, process servers and TSS employees.

Requests by the decedent's family for assistance and/or participation by Bureau personnel will be directed to the Office of the Chief Investigator. Funeral procedures must remain flexible and the wishes of the deceased employee's family are of the highest priority.

Division Commanders will allow maximum attendance of on-duty personnel while recognizing that acceptable staffing levels must be maintained.

**IX. FUNERAL ATTIRE / MOURNING BAND**

The Chief Investigator shall determine the Bureau dress attire for all services. This may include professional dress attire (per Bureau policy 2.6) and/or the approved Class "A" uniform.

The mourning band shall be worn whenever a law enforcement officer is killed in the line of duty in the State of California; when there is a death of a law enforcement officer that captures national attention; or at the discretion of the San Diego County Chiefs' and Sheriff's Association. The LECC will notify the San Diego County Chiefs' and Sheriff's Association when a California line of duty death occurs.

The mourning band shall be worn from the date of death until midnight on the day of the memorial service. Wearing of a mourning band for any other line of duty deaths across the nation shall remain at the discretion of each agency Chief or Sheriff, but it is recommended that the decision to wear the mourning band outside of the above policy be communicated to the San Diego County Chiefs' and Sheriff's Association.

**X. LINE OF DUTY FUNERALS FOR OTHER AGENCIES WITHIN SAN DIEGO COUNTY**

Investigators will be encouraged to attend as staffing permits. In order to ensure adequate staffing is maintained, all investigators and Bureau personnel who wish to attend must obtain approval from their supervisor or Division Commander.

**XI. LINE OF DUTY FUNERALS FOR AGENCIES OUTSIDE OF SAN DIEGO COUNTY**

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: EMPLOYEE DEATH</b>	
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Participation of Bureau personnel will be at the discretion of the Chief Investigator. The Chief or Assistant Chief Investigator will have discretion in determining how many investigators will represent the San Diego District Attorney's Office.

The Bureau will be represented at line of duty funerals located within San Bernardino, Imperial, Los Angeles, Orange, and Riverside Counties. Any other locations will be at the discretion of the Chief Investigator. No overtime shall be authorized for out of county funeral services.

**XII. TRANSPORTAION**

When Bureau county vehicles are utilized for transportation, supervisors are to ensure that maximum occupancy in each vehicle is established prior to departure for the services.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: OFF-DUTY LAW ENFORCEMENT ACTIONS</b>	
NO. 3.17	DATE: 08/30/16
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 1 of 3

**I. PURPOSE AND SCOPE**

The decision to become involved in a law enforcement action when off-duty can place investigators as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for investigators with respect to taking law enforcement action while off-duty.

**II. POLICY**

Initiating law enforcement action while off-duty is generally discouraged. Investigators should not attempt to initiate enforcement action when witnessing crimes such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Investigators are not expected to place themselves in unreasonable peril. However, any sworn member of the Bureau of Investigation who becomes aware of an incident or circumstance they reasonably believe poses an imminent threat of serious bodily injury or death, or significant property damage, may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, investigators should first consider reporting and monitoring the activity and only take direct action as a last resort.

**III. FIREARMS**

In accordance with federal regulations, state regulations and authorized Bureau equipment, investigators may carry firearms while off-duty. All firearms and ammunition must meet guidelines as outlined in Bureau Policy 5.1. When carrying firearms while off-duty, investigators shall also carry their issued badge and identification.

Per the Bureau Alcohol and Drug Use Policy 2.9, firearms shall not be carried by any investigator who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the investigator's senses or judgment.

**IV. DECISION TO INTERVENE**

There is no legal requirement for an off-duty investigator to take law enforcement action. However, should an investigator decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- A. The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects
- B. The inability to communicate with responding units
- C. The lack of equipment, such as handcuffs, OC or expandable baton

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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- D. The lack of cover
- E. The potential for increased risk to bystanders if the off-duty investigator were to intervene  
Investigators should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.
- F. Unfamiliarity with the surroundings
- G. The potential for the off-duty investigator to be misidentified by other peace officers or members of the public. In active shooter situations, dozens of uniformed law enforcement personnel will be responding to neutralize the shooter. **Investigators in active shooter situations should carefully balance their ability to neutralize the shooter with the high probability of misidentification by responding officers. In active shooter situation, off duty personnel should make display of their badge and ID a priority when practicable and safe.**

**V. INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the investigator should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher should be informed that an off-duty investigator is on-scene and should provide their description for the responding officer(s).

Whenever practicable, the investigator should loudly and repeatedly identify him/herself as a peace officer with the San Diego County District Attorney's Office until acknowledged. Official identification should also be displayed when practicable and safe.

**VI. INCIDENTS OF PERSONAL INTEREST**

Investigators should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, investigators should call the responsible agency to handle the matter.

**VII. NON-SWORN BUREAU RESPONSIBILITIES**

Non-sworn Bureau personnel, i.e. paralegals, process servers, mail couriers, Technical Support Services staff (TSS) etc., should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

**VIII. REPORTING**

Any off-duty investigator who engages in any law enforcement activity, regardless of jurisdiction, shall notify their Supervising Investigator as soon as practicable. The Supervising Investigator shall notify the Division Commander to determine whether a report should be filed

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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by the employee. Investigators should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: INCIDENT DEBRIEFING</b>	
NO. 3.18	DATE: 09/30/16
NEW PROCEDURE: <b>X</b> PROCEDURAL CHANGE: SUPERSEDES: IMPLEMENTED 09/30/16	PAGE: <b>1 of 1</b>

**I. PURPOSE AND SCOPE**

The purpose of this policy is to identify how incident debriefings should be conducted.

**II. INCIDENT DEBRIEFINGS**

When a member of the Command Staff or any Supervising Investigator determines an incident debriefing is necessary, the following procedure shall be followed:

- A. The Commander or Supervising Investigator conducting the debriefing shall make arrangements as soon as reasonably possible for all personnel involved in the incident to attend the debriefing. This includes investigators and any member of an outside law enforcement agency (if applicable) who may have been involved in the incident.
- B. The debriefing will be conducted in a manner where everyone involved is allowed the opportunity to speak freely and provide constructive criticism or praise.
- C. If during the debriefing issues arise that are in direct conflict with Bureau Policies and Regulations, the Commander or Supervising Investigator conducting the debriefing shall submit a memo, via chain of command, to the Chief Investigator identifying issues and recommendations on how to avoid conflict and/or improve safety in the future.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: SEARCH AND SEIZURE &amp; WARRANTS</b>	
NO. 3.19	DATE: 03/15/18
NEW PROCEDURE: <b>X</b> PROCEDURAL CHANGE: SUPERSEDES:	PAGE: <b>1 of 3</b>

**I. PURPOSE**

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for District Attorney Investigators (DAIs) to consider when dealing with search and seizure issues.

**II. POLICY**

It is the policy of the San Diego County District Attorney's Office to respect the fundamental privacy rights of individuals. Investigators will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by Bureau personnel shall be in compliance with relevant federal and state law governing the seizure of persons and property. In accordance with the Bureau and DA training policy, the office shall provide relevant and current training to Bureau personnel as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

**III. SEARCHES**

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search. Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas. Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, investigators are expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, investigators are encouraged to contact a supervisor or any available Bureau command staff member to resolve questions regarding search and seizure issues prior to electing a course of action.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: SEARCH AND SEIZURE &amp; WARRANTS</b>	
NO. 3.19	DATE: 03/15/18
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**IV. SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- A. When conducting searches, Bureau personnel will be expected to behave with the highest level of professionalism and will treat all persons who are the subject (s) of the search with dignity, courtesy and respect.
- B. Investigators (case agent, if possible) should explain to the person being searched the reason for the search and how the search will be conducted.
- C. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- D. In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- E. When the person to be searched is of the opposite sex as the searching investigator, a reasonable effort should be made to summon an investigator of the same sex as the subject to conduct the search. When it is not practicable to summon an investigator of the same sex as the subject, the following guidelines should be followed:
  - Another investigator or a supervisor should witness the search.
  - The investigator should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

**V. INVESTIGATIVE REPORTS / DOCUMENTATION**

Investigators are responsible to document any search resulting in an arrest and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- A. Reason for the search
- B. Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- C. What, if any, injuries or damage occurred and follow the established County Risk Management procedures
- D. All steps taken to secure property
- E. The results of the search, including a description of any property or contraband seized

Supervising investigators shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and Bureau policy have been met.

In cases where a search does not result in an arrest, investigators are responsible for documenting the information listed above.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: SEARCH AND SEIZURE &amp; WARRANTS</b>	
NO. 3.19	DATE: 03/15/18
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**V. RISK ASSESSMENT MATRIX**

The Bureau risk assessment matrix shall be completed by all Bureau investigators when engaged in the operational planning of a search warrant and/or arrest warrants. This form shall be submitted to the appropriate division supervisor for review and approval prior to the execution of the search and/or arrest warrant(s), with the exception of Bureau members assigned to a task force. Investigators assigned to a task force are authorized to use the task force's search warrant safety procedures in lieu of the Bureau operational risk assessment matrix and operational plan. The risk assessment matrix is to be used as a means to evaluate the need for assistance from the Special Services Team (SST) and/or outside agency assist, i.e., special weapons and tactics team (SWAT).

**VI. BUREAU OPERATIONAL PLAN**

The Bureau operational plan shall be completed by all investigators when engaged in the operational planning of a search warrant, arrest warrant, or any other operation involving a safety risk. This may include prisoner transportation details, high profile escorts, surveillance activity, etc. All operational plans shall be reviewed by a supervisor and approved by the division commander.

A supervising investigator shall be present (or near the scene) on all operations, including out of county activity. Division commanders may also respond depending on the severity and risk of the operational plan.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: UNDERCOVER IDENTIFICATION</b>	
NO. 3.20	DATE: 08/17/2020
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 07/10/18	PAGE: 1 of 1

**I. PURPOSE**

This Bureau policy shall apply to any undercover activities involving the use of an assumed name or cover identity by District Attorney Investigator(s) during the course of their official duties. An undercover operation entails the involvement of a single, or series of related undercover activities, over a period of time by undercover District Attorney Investigator(s).

**II. UNDERCOVER IDENTIFICATION**

- A. Undercover CDL, ID, Social Security card and bank ATM/credit cards, etc. must be requested and approved via the chain of command to include the Chief Investigator. The Economic Crimes Commander or designee will be responsible for facilitating the process of submitting applications with the respective agencies (DMV, Social Security Administration and banks).
- B. A complete and updated list of Bureau personnel with issued undercover CDL, ID, Social Security card and Bank ATM/credit card shall be maintained in the Special Operations Division.
- C. Copies of existing undercover CDL/ID/SSN, bank ATM/credit card and all DMV forms shall be maintained in the Special Operations Division.
- D. All undercover identifications shall be kept with an Economic Crimes Supervisor as designated by the Economic Crimes Commander. The designated supervisor will utilize a check-in /check-out log for undercover usage. Authorization for an investigator to possess their undercover identification for a prolonged period of time shall be at the discretion of the Division Commander. Bureau personnel shall surrender their undercover identification upon separation of service with the District Attorney's Office/Bureau. When the undercover identification is no longer viable or needed, the Special Operations Commander will be responsible for notification to the respective agencies.
- E. Lost and/or misplaced undercover identification shall be reported immediately through Bureau chain of command. The responsible investigator shall complete a Security Incident Report documenting the circumstances.
- F. Undercover identification shall only be used while on-duty for official/authorized investigations.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: NALOXONE (NARCAN) OVERDOSE KITS</b>	
<b>NO. 3.21</b>	<b>DATE: 1/11/2019</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 3</b>

**I. PURPOSE**

This policy addresses the issue of accidental overdose and subsequent administering of nasal naloxone to a subject who has been exposed to any opioid, including fentanyl. Naloxone, also known by the brand name Narcan, is a safe and effective medication that can reverse the effects of opioid overdose.

**II. WHEN TO USE**

District Attorney Investigators may deploy naloxone nasal kits in the following situation:

In the event of possible exposure of any narcotic, including fentanyl, where the person exposed exhibits abnormal behavior or is unconscious, a naloxone dose should be administered as soon as possible.

Note: Naloxone only reverses the effects of opioids such as heroin, methadone, morphine, opium, codeine, or hydrocodone. It does not counter the effect of other types of drugs, such as benzodiazepines (drugs including diazepam, midazolam, or alprazolam), antihistamines (like pheniramine or Phenergan), alcohol, or other sedatives (drugs such as phenobarbital) or stimulants such as cocaine and amphetamines.

However, if the person is not breathing it will not hurt to administer naloxone. If there is an opioid involved, they will likely start breathing again. Many overdoses happen due to mixing opioids with other drugs, which is a common practice. In the worst-case scenario, naloxone will simply do nothing, but in the best-case scenario it will save a life. If the type of narcotic the subject was exposed to is not known, administer the naloxone dose as directed.

**III. NALOXONE USE**

When using the naloxone (Narcan) kit, investigators will maintain universal precautions against blood borne pathogens. Investigators must first perform a basic patient assessment to determine unresponsiveness, absence of breathing and or pulse and perform CPR/First Aid if needed.

Investigators should conduct a quick safety check of the area for evidence of drug use and also to protect themselves from any subsequent exposure. Investigators will notify Sheriff's Communications of the situation and of the potential overdose. Investigators will follow the protocol as outlined in the naloxone training (Section V). Upon EMS arrival, the investigator will inform the paramedics they have administered naloxone and the number of doses.

**IV. ISSUANCE AND CONTROL**

Individual naloxone kits are assigned to the Hall of Justice floors 7, 9 through 12, East County, South Bay, North County and Juvenile branches, as well as investigators assigned to a taskforce.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

SUBJECT: NALOXONE (NARCAN) OVERDOSE KITS	
NO. 3.21	DATE: 1/11/2019
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES:	PAGE: 2 of 3

Naloxone is not a controlled substance but is a prescription medication and must be monitored. The naloxone must be stored in a climate-controlled area and in a location where access to the medication can be controlled. The Supervising Investigator in each Division where a naloxone kit is assigned will conduct a weekly inspection and record the inspection on the Accountability Log. (The Accountability Log can be located on the DANet under BOI forms.)

For task force investigators, the assigned naloxone kit shall be the responsibility of the investigator to whom it is assigned. The naloxone kit will be kept inside the vehicle and **not** in the trunk since extreme temperature changes may degrade the effectiveness and integrity of the medication.

For HOJ and Branch locations, the naloxone kit will accompany a search warrant kit so that it is available during any residential search warrant and/or arrest warrant operation. Prior to any search warrant, the operational team leader will check-out the naloxone kit from the Supervising Investigator responsible to maintain the naloxone kit.

At the conclusion of the search warrant operation, the naloxone kit will be returned to the Supervising Investigator and an Accountability Log entry will be completed.

At the end of each month, the Accountability Log will be forwarded to the Range staff for recording.

Any missing or damaged naloxone kits will be reported as missing or damaged to the Supervising Investigator at the Range who can issue a new kit.

**V. DOCUMENTATION**

Whenever naloxone is administered, a Naloxone Usage Report will be completed by the investigator administering the dose and will contain a short narrative to include the incident number, circumstances of the incident and any evidence or drug use or paraphernalia at the scene.

The investigator will also generate an Investigator Report for documentation and submit both reports to the appropriate supervisor. A copy of the reports shall be forwarded to the Supervising Investigator at the Range.

Supervising Investigators are responsible for completing the following forms whenever Bureau personnel are exposed to a harmful narcotic:

- A. RM-10
- B. RM-3
- C. DWC-1
- D. Proof of Service
- E. Medical Release Information
- F. Non-Medical Release of Information

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: NALOXONE (NARCAN) OVERDOSE KITS</b>	
<b>NO. 3.21</b>	<b>DATE: 1/11/2019</b>
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**V. TRAINING VIDEO**

For training purposes, investigators shall watch a short video at the following link on how to properly administer the naloxone to a patient:

<https://www.youtube.com/watch?v=WkWXX5DPmpg>

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: RACIAL and IDENTITY PROFILING ACT (RIPA)</b>	
<b>NO. 3.22</b>	<b>DATE: 12/08/2022</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 2</b>

## **I. PURPOSE**

On or before January 1, 2022, the District Attorney's Office Bureau of Investigation is required to begin collecting data on all stops conducted by peace officers within the BOI. Commencing on or before January 1, 2023, the BOI is required to annually report to the California Attorney General data on all stops conducted by peace officers within the BOI during the preceding calendar year (Government Code § 12525.5).

## **II. DEFINITION**

The following definitions relate to terms used within this policy:

**Peace Officer:** Any sworn Bureau of Investigation member (Investigator).

**Stop:** For the purpose of these regulations mean (1) any detention by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search, as defined in the regulations.

**Detention:** Means a seizure of a person by an Investigator that results from physical restraint, unequivocal verbal commands, or words or conduct by an Investigator that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the Investigator.

**Search:** Means a search of a person's body or property in the person's possession or under his or her control and includes a pat-down search of a person's outer clothing as well as a consensual search.

## **III. DATA COLLECTION**

Within 48 hours of conducting a stop, Investigators shall complete all applicable data fields on the Stop Data Collection Form CJIS 2000. Investigators shall not include any personally identifying information (PII) of the person stopped or of the Investigator themselves on this form. The data fields include, but are not limited to, the following:

1. Date, time, duration and location of stop
2. Reason for stop
3. Actions taken by Investigator during stop (e.g., curbside detention, handcuffed or flex cuffed, firearm pointed at person, firearm discharged or used, whether a search was conducted [and whether the Investigator asked for consent to search the person or person's property, and whether consent was given])
4. Contraband or evidence discovered

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: RACIAL and IDENTITY PROFILING ACT (RIPA)</b>	
<b>NO. 3.22</b>	<b>DATE: 12/08/2022</b>
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5. Property seized
6. Result of stop (such as no action, warning, property seized or arrest)

Investigators will also be required to complete an explanatory field of no more than 250 characters, in which the Investigator explains in their own words the reason the person was stopped. If a search is conducted, the basis for the search must also be described in an explanatory field.

With respect to the person stopped, the Investigator must report their own perceptions, based upon personal observation only (and not through any other means, such as asking the person or referring to identification), regarding the following:

1. Perceived race or ethnicity
2. Perceived age
3. Perceived gender
4. Is the person stopped perceived to be lesbian, gay, bisexual or transgender
5. Is the person stopped perceived to have limited or no English fluency
6. Is the person stopped perceived or known to have a disability

With respect to the Investigator making the stop, the Investigator must report:

1. Years of experience
2. Type of assignment
3. Unique Identification Number (UID)

Stops involving multiple peace officers shall only require reporting by one peace officer. In most cases, this shall be the peace officer with the highest level of engagement, even if he or she did not perform all of the actions taken towards the person during the stop.

#### **IV. REPORTING TO THE CALIFORNIA ATTORNEY GENERAL**

The Chief Investigator shall designate the custodian of all data collected. The designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and that all data collected is used strictly within the scope of compliance with this policy. The data provided to the California Attorney General shall not include the name, address, social security number or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, and shall not include any unique identifying information of the Investigator collecting the data.

All RIPA data collected is public record and open to public inspection. No identifying information about the Investigators collecting the data shall be publicly disclosed.

**SAN DIEGO COUNTY DISTRICT ATTORNEY’S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS</b>	
<b>NO. 3.23</b>	<b>DATE: 12/30/2025</b>
NEW PROCEDURE: X PROCEDURAL CHANGE: SUPERSEDES:	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

Pursuant to Penal Code section 13663, this policy establishes procedures governing the use of Artificial Intelligence (AI) in preparing official law enforcement reports within the San Diego County District Attorney’s Office.

**II. SCOPE**

This policy applies to all Bureau of Investigation personnel who prepare official reports that are generated by artificial intelligence, either fully or partially.

**III. DEFINITION**

The following definitions relate to terms used within this policy:

**Artificial Intelligence (AI):** An engineered or machine-based system that infers from input to generate outputs influencing physical or virtual environments, including systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and artificial intelligence systems that analyze a law enforcement officer’s dictated report to generate a police report narrative automatically enhanced by generative artificial intelligence.

**Official Report:** A signed, formal report documenting an officer’s investigation and/or observations in relation to a pending criminal or civil investigation.

**IV. POLICY REQUIREMENTS**

1. Generative Artificial Intelligence Policy Compliance

- All employees must comply with the San Diego County District Attorney’s Office – Generative AI Policy (September 2025). This policy supplements – and does not replace –that guideline.

2. Mandatory Disclosure

- Every official report drafted with AI assistance must include the following statement on each page of the report:  
*“This report was written either fully or in part using artificial intelligence.”*
- The name of the AI program used must be clearly identified on every page or within the body of the report.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF INVESTIGATION**

<b>SUBJECT: USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS</b>	
<b>NO. 3.23</b>	<b>DATE: 12/30/2025</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 2 of 2</b>

3. Signature Requirement

- The official report must contain the signature of the authoring investigator, in physical or electronic form. The signature verifies that the author reviewed the contents of the report and that the facts contained in the official report are true and correct to the best of the author's knowledge.

4. Documentation & Retention

- If AI is used to generate a full first draft of an official report, the following requirements apply:
  1. The first version of the AI-generated draft must be retained. The draft should be watermarked "AI DRAFT – NOT FOR DISCOVERY" and retained in the Bureau of Investigation's shared drive. Per Penal Code section 13663, subdivision (b)(2), the first AI draft does not constitute an "officer's statement" for discovery purposes.
  2. In the report, the officer must indicate whether any audio or video transcriptions were inputted into AI in order to generate the draft.
- The Bureau of Investigation shall retain the saved AI-generated drafts as an official audit trail. The drafts shall be retained for as long as the official report is retained.

5. Vendor Restrictions

- Vendors shall not share or sell the Office's data processed by AI, except for the Office's purposes or under court order.<sup>1</sup> Vendor access is limited to troubleshooting, bias mitigation, accuracy improvement, or system refinement.

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<sup>1</sup> The San Diego County District Attorney's Office reserves all rights and privileges against disclosure of records pursuant to the California Public Records Act (Gov. Code, § 7921.000 et seq.) and other relevant laws.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: USE OF FORCE</b>	
<b>NO. 4.1</b>	<b>DATE: 12/08/2022</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 08/20/18, 09/20/2018, 01/28/2021</b>	<b>PAGE: 1 of 10</b>

**I. PHILOSOPHY**

The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice toward anyone. Investigators shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts with members of the public. When investigators are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely.

**II. PURPOSE**

The purpose of this procedure is to establish guidelines related to an investigator's response to subjects who are resistant or pose a threat, including the investigator's responsibilities before, during, and after an incident if force is used. Investigators are expected to adhere to the Bureau of Investigation Policy and Regulations Manual and use this procedure as a guide in their decision making. The decision to use force requires careful attention and continual assessment of the situation, with the goal of a safe and peaceful resolution.

**III. EXPECTATIONS**

The authority to use force is a serious responsibility given to peace officers by the people who expect them to exercise that authority judiciously and with respect for human rights, dignity, and life. In all circumstances, investigators are expected to exercise sound judgment and critical decision making when using force. Investigators shall carry out all duties, including use of force, in a manner that is fair and unbiased.<sup>1</sup> Investigators have an affirmative duty to only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.<sup>2</sup>

**IV. AUTHORITY**

Preventing a peace officer's need to use force to gain or maintain control of a situation is a shared responsibility. If a person has knowledge, or by the exercise of reasonable care, should have knowledge, they are being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.<sup>3</sup> Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force. For the purposes of this policy, "retreat" does not mean tactical repositioning or other de-escalation tactics.<sup>4</sup>

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<sup>1</sup> California Senate Bill 230, California Government Code section 7286(b)(10)

<sup>2</sup> California Senate Bill 230, California Government Code section 7286(b)(2)

<sup>3</sup> California Penal Code section 834a

<sup>4</sup> California Penal Code section 835a

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**V. DE-ESCALATION**

Investigators shall use de-escalation and crisis intervention techniques and tactics to reduce a threat or gain compliance to lawful commands without the use of force or with the lowest level of force possible whenever feasible. (See Policy 4.2 De-Escalation)<sup>5</sup>

**VI. DEFINITIONS**

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the investigator or another person

**Force** - The act of gaining or maintaining control of a subject or situation through the application of physical techniques, tactics and/or the use of chemical agents on another person.<sup>6</sup>

**Imminent** – A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable investigator in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the investigator or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and not matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

**Serious bodily injury** - Serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

**Totality of the circumstances** –All facts known to the investigator at the time, including the conduct of the investigator and the subject leading up to the use of deadly force.

**Levels of resistance:**

- **Compliant** - Complying with verbal commands, requests, or explanations.
- **Passive resistance** - Refusal to respond to or comply with verbal commands but does not convey a threat of physical resistance to the investigator or another person.
- **Active resistance** - Overt physical actions intended to resist or prevent an investigator’s control (dead weight, clinging, bracing, tensing, running away), or verbally signaling an intention to avoid or prevent being taken into or retained in custody, but does not attempt to harm the investigator.
- **Assaultive behavior** - Conduct that suggests the potential for human injury. This includes aggressive physical opposition to being physically controlled, thus conveying a threat of injury to the investigator; or a threat of attack conveyed through aggressive physical actions, which may or may not be coupled with verbal threats, toward the investigator or another person. Verbal threats alone do not constitute assaultive behavior.
- **Life threatening behavior** - Behavior which will potentially result in serious bodily injury or death to an investigator or any other person.

<sup>5</sup> Per California Senate Bill 230, California Government Code section 7286(b)(1)

<sup>6</sup> California Penal code section 835a

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**Levels of force:**

**A. Minimal Force**

1. The physical force needed to gain or maintain control of a subject who engages in compliant behavior.
2. Force options which fall into this category generally include the use of touch and verbal control (Orders, warnings, explanations, requests, investigator's presence, and drawing or pointing weapons including firearms).

**B. Lesser Controlling Force**

1. The physical force needed to gain or maintain control of a subject who engages in passive resistance.
2. Force options which fall into this category generally include de-escalation tactics and techniques, body weight, physical strength, approved: pain compliance techniques and control holds, and/or tactics outlined in lower force levels.

**C. Greater Controlling Force**

1. The physical force needed to gain or maintain control of a subject who engages in active resistance.
2. Force options which fall into this category include approved: Takedown Techniques, Distraction Techniques, Personal Body Weapons targeting the individual's extremities, Chemical Agents (may be used on a spitting person to assist investigators in gaining control), and/or tactics outlined in lower force levels.
3. Canine, Conducted Energy Weapon, Extended Range Impact (ERI) Weapons, and/or Impact Weapons may be used to control an actively resisting subject reasonably believed to possess, or have immediate access to, a deadly weapon.

**D. Defending Force**

1. The physical force needed to gain or maintain control of a subject who engages in assaultive behavior.
2. Force options which fall into this category include approved: Personal Body Weapons, Impact Weapons, Conducted Energy Weapons, Extended Range Impact (ERI) Weapons, and/or tactics outlined in lower force levels.

**E. Deadly Force**

1. The physical force needed to gain or maintain control of a subject who engages in life threatening behavior.
2. Force options which fall into this category include any force that creates a substantial risk of causing death or serious bodily injury including, but not limited to, intentional strikes to the throat; intentional impact and/or extended range impact weapon strikes to the head, face, or neck; discharge of a firearm; and/or tactics outlined in lower force levels.

**VII. FACTORS TO CONSIDER IN DETERMINING REASONABLE FORCE**

The authorized use of force types should not be considered as a continuum of force required in all situations. Each law enforcement contact resulting in a use of force is unique and may require that

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the investigator apply a higher level of force immediately. If lesser force would likely lead to safe control, then it should be used. If a lesser force option will not lead to safe control, then greater force may be used. An investigator may only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

The investigators are required to continuously evaluate the subject's level of resistance and the threat posed to the investigators or others. The type and amount of force must be adjusted as necessary to that which would be considered objectively reasonable and necessary.

The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), acknowledged that the "reasonableness" test in analyzing the use of force is "not capable of precise definition or mechanical application." For that reason, in determining whether an investigator's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances' facing the investigator at the time force was used. All of the surrounding circumstances will be considered, including whether the subject posed an immediate threat to the safety of the investigator or others, the severity of the crime at issue, and whether the suspect actively resisted arrest or attempted to flee.

The "reasonableness" of the force used is judged from the perspective of a reasonable law enforcement officer on the scene at the time of the incident. The central inquiry in every use of force case is whether the amount of force used by the investigator was objectively reasonable in light of the particular circumstances faced by the officer (investigator).

Various factors, which pertain to investigators and/or subjects, will affect an investigator's force options and tactics. These factors include, but are not limited to the following:

- Immediacy and severity of the threat to investigators or others
- The conduct of the individual being confronted, as reasonably perceived by the investigator
- Investigator/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of investigators/officers available vs. subject(s))
- Whether the subject exhibits symptoms indicative of being under the influence of drugs or alcohol
- Subject's mental state or capacity
- Proximity of weapons or dangerous improvised devices
- Nature/seriousness of the offense or suspected offense
- Training and experience of the investigator/subject
- Surroundings and potential risks to bystanders, to the extent reasonable under the circumstances
- The apparent need for immediate control of the subject or prompt resolution of the situation
- The risk and reasonably foreseeable consequences of escape

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- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the investigator or others (restrained /handcuffed)
- Prior contacts with the subject or awareness of any propensity for violence
- Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic, and other hazards
- Availability of other reasonable force options
- Any other exigent circumstances

Due to the potential for serious injury, intentional strikes with an impact weapon are prohibited from being directed at the head, groin, face, or throat of the subject unless the subject's actions and behavior pose an imminent threat of death or serious bodily injury to the investigator or others.<sup>7</sup>

NOTE: As of June 3, 2020, the law enforcement Carotid Restraint Control Hold is no longer authorized as a force option. The law enforcement carotid restraint control hold means any vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck for the purpose of restricting blood flow to render the person unconscious or otherwise subdue or control the person.<sup>8</sup> Investigators shall not intentionally bring direct pressure against the neck, trachea or windpipe of a person, nor use a baton, flashlight, or other object to apply a neck restraint hold. This does not preclude the use of any practical technique or weapon when an officer is engaged in a life-threatening struggle with a suspect, whether armed or unarmed.

### **VIII. DEADLY FORCE**

An investigator is justified in using deadly force upon any person only when the investigator reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the investigator or another person
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious injury, if the investigator reasonably believes the person will cause death or serious bodily injury to another unless immediately apprehended

Where feasible, and so long as doing so will not compromise the safety of the investigator or another person, an investigator shall, prior to the use of force, make reasonable efforts to identify themselves as a police officer and warn that deadly force may be used, unless the investigator has objectively reasonable grounds to believe the person is aware of those facts.

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<sup>7</sup> CA POST 832 PC Student Workbook, Volume Four-V5, Chapter Two: Arrest Methods

<sup>8</sup> California Senate Bill 230, California Government Code section 7286.5(a)

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Deadly force should not be used against persons whose actions are a threat only to themselves or property unless the individual is using a deadly weapon or an explosive device which may pose a risk of harm to the investigator or others nearby.

**IX. DISCHARGE OF FIREARMS**

Investigators must consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.<sup>9</sup>

Drawing and/or Pointing a Firearm

Investigators shall not point firearms at persons except when reasonably justified under the circumstances. In situations involving the strong possibility of danger, investigators should carry their weapon in a position that will facilitate its speedy and safe use. While investigators should not point a weapon unless they are prepared to use it, the fact they have done so must not be interpreted as an obligation to fire.

Shooting at Vehicles

Firearms shall not be discharged at a moving vehicle except under the following circumstances:

- A. A person in the vehicle is threatening the investigator or another person with deadly force by means other than the vehicle; or
- B. The vehicle is operated in a manner reasonably believed to be a deliberate attempt to strike the investigator or another person, and all other reasonable means of defense are not practical, which includes moving out of the path of the vehicle.

Investigators shall not shoot at a moving vehicle to disable it. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, the investigator must have an articulable reason for this use of deadly force.

Warning Shots

Warning shots are inherently dangerous. Therefore, a warning shot must have a defined target and shall not be fired unless:

- A. The use of deadly force is justified
- B. The warning shot will not pose a substantial risk of injury or death to the investigator or others; and
- C. The investigator reasonably believes the warning shot will reduce the possibility that deadly force will have to be used.

In no event shall an investigator fire a warning shot into the air, or under conditions or in a location which would endanger another investigator or any member of the public.

Vicious Animals

Investigators may discharge their firearm to defend themselves or others against attack by vicious animals.

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<sup>9</sup> California Senate Bill 230, California Government Code section 7286(b)(5)

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Reporting Discharge of Firearm

Whenever an investigator intentionally discharges a firearm in the line of duty, other than during a training exercise, the investigator shall notify their immediate supervisor as soon as practical. The supervisor shall report the incident up the chain of command to the Chief Investigator. Unless otherwise directed, the investigator shall prepare a detailed, written report of the event and deliver same through the chain of command to the Chief Investigator within 24 hours of the discharge.

The unintentional discharge of a firearm, other than during a training exercise and whether or not it caused injury or property damage, shall require the same notification procedure as an intentional discharge.

Unintentional discharge of a firearm at a Bureau training exercise shall be reported immediately to the Bureau Range Master and/or the course lead instructor. An unintentional discharge at a training event outside of the Bureau shall be reported immediately to the course lead instructor of that training event and reported to the Bureau Range Master within 24 hours.

**X. DUTY TO PROVIDE MEDICAL CARE**

After any use of force incident when there is a visible injury, complaint of injury or signs of medical distress, investigators shall promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.<sup>10</sup> Investigators shall use their experience and judgment to determine whether, given the medical condition of the person upon whom force was used, it is more appropriate to call paramedics to the scene for immediate medical attention as an alternative to transporting the subject to the emergency room. After a physical confrontation, some subjects may be at risk of sudden death. Such subjects may be suffering from drug-induced psychosis, genetic psychosis, or excited delirium. A subject who exhibits symptoms of drug-induced psychosis or excited delirium should be immediately evaluated by paramedics or a physician at an authorized medical facility.

Additionally, when force is used to restrain person, investigators shall monitor them for signs and symptoms of "positional asphyxia." Positional asphyxia means situating a person in a manner that compresses their airway and reduces their ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia. To limit the risk of positional asphyxia, restrained persons should be placed into a seated position or on their sides as soon as practical.

Subjects with visible injuries that occurred because of a use of force should be taken to an authorized medical facility for treatment and to obtain a medical release for county jail.

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<sup>10</sup> California Senate Bill 230, California Government Code section 7286(b)(14)

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A supervisor shall be notified immediately of any force incident requiring medical services. The supervisor will immediately respond to the treating facility.

**XI. REPORTING USE OF FORCE**

All use of force incidents greater than Minimal Force shall be documented and will be reviewed by Bureau Command and the Special Operations Division. The following procedure shall be followed:

**A. Investigator Responsibility**

1. Investigators shall, as soon as practical, notify a supervisor.
2. In all cases, photographs will be taken of the subject regardless of injuries. Photographs will document where the force was applied, injuries, and any resulting property damage.
3. A medical release form will be sought from the subject if feasible so that the subject's medical records can be obtained.
4. Investigators shall document the type and level of force used in a written report, accompanied by a Use of Force Report form, and submitted to their chain of command for review. Failure to write a detailed report describing the force used and the actions of the subject could pose problems during criminal prosecution or civil litigation. Reports should specifically include answers to the basic questions - Who, what, when, where, how and why. When describing "what" occurred, the following criteria should be addressed:
  - a. What did the subject do?
  - b. What did you do in response to the subject's actions?
  - c. What would have likely happened if the subject was not stopped?
  - d. What was the result of your action?
    - i. Did you gain control?
    - ii. What injuries, if any, did you, the subject, or others sustain?
    - iii. Was there any property damage?
  - e. What medical attention, if any, was needed and/or given to you, the subject, or others?
  - f. What other options were considered?
    - i. Available personnel
    - ii. Tactics, equipment, and other appropriate and obtainable resources
    - iii. Discretionary time
    - iv. Reactionary distance
    - v. Communication
    - vi. Barriers
    - vii. Self-regulation
    - viii. Attempt to de-escalate
    - ix. Tactical re-deployment

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5. Reports shall be submitted through their chain of command to the Chief Investigator as soon as practical. Any delay in the prompt reporting of a use of force incident must be authorized by a supervisor.

**B. Supervisor Responsibility**

1. A supervisor shall respond to the scene or medical facility to investigate uses of force that result in a complaint of injury or an injury that necessitates medical treatment and investigate the circumstances surrounding it. The supervisor will ensure all witnesses are identified and interviewed, proper photographs are taken of all injuries and damage, and legal means of obtaining medical records is accomplished. A medical release is obtained, if feasible.
2. A supervisor shall review all use of force reports to ensure the investigator's report is detailed and accurately describes the force used and all the circumstances and facts surrounding the incident.

**C. Command Responsibility**

1. The Special Operations Division shall review use of force reports to assess adherence to policy, identify training concerns or deficiencies and risk assessment for civil liability. Policy violations will be referred to the appropriate Commander requesting clarification or supervisory action.
2. The Special Operations Division is responsible for reporting the statistical data regarding all investigator-involved shootings and incidents involving use of force resulting in serious bodily injury to the California Department of Justice as required by Government Code § 12525.2.

**XII. MANDATED TRAINING**

Mandatory training should include the following

- Defensive Tactics
- Chemical Agents
- De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence
- Implicit and explicit bias and cultural competency
- Vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities
- Use of force scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making
- Alternatives to the use of deadly force and physical force, so that de-escalation tactics and less lethal alternatives are, where reasonably feasible, part of the decision-making process leading up to the consideration of deadly force
- Mental health and policing, including bias and stigma

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- Investigator Safety
- Legal Updates

**XIII. CONCLUSION**

Law enforcement officers must recognize and respect the value of human life. District Attorney Investigators have the authority to use force to accomplish their daily tasks. They must understand and appreciate the limits to their authority in respect to using force. If investigators must use force to control or overcome resistance, it must be in response to specific actions by the subject and be reasonable for the situation. Investigators must balance the force used to control with the likelihood of injury to the subject and/or themselves. Finally, investigators must clearly document any situation where force is used.

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**I. PURPOSE**

This Bureau policy highlights the importance of de-escalation, a practice that has consistently been taught to all District Attorney Investigators. As the Bureau is guided by the overarching principle of reverence for human life in all investigative, enforcement, and other interactions between law enforcement and members of the community, this policy underscores the Bureau's commitment to providing investigators with the training, equipment and resources necessary to encourage peaceful resolutions through use of de-escalation techniques, crisis intervention tactics, and other alternatives to force when dealing with resistance, assault, or threat of assault.

**II. DEFINITION**

De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.

**III. EXAMPLES**

De-escalation strategies and/or techniques can be employed to gain voluntary compliance from an individual in order to gain or maintain control of an incident, while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

De-escalation strategies can include actions or communications, both verbal and non-verbal, during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat or resistance so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. The goal is to slow down the situation so the subject can be guided toward a more favorable course of action.

**IV. EXPECTATIONS**

Whenever feasible, an investigator shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training and when appropriate before resorting to force and to reduce the need for force. When such delay will not compromise the safety of the investigator or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, investigators shall allow an individual time and opportunity to submit to verbal commands before force is used.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injuries, nothing in this policy requires an investigator to retreat or be exposed to possible physical injury, to self or another, before applying reasonable force. Nothing in this policy shall infringe upon an investigator's right of self-defense in the event of an attack.

When time and circumstances reasonably permit, investigators will attempt to determine whether an individual's failure to comply with an order is a deliberate attempt to resist or is the result of one the following factors, which may influence the type(s) of tactics to be used:

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- Individual's age
- Medical conditions
- Mental impairment
- Developmental disability or dementia
- Physical limitation or disability
- Language barrier
- Drug interaction
- Behavioral crisis, or
- Other factors beyond the individual's control

Where feasible and safe to do so, investigators should clearly identify themselves as police officers and give verbal warnings when force is necessary and going to be used. However, in some instances there may not be an opportunity to give verbal commands or warnings.

Depending on circumstances, such as if the situation is not an arrestable offense and/or the matter cannot be resolved safely, the investigator may decide to disengage.

## **V. CONSIDERATIONS AND TECHNIQUES**

When given the time and opportunity, investigators shall gather and assess information prior to engaging in action that may involve an assaultive or resistant individual. For example:

### **A. Pre-Engagement Considerations**

- Scene considerations (i.e. risk to law enforcement and public, perimeter containment)
- Is this a law enforcement matter (i.e. felony, misdemeanor, danger to self or others)
- Credible information (i.e. eyewitness, accurate descriptions, confirmed information, credible third-party statements)

### **B. Resource Considerations**

- Appropriate personnel (i.e. available cover officers and resources, PERT, EMS)
- Equipment (i.e. IFAK, Taser)

### **C. Disengagement Considerations**

- Is this a police matter (what is the mission, or has it changed)?
- Is this a criminal matter (felony vs misdemeanor, danger to others)?
- Can it be resolved by walking away (is arrest warrant appropriate)?
- Is this a crisis (medical, mental health, suicidal, substance abuse, danger to self or others)?

When confronted with an individual who is assaultive, resistant, or in crisis, investigators shall, whenever possible, attempt to de-escalate the confrontation by considering and employing tactics which eliminate or reduce the need for physical force. These tactics may include:

- Placing barriers between an uncooperative individual and the investigator

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<b>SUBJECT: DE-ESCALATION</b>	
<b>NO. 4.2</b>	<b>DATE: 12/31/2020</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 3 of 3</b>

- Containment
- Moving from an exposed position a safer position
- Decreasing the exposure to potential threats by using:
  - Distance
  - Cover
  - Concealment
- Communicating with the individual from a safe position using the following compliance techniques:
  - Verbal persuasion
  - Advisement
  - Warnings
- Requesting additional resources, including but not limited to:
  - Additional cover investigators/officers/deputies
  - Less Lethal Weapons
  - P.E.R.T.
  - EMS
  - Other countywide resources
- Any other tactics or approaches that attempt to gain compliance
- Disengagement

**VI. DE-ESCALATION TRAINING**

All investigators shall complete POST certified training in de-escalation methods and techniques that may not be taught by Bureau instructors all the time, as required by POST. De-escalation techniques will also be reinforced in defensive tactics training, firearms training and other appropriate annual training.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: USE OF LIQUID CHEMICAL AGENT</b>	
<b>NO. 4.3</b>	<b>DATE: 12/03/2020</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 03/27/2012, 4/22/2014</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

This policy establishes the conditions for use of Oleoresin Capsicum spray (OC spray or "pepper spray") by authorized employees of the San Diego District Attorney's Office and the Bureau of Investigation.

**II. DEFINITION AND USE**

Oleoresin Capsicum (OC) spray is a liquid aerosol chemical agent authorized for use by authorized members of the Bureau in the performance of their duties. It shall be used as a control weapon, to be used when less forceful alternatives are inappropriate or ineffective. OC spray is authorized for use whenever legal force is necessary to arrest or subdue a hostile or combative subject.

Department approved high volume OC projectors, such as the MK-46, and approved Pepperball guns using OC powder, may be carried and utilized by trained investigators, in accordance with this policy and Policy 5.8.

**III. USE ON ANIMALS**

OC spray is approved for use on animals that pose an immediate threat of attack to an investigator or any other person.

**IV. CONDITIONS OF CARRY**

While on official business, Bureau personnel shall only carry OC spray devices which have been authorized and issued by the Bureau of Investigation. Bureau personnel shall comply with all local, state, host-state, and federal regulations concerning the use and transportation of OC spray devices, and shall strictly adhere to FAA regulations pertaining to transportation of OC spray devices on aircraft.

**V. REPORTING**

The use of OC spray, except during training, shall be documented in the same manner as other less-lethal use of force events. (See Policy No. 4.1)

**VI. DECONTAMINATION**

After using OC spray to subdue a hostile or combative subject, Bureau personnel shall provide the exposed subject with an opportunity to decontaminate as soon as such activity is both safe and practical. Investigator safety shall not be compromised to facilitate decontamination. Barring continued hostile or combative activities, the exposed subject should be provided with an opportunity to decontaminate within 30 minutes of the last OC exposure.

**VII. MEDICAL CARE AND BOOKING**

District Attorney personnel shall closely monitor the breathing of any subject they expose to OC spray. Under normal conditions, exposure symptoms diminish within one hour of exposure, with more rapid recovery possible following prompt decontamination. If the exposed subject displays

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any continuing symptoms of a blocked or restricted airway, or has not significantly recovered from the exposure after approximately one hour, prompt medical attention shall be provided. The County Jail will not accept any prisoner who complains of a breathing problem. Medical clearance must be obtained under these circumstances. Additionally, the San Diego Sheriff's Department requires notation on the prisoner intake form (booking-slip) of OC exposure and any decontamination efforts.

**VIII. REPLACEMENT OF CANISTER**

After any use, the OC container should be checked to ensure that it contains a sufficient quantity of agent for further necessary use. If it does not appear to contain a sufficient quantity for duty use, the used container shall be turned in to the Range Master or designated safety equipment manager for replacement.

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<b>SUBJECT: CONDUCTED ENERGY WEAPON (CEW) USE POLICY</b>	
NO. 4.4	DATE: 12/08/2022
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/10/2008; 09/26/2022	PAGE: 1 of 4

**I. PURPOSE**

This policy establishes the conditions for use of Conducted Energy Weapons (CEW) by authorized employees of the San Diego District Attorney's Office and the Bureau of Investigation.

**II. DESCRIPTION**

CEWs are devices that use electrical energy to induce pain or to immobilize or incapacitate a person.

**III. RESTRICTIONS**

A CEW is considered a defending force option and should only be used as a means of subduing and gaining control of individuals engaged in assaultive and/or life-threatening behavior against the investigator or another person; or an individual engaged in active resistance who possesses, or has immediate access to, a deadly weapon. BOI policies 4.1: Use of Force and 4.2: De-Escalation shall continue to guide investigators confronted with use of force decisions, including the decision to deploy a CEW.

Bureau personnel shall only carry and use department issued CEWs, cartridges, and holsters. Only investigators who have successfully completed department approved CEW training may be issued or carry a CEW. CEWs shall not be carried on the same side of the body as the investigator's duty weapon.

**IV. FUNCTION TESTING**

To ensure CEWs are working properly, investigators shall spark test their CEW prior to carrying the device operationally.

**V. DEPLOYMENT**

Prior to deploying a CEW, where feasible and safe to do so, investigators should clearly identify themselves as police officers and give a verbal warning a CEW may be used. Verbal warnings allow the individual an opportunity to comply with lawful orders prior to force being used against them and notifies nearby officers and individuals a CEW may be deployed.

An individual who has been contacted by a CEW is typically immobilized within two to three seconds. When deploying a CEW, investigators should allow the device to activate for a full cycle unless it appears the individual is in medical distress. Cover investigators/officers should move in quickly and attempt to physically restrain the individual while they are under control of the CEW.

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<b>SUBJECT: CONDUCTED ENERGY WEAPON (CEW) USE POLICY</b>	
NO. 4.4	DATE: 12/08/2022
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/10/2008; 09/26/2022	PAGE: 2 of 4

When reasonable, a CEW may be used more than once on an individual based upon the threat level presented. If the investigator is unable to gain and maintain control of the individual after two deployment cycles, they should consider other appropriate force options. Repeated, prolonged, and/or continuous CEW exposure(s) should generally be avoided.

The CEW may be used in “drive stun” mode (placing the unit in direct contact with the individual) however caution should be used to avoid the individual gaining control of the device, as it could be used as a weapon against the investigator.

**VI. USE ON ANIMALS**

A CEW is approved for use on animals that pose an immediate threat of attack to an investigator or any other person.

**VII. PRECAUTIONS**

- A. Unless an individual is exhibiting life-threatening behavior, the CEW should not be intentionally deployed at the individual’s head, neck, or groin; nor should it be used when an individual is likely to sustain serious or life-threatening secondary injury (falling from a significant height, drowning, etc.).
- B. Investigators should evaluate whether use of the CEW is appropriate based on the subject’s age (elderly, obvious juveniles) and physical condition (i.e. under the influence, physically handicapped, pregnant) as they relate to an individual’s potentially increased vulnerability and/or level of threat posed to the investigator.
- C. No more than one CEW should be deployed against a single individual at a time.
- D. Unless an individual is exhibiting life-threatening behavior, investigators shall not use a CEW on a handcuffed/restrained prisoner.
- E. CEWs can ignite flammable liquids, vapors, or sensitive explosives. For fire safety reasons, investigators should consider the immediate environment when choosing to deploy a CEW. Bureau issued OC spray is water based, non-flammable, and will not ignite during CEW deployment.
- F. After physical confrontations, some individuals may be at risk of “Sudden

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Death Syndrome.” Such persons may be suffering from drug-induced psychosis, genetic psychosis, or excited delirium. These persons may exhibit some of the following symptoms:

- tremors
- convulsions
- seizures
- delirium
- hallucinations- visual-tactile- auditory
- violent aggressive behavior
- superhuman strength
- dilated pupils
- paranoia
- non- purposeful behavior-meaningless acts
- rapid-slow-irregular pulse rate
- hyperthermia
- confusion
- yelling or screaming incoherently
- thrashing after being restrained

Individuals exhibiting symptoms of drug-induced psychosis, genetic psychosis, or excited delirium should be immediately evaluated by a physician at an approved hospital.

**VIII. MEDICAL TREATMENT**

As soon as the individual stops resisting, is handcuffed, and when safe to do so, an investigator shall immediately monitor the individual's vital signs. The following first aid should normally be administered after CEW exposure:

- A. Roll the individual onto their side or into a seated position
- B. Monitor breathing, and if necessary, establish an airway
- C. Check for a pulse at the wrist
- D. Check the individual's facial skin color (gray or blue tint is a sign of severe medical distress)
- E. Determine if the individual is functionally conscious (exhibiting voluntary movement, ability to converse and awareness of place, time, and date)

Investigators should make every effort to avoid contacting CEW probes when administering first aid to the individual. If, during a CEW deployment, probes become imbedded in skin, investigators should leave the probes in place. Only

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qualified medical personnel may remove probes imbedded in skin.

All individuals subject to CEW deployment, whether by probes or drive-stun, shall be transported to a hospital for medical examination prior to booking or final disposition. The decision to request paramedics or personally transport the exposed individual to a hospital should be based on the investigator's judgment as to which option would provide the most prudent access to professional medical care, based on the circumstances. An individual subjected to more than one CEW deployment shall be transported to a hospital by paramedics.

If paramedics transport the individual, at least one investigator shall accompany the paramedics during transport to assist in the event the individual becomes violent. Otherwise, two investigators will transport the individual.

Use of a CEW should be communicated to jail intake officers and/or transporting officers.

**IX. REPORTING PROCEDURES**

Investigators shall verbally notify their immediate supervisor as soon as practical after deploying a CEW. Confetti tags along with the expended cartridge, wire, and probes should be collected and submitted into evidence. The evidence package should be marked, "Biohazard" if the collected probes penetrated the individual's skin.

In addition to the use of force reporting requirements detailed in BOI policy 4.1, the deploying investigator's written report must include the CEW serial number, cartridge serial number(s), and a copy of the Armed Event Log detailing the deployment(s). Armed Event Logs can be obtained from the Rangemaster and/or CEW Administrator after the deployed CEW has been successfully docked.

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<b>SUBJECT: DUTY TO INTERCEDE</b>	
<b>NO. 4.5</b>	<b>DATE: 12/31/2020</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. In the event an investigator of this Bureau observes another investigator or law enforcement officer using unnecessary or excessive force, that investigator has a duty to intercede (or intervene).<sup>1</sup> This policy establishes guidelines on how an investigator is to respond in such an event.

**II. DUTY TO INTERCEDE**

An investigator has an affirmative duty to intercede when present and observing another investigator or law enforcement officer using force that is clearly beyond that which is necessary, taking into account the possibility that other investigators or officers may have additional information regarding the threat posed by a subject.<sup>2</sup>

The following tactics can be employed by an investigator who is present and witnesses clearly unnecessary or excessive use of force by another investigator or officer, while taking into account the possibility that other investigators or officers may have additional information regarding the threat posed by a subject:

- A. Verbally advising the investigator
- B. Touching the investigator to make their presence known
- C. Physical restraint of the investigator to prevent and/or stop an escalation of clearly unnecessary force
- D. Taking control of the contact to prevent or stop an escalation of force

Investigators shall report potential excessive force to a supervising investigator when present and observing another investigator or law enforcement officer using force believed to be beyond which is necessary, as determined by an objectively reasonable investigator under the circumstances based upon the totality of information actually known to the investigator.<sup>3</sup>

When an investigator reports an intervention involving force to a supervisor, the supervisor shall immediately notify their chain of command and the Special Operations Commander. Failure to intervene or notify as required by policy may result in disciplinary action consistent with Bureau Policy and applicable laws.

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<sup>1</sup> Senate Bill 230

<sup>2</sup> Government Code Section 7286(b)(8)

<sup>3</sup> Government Code Section 7286(b)(3)

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<b>SUBJECT: AUTHORIZED EQUIPMENT</b>	
<b>NO. 5.1</b>	<b>DATE: 08/21/2023</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 02/01/03, 03/25/2014, 06/05/2018, 10/21/2019, 04/04/2022, 5/16/2022</b>	<b>PAGE: 1 of 4</b>

**I. PURPOSE**

This policy establishes standards for equipment assigned to Bureau personnel, including firearms, to ensure proper use, care, conformity and accountability of Bureau assigned equipment. Bureau personnel shall carry and use only authorized equipment and ammunition in the discharge of their duties and shall comply with all restrictions pertaining to the carrying and use of firearms whether on-duty or off-duty.

**II. INSPECTIONS**

At least triennially or as directed, all investigators will submit all their issued equipment, including, but not limited to, firearms, ammunition, baton, flashlight and chemical agent equipment, as well as any authorized optional equipment desired for carry, to a supervisor for inspection. The Bureau of Investigation Training Unit shall have the authority and responsibility to evaluate and approve equipment for use, and for maintaining current records of equipment assignment and inspections.

**III. DUTY HANDGUNS**

The Sig Sauer Model P320 Carry 9mm, black color, semi-automatic pistol is the primary issued duty handgun.

The Sig Sauer Model P320 Subcompact 9mm, black color, semi-automatic pistol may be issued to Bureau Command Staff and DAIs who demonstrate a specific need to carry a sub-compact handgun.

Investigators shall not modify or alter any Bureau handgun issued to them, including sights. Exceptions can be made for grip size or adding a handgun mounted light with approval of the Range Master.

**IV. OPTIONAL DUTY HANDGUN**

Optional duty handguns authorized for on-duty carry may include handguns manufactured by a quality manufacturer and must be approved by the Range Master. The following is a list of companies that produce handgun models that may be approved:

1. Glock
2. Smith and Wesson
3. Colt Manufacturing
4. Sig Sauer Firearms
5. Beretta Firearms
6. Walther Arms
7. Heckler & Koch

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8. Springfield Armory
9. Ruger Firearms
10. Kimber America
11. 1911 Style handguns approved by the Range Master.

NOTE: Investigators should contact the Range Master BEFORE purchasing any firearm, holster, or magazines intended for on-duty use to ensure it meets the conditions of this policy.

Investigators who desire to carry a semi-automatic handgun other than the Bureau issued Sig Sauer Model P320 must:

1. Have the desired semi-automatic handgun and magazines inspected and approved by the Range Master.
2. Supply a Bureau authorized concealment holster and double magazine holder.
3. Supply a Bureau authorized tactical holster and double magazine holder (Except small size handguns (micro-compacts) such as the Sig Sauer P365, Glock 43X, Springfield Hellcat, etc.).
4. Demonstrate proficiency with the desired optional duty handgun.
5. Demonstrate an ability to field strip, clean and maintain the optional handgun.
6. Qualify semi-annually with the desired handgun.

Authorized optional duty handguns must be 9mm, 40 S&W caliber or 45 ACP caliber semi-automatics, black in color, with fixed night sights or approved fiber optic sights. Optional duty handguns may be single action only, double/single action or double action only. A minimum of five Original Equipment Manufacturer (OEM) magazines, or enough magazines to complete a 45-round qualification shoot, must be supplied with each optional duty handgun. Optional duty handguns for on-duty use must be suitable for duties requiring approved tactical gear and tactical holster. Exceptions must be approved by the Range Master.

Investigators shall not make modifications or alterations to their optional duty handgun that would affect the operation, safety, or reliability of the weapon without approval of the Range Master. Examples include modifying the trigger pull, recoil spring, etc.

Ammunition capacity must meet a minimum number of rounds when fully loaded, depending on the caliber. Ammunition capacity is measured using a manufacturer's standard magazine for the optional handgun, without extension:

- 45 ACP caliber: minimum of 7 rounds
- 40 S&W caliber: minimum of 9 rounds

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<b>NO. 5.1</b>	DATE: 08/21/2023
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 02/01/03, 03/25/2014, 06/05/2018, 10/21/2019, 04/04/2022, 5/16/2022	PAGE: 3 of 4

- 9-millimeter: minimum of 10 rounds

Investigators will be responsible for the purchase of their optional duty handgun, as well as any repairs that may be needed to maintain the reliability of the handgun. The Bureau will not be responsible for any damages to the optional duty handgun that occur during the investigator's normal course of duties, including Training and Qualifications.

**V. AUTHORIZED OFF-DUTY OR SECONDARY FIREARMS:**

Authorized off-duty and/or secondary (back-up) firearms for District Attorney Investigators may include handguns manufactured by a quality manufacturer and authorized by the Range Master.

Prior to carrying any authorized on-duty secondary (back-up) weapon(s) or off-duty weapon(s), District Attorney Investigators shall qualify with the weapon(s) to be carried during a qualification course designated by the Range Master. In addition to 9mm, .40 S&W caliber and .45 ACP caliber, off-duty or secondary firearms may be chambered in .38/.357 caliber or .380 caliber, with a minimum capacity of 5 rounds when fully loaded. Off-duty/secondary firearms must otherwise adhere to the same requirements as optional duty weapons.

**VI. PISTOL MOUNTED OPTIC SIGHTING SYSTEMS**

Investigators may, at their own expense, purchase and utilize pistol mounted optic sighting systems for personally owned pistols, approved for duty use. Investigators will be responsible for the purchase of tactical and concealment holsters to accommodate the pistol mounted optic sighting system and suppressor height sights for use in case the optic should fail. All investigators, prior to carrying a pistol mounted optic equipped firearm, must have the firearm inspected by the Range Master, attend a two-day pistol mounted optic sighting system transition class, and demonstrate proficiency with the equipment.

**VII. SHOTGUNS**

Shotguns may be assigned to Investigators by the Range Master as supplemental equipment for use as they determine necessary based on operational needs. Only law enforcement shotguns issued by the Bureau of Investigation are authorized for District Attorney Investigator use. District Attorney Investigators who are issued shotguns are required to meet the Bureau qualification standard for the firearm of 90% semi-annually.

**VIII. SHOULDER WEAPONS (RIFLE)**

Specialized shoulder weapons may be issued to designated investigators by the Range Master as supplemental equipment, for use as they determine necessary based on operational needs. Only shoulder weapons issued by the Bureau of Investigation may be used by District Attorney Investigators.

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<b>SUBJECT: AUTHORIZED EQUIPMENT</b>	
<b>NO. 5.1</b>	DATE: 08/21/2023
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 02/01/03, 03/25/2014, 06/05/2018, 10/21/2019, 04/04/2022, 5/16/2022	PAGE: 4 of 4

Prior to carrying any specialized shoulder weapon, District Attorney Investigators shall successfully complete a course of instruction approved by the Range Master and qualify with the weapon. District Attorney Investigators who are unable to meet the Bureau qualification standard of 90% for specialized shoulder weapons will be restricted from carrying such weapons.

District Attorney Investigators who are issued specialized shoulder weapons must qualify semi-annually with their issued firearm.

Investigators shall not modify or alter any Bureau shotgun or shoulder weapon issued to them, including sighting systems. Exceptions can be made for slings, mounted lighting systems, or other external accessories that do not affect the operation, safety, or reliability of the weapon with approval of the Range Master.

**IX. AMMUNITION**

District Attorney Investigators shall carry and load their duty firearms and/or optional duty firearms **only** with ammunition issued by the Bureau of Investigation. The Bureau will provide ammunition for duty and optional duty firearms in .45 caliber, .40 caliber, and 9mm. Ammunition which is not authorized and issued by the Bureau of Investigation shall not be carried or used in duty firearms. District Attorney Investigators may carry and load their off-duty and/or back-up firearm with ammunition that is either issued or approved by the Range Master.

Ammunition designated for on-duty use shall be approved hollow-point rounds. Investigators shall not report for duty with training ammunition in their firearms or spare magazines.

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<b>SUBJECT: FIREARMS AND WEAPONS</b>	
<b>NO. 5.2</b>	<b>DATE: 08/21/2023</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 03/25/14, 10/02/2017</b>	<b>PAGE: 1 of 2</b>

**I. REQUIREMENT TO BE ARMED**

District Attorney Investigators shall be armed while on duty except as prohibited by law or when operationally necessary to be unarmed. Firearms and approved weapons shall be worn in a manner which conceals them from public view and does not draw attention to the fact the investigator is armed. Other issued safety equipment should be immediately available.

**II. AUTHORIZED EQUIPMENT ONLY**

District Attorney Investigators shall not wear or conceal on their person any firearm, weapon (Defined in policy 5.1), or other safety equipment not authorized by Bureau policy.

**III. DRAWING-POINTING OF FIREARM**

Use of force, including drawing, pointing, and discharging firearms shall comply with Bureau Policy 4.1 and the approved methods and techniques taught by Bureau approved firearms instructors. Intentional pointing of a firearm at a person, by an investigator, shall be documented via the Bureau's Use of Force Report.

**IV. DISPLAYING FIREARM**

District Attorney Investigators may openly wear firearms and other weapons when, in the judgment of the investigator, safety will be enhanced based on the circumstances of the situation. Examples of such circumstances may include the service of search or arrest warrants, mutual aid response, and providing cover for law enforcement actions or officers in need of immediate assistance.

Whenever a District Attorney Investigator determines it operationally necessary or desirable to openly wear a firearm in public view, the investigator shall also display their official badge on a belt clip or other appropriate device.

**V. FIREARMS IN VEHICLE**

When leaving a handgun in an unattended vehicle, investigators shall ensure it is stored in a locked container in the trunk or in a locked container affixed to the vehicle's interior and not in plain view (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452). Investigators are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

Firearms, including long guns, may be stored in a Bureau vehicle overnight, provided the firearms are locked inside a department issued gun box that is permanently affixed to the vehicle. The vehicle shall be parked in the safest location permitted by circumstances and locked whenever unoccupied in accordance with Bureau Policy 6.1.

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<b>SUBJECT: FIREARMS AND WEAPONS</b>	
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<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 03/25/14, 10/02/2017</b>	<b>PAGE: 2 of 2</b>

- A. No firearms shall be left unattended in a Bureau vehicle for more than 72 consecutive hours (3 days), including weekends and holidays. For purposes of this section, unattended shall mean the assigned investigator will not be in the same physical location as their assigned vehicle. Investigators not utilizing their assigned vehicle during five or more consecutive workdays shall remove all firearms from the vehicle and store them in a secure location (range, home, etc.).
  
- B. No Bureau long guns (rifle or shotgun) shall be taken outside the county, except for operational purposes/needs. All long guns will be stored in a secure location (range, home, etc.) while attending conferences or training. All exceptions to this policy need approval from a Bureau Commander.

**VI. FIREARM SECURITY**

Investigators shall ensure all firearms and ammunition are locked and secured while in their homes, personal vehicles, or any other area under their control, and in a manner which will keep them inaccessible to children and others who should not have access (Penal Code 25100).

Investigators shall not permit department issued firearms to be handled by anyone who is not authorized by the Bureau to do so. Investigators shall be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code 25100).

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<b>SUBJECT: CCW GUIDELINES AND APPROVAL PROCESS</b>	
NO. 5.2A	DATE: 10/29/2020
NEW PROCEDURE: PROCEDURAL CHANGE: <b>X</b> SUPERSEDES: 02/02/17	PAGE: 1 of 6

**I. PURPOSE**

For current and retired Bureau investigators, there are two types of approvals for carrying a concealed weapon: 1) carrying a concealed firearm within California and 2) carrying a concealed firearm in a state other than California. Within California, the authority to carry a concealed firearm is regulated by the California Penal Code. To carry a concealed firearm in any state other than California, the Law Enforcement Officers Safety Act (LEOSA) rules apply.

The Law Enforcement Officers Safety Act of 2004 (LEOSA) became Federal law on July 22, 2004 and is codified in 18 U.S. Code 926B and 926C. Originally introduced as House Resolution 218 (H.R. 218), LEOSA defines two classes of law enforcement officers: currently appointed officers and separated/retired officers. LEOSA exempts these persons from the concealed firearms carry laws of the 50 States (including the District of Columbia, Puerto Rico and U.S. Possessions, provided they meet LEOSA's requirements and subject to certain exceptions.

Consistent with Federal law, it is the policy of the Bureau of Investigation to enhance the personal protection of current and former Bureau investigators when off-duty or following separation from service. As such, the Bureau, in accordance with this Policy, shall (1) comply with LEOSA and the laws of California, (2) implement certain procedures in conformity with LEOSA, and (3) permit currently appointed and separated/retired Bureau investigators to carry a firearm in accordance with LEOSA under the following conditions and provisions.

For California-only concealed carry requirements, refer to Section VII.

**II. QUALIFIED LAW ENFORCEMENT OFFICER**

All sworn and currently appointed District Attorney Investigators meet the LEOSA definition of a Qualified Law Enforcement Officer, provided the investigator:

- A. Is not the subject of any disciplinary action by the Bureau which could result in the suspension or loss of police powers
- B. Meets the standards established by the Bureau which require the officer to regularly qualify in the use of a firearm
- C. At the time of carrying a concealed firearm pursuant to the LEOSA exemption, is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance
- D. Is not prohibited by law from possessing a firearm; and
- E. At the time of carrying a concealed firearm under LEOSA, possesses the photographic identification card issued by the Bureau

With respect to currently appointed Bureau investigators, LEOSA eligibility depends in part upon the criteria described in Section II having been satisfied at the time the investigator carries a concealed firearm off-duty pursuant to LEOSA (i.e. out of state). The investigator is responsible for ensuring such criteria are satisfied before relying on the LEOSA exemption to carry a concealed

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BUREAU OF INVESTIGATION**

<b>SUBJECT: CCW GUIDELINES AND APPROVAL PROCESS</b>	
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firearm. The Bureau photographic identification cards for active duty investigators who are LEOSA-eligible shall have a reference to LEOSA-eligibility denoted thereon.

**III. QUALIFIED RETIRED LAW ENFORCEMENT OFFICER**

Under the conditions and provisions of LEOSA, an investigator who separates from service with the Bureau is considered a Qualified Retired Law Enforcement Officer (QRLEO) for the purpose of carrying a concealed firearm, provided the retired investigator:

- A. Separated from service in "good standing." Good standing means the investigator:
  - 1. Was not the subject of discipline, pending discipline or an internal, administrative or criminal investigation which resulted in, or reasonably could be anticipated to have resulted in, the suspension or loss of police power
  - 2. Was not separated from service due to a finding by a qualified medical professional that the investigator was unqualified to be a law enforcement officer for reasons related to the investigator's mental health
  - 3. At the time of separation, the investigator had not entered into (or subsequently did not enter into) an agreement with the Bureau in which the investigator acknowledges they are not qualified under LEOSA for reasons relating to mental health.
- B. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more (including time served as a law enforcement officer with another agency), or separated due to a service-connected disability (as determined by the Bureau) after completing any applicable probationary period
- C. At the time of carrying a concealed firearm pursuant to the LEOSA exemption, is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance
- D. Is not prohibited by law from possessing a firearm
- E. During the most recent 12-month period has met the standards for qualification in firearms training for active duty law enforcement officers as determined by the Bureau, the state in which the separated officer resides or, if the state has not established such standards, either a law enforcement agency within the state in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state; and;
- F. At the time of carrying a concealed firearm under LEOSA, the investigator possesses the Bureau photographic identification card issued upon or after separation, together with proof of firearms qualification as required by subsection 5.

Upon separation or anytime thereafter, a retired investigator may submit a request to the Chief Investigator for a photographic identification card as required to claim LEOSA eligibility. The Chief Investigator or designee will determine the eligibility of any separated investigator submitting such request. It shall be the policy of the Bureau to issue photographic ID cards conforming to LEOSA to a retired investigator eligible under LEOSA. The issuance of such cards

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remains subject to the discretion of the Chief Investigator and nothing contained in this Policy shall obligate the Bureau to issue such cards.

**IV. ANNUAL FIREARMS QUALIFICATION FOR LEOSA**

A retired investigator may obtain the LEOSA-required firearms qualification privately from an instructor meeting the requirements set forth in Section III.E. above. Retired investigators shall provide their own ammunition when qualifying and are responsible for any additional expense when qualifying at any facility other than the Bureau range.

The Bureau may conduct firearms qualifications for retired investigators at its discretion. The following procedures will be followed:

- A. Any eligible retired investigator requesting such firearms qualification shall notify the Bureau of such request and the Bureau shall notify the retired investigator if and when such firearms qualification will be conducted.
- B. Upon determination that a retired investigator is eligible under LEOSA, before qualifying on the Bureau firearms range, the retired investigator shall read and sign a Bureau waiver of liability form. Such waiver will contain provisions by which retired investigators shall acknowledge their personal liability as private persons for all acts taken when carrying a concealed firearm as permitted by LEOSA. Such waiver shall also release the Bureau from any claim or action at law in connection with such firearms qualification.
- C. Depending on the make and model of handgun, the Bureau may provide ammunition at the discretion of the Range Master when qualifying at the Bureau range. Handguns are subject to inspection and approval by members of the Bureau firearms range staff.
- D. The course of fire for firearms qualification shall be determined by the Bureau range staff in its sole discretion. Such course of fire may, but is not required to be, the same course of fire conducted for currently appointed Bureau investigators.
- E. Retired investigators must qualify with the same type of firearm (revolver or semi-automatic) in order to carry that type of firearm under LEOSA. Upon successful completion of firearms qualification testing, the Bureau will issue to the retired investigator written proof of qualification, which must be carried by the retired investigator in order to claim the LEOSA exemption.

Failure by a retired investigator to satisfy the firearms qualification requirement of LEOSA within the most recent 12-month period at the time of carrying a concealed firearm under LEOSA will result in the ineligibility of such retired investigator to carry a concealed firearm under LEOSA.

NOTE: Retired investigators who live outside of California and do not have a valid CCW permit from their state of residence must comply with LEOSA requirements, including the annual firearm qualification, to legally carry concealed in their state of residence.

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**V. LEOSA RESTRICTIONS**

LEOSA is a pre-emptive Federal law which operates to supersede the concealed firearm carry laws of all 50 States. However, LEOSA does not permit or authorize an individual to:

- A. Carry a machine gun, firearm silencer, or other destructive device
- B. Carry a firearm in violation of any State law which permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibits or restricts the possession of firearms on any State or local government property, installation, building, base, or park
- C. Carry a firearm in violation of the Gun Free School Zone Act (18 U.S. Code 922(q)) or similar State law. [NOTE: LEOSA only supersedes State and local government laws concerning the carrying of a concealed firearm. Federal laws governing the carrying of concealed firearms are not superseded by LEOSA. As such, Federal laws governing the carrying of concealed firearms on Federal government property (for example, Federal courthouses, buildings, the U.S. Post Office and other Federal government property, whether owned or leased) are not superseded by LEOSA, nor is the carrying of a firearm onto aircraft permitted (unless in an on-duty capacity in compliance with "Flying Armed" Federal Regulations, Title 49 CFR Section 1544.219). Certain portions of airports are also prohibited unless permitted by Federal or State law.]
- D. Carry a firearm which may violate State or local government magazine capacity laws [NOTE: LEOSA governs the carrying of concealed firearms and does not address magazine capacity; as of the date of this Policy there is no authority which provides that LEOSA supersedes the magazine capacity laws of the jurisdiction in which the individual may be located when carrying a concealed firearm.]; or
- E. Take off-duty action in the capacity of a law enforcement officer [NOTE: LEOSA does not itself confer law enforcement authority on a Bureau Investigator or any other law enforcement officer either within or outside the State of California. Any action taken by an off-duty Bureau Investigator outside California is done so as a private person (unless such officer is outside California on official Department business and the jurisdiction in which such officer is located recognizes the law enforcement authority of such officer). Any off-duty law enforcement action taken within California depends upon the peace officer authority as defined in the California Penal Code and not by reference to LEOSA.]

As stated in Sections II.C. and III.C. above, LEOSA does not apply if at the time of carrying a concealed firearm in reliance on the LEOSA exemption the investigator is under the influence of alcohol or another intoxicating or hallucinatory drug or substance. The consumption of alcohol or the use of any such substance may invalidate the availability of LEOSA as an exemption from the concealed carry laws of the location in which the officer is carrying a firearm.

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**VI. LIABILITY**

A currently appointed Bureau Investigator or retired investigator carrying a firearm off-duty outside California under LEOSA does so in the legal capacity of a private person. Any incident involving the use of a firearm by such person may result in personal liability, the costs of which may be significant. Because such actions are outside the scope of employment, the San Diego District Attorney's Office and Bureau of Investigation do not bear liability for the actions of any person relying on LEOSA to carry a firearm. Currently appointed Bureau Investigators and retired investigators are strongly urged to consider the purchase of insurance to cover or defray such costs.

**VII. APPROVAL TO CARRY CONCEALED FIREARM IN CALIFORNIA**

California Penal Code (PC) Section 25900 exempts active and honorably retired investigators from laws prohibiting concealed carry of a firearm in California. Penal Code Sections 16360, 16690, 25450-25475, 26300-26325, and 25900-25920 delineate the issuance of a Carry Concealed Weapon (CCW) endorsed identification card for honorably retired peace officers.

Penal Code Section 25455 mandates the Bureau shall issue an identification card to all full-time paid Bureau Investigators who have been honorably retired from the Bureau. It also mandates the Bureau place an endorsement on the identification certificate stating the investigator is approved to carry a concealed firearm. PC 25455 does not mandate or require the retired investigator submit to or pass a firearm qualification to obtain this endorsement.

To be considered "Honorably retired" from this department, the investigator must meet age and service requirements and be vested in the San Diego County retirement system at the time of separation from the Bureau. If an investigator separates from the Bureau before reaching the required retirement age and defers retirement, they can petition the Bureau after reaching the required retirement age and apply for a CCW endorsed retired investigator identification card.

"Honorably retired" includes any investigator who has qualified for, and has accepted, a disability retirement. However, it does not include an investigator who has agreed to a service retirement in lieu of termination. Additionally, no investigator who retired due to a psychological disability shall be issued an endorsement to carry a concealed firearm.

The following procedures will apply regarding issuance of a retired investigator identification card:

- A. Just prior to the retirement date, the investigator must pass the Bureau's Retired Investigator firearms qualification course.
- B. Upon retirement, each honorably retired investigator will receive a retired investigator photo identification card indicating the Bureau's approval to carry a concealed firearm. The identification card will reflect a five-year expiration date.

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- C. It is incumbent upon the retired investigator to petition the Bureau for renewal of the privilege to carry a concealed weapon upon expiration of each five-year period (PC 25465, 25915 and 26300-26325). Upon request, a renewal form can be mailed to the retired investigator and returned to the Bureau upon completion. Upon approval, the new retired identification card will be mailed to the retired investigator.

If the retired investigator has satisfied the LEOSA requirements for carrying a concealed firearm outside of California, including passing an annual firearm qualification (see Section III.E. above), the identification card may also include a LEOSA endorsement which will reflect a one-year expiration date. If a LEOSA endorsement is not included on the photo identification card, the Retired Investigator must carry with the photo identification card a valid certificate as proof of having completed the required annual firearms qualification pursuant to LEOSA.

**Deny/Revoke Carry Concealed Firearm Privilege**

Per PC 25470, the Bureau may at any time deny or revoke, for good cause, the privilege of the retired investigator to carry a concealed firearm. In such case, the Bureau would stamp the retired investigator's identification card with "No CCW Privilege."

**VII. RETIRED IDENTIFICATION CARD FORMAT**

Pursuant to Penal Code Section 25460, the retired investigator identification card shall contain the following information:

- Photograph of the retired investigator
- Retired investigator's name and date of birth
- Date of retirement
- Retiring agency name and address
- Stamped with "CCW Approved"
- Expiration date of CCW approval
- LEOSA endorsement and expiration date (if applicable)

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: BADGES AND IDENTIFICATION CARDS</b>	
<b>NO. 5.3</b>	<b>DATE: 08/01/2001</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/14/97</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

Official badges, credentials, and identification cards shall only be used for official purposes and identification by all Bureau of Investigation personnel. Any other use shall be considered improper and provide cause for disciplinary action.

**II. OFFICE PROPERTY**

All officially issued badges, credentials, and identification cards are office property. Upon termination, suspension, or extended leave from Bureau employment, or upon demand by the Chief Investigator or their designee, a member shall relinquish any badge, credential, or identification card in their possession. They shall also relinquish any property or evidence entrusted or held for safe keeping.

**III. RESTRICTIONS**

Bureau personnel shall not loan or allow others to use their issued badge, credential, or identification access card. District Attorney credentials or identification cards shall not be copied in any manner except as authorized by the Chief Investigator or their designee.

**IV. READILY AVAILABLE**

Bureau personnel shall maintain their credentials or identification card in such a location as to make it immediately accessible at all times while they are on-duty. Investigators should wear their official badge, on either a pocket or belt clip, while on duty, unless circumstances would prudently dictate otherwise.

**V. LOST IDENTIFICATION REPORTING**

Bureau members shall immediately report the loss, theft, or unexplained disappearance of any official badge, credential, or identification card to both their immediate supervisor and the Chief Investigator or their designee.

**VI. RETENTION OF BUREAU-ISSUED BADGE FOLLOWING SEPARATION**

Under certain circumstances, personnel may retain their Bureau-issued badge when they retire. If a retiring employee is interested in retaining their badge, they should contact the Chief Investigator's Confidential Secretary several weeks prior to their retirement date.

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<b>SUBJECT: MOBILE PHONES</b>	
NO. 5.4	DATE: 11/01/2021
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 06/0/05, 03/25/2014	PAGE: 1 of 1

**I. PURPOSE**

Mobile phones shall be issued to all District Attorney Investigators (DAIs) to enhance their ability to communicate and receive official messages while on-duty and off-duty.

**II. AVAILABILITY**

While on-duty, District Attorney Investigators shall keep their assigned mobile telephone turned on and in their immediate possession whenever circumstances permit. DAIs shall promptly respond to any phone call, text message, or email they receive.

**III. MAINTENANCE AND REPORTING**

Mobile phones shall be tested on a regular basis to ensure they are functioning properly. Malfunctions shall be reported immediately to the DAI's immediate supervisor and the appropriate ITD employee.

Mobile phones shall be securely maintained and properly cared for. Theft or loss of this piece of equipment shall be immediately reported to their immediate supervisor and appropriate ITD employee.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: TELEPHONE USE</b>	
<b>NO. 5.5</b>	<b>DATE: 04/17/14</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/15/12</b>	<b>PAGE: 1 of 1</b>

**I. PURPOSE**

All telephones in the District Attorney's office are considered office property, to be used primarily for conducting official business. Supervisory personnel have the authority to regulate the frequency and length of any personal telephone calls made or received on office telephones.

**II. PERSONAL USE RESTRICTIONS**

Bureau personnel should avoid making any long-distance or international calls from office telephones for personal reasons. If such a call is necessary, all long-distance charges which result shall, upon request, be reimbursed to the County by the member responsible for the telephone call.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: CARE OF OFFICE PROPERTY AND EQUIPMENT</b>	
<b>NO. 5.6</b>	<b>DATE: 03/25/14</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 11/15/12</b>	<b>PAGE: 1 of 1</b>

**I. CARE OF COUNTY PROPERTY**

Bureau of Investigation personnel are responsible for the proper care, maintenance, and serviceable condition of any county, office, or Bureau property issued for, or assigned to, their use, including vehicles and safety equipment. Bureau personnel shall promptly report the loss of, damage to, or unserviceable condition of any county, office, or Bureau property in their control to their immediate supervisor. Willful or negligent loss, abuse, damage or destruction of any county, office, or Bureau property will result in disciplinary action directed toward the responsible employee and/or reimbursement by the employee for the repair or replacement of the affected property.

**II. IDENTIFIATION AND ACCESS CARD**

Every Bureau member is individually responsible for all items issued to them as a member of the Bureau, including badge, credentials, building access devices, and identification card. No member shall permit any other person to borrow or use any item of identification or building access issued to them by the Bureau or the District Attorney's Office. Loss of any item of official identification shall be immediately reported in writing to their direct supervisor who will forward through the chain of command with an accurate account of the events leading up to such loss.

**III. REPORTING DAMAGE**

Damage to real or personal property occurring during the execution of official duties and responsibilities shall, in each instance, be promptly reported in writing to a member's immediate supervisor.

**IV. APPROPRIATION FOR PERSONAL USE PROHIBITED**

No member of the Bureau shall appropriate any evidence or seized property for their own use, nor shall any member appropriate any property of the County of San Diego, the District Attorney's Office, or the Bureau of Investigation for their own use, except as authorized by law.

**V. CREDIT CARDS**

Credit cards and/or credit accounts may be assigned to or authorized for use by some Bureau members. All credit cards or credit accounts in the name of the County of San Diego, District Attorney's Office, or the Bureau of Investigation shall be considered County property and used only in the course of official business. For purposes of this section, credit cards and credit accounts include vehicle rental cards and any other card or account that provides for a charge or debit in the name of the County of San Diego, the District Attorney's Office, or the Bureau of Investigation.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: BODY ARMOR</b>	
NO. 5.7	DATE: 04/26/2016
NEW PROCEDURE: X PROCECURAL CHANGE: SUPERSEDES: IMPLEMENTED 04/26/16	PAGE 1 of 1

**I. PURPOSE**

The purpose of this policy is to provide investigators with guidelines for the proper use of body armor. It is the policy of San Diego County District Attorney's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of basic officer safety procedures.

**II. ISSUANCE OF BODY ARMOR**

The Range Master shall ensure that body armor is issued to all investigators. All issued body armor shall meet or exceed the standards of the National Institute of Justice. The Range Master shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point its effectiveness or functionality has been compromised.

**III. USE OF BODY ARMOR**

- A. Investigators shall only wear agency issued and approved body armor.
- B. Investigators shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action, such as search warrants, perimeter assistance to any enforcement operation, emergency response or mutual aid assistance, etc.
- C. The Division Commander and/or Supervising Investigator(s) may order the use of body armor for any special detail or enforcement action if deemed necessary.
- D. An investigator may be excused from wearing body armor when they are involved in undercover or plainclothes work their supervisor determines could be compromised by wearing body armor, or when a Supervising Investigator determines other circumstances make it inappropriate to mandate wearing body armor.
- E. Body armor shall be worn at all times when participating in any range qualification or as directed by the Range Master, Range Safety Officer(s).

**IV. INSPECTIONS OF BODY ARMOR**

During the annual inventory and equipment inspection, the Range Master or designee shall ensure body armor is properly fitted and maintained in accordance with this policy.

**SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE  
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<b>SUBJECT: LESS-LETHAL WEAPONS</b>	
<b>NO. 5.8</b>	<b>DATE: 11/02/2020</b>
<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 1 of 3</b>

**I. PURPOSE**

This policy establishes regulations and guidelines for the training and use of Bureau approved less-lethal weapons. The purpose in using less-lethal weapons by Bureau personnel who are trained and qualified in their use is to reduce the risk of serious injury or death to District Attorney Investigators and the public.

**II. PHILOSOPHY**

The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice towards anyone. Investigators shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts with members of the public. When investigators are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques which may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely.

The authority to use force is a serious responsibility given to peace officers by the people who expect them to exercise that authority judiciously and with respect for human rights, dignity, and life. In all circumstances, investigators are expected to exercise sound judgment and critical decision making when using force. Investigators have an affirmative duty to only use a level of force they reasonably believe is proportional, and necessary to overcome the perceived, actual, or threatened level of resistance.

Bureau approved less-lethal weapons may be both alternatives to deadly force and intermediate steps in the application of conventional arrest and control techniques, applied in a manner to meet an operational objective.

Bureau approved less-lethal weapons are used to stop aggressive/assaultive behavior which, if not stopped, may result in serious injury or death. DAIs shall use de-escalation techniques and less-lethal weapons, when feasible, to decrease the need for a higher level of force or lethal force. When used properly, less-lethal weapons are less likely to result in death or serious bodily injury.

**III. DEFINITIONS**

Less-lethal weapons under this policy are Bureau approved impact munitions which include:

- A. Impact munitions that use pellet-filled bags or socks, discharged from a 12-gauge shotgun, and plastic OC (Oleoresin Capsicum) powder/liquid-filled pellets expelled from a rifle or pistol operated by compressed gas
- B. Chemical devices that produce smoke, OC or CS (Ortho Chlorobenzalmalononitrile) in powder, fog, mist, foam, liquid or gaseous forms through compressed gas expulsion or Pepperballs discharged from a Pepperball launcher

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<b>SUBJECT: LESS-LETHAL WEAPONS</b>	
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**IV. GUIDELINES FOR USE**

A. Only properly trained DAIs may use the following Bureau approved less-lethal weapons if reasonable and necessary based upon the circumstances of the incident:

1. OC Pepperballs
2. 12-gauge impact munitions (bean bag)
3. MK-46 OC Projector

DAIs using Bureau approved less-lethal weapons should be assisted by a cover officer who is capable of immediately using lethal force if necessary.

B. Issuing and Inspecting less-lethal Weapons

1. Less-lethal weapons will only be issued for specific events or incidents.
2. When less-lethal weapons are issued, DAIs will inspect the weapon for functionality and approved less-lethal ammunition.
3. Lethal ammunition will not be loaded into, or attached in any manner to, a designated less-lethal weapon.
4. DAIs will report to their supervisor any less-lethal weapon which may not be satisfactorily functioning or was found in an unsafe condition.

C. The Incident Scene

1. Immediately following the use of less-lethal weapons, and when safe to do so, the involved investigator should assess for scene security.
2. Assess for injuries. Whenever a subject is struck by a less-lethal munition, first aid will be administered, if necessary. Any abnormal or questionable physical presentation demands immediate medical attention.
3. The investigator's supervisor must be notified as soon as practical when less-lethal weapons have been deployed. The supervisor should proceed to the scene if possible, or as requested if another supervisor oversees the incident.

D. Reporting Procedures

1. As soon as practical, photographs shall be taken to accurately depict the scene, damage and any injury that occurred as a result of the deployment of less-lethal munitions.
2. Identify witnesses and obtain statements.
3. The use of any less-lethal weapon will be reported on a Use of Force Incident report. The investigator's written report must include all pertinent facts relative to the use of the less-lethal munitions and notification of a supervisor.

**V. TRAINING OF PERSONNEL**

The Training Supervisor is responsible for managing the less-lethal weapons training program.

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Prior to being assigned less-lethal weapons, DAIs must successfully complete less-lethal weapons training in the use of:

- 12-gauge impact munitions (Bean Bag)
- OC Pepperball
- Taser
- MK-46 OC Projector

Refresher training in the use of less-lethal weapons should be accomplished each year. When practical, refresher training may be incorporated into the quarterly firearms qualifications and defensive tactics training outlines. Refresher training should include a practical skills demonstration.

**VI. LESS-LETHAL WEAPONS INSTRUCTORS**

The Training Manager, with the approval of the Chief Investigator, will identify and select less-lethal weapons instructors.

- A. Interested Bureau personnel may submit a written request to the Training Manager or designee which should include a summary of their applicable training and experience.
- B. Personnel selected as a less-lethal weapons instructor will successfully complete instructor level courses from appropriate less-lethal weapons manufacturers and/or applicable P.O.S.T. instructor courses. Instructors shall maintain current instructor certificates as required by the manufacturers and P.O.S.T.

In coordination with the Bureau Defensive Tactics Instructors and Rangemaster, the less-lethal weapons instructors shall:

- A. Ensure that all less-lethal training is conducted safely
- B. Prepare and/or approve all basic, advanced and refresher less-lethal training
- C. Arrange for the necessary equipment and supplies needed to complete training
- D. Report to the Training Supervisor any members of the Bureau who fail to attend or qualify in any phase of less-lethal weapons training. The report shall include a recommendation for corrective action.

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<b>SUBJECT: MILITARY EQUIPMENT USE</b>	
<b>NO. 5.9</b>	<b>DATE: 01/31/2025</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 03/10/2022; 3/20/2023; 02/23/2024</b>	<b>PAGE: 1 of 10</b>

**I. PURPOSE**

This policy establishes guidelines for the use, training, approval, and procurement of existing military equipment and future military equipment acquisitions in accordance with California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075. Additionally, this policy outlines the fiscal impact and specific descriptions of existing military equipment within the Bureau's inventory.

**II. PHILOSOPHY**

It is the policy of the Bureau to conduct law enforcement duties in a transparent manner, including the purchase and use of military equipment. Decisions regarding the use, procurement and funding of military equipment should take into consideration the public's welfare, safety, civil rights and allow for public input.

Before seeking authorization for purchasing military equipment, the Bureau shall make the following considerations:

- The equipment is necessary because there is no reasonable alternative that could provide the same objective of investigator and civilian safety.
- The equipment is reasonably cost effective compared to alternatives that can achieve the same objectives of investigator and civilian safety.

The procurement or use of any new type of military equipment, not already in the Bureau's possession, or approved under this policy, will require the approval of the County Board of Supervisors as outlined in Section 7071(a)(1)(A)- 7071(a)(1)(G).

**III. DEFINITIONS**

**A. Governing Body:** The San Diego County Board of Supervisors

**B. Military Equipment:**

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram

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designed to be operated by one person, are specifically excluded from this subdivision.

- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- (9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- (10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
- (13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
- (14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
- (15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

#### **IV. GUIDELINES FOR USE**

The Bureau retains and employs a small amount of "military equipment" as defined above to assist in safely achieving the Bureau's mission to "effectively support the District Attorney in executing the duties and obligations of the office." This mission is accomplished by providing a full range of professional law enforcement and investigative support services and presenting accurate and timely information to support prosecutorial decisions, which ensure continuing public trust in the judicial process.

It is the Bureau's primary goal to execute our duties without using force or by using the minimal amount of force possible. Violations of the Military Equipment Use Policy by members of the Bureau may result in sanctions including suspension or termination. The actions of peace officers may also be subject to review for violations of California law by the San Diego County District Attorney's office and/or the California State Attorney General's Office. Additionally, the U.S. Attorney has the authority to investigate and prosecute violations of federal civil rights laws under color of authority.

The Bureau recognizes enforcement events and mutual-aid incidents can be unpredictable and dynamic in nature. A variety of equipment options can greatly assist supervisors and investigators with resolving these incidents in a safe manner. The below described military equipment is

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restricted for use only in certain instances and in some cases only by certain individuals. While this procedure is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize equipment, including military equipment, to be used in a manner not outlined within this procedure. When scrutinizing those instances, the judgment of the incident commander shall be influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time.

It is incumbent upon incident commanders, supervisors, individual investigators, and specific units to recognize the circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

The following are the various types, quantities, capabilities, lifespan, descriptions, purpose, authorized uses, estimated costs, required training, and procedural rules for the use of military equipment currently employed by the Bureau.

**A. Specialized Firearms/Ammunition Less Than .50 Caliber**

<b>Colt AR-15 Rifle</b>	
Description	Colt AR-15 Rifle (.223/5.56)
Quantity	56
Capability	Provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor.
Life Span	20 years
Manufacturer's Desc	Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4.
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Use	May be used to defend against an imminent threat of serious bodily injury or death. AR-15 rifles are not appropriate for every situation and should only be deployed during situations where they enhance officer and civilian safety.

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<b>Costs</b>	Initial Cost: \$2500 per firearm Re-Occurring Costs: \$0 Maintenance Costs: \$0-\$500 per firearm every 2 years Year Obtained: 2016 How was it Bought: District Attorney department funds
<b>Required Training</b>	24 hour –Patrol Rifle Course (CA POST). Annual Qualifications
<b>Authority for Authorized Use</b>	Bureau of Investigation P&R Section 5.1: Authorized Equipment Bureau of Investigation P&R Section 4: Use of Force

<b>Weapons Training Unit - Miscellaneous Firearms</b>	
<b>Description</b>	Miscellaneous firearms of various calibers, makes, and models which qualify as “assault weapons” under CA law.
<b>Quantity</b>	43
<b>Capability</b>	Firearms training and education
<b>Life Span</b>	Varies
<b>Manufacturer's Desc</b>	Varies
<b>Purpose</b>	This small catalog of weapons provides Bureau personnel assigned to the Weapons Training Unit a firearms reference library to enhance their overall firearms knowledge and expertise. They also aid with firearms training, education, and court related expert testimony.
<b>Authorized Use</b>	Shall not be used in the field or operationally. May be used/handled in a training and/or demonstration environment under the direct supervision of the Range Master and/or designated Weapons Training Unit personnel only.
<b>Costs</b>	Initial Cost: \$0 Recurring Costs: \$0 Maintenance Costs: \$0 Year Obtained: Varies How was it Bought: Varies
<b>Required Training</b>	POST Firearms Instructor POST Firearms/Tactical Rifle Instructor
<b>Authority for Authorized Use</b>	Shall not be used in the field or operationally.

**B. Oleoresin Filled Projectiles (Pepper Balls) and Pepper Ball Launchers**

<b>Tippman FT-12 Pepper Ball Launcher</b>	
<b>Quantity</b>	4
<b>Capability</b>	Pepper ball launchers provide Bureau personnel the ability to

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	address armed and/or violent individuals with a non-lethal munition that delivers both chemical agent and kinetic energy impact.
Life Span	Two (2) year limited manufacturer warranty.
Manufacturer's Desc	The Tippmann FT-12 paintball marker incorporates modular internals to help reduce maintenance time by 75 percent. The FT-12 is a groundbreaking rental marker for field owners that can be serviced in less than 60 seconds without tools. The FT-12 is a compact marker with an ergonomically positioned front vertical grip, which is ideal for a wide range of players. The marker's patent-pending design makes gaining access to internals significantly easier.
Purpose	De-escalation tool not likely to inflict serious injury. To safely resolve critical situations involving armed and/or violent individuals.
Authorized Use	May be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest, suicidal subjects, and individuals believed to possess or have immediate access to a deadly weapon. May also be used to drive individuals from confined spaces or vehicles or contain them in a confined space to enhance officer and community safety.
Costs	Initial Cost: \$140 per unit Recurring Costs: \$0 Maintenance Costs: None Year Obtained: 2020 How was it Bought: District Attorney department funds
Required Training	4 hour – BOI Less Lethal Course (Not CA POST) taught by CA POST Certified Less Lethal Weapons Instructor. Annual qualifications.
Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Less-Lethal Weapons Bureau of Investigation P&R Section 4: Use of Force

<b><i>Pepper Ball LIVE-X or equivalent</i></b>	
Quantity	3 cases (375 per case)
Capability	Pepper balls provide Bureau personnel the ability to address armed and/or violent individuals with a non-lethal munition that delivers both chemical agent and kinetic energy impact.
Life Span	Five (5) year manufacturer warranty
Manufacturer's Desc	Our most potent and powerful concentration of PAVA pepper powder. One round of LIVE-X contains the equivalent PAVA irritant chemical agent in 10 regular Pepper Ball LIVE rounds.

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Purpose	De-escalation tool not likely to inflict serious injury. To safely resolve critical situations involving armed and/or violent individuals.
Authorized Use	May be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest, suicidal subjects, and individuals believed to possess or have immediate access to a deadly weapon. May also be used to drive individuals from confined spaces or vehicles or contain them in a confined space to enhance officer and community safety.
Costs	Initial Cost: \$838.09 per case (375 count) Recurring Costs: \$0 Maintenance Costs: As needed Year Obtained: 2020 How was it Bought: District Attorney department funds
Required Training	4 hour – BOI Less Lethal Course (Not CA POST) taught by CA POST Certified Less Lethal Weapons Instructor. Annual qualifications.
Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Less-Lethal Weapons Bureau of Investigation P&R Section 4: Use of Force

**C. Less Lethal Bean Bag Shotgun and Munitions**

<b><i>12 Gauge Less Lethal Impact Munitions Launcher- Remington</i></b>	
Description	Remington Pump Action, 12-gauge shotgun.
Quantity	3
Capability	Deploying 12 gauge less lethal flexible baton munitions (CSI-2581 Super sock) with a maximum effective range of sixty (60) feet.
Life Span	Indefinitely
Manufacturer's Desc	The 14" barrel has a fixed cylinder choke for optimum performance with buckshot and slugs at close range. A myriad of aftermarket Remington 870 accessories enables owners to customize the 870 Express for specific purposes. 870 Remington is a receiver milled from a solid billet of steel for maximum strength, and twin action bars that prevent binding and twisting while cycling the action.
Purpose	Deploying 12 gauge less lethal flexible baton (CSI-2581 Super sock) as impact munitions to safely resolve critical situations involving armed and/or violent individuals.
Authorized Use	May be deployed to impact individuals demonstrating assaultive behavior or life-threatening behavior. May be used to control an actively resistive individual reasonably believed to possess or have

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	immediate access to a deadly weapon.
Costs	Initial Cost: \$500 each Recurring Costs: \$0 Maintenance Costs: As needed Year Obtained: 2000 How was it Bought: District Attorney's department funds
Required Training	4 hour – BOI Less Lethal Course (Not CA POST) taught by CA POST Certified Less Lethal Weapons Instructor. Annual qualifications.
Authority for Authorized Use	Bureau of Investigation P&R Section 5.1: Less-Lethal Weapons Bureau of Investigation P&R Section 4: Use of Force

**D. Unmanned, remotely piloted, powered aerial or ground vehicles**

<b>DJI Mavic 3 Enterprise Thermal</b>	
Description	Commercial Unmanned Aircraft System (UAS)
Quantity	1
Capability	Fly, hover, broadcast video, record video, photography, thermal imaging
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Desc	Commercial grade UAS equipped with integrated thermal camera. Has adjustable parameters and multiple display modes.
Purpose	Provide aerial support for law enforcement operations. Aerial photography/videography for court exhibits
Authorized Use	Enhance officer and civilian safety Law enforcement operations which would benefit from an aerial perspective
Costs	Initial Cost: \$5,750 Re-Occurring Costs: \$0 Maintenance Costs: As needed Funding Source: District Attorney department funds
Required Training	Drone pilot ground school, FAA Part 107 certificate, minimum of 20 hours flight training time, monthly training flights, annual FAA Part 107 refresher test
Authority for Authorized Use	Certificate of Waiver or Authorization (COA) FAA Part 107 and FAA Part 107 Waiver(s) Bureau P&R Section 5.11: Unmanned Aircraft Systems

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<b>DJI Avata</b>	
Description	Commercial Unmanned Aircraft System (UAS)
Quantity	1
Capability	Fly, hover, broadcast video, record video, photography
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Desc	Commercial grade UAS equipped. Has adjustable parameters and multiple display modes.
Purpose	Provide aerial support for law enforcement operations. Aerial photography/videography for court exhibits
Authorized Use	Enhance officer and civilian safety Law enforcement operations which would benefit from an aerial perspective
Costs	Initial Cost: \$1,400 Re-Occurring Costs: \$0 Maintenance Costs: As needed Funding Source: District Attorney department funds
Required Training	Drone pilot ground school, FAA Part 107 certificate, minimum of 20 hours flight training time, monthly training flights, annual FAA Part 107 refresher test
Authority for Authorized Use	Certificate of Waiver or Authorization (COA) FAA Part 107 and FAA Part 107 Waiver(s) Bureau P&R Section 5.11: Unmanned Aircraft Systems

**V. PROCUREMENT OF NEW EQUIPMENT**

The procurement or use of any new type of military equipment, not already in the Bureau's possession, or approved under this policy, will require the approval of the County Board of Supervisors as outlined in California Government Code sections 7071(a)(1)(A)- 7071(a)(1)(G).

**VI. INQUIRIES**

Inquires may be made in the following ways:

- In person: Any DA facility
- Telephone: (619) 531-4040
- Mail: San Diego County District Attorney, 330 W. Broadway, San Diego, CA 92101
- Email: [SanDiegoDA@sdcdca.org](mailto:SanDiegoDA@sdcdca.org)

General questions or concerns will be routed to the Training Commander for response within 30 days. The Training Commander shall track all inquiries and responses for inclusion in the Military Equipment Use Report.

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**VII. COMPLAINTS**

Allegations of misconduct against a member of the San Diego County District Attorney's (DA) office related to the use of military equipment may be registered in the following ways:

- In person: Any DA facility
- Telephone: (619) 531-4040
- Mail: San Diego County District Attorney, 330 W. Broadway, San Diego, CA 92101

Formal complaints, warranting further investigation, will be routed to the Special Operations Division for review and follow-up, in accordance with statute and policy. The Bureau will investigate noncompliance with the Military Equipment Use Policy in accordance with section 832.5 of the California Penal Code, which sets mandatory provisions for complaints made on peace officers as defined by California Penal Code 832 and custodial officers as defined by section 831.5 PC.

The Training Commander, in collaboration with the Weapons Training Unit, will conduct an annual inspection to ensure the Military Equipment Use Policy is followed and the items listed in the Military Equipment Report are utilized within policy and in accordance with applicable laws. Any violation of policy or law will be investigated accordingly and reported in the annual Military Equipment Use Report.

**VIII. ANNUAL ONGOING COSTS**

Note: Not every item listed in this document will involve a yearly recurring cost. Some items require repairs or maintenance only when needed. Some listed costs are estimates only and could vary.

**Specialized Firearms/Ammunition Less Than .50 Caliber**

Maintenance costs could arise to repair or replace broken/damaged or worn-out items. Annual recurring purchases of consumable items used in training, during critical incidents or tactical operations. The District Attorney's budgeted funds cover these costs.

**Pepper Spray and Oleoresin Filled Projectiles (Pepper Balls)**

Annual recurring purchases of consumable items used in training, during critical incidents or tactical operations. The District Attorney's budgeted funds cover these costs.

**Less Lethal Bean Bag Shotgun and Munitions**

Maintenance costs could arise to repair or replace broken/damaged or worn-out items. Annual reoccurring purchases of consumable items used in training, during critical incidents or tactical operations. The District Attorney's budgeted funds cover these costs.

**Unmanned, remotely piloted, powered aerial or ground vehicles**

Maintenance costs could arise to repair or replace broken/damaged or worn-out items. The District

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Attorney's budgeted funds cover these costs.

**IX. MILITARY EQUIPMENT USE DURING MUTUAL AID EVENTS**

It is common practice for local, state, and federal law enforcement agencies to request resources and military equipment for incidents including but not limited to, search warrants, barricaded suspects, large scale crime scenes, search and rescue operations, protests, riots, and other emergency operations conducted to restore public safety. Likewise, the Bureau may temporarily use or borrow equipment from other local, state, and federal law enforcement agencies for incidents including but not limited to those already listed above.

The collaboration with other law enforcement agencies regarding the sharing of military equipment, which has already been approved by each respective governing body, is often necessary to ensure public safety, when all other resources or alternatives have failed or cannot achieve the same objective. The Bureau may collaborate with another law enforcement agency in the deployment or other use of military equipment listed in the Bureau's or aided agency's military equipment use policy within San Diego County. All borrowed military equipment from other law enforcement agencies, shall be used in accordance with Bureau policy, applicable laws and only by individuals with proper training.

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**I. PURPOSE**

This policy provides guidelines for Bureau members using body-worn cameras in the performance of their duties.

**II. BACKGROUND**

Law enforcement's use of body-worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. Persons reviewing BWC recordings must be cautious before reaching conclusions as video cannot always show the full story, nor does it capture an entire scene.

**III. DEFINITIONS**

- **Body Worn Camera (BWC)** – A camera worn on an individual investigator's person that records and stores audio and video.
- **Standby Mode** – The default status of a BWC which has been powered on, but not activated. In this mode, the camera will continuously capture 30 seconds of video without audio.
- **Event Mode** – The status of a powered on BWC after the "event" button is pressed. In this mode, the camera will continuously record audio and video until the event button is pressed again. Repeatedly pressing the event button toggles Event Mode on and off and will create separate media segments. Buffered video captured directly before entering Event Mode will also be saved and attached to the media segment within permanent memory.
- **Digital Evidence** – Electronic media including photographs, audio recordings, and video footage captured by a BWC, and stored digitally.
- **Evidence.com** – An online cloud-based digital evidence database managed by a third-party vendor storing encrypted data in a highly secure environment and accessible to personnel based on security clearance.
- **Evidence Docking Station (EDS)** – A portable multi-ported docking station which simultaneously recharges the BWC while uploading its stored data to Evidence.com.
- **Metadata** – Case numbers, incident numbers, and other descriptors used to organize, find, and understand BWC data.
- **Muting** - A function allowing the BWC operator to temporarily record video without audio while in Event Mode.
- **Evidentiary data** – Data of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. The retention period for evidentiary data is subject to state evidentiary laws.

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- **Nonevidentiary data** – Data that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the investigator might perform while on duty.

**IV. POLICY**

The Bureau may provide investigators with access to Body Worn Cameras (BWC) for use during the performance of their duties. All investigators issued a BWC must wear the device while conducting enforcement activity likely to result in the detention, search, and/or arrest of an individual. Members of task forces are not required to wear BWCs while working in a task force capacity but may be directed to do so by a supervisor.

**V. PRIVACY**

BWC equipment shall not be utilized for personal use. All digital evidence collected using a department issued BWC is considered property of the San Diego County District Attorney. Investigators shall have no expectation of privacy or ownership interest in the content of these recordings. Accessing, copying, forwarding, or releasing digital evidence for any purpose other than official law enforcement use is strictly prohibited.

Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Use of a secondary device such as a video camera, cell phone, or other device to record or capture BWC recordings is strictly prohibited.

Investigators shall not typically allow citizens to review BWC recordings; however, investigators and/or supervisors are afforded the discretion to replay a recording for citizens to mitigate possible minor complaints. Public release of digital evidence, including BWC recordings, is prohibited unless approved by the District Attorney or their designee.

**VI. INVESTIGATOR RESPONSIBILITIES**

Only authorized personnel shall use or have a BWC device. Using any other personal video recording device for the same purpose is not authorized without prior permission from the Chief Investigator, or their designee. BWC devices shall be stored in a designated Evidence Docking Station (EDS) when not in use to allow proper downloading, charging, and updating. The EDS will automatically transfer BWC data to Evidence.com.

Before use, investigators shall inspect their assigned BWC to ensure the device is in good working order and has no visual damage. If the BWC is not working properly, or the investigator becomes aware of a malfunction, the investigator shall notify their supervisor and BWC Program Manager as soon as practicable, but no later than the start of the investigator's next workday. Investigators shall not tamper with or dismantle any hardware or software component of any BWC device.

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Investigators shall not intentionally obscure the view of their BWC. Uniformed investigators shall wear their assigned BWC above the midline of their torso and utilize their viewers to ensure the camera's field of view provides for effective recording. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear their assigned BWC in a conspicuous manner, or otherwise notify persons they are being recorded when reasonably practicable.

**VII. ACTIVATION OF THE BODY WORN CAMERA**

Investigators shall keep their BWC in Standby Mode during pre-enforcement, and while at a scene during post-enforcement, except during instances listed in this procedure under Prohibited Recordings.

Investigator and public safety shall be the primary considerations when contacting citizens or conducting enforcement activity and take priority over recording events. Investigators assigned BWCs shall activate Event Mode before engaging in the following situations, or as soon as safely possible thereafter, and continue recording until the situation has concluded or transitioned to evidence and/or intelligence gathering:

- a) Enforcement activity likely to result in the detention, search, and/or arrest of an individual. This includes travel to a location involving pre-planned enforcement activity.
- b) Citizen contacts that become adversarial
- c) Assisting another County employee or law enforcement officer during their enforcement contact
- d) Any time the investigator believes it would be appropriate or valuable to record an event

Investigators are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen. Private citizens do not have a reasonable expectation of privacy while interacting with a law enforcement officer acting in their official capacity, even when the contact occurs within a private residence. Although not required to give notice, investigators are encouraged to inform citizens they are being recorded to de-escalate potential conflicts. Requests by members of the public to stop recording should be considered under this criterion. If asked, investigators may advise citizens they are being recorded.

Investigators should remain sensitive to the dignity of all individuals and are authorized to discontinue recording whenever it reasonably appears an individual's privacy interest may outweigh any legitimate law enforcement need to record. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Investigators and supervisors involved in the investigation of a complaint against a member of the Bureau must inform complainants and complaining witnesses they are being recorded.

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**VIII. DEACTIVATION OF THE BODY WORN CAMERA**

Investigators assigned BWCs will occasionally assist specialized units and agencies during sensitive operations where confidentiality is imperative to the operation. If there is a specific reason in the interest of the investigation for investigators not to activate their BWCs, the supervisor in charge must give their approval. If a supervisor orders an investigator to turn off their BWC during a required or anticipated activation event, that investigator will document the order in a report explaining why their camera was not activated. Additionally, a supervisor who orders an investigator to turn off their BWC during a required or anticipated activation event will also be responsible for documenting the reason in an official report.

BWC is not to be utilized during a debrief of a cooperating or potentially cooperating individual. Any BWC video showing an individual's willingness to cooperate with law enforcement, which if released could result in retaliation against the subject, is to be considered confidential in nature and shall be processed as such. If a subject offers to provide information to an investigator during any contact, the investigator will immediately cease all BWC recording. Intentional BWC recording of cooperating individuals and/or undercover investigators is prohibited, unless authorized by a supervisor.

**IX. PROHIBITED RECORDINGS**

BWCs shall not be used to record the following areas or activities:

- a) Places where persons have a reasonable expectation of privacy such as locker rooms, dressing rooms, or restrooms.
- b) Trainings, meetings, or other activities not related to enforcement activity or criminal investigation.
- c) Crime briefings, tactical briefings, and Officer Involved Shooting (OIS) walk-throughs.
- d) Surreptitious recordings of other department members.
- e) Administrative/Internal Affairs investigations.
- f) Contact with confidential informants.
- g) Medical or psychological evaluations or treatment by a clinician or similar professional, including interviews conducted by a PERT clinician.
- h) Facilities whose primary purpose is to provide psychiatric or medical services unless responding to an incident involving a suspect.
- i) Informal or casual encounters with members of the public.

BWCs should not generally be used during Sex Crimes or Child Abuse investigations, to include victims/witness statements and interactions with victims' parents; however, there may be circumstances when recording the event is necessary. In the event BWC recording is warranted in a hospital and other medical facilities, investigators shall make a concerted effort to avoid recording persons other than the suspect.

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<b>NEW PROCEDURE: X</b> <b>PROCEDURAL CHANGE:</b> <b>SUPERSEDES:</b>	<b>PAGE: 5 of 8</b>

**X. EXPLOSIVE DEVICES**

BWCs and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

**XI. DOCUMENTATION OF RECORDED EVENTS**

Investigators shall document the existence of evidentiary BWC data and include a short description of what the data depicts in an official Bureau report. Unless writing their own report, assisting investigators possessing additional evidentiary BWC data shall notify the case agent the data exists and provide them with a short description of what the data depicts to include in their report. Investigators should not use the fact a recording was made as a reason to write a less detailed report. Non-evidentiary BWC data, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented via email to the BWC Program Manager or their designee.

**XII. REVIEWING RECORDED BWC DATA**

BWC data may only be accessed by those with a specific need to access it to accomplish a task related to their current assignment. When preparing written reports or preparing to make a statement related to their conduct, investigators should review their BWC recordings as a resource. Except for a timely public safety statement, investigators involved in a critical incident shall be allowed to review their own recording of the incident prior to giving a voluntary or compelled statement. If the investigator's recording is damaged, destroyed, of poor quality, or other recording(s) offer a better perspective of the critical incident, the Chief Investigator may authorize the investigator to view recording(s) from other BWC devices.

The Bureau does not intend to review BWC evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations. If, while viewing a recording for a legitimate reason, a new and separate criminal or policy violation is observed, the reviewer shall have the authority to initiate a separate investigation into those violations. Supervisors are authorized to review relevant BWC recordings any time they are investigating alleged misconduct; however, the supervisor must have specific and articulable reasons for doing so.

BWC files may also be reviewed:

- a) Pursuant to lawful process.
- b) By personnel otherwise authorized to review evidence in the associated case.
- c) With supervisor approval, by personnel participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- d) By members of the media with permission of the District Attorney or their authorized designee. The BWC Program Manager, or their designee, will notify the involved personnel of the pending media release if practicable.

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- e) For purposes of training law enforcement personnel once the case has been adjudicated. BWC recording(s) used for training shall not be disparaging or demeaning to the San Diego County District Attorney's Office, its employees, or the subjects of the recording(s), and require authorization from the Chief Investigator prior to distribution. Investigators shall be provided with at least 30 days' notice before BWC video made by them or capturing their image or voice is authorized to be used for training. Examples of useful recordings may include law enforcement tactics and de-escalation techniques.

In situations where there is a need to review digital evidence not covered by this procedure, a Deputy Chief Investigator or higher must approve the request. Each situation will be evaluated on a case-by-case basis.

### **XIII. MUTING**

Muting is generally discouraged; however, there are situations where muting may be beneficial. BWC muting shall only be performed as directed by a supervisor or in accordance with the specific considerations of this policy. Audio may be muted for a specific articulable reason and only for the time necessary to complete privileged conversation. Before muting a BWC, the investigator shall consider verbally explaining the reason for muting. Once privileged conversation has concluded, the camera shall be returned to full function. Investigators shall document all instances of muted audio to include their reasoning for doing so.

Areas of consideration for BWC muting include:

- a) **Tactical Considerations:** Discussion of specific law enforcement tactics which, if released, could result in compromising future law enforcement operations or jeopardizing officer safety.
- b) **Confidential Information Considerations:**  
Due to the confidential nature of some investigations, personnel may mute the audio portion of their BWC during any portion of a contact where case sensitive information is being discussed. If confidential information is not being discussed, the audio portion of the recording is to remain on. BWC video shall remain operational throughout the entire contact. All confidential information not recorded by the BWC, which is pertinent to the investigation, will be documented in a confidential supplemental report (Evidence Code §§1040-1042).

In the event confidential information is recorded, the recording investigator will notify their supervisor and BWC Program Manager to facilitate storing the video in a partitioned storage area with limited access. BWC video containing confidential information will be documented in the associated confidential supplemental report.

### **XIV. METADATA**

To assist with identifying and preserving data and recordings, investigators should download, tag, or mark each recorded segment, even if the segments are of the same event. Metadata should

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be added as soon as possible, generally at the conclusion of the event, unless safety reasons necessitate a delay. Metadata consists of an identification field, retention category, and recording title. If a case number exists, the case number shall be input into the identification field. Investigators shall select the retention category that most accurately fits the recording. Recording titles may vary, including location, crime type, or suspect name. Viewing or adding metadata will not alter the video recording.

**XV. SURREPTITIOUS USE OF THE BODY WORN CAMERA**

Investigators may use BWCs to surreptitiously record any conversation during a criminal investigation in which the investigator reasonably believes recording will be lawful and beneficial to the investigation.

**XVI. SUPERVISOR RESPONSIBILITIES**

Supervisors who have personnel assigned a BWC to wear must ensure the BWC is being used to record enforcement-related contacts and other incidents outlined in this policy. Supervisors should take custody of a BWC as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded.

**XVII. BWC PROGRAM MANAGER**

The Chief Investigator or their authorized designee shall appoint a Commander as the BWC Program Manager. The BWC Program Manager is responsible for overseeing and managing all aspects of the Bureau's BWC program. Additionally, the BWC Program Manager shall ensure the Bureau's BWC training, policies, and procedures conform to current laws, regulations, and best practices including:

- a) Establishing when data should be downloaded to ensure the data is entered into the system in a timely manner, the cameras are properly maintained and ready for the next use, and for purposes of tagging and categorizing the data.
- b) Establishing specific measures to prevent data tampering, deleting, and copying, including prohibiting the unauthorized use, duplication, or distribution of BWC data.
- c) Ensuring an appropriate retention schedule is being applied to recordings and associated documentation.
- d) Establishing a maintenance system to ensure availability of operable BWC devices.
- e) Maintaining access and deletion logs for BWC recordings.

Given the technical nature of BWCs and their accessory equipment, the BWC Manager may assign a Supervising Investigator with the necessary knowledge, skills, and abilities as the BWC Coordinator, to manage the day-to-day operation of the Bureau's BWC program.

**XVIII. RETENTION OF RECORDINGS**

In accordance with Penal Code section 832.18, BWC recordings of the following events should be retained for a minimum of two years or, if relevant to a criminal prosecution, any additional

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time as required by law:

- a) Incidents involving use of force by an investigator
- b) Officer-involved shootings
- c) Incidents that lead to the detention or arrest of an individual
- d) Recordings relevant to a formal or informal complaint against an investigator

Nonevidentiary data should be retained for a period consistent with the requirements of the San Diego District Attorney's records retention schedule, but in no event for a period less than 60 days. Records or logs of access and deletion of recordings should be retained permanently.

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<b>SUBJECT: UNMANNED AIRCRAFT SYSTEMS (UAS)</b>	
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**I. PURPOSE**

This policy establishes regulations and guidelines for the training and use of Bureau approved Unmanned Aircraft Systems (UAS) and the storage, retrieval, and dissemination of data captured by UAS.

**II. DEFINITIONS**

- **Unmanned Aircraft System (UAS):** An uncrewed aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled, and all supporting or attached systems designed to gather information through imaging, recording or any other means.
- **Certificate of Waiver or Authorization (COA):** Document issued by the Federal Aviation Administration (FAA) that authorizes public aircraft operations in the National Airspace System (NAS).
- **FAA Part 107:** A set of rules for operating UAS commercially in the United States. Reference to the certification UAS pilots must have before they can legally offer UAS services.
- **Remote Pilot in Command (RPIC):** A person who holds a current remote pilot certificate with a UAS rating, has full control over a UAS during flight, and is responsible for the overall flight operations.
- **Visual Observer (VO):** A person who assists the RPIC to see and avoid other air traffic or objects.
- **Night flight:** UAS flight that occurs between one-half hour after sunset and one-half hour before sunrise.

**III. POLICY**

UAS may be utilized to enhance Bureau operations which would benefit from an aerial perspective. Such activities may include evidence identification, location and/or collection; video and photographic documentation and mapping of crime scenes; natural disaster evaluation and response; search and rescue; information gathering at locations of search and arrest warrants to enhance investigator, suspect, victim, and community safety; training; and to protect lives and property when other means and resources are not available or likely to be less effective.

UAS use will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

**IV. PRIVACY**

Absent a warrant or exigent circumstances, UAS personnel shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where there is a reasonable expectation of privacy. In all cases involving UAS deployment, reasonableness and respect for privacy shall guide the actions of all UAS personnel.

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**V. USE OF UAS**

UAS operations shall be conducted in accordance with the standard and special provisions of an authorized COA. Absent an authorized COA, UAS operations shall be conducted in accordance with the rules of FAA Part 107 or applicable FAA Part 107 waiver(s). UAS operations (both missions and training) shall be recorded by the RPIC on a department approved flight log. A pre-flight checklist shall be completed by the RPIC, with pertinent information being recorded before any flight. Pertinent information shall include the date, time, location, weather, and number of satellites acquired.

Only authorized Bureau personnel who have completed the required training and obtained FAA Part 107 certification shall be permitted to operate UAS during a mission. Nothing in this policy shall preclude pilots in training from operating UAS during department training. A Visual Observer (VO) shall be employed whenever practical to alleviate workload from the Remote Pilot in Command (RPIC) and afford them the ability to concentrate on the mission objective.

Use of vision enhancement technology (e.g., thermal, and other imaging equipment not generally available to the public) is permissible only where there is no protectable privacy interest, or in compliance with exigent circumstances, a search warrant, or court order. In all other instances, legal counsel should be consulted prior to utilizing vision enhancement technology.

**VI. UAS SUPERVISOR**

The Chief Investigator will appoint a Supervising District Attorney Investigator as the UAS Supervisor. The UAS Supervisor is responsible for overseeing the Bureau's UAS team and managing all aspects of the Bureau's UAS program. Additionally, the UAS Supervisor shall ensure the Bureau's UAS training, policies, and procedures conform to current laws, regulations, and best practices. Given the technical nature of aviation, the UAS Supervisor may assign responsibility for UAS operations to a team leader with the necessary knowledge, skills, and abilities to manage the day-to-day operation of the UAS team safely and effectively.

The UAS Supervisor will evaluate and accept or reject all UAS deployment requests based on department and Federal Aviation Administration (FAA) criteria.

**VII. UAS PILOTS AND VISUAL OBSERVERS**

UAS team members shall obtain their Remote Pilot Certificate from the FAA within 120 days of joining the UAS team, and prior to operating any department owned UAS. This certificate demonstrates the team member understands the regulations, operating requirements, and procedures for safely flying UAS. On any given mission, a UAS team member may be called upon to perform the duties of either the Remote Pilot in Command (RPIC) or Visual Observer (VO). As a result, UAS team members must maintain proficiency in the operational standards of both positions.

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The primary duty of the RPIC is to operate the UAS in a safe and effective manner in accordance with FAA regulations and Bureau procedures to include:

- Flight planning and preparation, including pre-flight inspections of UAS and equipment
- Weather briefing
- Flight operations, including control of course, air speed, altitude, and duration
- Timely reporting of new or previously unknown hazards to safe flight
- Post-flight inspection
- Completing appropriate UAS logbook entries and reports

The RPIC is authorized to refuse any flight request based on current meteorological conditions, physiological conditions, or for any other concern the RPIC believes will affect flight safety.

The primary duty of the VO is to coordinate operations between the UAS and ground personnel. The VO will also identify risks to personnel, the public, and property (including the UAS) and take immediate steps to coordinate with the UAS RPIC to mitigate or avoid these risks.

### **VIII. TRAINING**

UAS team members are required to complete the following training:

- Formal Commercial Drone Pilot Ground School training program to prepare for the FAA Unmanned Aircraft Knowledge Test.
- Minimum of 20 hours flight training time with a similar aircraft prior to flying the UAS during law enforcement missions.
- One training flight, including one takeoff and landing, each month to maintain pilot proficiency and ensure equipment is airworthy and in proper working order.
- FAA part 107 refresher test every 24 months.

### **IX. SAFETY**

Any flight resulting in property damage or injury shall be documented in a written report and submitted to the Chief Investigator via the chain of command. The UAS Supervisor shall review the report to determine if there is a need for training. Proper FAA reports shall be filed if the damage or injury rises to the reporting level dictated by FAA Part 107.

### **X. EVIDENCE COLLECTION**

The collection of photographic and video data will be limited to the extent necessary to accomplish the mission including evidence collection, observation of enforcement actions, and incidents of possible evidentiary value in a criminal case. The UAS Remote Pilot in Command (RPIC) is responsible for collecting and processing evidence obtained during UAS deployment. All UAS derived evidence should be stored in the same manner as any other digital evidence. The UAS RPIC shall prepare a written report documenting the collection of any such evidence.

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**XI. PROHIBITED USE**

UAS shall not be used to:

- Conduct random surveillance activities.
- Target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- Harass, intimidate, or discriminate against any individual or group.
- Conduct personal business of any type.

The use of privately owned UAS for department related activities is prohibited except in defense of human life or in defense of any person in immediate danger of death or serious physical injury.

Bureau owned and operated UAS shall not be weaponized.

**XII. RETENTION OF UAS DATA**

All data related to any criminal proceeding, claim filed, pending litigation, or personnel complaint shall be preserved until the matter is resolved and in accordance with the law. Any retained data will be safeguarded to protect the privacy of citizens who may be depicted therein. Accessing, copying, forwarding, or releasing any digital evidence other than for official department use is strictly prohibited.

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<b>SUBJECT: OPERATION OF COUNTY VEHICLES</b>	
<b>NO. 6.1</b>	<b>DATE: 11/01/2021</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 02/26/10, 12/29/2014</b>	<b>PAGE: 1 of 4</b>

**I. PURPOSE**

The Chief Investigator is responsible for assignment and control of all county vehicles assigned to the Office of the District Attorney. In order to execute these responsibilities in an effective and efficient manner, the Chief Investigator has delegated responsibility for fleet management to the Bureau of Investigation Special Operations Unit.

**II. FLEET DIRECTIVES**

Bureau personnel shall comply with all Special Operations Unit instructions and/or directives pertaining to the assignment, operation, maintenance, or repair of any County vehicle. The Special Operations Unit shall establish fleet management procedures for county vehicles, including procedures which establish or confirm the authorization of individual District Attorney employees to operate such vehicles.

**III. AUTHORIZATION FORM**

Every District Attorney employee who operates a county vehicle assigned to the Bureau is required to complete and have on file an "Authorization to Drive a Vehicle on County Business" form. No District Attorney employee may operate a county vehicle without such authorization. All District Attorney employees, by signing this form, agree to comply with the provisions of the form. The Employee Relations Division will maintain a copy of the form in the employee's personnel file for verification purposes.

**IV. DRIVERS LICENSE**

It shall be the duty of every Bureau member to maintain a valid California driver's license. Every member whose position entails, or may entail, driving any county vehicle shall be responsible for submitting a copy of their current driver's license to the office of the Chief Investigator where it will be maintained in their personnel file. The Administrative Unit may use the State of California, Department of Motor Vehicle's "Pull Notice" program to obtain current employee driving records.

**V. SUBSTANCE POLICIES**

Every Bureau member shall fully comply with the Alcohol / Drug Use and Smoking and Tobacco Use policies when operating any County vehicle, whether on or off duty, and shall ensure that all vehicle passengers also comply with the Smoking and Tobacco Use policy (BOI Policy No. 2.9 and 2.10). Bureau members shall not drive a County vehicle after consuming alcoholic beverages in violation of Board of Supervisors Policy C-25. For County Policies, refer to the following resources:

- Board of Supervisors Policy C-25: <http://www.sdcounty.ca.gov/cob/docs/policy/C-25.pdf>.
- County of San Diego Human Resources Policy No. 107:  
[http://cwss/sites/DHR/Policies%20and%20Procedures/Drug\\_Alcohol\\_Use.pdf](http://cwss/sites/DHR/Policies%20and%20Procedures/Drug_Alcohol_Use.pdf)

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**VI. GENERAL USAGE**

Usage of County vehicles assigned to Bureau personnel is classified as either “off-duty” or “to and from.”

- “Off-duty” usage is defined as usage for any purpose other than travel to and from work and call-outs. Authorization for Off-duty usage is limited to on-call personnel, command personnel at the rank of Commander and above, and other personnel at the Chief’s discretion.
- “To and from” usage is defined as to and from work and call-outs.

For those assigned “off-duty” or “to and from” usage, county vehicles may be driven out of county only to those counties adjacent to San Diego, unless authorized by the division commander for investigative or training purposes to travel beyond the adjacent county. When on duty, unless otherwise authorized, Bureau personnel shall notify via email and obtain approval from their immediate supervisor before taking a County vehicle outside of San Diego County

**VII. INCIDENTAL USAGE**

County vehicles shall be used to fulfill the administrative, legal, and investigative missions of the District Attorney's Office. With the exception of approved off-duty usage, Bureau personnel may use a County vehicle for personal purposes incidental to travel to and from work, and incidental to official travel during the employee's work shift.

**VIII. EMERGENCY USAGE**

A District Attorney employee may use a County vehicle to respond to an emergency which is not related to the business of this office when a personal vehicle is not readily available. For this purpose an emergency is defined as a circumstance in which an immediate response by the employee is required to avoid or minimize damage to property, loss of property, other economic loss, or a danger to the life, health, or safety of any person. The employee will notify a supervisor as soon as practical.

**IX. SPECIAL ASSIGNMENT USAGE**

Investigators may, with prior approval from the Chief Investigator, use a County vehicle for personal purposes when they are assigned duties which may require the use of or immediate response in, a County vehicle after normal business hours

**X. TRAFFIC LAW COMPLIANCE**

Bureau personnel shall comply with all state and local traffic laws, including parking restrictions, and will operate County vehicles in a safe and courteous fashion. Bureau members are personally responsible for any citation they receive due to their operation or parking of a County vehicle, as well as for any fees or expenses resulting from the impoundment of a County vehicle for violation

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of any parking regulation or vehicle code provision. Employees are responsible to submit vehicles for repair if they receive an equipment violation citation.

**XI. EMPLOYEES ONLY**

Only authorized employees of the District Attorney's Office or the County of San Diego shall operate a County vehicle assigned to the District Attorney's Office. No member of the Bureau shall allow any unauthorized person to operate a County vehicle.

**XII. AVAILABLE TO OTHERS AS NEEDED**

A County vehicle assigned to any District Attorney employee shall be made available for use by any other authorized District Attorney employee when not actually in use or needed by the person to whom it is assigned.

**XIII. INVESTIGATOR AVAILABILITY**

Bureau of Investigation members who home-garage a county vehicle shall agree to serve in "Available Time" status as defined by Article 5 Section 5 of the Memorandum of Agreement between the County of San Diego and the District Attorney Investigators Association. Authorization to home-garage a county vehicle may be withdrawn from a Bureau member by the Chief Investigator for failure to comply with any Bureau policy concerning county vehicle operations.

**XIV. SECURITY**

Every member who drives or is assigned a County vehicle shall take all reasonable precautions to protect the vehicle from theft, vandalism and accident, shall park the vehicle in the safest location permitted by circumstances, and shall lock the vehicle whenever it is unoccupied.

**XV. EXTENDED LEAVE**

Prior to taking leave of longer than five (5) days duration, not including weekends or holidays, a Bureau member shall return an assigned vehicle to their immediate Supervisor or Commander.

**XVI. MAINTENANCE**

Bureau members to whom County vehicles are assigned on a continuing basis shall maintain their assigned vehicle in a state of cleanliness and good operating condition at all times. Maintaining the appearance and mechanical condition of the vehicle is the responsibility of the driver member to whom the vehicle is assigned. Smoking is strictly prohibited in any County vehicle.

**XVII. POOL VEHICLES**

District Attorney Personnel who use or are assigned a "pool" vehicle shall return the vehicle, after use, in clean and operable condition. Pool vehicle users shall fuel the vehicle if it contains less than one-half tank of fuel upon its return to the pool, and shall have the vehicle cleaned if reasonably necessary.

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**XVIII. DECALS**

Bureau personnel shall not place or affix any sticker, sign, or bumper-sticker to any District Attorney vehicle, except as may be required for parking purposes, unless authorized by the Chief Investigator. Members shall remove any unauthorized sticker, sign, or bumper-sticker from any vehicle assigned to them.

**XIX. ACCIDENT REPORTING**

Bureau personnel shall promptly notify their immediate supervisor in the event of an accident with, or damage to, any county vehicle or any privately owned vehicle in the service of the County, operated by them or in their charge. If the collision or accident results in the injury of any person or any damage to any involved vehicle, the member shall immediately notify the law enforcement agency having jurisdiction for the accident location and cooperate in any resulting investigation. In all cases, the member involved in an accident or collision with a County vehicle shall, if any injury or damage has resulted, promptly report the event on the appropriate County forms, as well as those required by the law enforcement agency having jurisdiction.

**XX. MILEAGE REPORT LOG**

Every employee using a designated County pool vehicle on a one-time basis shall complete the Mileage Report Log for the period used. The employee shall return the Log, vehicle keys and gas key to the Chief Investigator, or their designee, upon completing their use of the vehicle.

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<b>SUBJECT: VEHICLE PURSUITS, TRAFFIC STOPS, CODE-3 RESPONSE</b>	
NO. 6.2	DATE: 07/19/2016
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 11/10/12	PAGE: 1 of 2

**I. PURPOSE AND SCOPE**

County vehicles operated by District Attorney Investigators may be equipped with Code-3 emergency lights and siren pursuant to California Vehicle Code § 21055. This policy provides for the safe and appropriate response to emergency and non-emergency situations, including vehicle pursuits and traffic stops.

**II. VEHICLE PURSUITS**

Although County vehicles operated by District Attorney Investigators are defined as Authorized Emergency Vehicles by the California Vehicle Code, it is the policy of the Bureau of Investigation that **Bureau personnel shall not initiate or participate in vehicle pursuits.** Bureau personnel shall contact the law enforcement agency with jurisdiction and report situations that would warrant a vehicle pursuit.

**III. TRAFFIC STOPS**

Investigators are generally prohibited from initiating traffic stops for vehicle code violations. If an investigator observes a traffic violation that poses a risk to the motoring public, e.g. driving under the influence or reckless driving, they shall obtain as much pertinent information as possible and report the violation(s) to the proper law enforcement agency.

Under rare circumstances and if deemed safe, investigators may initiate compliance stops on vehicles while involved in investigative activity, however all efforts must first be made to utilize outside law enforcement for the stops. If the subject vehicle fails to stop and/or attempts to flee, **Bureau personnel shall not pursue.**

**IV. CODE-3 EMERGENCY VEHICLE RESPONSE**

Investigators are authorized to respond Code-3 lights and siren to emergency situations, such as officer down, officer needs help (11-99), cover now, shots fired active shooter type scenario, terrorist attack, etc. Code-3 response is also authorized while responding to emergency calls during a natural disaster and/or a mutual aid response to bypass roadblock and traffic congestion.

Investigators responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light with siren as reasonably necessary pursuant to Vehicle Code § 21055. **Responding with emergency lights and siren does not relieve the investigator of the duty to continue to drive with due regard for the safety of all persons.** The use of any other warning equipment without a red light and siren does not provide any exemption from Vehicle Code § 21055.

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**V. DAI RESPONSIBILITIES WHILE RESPONDING CODE-3**

Investigators shall exercise sound judgment and care with due regard for life and property when responding to an emergency Code-3 with emergency lights and siren. Investigators shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the investigator. If, in the investigator's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the investigator may elect to respond to the call without the use of red lights and siren at the legal speed limit while obeying all the rules of the road.

An investigator shall also discontinue a Code-3 emergency response when directed by a Supervising Investigator or any member of the Command Staff, i.e. Chiefs, Division Commanders.

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<b>SUBJECT: TRAFFIC COLLISION REPORTING</b>	
<b>NO. 6.3</b>	<b>DATE: 09/15/2022</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 03/21/17; 02/07/2019</b>	<b>PAGE: Page 1 of 3</b>

**I. PURPOSE**

The San Diego County District Attorney's Office, subject to the limitations set forth in the San Diego County Human Resources Policy and Procedures Manual, establishes procedures to promote a safe and healthy work environment for our employees. This policy is intended to minimize potential for loss to the County resulting from an act or omission occurring during the course and scope of an individual's employment or affiliation with the District Attorney's Office and ensure a uniform approach to the documentation of traffic collisions involving County owned vehicles.

**II. VEHICLE COLLISIONS**

District Attorney employees should be aware of the California State Department of Motor Vehicle Collision reporting criteria as well as the California State Financial Responsibility Law. This law (Sections 16000-16560 CVC) requires drivers of motor vehicles involved in collisions, whereby property damage is more than \$750, to report the collision to the State of California Department of Motor Vehicles.

When one or more of the following conditions exist, a traffic collision investigation shall be completed:

- A. A motor vehicle collision occurring on or off a highway which results in the death of a person
- B. A motor vehicle collision that results in a major personal injury. A major injury includes those injuries that result in admission to a medical treatment facility.
- C. A motor vehicle collision that results in a complaint of pain by any of the parties involved
- D. An involved party is in violation of the hit and run provisions of CVC Section 20001 and there is evidence that may be sufficient to warrant follow-up investigation
- E. A motor vehicle collision where there exists potential for County and department liability

**III. EMPLOYEE RESPONSIBILITIES**

If capable, when an employee is involved in a motor vehicle collision while driving a County owned vehicle, they shall perform the following duties:

- A. Check for injuries (employee, occupants in the County vehicle, and occupants in the other involved vehicle(s)).
- B. If there are injuries or a complaint of pain, seek medical attention immediately (call 911).
- C. Once injury-related issues are under control, or if the collision does not involve injury, contact their supervisor and advise they were involved in a motor vehicle collision.
- D. If the collision warrants an investigation, contact the police agency with jurisdiction over the collision scene, advise a San Diego County owned vehicle was involved in a collision, and request an officer respond to complete an investigation.

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BUREAU OF INVESTIGATION**

<b>SUBJECT: TRAFFIC COLLISION REPORTING</b>	
<b>NO. 6.3</b>	<b>DATE: 09/15/2022</b>
<b>NEW PROCEDURE:</b> <b>PROCEDURAL CHANGE: X</b> <b>SUPERSEDES: 03/21/17; 02/07/2019</b>	<b>PAGE: Page 2 of 3</b>

1. When appropriate, ensure the responding officer notes in the Special Conditions box on the CHP 555 form that the county vehicle is an "On-Duty Emergency Vehicle".
  2. If the jurisdictional agency refuses or is unable to respond in a reasonable amount of time, and no other reporting options are made available (online, in-person, etc.), document the agency's refusal in the "Police Agency Investigating Accident" section of the Confidential Vehicle Accident Report (CD-2).
- E. DO NOT admit responsibility or discuss the circumstances of the accident with anyone other than a supervisor, the investigating officer, and/or a representative of the San Diego County Claims Division. All third-party requests for statements will be referred to the County Claims Division.
- F. Obtain the driver's license number, license plate number(s) (including the state of registration), and insurance information of the person(s) driving the other involved vehicle(s).
- G. Attempt to obtain the name and contact information of:
1. All occupants in the other involved vehicle(s)
  2. All persons otherwise involved in the accident
  3. All witnesses (including daytime phone numbers)
- H. Write down anything witnesses or parties say regarding their observation of the incident.
- I. Take photos of the involved vehicle(s) and accident scene.
- J. If concerned about the drivability of the County vehicle following the collision investigation, contact their supervisor, advise the vehicle needs to be towed, and request transportation from the collision scene.
- K. Complete the employee portion of the Vehicle Collision Packet and forward the completed packet to their direct supervisor within 24 hours.

**IV. SUPERVISOR RESPONSIBILITIES**

When an employee reports they have been involved in a motor vehicle collision while on County business, a supervisor shall:

- A. Notify the division Commander about the collision and status of the employee.
- B. Respond to the scene of collisions involving injury or complaint of pain to ensure appropriate medical aid has been rendered and emergency services (if necessary) have been requested.
- C. Direct the employee to complete the tasks outlined in the Employee Responsibilities section of this policy (Section III). If the employee is unable to perform those responsibilities due to injury or other circumstances, the supervisor shall complete the Employee Responsibilities tasks on behalf of the employee.
- D. If the employee was driving their personal vehicle, advise the employee to contact their insurance carrier to report the collision.

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- E. If the employee was driving a County owned vehicle, advise the employee to complete their portion of the Vehicle Collision Packet and forward the completed packet to their supervisor within 24 hours.
- F. Review the employee's Vehicle Collision Packet for accuracy and completeness, complete the supervisor portion of the packet, and complete the required notifications as outlined in the Vehicle Collision Packet checklist, which are time sensitive. **The Vehicle Collision Packet is privileged and confidential and shall not otherwise be sent or disclosed to anyone outside the involved employee's chain of command and Employee Relations.**
- G. If needed, refer the involved employee to counseling for emotional distress due to the collision.
- H. Forward the completed Vehicle Collision Packet to the division Commander for review and approval.

**V. COMMANDER RESPONSIBILITIES**

When an employee is involved in a motor vehicle collision while on County business, a Commander shall:

- A. Ensure a supervisor completes the tasks outlined in the Supervisor Responsibilities section of this policy (Section IV)
- B. Review the completed Vehicle Collision Packet for accuracy and completeness and sign as the "Division or Department Head" where appropriate
- C. Forward the completed Vehicle Collision Packet to the Vehicle Fleet Coordinator

**VI. FLEET COORDINATOR RESPONSIBILITIES**

When an employee is involved in a motor vehicle collision while on county business, the Fleet Coordinator shall:

- A. Notify the Fleet Commander, Deputy Chief Investigator, and/or Assistant Chief Investigator of the collision as soon as practical.
- B. Document the collision within the Vehicle Accident Tracking database.
- C. Serve as a liaison with County Fleet to ensure vehicles are timely evaluated, repaired, and/or salvaged.
- D. Forward the completed Vehicle Collision Packet to the Fleet Commander to initiate the Accident Review Board process.

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<b>SUBJECT: VEHICLES, ACCIDENT REVIEW BOARD</b>	
<b>NO. 6.4</b>	DATE: 9/20/2022
NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 06/27/2003; 10/09/2012	PAGE: 1 of 2

**I. PURPOSE**

The District Attorney's Office has the obligation to investigate and review collisions involving County owned vehicles utilized by or assigned to our employees and to ensure proper care of County equipment and property.

**II. REVIEW BOARD MEETING PROCEDURE**

An Accident Review Board (ARB) shall review all vehicle collision and lost/damaged County property events (hereafter Reviewable Event) to determine the classification of the incident and make appropriate recommendations to maintain employee safety, correct training deficiencies, and/or pursue corrective action. ARB meetings may take place in person or electronically via a messaging or conferencing application.

**III. COMPOSITION OF THE REVIEW BOARD**

When a Reviewable Event involves personnel assigned to the Bureau of Investigation, the ARB shall be composed of the Department Safety Officer, the employee's Supervisor, and the employee's division Commander.

When a Reviewable Event involves personnel not assigned to the Bureau of Investigation, the Department Safety Officer shall serve as the ARB.

The Chief Investigator, Assistant Chief Investigator, and/or Deputy Chief Investigator shall designate the Department Safety Officer and have authority to appoint a replacement to the ARB when necessary.

**IV. CLASSIFICATION**

The ARB shall classify each Reviewable Event as **Non-Preventable** or **Preventable**. A finding of Preventable does not imply the accident, loss or damage was the result of negligence. A brief statement justifying either classification shall accompany any ARB recommendation.

- A. **Non-Preventable** – The incident was the result of events beyond the control of the employee.
- B. **Preventable** – It is reasonable to expect the incident could have been prevented by:
  - 1. The actions of the involved employee
  - 2. Better vehicle or equipment maintenance
  - 3. Better safety policies or procedures
  - 4. Better training
  - 5. Other organizational or member actions

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**V. FINDING AND RECOMMENDATION(S)**

After the ARB has completed their meeting, and determined the appropriate classification of the Reviewable Event, the Department Safety Officer, under the direction of the ARB, will prepare an Accident Review Board Report summarizing their finding(s) and recommendation(s). ARB reports documenting Preventable events shall include the employee's history of Preventable events within three years of the current incident.

The ARB's recommendations may include any of the following:

- A. No action
- B. Training
- C. Safety recommendations including modification of department policies and procedures
- D. Informal Discipline
- E. Formal Discipline (Administrative investigation completed in compliance with Government Code Section 3300)

All members of the ARB shall sign the ARB report. In the event a member of the ARB dissents from the majority opinion, that member may prepare and submit a minority report on the finding and/or recommendations(s) of the ARB. Upon completion, the Department Safety Officer shall forward the ARB report to the Assistant Chief Investigator and/or Deputy Chief Investigator for administrative review.

**VI. RECORD KEEPING**

Copies of completed ARB reports shall be kept in the Vehicle Accident Tracking database. All keeping of files and records shall comply with Section 3300 of the Government Code, including Sections 3305 and 3306. The findings of these files shall not be used for punitive or promotional purposes except as permitted with Section 3300 of the Government Code.

When an ARB recommendation results in **informal disciplinary procedures**, a notation should be made in the employee's yearly performance appraisal.

When an ARB recommendation results in an Administrative Investigation leading to **formal disciplinary procedures**, a notation should be made in the employee's personnel file.

The Department Safety Officer shall be responsible to forward all required records to the Department of Human Resources and other County entities as required by County policy.

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<b>SUBJECT: TRAINING POLICY</b>	
<b>NO. 7.1</b>	<b>DATE: 01/01/2021</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/01/01</b>	<b>PAGE: 1 of 2</b>

**I. PURPOSE**

It is the policy of the Bureau of Investigation to provide a professional standard of training to Bureau personnel in order to better assist the District Attorney in carrying out the responsibilities of the office, improve the technical and theoretical knowledge foundations of Bureau personnel, serve the law enforcement needs of the community, and comply with applicable laws and regulation. The Chief Investigator has delegated responsibility for Bureau training management to the Commander assigned to the Training Division.

**II. POST CERTIFICATION**

The Bureau of Investigation is certified by the California Commission on POST (Peace Officer Standards and Training) to participate in peace officer and law enforcement training programs funded by that organization. POST agency certification and state laws require compliance with established peace officer training standards. Bureau training will be prioritized to comply with those standards, as well as those standards established by decisional law. For purposes of this policy, "Training" includes POST certified courses or programs, professional conferences, conventions, training seminars, and in-service programs presented, produced, or contracted for, by the District Attorney's office and/or the Bureau of Investigation.

**III. TYPES OF TRAINING**

Mandatory: Training programs required by law, POST regulation, and Bureau of Investigation policy. Examples include Continuing Proficiency Training (CPT), Basic Academy training (Specialized Investigator Basic Course), Investigation and Trial Preparation Course, and in-service instruction programs for Witness Protection Teams, firearms, chemical agents, impact weapons, and arrest techniques.

Desirable: Training programs for peace officers and non-peace officers which provide or enhance desirable skills for personnel throughout the Bureau. Examples may include assignment specific training in report writing, fraud investigations, or background reviews.

Although both types of training are necessary throughout the Bureau, mandatory training activities shall take precedence over those which are desirable.

**IV.**

The Training Division will coordinate individual member training assignments with unit supervisors to ensure the widest and most effective distribution of training resources, while maintaining compliance with all applicable legal and regulatory requirements.

**V. TRAINING REQUESTS**

Bureau personnel shall direct requests for specific training to their Supervising Investigator. After reviewing the applicability of the requested training to the operational duties of the requesting

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member, the Supervising Investigator will forward the request to the Division Commander, with a recommendation for action. The Division Commander will review the request to determine the applicability of the requested training to the functional operations of the division or unit. If the Division Commander approves the training request, it shall be forwarded to the Chief or Assistant Chief for approval.

**VI. ATTENDANCE**

Bureau personnel assigned or scheduled to attend training shall consider it a primary duty assignment. Personnel assigned to training shall take all necessary action to accommodate the training assignment in their personal and professional schedules.

When a Bureau member discovers they are unable to attend a scheduled training assignment, that member must inform their Supervising Investigator and the Training Coordinator of the conflict and request that the scheduled training assignment be canceled. It is expected that all parties to the training request, decision, and scheduling process will make every effort to facilitate and comply with scheduled training assignments.

Failure or refusal to attend a scheduled training program or mandatory in-service training assignment, without documented good cause, will be considered neglect of duty.

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<b>SUBJECT: FIREARMS TRAINING</b>	
<b>NO. 7.2</b>	<b>DATE: 01/01/2021</b>
<b>NEW PROCEDURE: PROCEDURAL CHANGE: X SUPERSEDES: 08/08/05</b>	<b>Page 1 of 3</b>

**I. PURPOSE**

Firearms training/qualification is for the protection of the individual investigator and the people of San Diego County. All District Attorney Investigators shall become and remain proficient in the use of firearms they are assigned and/or carry, including the law enforcement shotgun issued by the Bureau of Investigation.

**II. TRAINING REQUIREMENTS**

District Attorney Investigators shall participate in a scheduled firearms training/qualification session during each training/qualification period. Firearms training periods shall be conducted on a bi-monthly basis, with the first period of the calendar year designated as the Annual Duty Weapon Firearms Qualification. The last training period of the calendar year shall include qualification sessions for off-duty and/or back-up weapons carried by investigators.

**III. RANGE SUPERVISION**

The Range Master, safety officers, and range instructors have responsibility and functional authority to supervise and direct all aspects of firearms training, regardless of permanent classification or rank. While on the range, all Bureau personnel shall promptly comply with orders and instructions issued by the Range Master or other range safety and instruction personnel.

During firearms training, the investigator designated as the "Primary Safety Officer," regardless of permanent rank or classification, shall have functional supervision of the training venue and all personnel providing or participating in the training.

**IV. GENERAL RULES**

To facilitate proficiency objectives, the Bureau may conduct different types of firearms training. Classroom instruction may be periodically substituted for, or required in addition to, normally scheduled range activities. Whether in a classroom or on the live-fire range, the Range Master and instruction personnel shall have discretionary authority to refuse training session admission to late arriving personnel or personnel who fail to have the proper equipment to participate in the training. Personnel refused admission to a training session shall be considered absent.

**V. PASSING SCORE**

The Bureau standard for firearms qualification for District Attorney Investigators shall be a score of at least 90% of the total points possible for that training course. Qualification may consist of two attempts to successfully pass the prescribed course of fire within the qualification period. Investigators who fail the first attempt will be allowed to shoot a second time immediately following the failure.

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**VI. FAILURE TO MEET STANDARDS**

At the conclusion of each qualification period, the Range Master will provide the Chief Investigator or designee with a list of District Attorney Investigators who failed to participate in the firearms qualification or who failed to successfully meet the Bureau firearms qualification standard.

Personnel who failed to successfully meet the Bureau firearms qualification standard must attend supplemental firearms training as determined appropriate by the Range Master. At the completion of this training, the Investigator shall participate in a firearm requalification and meet the Bureau firearms qualification standard.

If, after attending the mandatory firearms training, an investigator is still unable to meet the Bureau's firearms qualification standard, the affected investigator's supervisor shall prepare a supplemental employee performance report detailing the substandard performance and the expected improvement. Continued inability to meet the Bureau handgun qualification standard may result in restriction of peace officer powers, prohibition from carrying a firearm on/off duty, pay step reduction, suspension, or termination, consistent with the progressive discipline policy.

At the completion of the supplemental firearms training/requalification, the Range Master will notify the Chief Investigator of those District Attorney Investigators who successfully met the Bureau Firearms Qualification standard, failed to meet the standard, or failed to participate.

**VII. SHOULDER WEAPONS**

The Bureau standard for shoulder weapon qualification for District Attorney Investigators shall be a score of at least 90% of the total points possible for that training course. Qualification may consist of two attempts to successfully pass the prescribed course of fire within the qualification period. Investigators who fail the first attempt will be allowed to shoot a second time immediately following the failure.

District Attorney Investigators who are unable to successfully complete the shoulder weapon qualification will be restricted from carrying such weapons until the Bureau qualification standard is met.

**VIII. PROTECTIVE GEAR**

All personnel shall wear protective eye and ear equipment while participating in live-fire training. Additional safety equipment, such as ballistic vests and helmets may also be required based on the training course. No one will be allowed to discharge a firearm without proper protective equipment. The Range Master or Primary Safety Officer of the training venue will be responsible to ensure this requirement is strictly enforced.

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**IX. FAILURE TO COMPLY**

Willful or unexcused failure to comply with the range training/qualification requirement will result in disciplinary action. Circumstances preventing an investigator from complying with this order (e.g., illness, scheduled vacation or leave, scheduled court appearances, unusual workload requirements) shall be explained in a memorandum to the Range Master, sent via the absent member's immediate supervisor and chain of command. Sufficient make-up dates are provided for firearms training/qualification make-up sessions, and it is the responsibility of the absent investigator to attend a make-up session.