

# **SAN DIEGO METRO ARSON STRIKE TEAM**



## **Operations Manual**

*August 2024*

## Table of Contents

INTRODUCTION AND MISSION .....	1
AGENCY COMMITMENTS .....	2
SCOPE OF SUPERVISION .....	3
DUTIES AND RESPONSIBILITIES.....	4
UNIT RULES .....	6
ROLES & RESPONSIBILITIES.....	12
INTERNAL CALLBACK/NOTIFICATION.....	13
EXTERNAL CALLBACK/NOTIFICATION.....	15
SCENE SAFETY .....	17
EVIDENCE PROCEDURES.....	18
INCIDENT REPORTS .....	23
RADIO USAGE.....	25
SEARCHES .....	26
TACTICAL OPERATIONS .....	27
BOOKING/PRISONER PROCEDURES .....	30
DA/COURT ISSUES.....	32
ARSON REGISTRANTS .....	33
MEDIA RELATIONS .....	34
SDPD TAKE HOME VEHICLE POLICY .....	35
JUVENILE MIRANDA PROCEDURES.....	36
JUVENILE MIRANDA REQUIREMENTS AND EXCEPTIONS.....	39

# **INTRODUCTION AND MISSION**

## **SCOPE**

This manual applies to all SDPD MAST team members. Nothing in this manual is intended to supersede or contradict the Policy and Procedures of each agency assigned to the Metro Arson Strike Team.

## **MISSION**

To enhance the safety of citizens and visitors of the City of San Diego through fire and post-blast origin and cause investigation, follow-up investigation of criminal acts, explosives/fireworks render safe and recovery, dignitary protection, community education, and enforcement of applicable laws and ordinances.

## **UNIT DESIGNATORS**

INV 67—SDFD Captain  
INV 69—SDFD Engineer

INV60—SDPD Detective Sergeant  
INV61—SDPD Detective  
INV66—SDPD Detective  
INV68—SDPD Detective

## **AGENCY COMMITMENTS**

### **A. Personnel Commitment**

#### **1. SDPD**

- a. One police detective sergeant (INV 60) on a 4/10-hour shift in MAST
- b. Three police detectives on 4/10-hour shifts in MAST
- c. At least one police detective available on a relief basis

### **B. Equipment Commitment**

#### **1. SDFD**

- a. Fire safety clothing for all Team Members (including PD and ATF)
- b. Associated fire investigation and EDT equipment
- c. One computer and printer/copier
- d. Office supplies, furnishings and equipment

#### **2. SDPD**

- a. Response vehicles
- b. INV60 (Sgt), INV61 (Det), INV66 (Det), INV68 (Det)
- c. Five computers and printer/copier
- d. Training for SDFD members in police procedures via attendance of selected SDPD Academy modules and Menu Training Classes
- e. Body armor for Fire Investigators
- f. Ammunition & pepper spray for Fire Investigators
- g. Penal codes and legal resource books

h. Office supplies, furnishings and equipment

C. Return of Equipment Upon Separation from MAST

Team Members shall return any equipment issued by other than their Parent Agency, upon separation from MAST. This shall include all identification badges and cards, protective equipment, and uniform items. Equipment shall be returned to INV60 (SDPD items), INV67 (SDFD items) and ATF SA (ATF items).

D. Funding and Overtime

The Parent Agency will be responsible for all personnel costs of their Team Members, including overtime. ATF will reimburse SDPD and SDFD for overtime incurred by their personnel during investigations in which the ATF has opened a case. The amount available for reimbursement will be determined by ATF annually.

E. Training

1. Funding

a. Parent Agencies fund training for individual Team Members. ATF and POST will supplement funds for specified training activities.

## **SCOPE OF SUPERVISION**

A. Administrative vs. Functional

1. The Parent Agency will retain administrative supervision of its Team Members for purposes of payroll, discipline, training and other personnel matters.
2. Functional supervision of the day-to-day operations of MAST (i.e. initial investigation assignments, caseload management, and scheduling) will be shared by the Team Supervisors.

B. Complaint Procedures

1. Complaints against Team Members will be accepted and thoroughly investigated.
2. When a party expresses a desire to lodge a complaint against a Team Member, a Team Supervisor will be notified.

3. Final determination as to who will investigate the complaint will be the responsibility of the Parent Agency.
4. Disciplinary actions will be at the discretion of the Parent Agency.
5. Matters of a criminal nature will be investigated by the appropriate investigative agency with jurisdiction.

(Reference SDPD DP 1.10 for further information)

## **DUTIES AND RESPONSIBILITIES**

### **A. Incident Types**

MAST personnel will respond to and investigate (or provide appropriate assistance at) incident types listed below.

1. Fires
  - a. **M:** Major fires
  - b. **A:** Arson fires
  - c. **S:** Serious injury or death
  - d. **T:** Telephone or tactical channel for all other incidents
2. Found Bombs/Munitions/Suspected Bombs/Hoax Devices
3. Explosions
4. Evaluation of suspicious items
5. SWAT Critical Incidents (when requested)
6. Dignitary Protection (when requested)

B. Response Timeframes

1. INV67 shall assess each response request to determine if an immediate response is necessary, or if the response can be deferred to a later time to accommodate other MAST responsibilities.
2. In no case shall a deferred response result in a loss of investigative information or evidence.

C. Jurisdiction

MAST is responsible for initial and follow-up investigation of the above-listed incidents within the City of San Diego.

D. Mutual Aid

Requests for initial response investigative assistance (INV67 and INV69) from agencies outside the limits of the City of San Diego must be approved by the Deputy Fire Chief or his/her designee.

If staffing permits, MAST will honor requests for initial response assistance from non-MAST law enforcement or fire agencies within the limits of the City of San Diego. These agencies include, but are not limited to:

1. S.D. City Schools Police
2. S.D. Community College District Police
3. S.D.S.U. Police
4. U.C.S.D. Police
5. State law enforcement agencies (i.e., CHP, DOJ)
6. Federal law enforcement agencies (i.e., FBI, USSS, USPIS)
7. Military Police
8. Federal Fire Department

Requests for follow-up investigation assistance (Sgt., Detectives), beyond basic inquiries, from any non-MAST agencies must be approved by INV60 or the MAST Lieutenant.

E. Joint Jurisdiction

Cases involving joint jurisdiction between MAST and a non-MAST unit/agency should be the subject of mutual agreement between supervisors of both units/agencies as to how the responsibility will be shared and whether a lead investigative agency shall be designated. Such agreements should take into account levels of resources and expertise among the involved agencies, as well as prosecutorial considerations.

## **UNIT RULES**

Parent Agencies of Team Members will have in force their respective policies regarding the following personnel issues. Response to violations of these rules (including discipline) will be the responsibility of the offending employee's Parent Agency.

A. Office Practices and General Rules

It is the policy of MAST that all Team Members will be treated in a fair, equitable manner, and will be provided a work place free from discrimination and sexual harassment. It will be the responsibility of every Team Member to ensure a safe and professional working environment is maintained at all times. Courtesy and consideration for everyone will enhance this environment.

1. No smoking will be allowed in the office, fire station or any response vehicle.
2. When using the telephone or conversing with another individual, speak in a manner which is not disruptive to other Team Members.
3. Each Team Member will be treated with proper dignity and respect. Profanity and abusive language will not be tolerated.
4. Inappropriate posters, photographs, or writings will not be posted.
5. Team Members will maintain their work space in a safe and presentable manner.
6. Team Members will ensure that all sensitive documents in their work areas are properly stored prior to securing for the day.



## B. Attire and Grooming Standards

Whether in the office, in public, at incidents, or in the courtroom, Team Members should bear in mind they are representing MAST and their Parent Agency. Attire and grooming should present an image of pride and professionalism. To that end, Team Members will adhere to the attire and grooming standards established by their Parent Agencies.

### 1. Office Attire

- a. During the hours of 0600-1700 hrs. Team Members shall wear a polo or button shirt with the approved MAST logo and BDU or cargo style pants (i.e. 5.11 Tactical).
- b. The above guidelines may be modified on a case-by-case basis by the Parent Agency supervisor.

### 2. Emergency Scene Attire

- a. Team Members working within the safety perimeter of a fire or explosives incident shall wear the approved uniform and required safety equipment.
- b. Team Members working outside the safety perimeter may wear the approved uniform or office attire.
- c. The above guidelines may be modified by Team Supervisors on a case-by-case basis.

## C. Work Hours

Following are the work schedules, hours, and duty requirements of Team Members. These guidelines may be modified by the Parent Agency supervisors on a case-by-case basis.

### 1. Work Schedule and Shift Changes

#### a. SDPD Team Members

- 1) The Detective Sergeant and Detectives work a 4/10 schedule with a 0600-1600 hrs. or 0700-1700 hrs. shift unless an alternate schedule is approved by the supervisor.

2. Reliefs/Overtime

- a. Scheduling reliefs and overtime shall be the responsibility of the supervisor.

3. Duty Schedule

a. Sergeant

- 1) The Sergeant will remain in on-call status, with the exception of during approved absence (i.e., Annual Vacation, POST School, etc.).
- 2) When unavailable for call during an approved absence period, the Sergeant will ensure supervisor coverage (i.e., through OCA designation or other means).
- 3) When in on-call status, the Sergeant shall remain available by phone.
- 4) When in on-call status, the Sergeant is authorized for use of a take home City-owned vehicle within the parameters of Department Procedure 1.16, "Off Duty Use of Department Take-Home Vehicles."
- 5) The City-owned vehicle assigned to the Sergeant will be maintained in "ready status" with all equipment and resources necessary to respond directly to an arson or bombing scene.

b. Detective

- 6) The Duty Detective assignment list shall be published by the Sergeant and posted on the shared On-Call Outlook calendar. The Duty tag shall also be placed next to the Duty Detective's name on the sign in/out board.
- 7) The assignment shall run from 0700 hrs. Tuesday-Tuesday. The rotation is second-up for two weeks, followed by two weeks of first-up status.
- 8) Detectives who cannot complete their assignment due to approved absence (i.e., Annual Vacation, POST School, etc.) are responsible to have another detective take the duty. This change shall be noted on the duty schedule.

- 9) When in on-call status, the Detective shall remain available by phone.
- 10) When in on-call status (first or second up), the Detective is authorized for use of a take-home City-owned vehicle within the parameters of Department Procedure 1.16, "Off Duty Use of Department Take-Home Vehicles." When not on call, the Detective is authorized to drive the City-owned vehicle to and from home in addition to any on-duty work.
- 11) The City-owned vehicles assigned to the Detectives will be maintained in "ready status" with all equipment and resources necessary to respond directly to an arson or bombing scene.

D. Office Procedures

1. Security

a. Access

- 1) The office shall never be left unattended without the front and rear exterior doors being secured.
- 2) Non law enforcement or SDFD visitors to MAST shall be accompanied by a Team Member at all times.
- 3) The entry door keypad code and unit keys shall not be given out without prior authorization from a Team Supervisor.

b. Unit Rosters

- 1) MAST rosters shall be kept in a secure location.
- 2) Roster information shall not be disclosed to unauthorized personnel.

c. Official Documents

- 1) Documents containing suspect and/or confidential case information shall be secured whenever the investigator leaves the area or secures at the end of the day.

- 2) All official documents (i.e., case reports, rosters, files, investigative supplemental, juvenile records, etc.) shall be disposed of by shredding or placing the items in the secure shred bin.

E. Vehicles

1. Parking

- a. Vehicles driven by MAST detectives, the MAST ATF agent, and the straight day bomb tech are authorized to park in the assigned spaces in the rear parking lot. Additional spaces may be used by any MAST team member.
- d. Parking in the rear lot by non-MAST personnel shall require authorization by INV60 and the on duty INV67.
- e. MAST personnel parking in the rear lot for extended duration shall park in the rear of a deep stall.

2. Security

- a. Vehicles shall be locked when unattended and discretion should be used with any unit property left in plain view

3. Accident Reporting

- a. All accidents shall be reported in accordance with the Parent Agency policy.

F. Firearms

1. Team Member-Involved Shootings

- a. Team Members who are involved in a shooting incident (including accidental discharge of a weapon) shall comply fully with their Parent Agency's shooting policy.
- b. The SDPD shall investigate shootings by SDFD Team Members.
- c. Notifications

1) In the event a shooting incident occurs, the first Team Supervisor arriving at the scene shall ensure the below contacts are made:

- a) Agency with investigative responsibility
- b) Parent Agency of involved Team Member

(Reference SDPD DP 1.04 & 1.05 for further information)

2. Qualification

- a. Team Members authorized to carry firearms shall qualify according to the SDPD Firearm Qualification Schedule.

G. Investigative Funds

- 1. Investigative funds (if used) will be administered by INV60 in accordance with established SDPD procedures (Reference SDPD Investigative Procedures Manual).

H. Selection of Team Members

1. Detectives

- a. Permanent

1) When practical, an interview process shall be utilized.

- b. Relief

1) Investigators who wish to work relief should consult the SDPD Career Matrix for desirable qualifications and contact INV60.

2) Investigators chosen for the relief list will be scheduled to attend Fire Investigation classes as they become available.

## **ROLES & RESPONSIBILITIES**

### **A. Supervision of Field vs. Follow-Up Activities**

1. Supervision of field activities shall be the responsibility of INV67. This does not preclude collaboration with INV60 and supervisors of other participating agencies, or the delegation of supervisory authority where deemed appropriate.
2. Supervision of follow-up activities shall be the responsibility of INV60. This does not preclude collaboration with INV67 and supervisors of other participating agencies, or the delegation of supervisory authority where deemed appropriate. Follow-up activities of undetermined fires may be performed and supervised by INV67. Follow-up activities on criminal cases may be performed by Fire Investigators with direction by the assigned case Detective or ATF representative.

### **B. Case Assignment**

1. Cases shall be assigned to detectives for follow-up by INV60, who shall also be responsible for the supervision of follow-up activities. Fires classified as undetermined may be investigated by Fire Investigators. At which time the fire is classified as incendiary, a case will be generated and assigned to an SDPD Detective and/or ATF representative. Any follow-up activities performed by Fire Investigators thereafter will be in corroboration with the assigned case agent.

### **C. Administrative Activities**

1. Team Supervisors shall work together to complete all administrative tasks in a timely manner.
2. The areas of administrative activity that follow have been assigned to specific Team Supervisors by the Team Managers, and, absent an immediate need or prior agreement, these Team Supervisors shall be responsible for their timely completion.
  - a. INV60 shall be responsible for all SDPD administrative tasks.
  - b. The MAST Lead shall be responsible for all SDFD fire investigation related administrative tasks.

## **INTERNAL CALLBACK/NOTIFICATION**

Responsibility for initiating internal callbacks and notifications rests with Team Supervisors. Situations that may require a callback or notification include the following:

- A. Police Sergeant
  - 1. Callback
    - a. Requests for MAST response to active SWAT incidents
  - 2. Notification
    - a. Fires or bombings in which callback of police personnel is needed (other than routine in-custodies for the on-call detective)
    - b. Death (or imminent death) cases
    - c. Sensitive or high profile cases (i.e., public figure, police officer, abortion clinic, church)
    - d. Major series cases
    - e. Inter-agency jurisdictional questions
    - f. At discretion of INV67
- B. Police Detectives
  - 1. Callback
    - a. In-custody
    - b. With concurrence of INV60, for such incidents as:
      - 1) Large incidents where additional staffing is needed for scene examination, evidence collection/processing, interviews
      - 2) Surveillance activities
      - 3) Concurrent incidents

2. Notification

- a. Communication of time-sensitive information regarding an investigation being worked by the detective
- b. Cases in which there are questions regarding follow-up responsibility (i.e., a case involving an arson and a D.V.)

C. Accelerant Detecting Canine

1. Purpose

The MAST Accelerant Detecting Canine provides immediate indication of the presence of a petroleum-based hydrocarbon (ignitable liquid). The canine is an investigative tool and should be used to enhance an investigator's ability to recover a positive ignitable liquid sample for laboratory analysis.

2. Canine Response in City of San Diego

The on-scene investigators shall determine the need for the Accelerant Detection Canine Team's expertise based on the following guidelines:

- a. Large structure fires where arson and/or the use of an ignitable liquid is suspected
- b. Anytime the investigator believes that a canine response is warranted, to include, but not limited to, fatal fire scenes

3. Canine Scene Considerations

- a. The canine should be requested early in the incident so that the detection capabilities can be used throughout the delayering process.
- b. The canine's ultimate deployment into the scene shall be the responsibility of the handler. The handler is responsible for the safety of the canine and shall have the final determination as to the appropriateness of using the canine in any scene.



## **EXTERNAL CALLBACK/NOTIFICATION**

Responsibility for initiating external callbacks and notifications rests with Team Supervisors.

A. Chain of Command

Team Supervisors shall keep their respective Chains of Command notified of significant field incidents or personnel matters.

B. San Diego Police Department

Notification shall be made to any unit of the Police Department impacted by MAST operations (either by requests for resources or communication of significant information). Such units include:

1. Watch Commander's Office
2. Patrol Operations
3. Area Station Investigations
4. Centralized Investigations (i.e., Domestic Violence Unit, Homicide Unit)
5. Special Operations (i.e., SWAT, Canine, CIU)

C. Local Public Safety Agencies

The following agencies should be notified of any significant incident occurring within their jurisdiction:

1. Harbor Police
2. UCSD and SDSU Campus Police
3. San Diego City School Police
4. San Diego Community College Police
5. San Diego County Sheriff's Department
6. Other Police Agencies

7. Other Fire Agencies

D. Federal Public Safety Agencies

1. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

See Section E of the Internal Callback / Notification (Page 23)

2. Federal Bureau of Investigation (FBI)

a. Terrorist acts involving bombs/arsons (incl. WMD incidents)

b. Bombings/arsons involving abortion clinics or churches

3. Naval Criminal Investigative Service (NCIS)

a. Bombings/arsons involving naval/marine personnel or property

4. U.S. Postal Inspection Service (USPIS)

a. Bombings/arsons involving postal collection boxes, facilities or personnel.

b. Bombings/arsons involving residential mailboxes (other than those damaged by simple pyrotechnics - copy of report only)

5. U.S. Secret Service (USSS)

a. Information involving threats to harm protectees by any means, including bombing/arson

6. Federal Fire Department

a. Bombings/arsons occurring in off-post military housing complexes

E. Military

1. Army 710th EOD

a. Incidents involving found or suspected military ordnance above the high tide line

2. Navy MOB unit 3
  - a. Incidents involving found or suspected military ordnance below the high tide line
3. MCAS Miramar EOD
  - a. Incidents involving found or suspected military ordnance where the Army and/or Navy units are unable to respond or the incident is in close proximity to MCAS Miramar.

## **SCENE SAFETY**

### A. Fire Incidents

1. Structural Stability/Integrity
  - a. Team Members shall confer with the Incident Commander/Safety Officer to determine whether the structure has been declared safe for operations.
  - b. In cases where there is doubt as to the safety of the structure it may be necessary to consult with a structural engineer from the City Building Services Department.
  - c. Team Members shall not operate in structures that have been deemed unsafe until appropriate corrective measures are taken and the building is declared tenable by Incident Commander, Safety Officer, or Structural Engineer.

### B. Equipment

1. Air Purifying Respirator (APR)
  - a. Half-Mask Respirator: MAST fire investigators shall be issued one Scott XCEL or MSA Advantage Half-Mask Respirator. The respirator mask shall be cleaned and inspected after each use. The respirator shall be replaced annually, if it becomes contaminated, or becomes inoperable. Replacement respirators will be provided by SDFD.
  - b. Filter Cartridges: MAST fire investigators shall be issued one set of Scott or MSA filter cartridges compatible with their respective half-mask respirator. Provided filter cartridges shall be designed to protect against organic vapors,

acid gases, and particulate matter (P100). The filter cartridges shall be replaced monthly or after twenty hours of active use, whichever comes first. Filter cartridges shall be kept in their original packaging until needed for fire investigation operations. Once opened and attached to the half-mask respirator, the APR shall be stored in an airtight, resealable plastic bag. MAST relief fire investigators will keep new filter cartridges in original packaging and will not replace monthly if unused. Replacement filter cartridges will be provided by SDFD.

2. Special Circumstances

- a. Officer Safety: MAST fire investigators have the discretion to forgo the use of respiratory protection in specific, articulable circumstances in which the use of respiratory protection jeopardizes the safety of the investigator
- b. Investigation: MAST fire investigators have the discretion to forgo the use of respiratory protection in specific, articulable circumstances in which the use of respiratory protection significantly jeopardizes the investigator's senses needed to determine the origin and cause of a fire. This includes, but is not limited to, visualizing arc melting on electrical conductors and smelling items for the obvious presence of an ignitable liquid.

C. Policy Evaluation

- 1. Current approved APRs are the Scott XCEL Halfmask Respirator with 7422-YD1 filter cartridges and the MSA Advantage Half-Mask Respirator with GME P100 filter cartridges. The make and model of APR may change to the most current, best product to protect the fire investigator.

## **EVIDENCE PROCEDURES**

Team Members shall be responsible for properly recovering, packaging, transporting and documenting all evidence obtained during the course of an investigation.

All aspects of evidence recovery and processing are subject to close scrutiny by the judicial system. Failure to adhere to legal and departmental procedure could result in the evidence being ruled inadmissible by the courts.

A. Evidence Impound Locations and Capabilities

1. It shall be the responsibility of every Team Member to properly collect, package, label and impound evidence. No items other than evidence shall be stored in below facilities (e.g. items to be used in training or testing activities, personal items)

a. MAST Evidence Locker at Fire Station One

Evidence approved for the MAST Evidence Locker includes:

- 1) Ignitable liquid samples (3 oz. max.)
- 2) Material (i.e., fire debris, carpet, soil, clothing) suspected of containing ignitable liquid samples
- 3) Containers contaminated by ignitable liquids (i.e., fire bombs, gasoline cans)
- 4) Incendiary devices
- 5) Other items directly related to the cause of the fire
- 6) Misc. items of evidence as deemed appropriate

**No pyrotechnic, explosive, or hazardous chemical evidence shall be impounded in the MAST Evidence Locker. Items of this nature are to be impounded in the EDT Bunker, if safe to do so.**

b. EDT Evidence Bunker

Evidence approved for the EDT Evidence Bunker includes:

- 1) Explosive materials
- 2) Explosive devices

Note: Live improvised explosive devices and military ordnance of undetermined condition shall not be stored in the bunker.

- 3) Ammunition
- 4) Pyrotechnics/Fireworks

- 5) Hazardous chemicals
- 6) Misc. items of evidence as deemed appropriate

Note: The Above items shall be separated and stored with other compatible materials (e.g. blasting caps with other initiators)

## B. Impounding Procedures

### 1. MAST Impound Facilities

- a. Complete the MAST Evidence Card and Log
- b. Place properly packaged/marked evidence on the floor of the locker
- c. Place the evidence card in the INV60 inbox
- d. The assigned Detective shall, as soon as possible:
  - 1) Move the evidence from the temporary storage area to their designated storage shelf. In the case of items to be stored at the EDT bunker, have an EDT transport and log the item.
  - 2) Complete the log by filling in their name
  - 3) Complete the evidence card and file it
- e. The assigned Detective shall be:
  - 1) Responsible for maintaining evidence for their cases
  - 2) Properly disposing of evidence when it is no longer needed
  - 3) Completing the log and evidence card with disposal information
  - 4) Filing the evidence card in the inactivated/disposition folder

(Reference SDPD DP 3.03 for further information)

C. Evidence Maintained for other Units

1. Occasionally, Team Members will be asked by other law enforcement units to maintain evidence that is too hazardous to impound at other facilities. In these cases, the following procedures shall be followed:
  - a. All impounding procedures outlined under Section 2.5F apply
  - b. The Team Member impounding the evidence will also note whom the evidence was received from, which unit/or agency has the case, and a contact telephone number.
  - c. A MAST detective will be assigned as a liaison and will have responsibility for maintenance of the evidence, record keeping, and final disposition.

D. Submission of Evidence for Laboratory Analysis

1. The SDPD & ATF Crime laboratories shall serve as the principal analysis facilities for MAST evidence. When deemed appropriate by Team Supervisors, other analysis facilities may be utilized.
2. Submission Procedures
  - a. SDPD Crime Laboratory
    - 1) To ensure a short chain of custody, the Team Member who recovered the evidence, or the detective who has the case, shall submit evidence for analysis by:
      - a) Completing an SDPD Lab Service Request
        - i. Log the evidence out of the MAST evidence locker/bunker by completing the evidence log and tag.
        - ii. Immediately transport the evidence to the Central Property Room and impound it by completing a Property Tag.
        - iii. Hand carry the Lab Service Request to the lab and have the request logged in by lab personnel.

- iv. When the lab analysis is completed, the lab will return the evidence to the Property Room and notify MAST, via a lab report.

(Reference SDPD Investigative Procedures Manual)

b. ATF Crime Laboratory

- 1) To ensure a short chain of custody, the Team Member who recovered the evidence, or the detective who has the case, shall submit evidence for analysis with the assistance of the ATF Member. In all cases, the following shall be done:
  - a) Complete an ATF Lab Service Request.
  - b) Log the evidence out of the MAST evidence locker/bunker by completing the evidence log and tag.
  - c) Immediately transport the evidence and Lab Service Request to the ATF Laboratory and impound it by completing the necessary form.
  - d) When the lab analysis is completed, the lab will return the evidence to MAST with a lab report.
  - e) The Team Member who submitted the evidence for analysis, shall return it to the MAST storage facility, and complete the evidence log and card.

E. Records Maintenance

- 1. Team Members shall be responsible for the maintenance of complete and accurate records regarding all evidence.
- 2. Completed evidence cards shall be maintained by the Detective assigned to the case.
- 3. When the evidence has been disposed of by the Detective, the appropriate entry shall be made on the evidence card and log. The detective shall then file the card in the inactivated/disposition file.



4. At the end of each calendar year, the evidence log shall be reviewed by a Team Supervisor to ensure all evidence has been accounted for and all entries have been made.
5. Logs on which all evidence has been disposed of shall be filed in the inactivated/disposition file.
6. All evidence records shall be maintained for a period of 7 years.

## **INCIDENT REPORTS**

### **A. Responsibility for Completion**

1. All Team Members shall be responsible for the timely completion of thorough and accurate reports regarding unit activities.
2. Incident reports are required for all unit responses which result in an investigation or other significant activity which must be documented.

### **B. ARJIS Reports:**

1. An “ARJIS-2 Crime/Incident Report” should be completed by INV67 for all criminal investigations. All report entry fields shall be completed with as much detail as possible. Every attempt should be made to obtain and enter the name, address, phone number(s), email address, and date of birth of the victim, reporting party, witness, and/or suspect. These entries are added to the ARJIS database to assist in future criminal investigations and for victim assistance.
2. The narrative section of the “ARJIS-2 Crime/Incident Report” should be completed using the “MAST Crime Report Narrative”. Once completed, the “MAST Crime Report Narrative” shall be pasted into the “ARJIS-2 Crime/Incident Report” Word document narrative section.
3. “ARJIS-9 Officer’s Report” forms are not required by INV67 or INV69. The detailed MAST origin and cause report as well as the “MAST Investigation Report” shall be entered into NetRMS by using the “Add Attachment” feature.
4. If interview statements are collected by SDPD patrol officers prior to MAST arrival, INV67 shall request that the officer document the statements on an “ARJIS-9 Officer’s Report”. It is not necessary to retain a copy of the patrol officer’s Field Interview Report.

C. Weekly Report:

1. SDPD will submit a weekly report every Monday morning via the Robbery Division chain of command. All on-scene investigations shall be documented in the report. Information shall be entered into the additional sections (court, arrests, significant activities) when applicable.

D. Day Book:

1. The daybook entry shall be completed each work shift by the on-duty INV67. Entries include: personnel, daily activities, and incidents. Entries for criminal investigations shall include the case number and event number.

E. Public Request for Records:

1. Any member of the public may obtain an origin and cause report, a "MAST Investigation Report" (if completion was required), and a photo CD for accidental fires by submitting a Public Records Request. All reports and photos for "Undetermined" investigations may be released by subpoena only. Crime reports may only be released by SDPD Records Division.

F. Photos:

1. Photographs taken by MAST shall be copied to a CD-R or DVD-R and held as evidence in the MAST photo files. Photos entered into evidence shall be documented in the "MAST Photo/Video Log".

G. Videos:

1. Videos recorded by MAST shall be copied to a CD-R or DVD-R and held as evidence in the MAST photo files. Videos entered into evidence shall be documented in the "MAST Photo/Video Log".

H. Report Submission Timeframes:

1. Arson:
  - a. If an arrest is made, the reports shall be submitted before going off-duty
  - b. If no arrest made, the reports should be submitted before going on days off. The timeframe may be altered on a case-by-case basis.

I. Accidental/Natural/Undetermined:

1. Reports shall be submitted within four regular-duty work shifts. Timeframe may be altered if awaiting additional data for a conclusive origin and cause determination.

J. Release of Reports to Government Agencies

1. Complete copies of MAST incident reports, including interviews, may be released to other government agencies (e.g. law enforcement, fire service, social service, probation, CPSC, etc.) with prior approval of a Team Supervisor. No fee shall be charged.

## **RADIO USAGE**

A. Team Members will utilize the radio protocols of the system on which they are communicating.

B. The following radio designations will be used:

1. Fire Frequency:

- |    |             |         |                |
|----|-------------|---------|----------------|
| a. | Captain     | "INV67" |                |
| b. | Engineer    | "INV69" |                |
| c. | Sergeant    | "INV60" |                |
| d. | Detective   | "INV6_" | (61, 66 or 68) |
| e. | Relief Det. | "INV7_" | (74 or 75)     |

2. Police Frequency

- a. Captain "1707MAST"
- b. Engineer "1709MAST"
- c. Sergeant "1710S"
- d. Detective "170\_D" (5, 6 or 8)
- e. Relief Det. Use their regular designator.

- C. Radio discipline should be used prior to broadcasting sensitive information (i.e., bomb information, juvenile information) via the radio. If possible, other means, such as landline or cellular phone should be used.
- D. Criminal history information and identity of juvenile suspects shall not be transmitted over the radio.

## SEARCHES

**Four methods by which a person, property or vehicle can be searched include exigent circumstances, consent, administrative warrants and search warrants. The investigation of post-fire and post-blast scenes can be searched based-on exigent circumstances so long as the scene has been maintained by fire or police personnel prior to the arrival of investigators.**

A. Types of Searches

MAST personnel will predominantly be involved in the types of searches referenced below.

- 1. Exigent Circumstances - Initial scene investigations conducted by MAST personnel fall within the authority granted by Section 104.2 of the Uniform Fire Code
- 2. Consent Searches – homeowner, property owner, property manager or attorney provides consent to search a person, vehicle or property
- 3. Search Warrants
  - a. In-person
    - 1) Normally issued between 0600 and 1700 hours, Monday through Friday

- b. Telephonic
  - 1) Normally issued on Saturdays, Sundays, court holidays and between 1700 and 0600 on weekdays

## **TACTICAL OPERATIONS**

Team members are responsible for proper planning and safe execution of tactical operations. Tactical operations include, but are not limited to, preplanned arrests, search and arrest warrants, fourth waiver searches, parole searches and surveillance operations.

For each of these situations, the following procedures apply:

### A. Responsibility

- 1. Each tactical operation will be coordinated by a police detective or ATF agent, who will be designated the lead investigator.
- 2. The lead investigator will:
  - a. Keep INV60 apprised of plans for a tactical operation, including the development of strategies for execution of the operation.
  - b. If appropriate, complete a Tactical Action Plan to be approved by INV60 prior to the tactical operation.
  - c. Ensure the plan meets the requirements of the Police Department Investigative Procedures Manual and the Department Policies and Procedures Manual.

### B. Assisting Personnel

- 1. The lead investigator will:
  - a. Notify INV60 in advance of any Tactical Operation.
  - b. Be responsible for determining the number of personnel necessary to complete the operation.
  - c. Assign duties to all personnel involved in the operation.

- d. Provide a copy of the Tactical Operations Plan to all involved personnel at the briefing, with a copy retained for the original case file.
  - e. Determine the need to utilize and communicate with specialized support units, e.g. SWAT, Canine, Patrol, etc....
2. INV60 will:
- a. Be present during the execution of all tactical operations.
  - b. Notify on-duty INV67 of pending tactical operation.
  - c. Coordinate with other units to arrange for assistance of additional personnel.

C. Tactical Operation Briefing

1. The lead investigator will:
- a. Conduct the Tactical Operation Briefing, unless the operation involves SWAT, in which case, SWAT will conduct the briefing.
  - b. The lead investigator will ensure that all involved personnel attend the briefing (informants will not be allowed to attend).
  - c. Ensure the following, at a minimum, are covered:
    - 1) Read a complete description of the warrant.
    - 2) Provide a copy of the warrant for each participant to read or review.
    - 3) Identify of all participating personnel.
    - 4) Detail the operation and identify personnel assignments.
      - a. Entry teams shall consist of personnel who have participated in joint-entry training together; there will be no mixed entry teams.
  - d. Provide all available intelligence or information related to the operation.

- e. Provide a description of any specialized equipment necessary to accomplish the operation.
  - f. Identify the nearest suitable medical facility and a map to the nearest hospital.
2. INV60 will oversee the Tactical Operations Briefing.

D. Uniforms/Equipment

1. The lead investigator will be responsible for assigning any special equipment necessary to complete the Tactical Operation.
2. All personnel shall carry firearms, weapons and tools provided and approved by their parent agencies.
3. All personnel shall wear:
  - a. Body armor.
  - b. High visibility raid jacket or similar clothing that identifies personnel as law enforcement or peace officers.
  - c. Appropriate attire for the operation.
4. Exceptions to these guidelines can be made at the discretion of INV60.

E. Evidence

1. The lead investigator will:
  - a. Be responsible for coordinating the search, seizure and disposition of all evidence.
  - b. Ensure the Receipt and Inventory report is completed, documenting in detail all seized property, a copy of which will be left at the scene.
  - c. Be responsible for the chain of custody of all seized evidence up to the point it is impounded in the MAST Evidence Room, Police Property Room or ATF.

- 1) The SDPD crime laboratory or ATF forensic science laboratory are suitable for processing all evidence.
- d. Ensure money, jewelry, drugs and other valuables are inventoried with a witness present.
- e. Ensure the appropriate paperwork (Affidavit, Search Warrant, Receipt and Inventory) are returned in a timely manner to the Court.

F. Specialized Operations

1. Surveillance

- a. Team Members will notify a Team Supervisor of any planned surveillance activities.
- b. INV60 will:
  - 1) Coordinate all significant surveillance operations, with the assistance of the on-duty INV67.
  - 2) Assess the need and make arrangements for assistance by specialized surveillance units, e.g. SIU, CIU or ABLE).
  - 3) Direct the preparation of a Tactical Operations Plan, as necessary.
- c. The appropriate safety and communications equipment are to be used at all times.

## **BOOKING/PRISONER PROCEDURES**

MAST personnel are responsible for the safety and well-being of all subjects who are taken into custody. It is equally important to protect the safety of others who may come into contact with or may be in the immediate vicinity of a prisoner.

A. Written Policies and Procedures

1. All MAST Team Members **must adhere** to the procedures for dealing with Juveniles, Adults and Undocumented Persons in custody as stated in the following Police Department Policies and Procedures:



- a. 3.8 Juvenile Procedures
- b. 6.1 Handcuffing, Searching and Transporting Procedures
- c. 6.2 Booking Procedures
- d. 6.18 Undocumented Persons

**NOTE: Procedures involving prisoners tend to change periodically. It is imperative that Team Members check for the most recent procedural information if there is any question.**

B. General Procedures

Key points from the above P&P's include:

1. All persons taken into custody and transported will be handcuffed behind their bodies according to policy.
2. Prisoners will be carefully checked for weapons and contraband.
3. Injured prisoners will receive prompt medical assistance.
4. Strip searches require adherence to strict guidelines (see DP 6.1).
5. Body cavity searches require a search warrant.
6. No prisoner shall be left unattended.
7. Any person arrested and held for more than three hours is entitled to 3 phone calls (free within local area).
8. All bookings must be approved by the Watch Commander.
9. Arresting officers are responsible for inventorying, documenting and packaging all personal property that will go with a prisoner into jail. County Jail will not accept any food, beverages, tools, ammunition, explosives, weapons or bulk property.

C. Juvenile Procedures

1. General Requirements

- a. Section 4555 W&I requires that the following shall be made available to all minors held in temporary custody:
  - 1) Reasonable access to toilets and washing facilities.
  - 2) Food if the minor has not eaten within the past 4 hours or is otherwise in need of nourishment, including any special diet required for the health or medical needs of the minor. This is upon request of the minor.
  - 3) Reasonable access to drinking water and/or other beverages.
  - 4) Privacy during visits with family, guardian and/or lawyer.
  - 5) A means for activity by the minor, such as reading materials or games.
  - 6) Reasonable access to a telephone.
- b. The Watch Commander must approve all Juvenile Hall bookings.

For current juvenile procedures refer to DP 3.08.

## **DA/COURT ISSUES**

### **A. District Attorney's Office**

#### **1. Vertical Prosecution**

- a. MAST has been very successful in partnership with the District Attorney's Office by utilizing vertical prosecution, i.e. the same Deputy District Attorney handles all stages of the court process. The advantage, beyond being familiar with the facts and movement of a particular case, is developing the level of expertise and interest in MAST cases by a core of Deputy District Attorneys.

#### **2. Complaint Request Evaluations**

- a. If a Complaint Request Evaluation asks for additional information or investigation, the Team Member should promptly complete the task. If a question arises regarding what is being requested, the Team Member should

contact the Deputy District Attorney to clarify the issue. If this proves unsuccessful, the Team Member should consult with a Team Supervisor.

### 3. Dispute Resolution

- a. Any disputes regarding the handling of a case by a Deputy District Attorney should be addressed with the DDA directly. If, however, a resolution cannot be reached, the investigator should notify a Team Supervisor immediately.

## **ARSON REGISTRANTS**

Per California Penal Code section 457.1, all convicted arsonists in the state of California must register with the law enforcement agency having jurisdiction in the city or county in which they reside.

### A. Arson Registration

1. The registration is conducted at the SDPD Sex Registrants unit. The information is entered into the California Sex and Arson Registrants (CSAR) database and sent to SDPD records to be assigned an 'FA' number. CSAR is maintained by the Department of Justice Registration Unit and is considered the master list of registrant information on a statewide level.

### B. Administration

1. The purpose of the MAST Arson Registrant Program is to verify the status of arson registrants in the city of San Diego. The MAST SDPD supervisor or designee will administer the arson registrants program. All new arson registrants or those wishing to update their registration for the City of San Diego must do so at SDPD Headquarters from 0800-1500 hours on Monday-Thursday.

### C. General Procedures

1. The arson registrant's administrator will identify registrants to be checked for the current quarter using the master MAST Arson Registrant spreadsheet.
2. Periodically compare MAST spreadsheet information with CSAR for accuracy.
3. Coordinate routine compliance checks to ensure the last listed address information is still valid.

4. Ensure Notify Warrants are obtained for those who are out of compliance.
5. Update the master MAST Arson Registrant spreadsheet.

## **MEDIA RELATIONS**

(Reference SDPD DP 1.3 & 8.09 for further information)

### **A. Responsibility for Media Releases**

1. Team Members shall direct all media inquiries to a Team Supervisor.
2. A Team Supervisor may defer to a Fire Investigator, Detective or Bomb Technician who has more information/expertise regarding the facts of a particular case and who agrees to speak with the media.
3. Information regarding an ongoing investigation shall not be released without the concurrence of INV60.

### **B. Notification**

1. Team Supervisors will be responsible for notifying their respective chains of command prior to significant media interviews. Exceptions to this would be on-scene statements regarding the facts of an ongoing incident.
2. All requests for in-depth articles, feature stories, or series, should be approved by the respective Team Supervisor's chain-of-command.
3. The Fire or Police PIO's should be notified of significant newsworthy events and their services utilized to minimize the time constraints of media requests on investigators.

### **C. Media Releases**

1. Media releases regarding MAST cases will be prepared on MAST Media Release Forms. Exceptions would be if the release is made by, or with the assistance of, the Fire or Police PIO.
2. Media releases shall be routed through the Fire or Police PIO to ensure they conform to Department Guidelines for style and content.

D. "Off-the-Record" Information

1. Discretion should be used in providing information to the media with a request to "hold back" or not to publish. The news media is under no obligation to honor such requests. Team members are accountable for any "off-the-record" statement to the media.

E. Federal Cases

1. If a case has been officially assigned to an Assistant U.S. Attorney (AUSA) and there is no concurrent State prosecution, any media releases must be made with the approval of the assigned AUSA.

### **SDPD TAKE HOME VEHICLE POLICY**

A. SDPD Assigned Vehicles

1. The use of take-home vehicles for SDPD sworn personnel is defined in DP 1.16 (Off-Duty Use of Department Take-Home Vehicles). In addition to DP 1.16, the following applies:

B. MAST Unit Specific Policy for SDPD Vehicles

1. Four sworn personnel are assigned to the MAST Unit and the unit is currently allocated four (4) take home vehicles. When in on-call status (first or second up), the Detective is authorized for use of a take-home City-owned vehicle within the parameters of Department Procedure 1.16, "Off Duty Use of Department Take-Home Vehicles." When not on call, the Detective is authorized to drive the City-owned vehicle to and from home in addition to any on-duty work.

# JUVENILE MIRANDA PROCEDURES

## JUVENILE PRE-MIRANDA COUNSELING PROCEDURES

### I. PURPOSE

The purpose of this bulletin is to provide Department members with information on changes to pre-Miranda counseling for juveniles.

### II. BACKGROUND

Senate Bill 203, effective January 1, 2021, changed the age requirement for the pre-Miranda counseling procedures for juveniles. Welfare and Institutions Code section 625, requires a peace officer to advise a juvenile of their Miranda rights upon being taken into custody. The timing of the admonishment is contingent upon the following:

- Determining when a juvenile is in police custody.
  - a. Custody is determined by whether an objective person of the juvenile's age would have understood his/her situation as being in custody.
  - b. Objective factors to consider in light of juvenile sensitivities:
    1. Handcuffs/in the back seat of a patrol vehicle.
    2. Heightened police presence and pressure.
    3. Length of the detention.
- Age of the juvenile.
  - a. Effective January 1, 2021, Welfare and Institutions Code section 625.6, requires that **PRIOR** to a custodial interrogation, and **BEFORE** the waiver of Miranda rights, a youth 17 years of age or younger shall consult with legal counsel in person, by phone or video conference. **The consultation cannot be waived.**

The following portions of this training bulletin will discuss the proper procedures for pre-Miranda counseling for juveniles.

### III. PROCEDURES

- A. Pursuant to SB 203 (WIC 625.6), juveniles **17 years of age or younger** are entitled to pre-Miranda counseling.
- Welfare and Institutions Code § 625.6(a) states: “Prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth **17 years of age or younger** shall consult with legal counsel in person, by telephone, or by video conference. **“The consultation may not be waived.”**”
1. For juveniles age **17 and younger** who are **in custody**, and the officer intends to question the juvenile:
    - a. Prior to asking Miranda Admonishment questions #1 and #2 from a PD-145, contact the Public Defender’s Office at (619) 681-2923, 24 hours a day, 7 days a week.
    - b. The attorney representative will make the decision on whether to handle the incident by telephone or to respond to a mutually agreed on location to speak with the juvenile.
    - c. Allow the juvenile and attorney to have a private conversation regarding the juvenile’s rights to answer questions about the incident.
    - d. Once this initial conversation between the juvenile and the attorney is complete, officers shall read the Miranda admonishment to the juvenile again and ask the juvenile questions #1 and #2. During this time, the attorney shall be present in person, by telephone, or by video conference. Once the juvenile answers the two questions, the attorney consultation is considered complete and the officer shall proceed based on the answers to the questions.
    - e. Officers shall document the attorney name and bar number in their report.
  2. If the officer **DOES NOT** intend to question a juvenile in custody, the officer will **ONLY** read the juvenile the Miranda Admonishment statement, as required by Welfare and Institutions

Code section 625, and Department Procedure 3.08. The Miranda questions #1 and #2 from the PD-145, should not be asked.

B. Exceptions to Pre-Miranda Counseling

- a. Under the imminent public safety exception, Department members may bypass the pre-Miranda counseling only if **BOTH** of the following criteria are met:
  - 1) The officer who questioned the juvenile reasonably believed the information he or she sought was necessary to protect life or property from an imminent threat.
  - 2) The officer's questions were limited to those questions that were reasonably necessary to obtain that information.

C. Privacy

- a. Conversations between a juvenile and an attorney from the Public Defender's Office, or any attorney, for the purposes of meeting the SB 203 requirements, are attorney-client privileged, and, as such, are considered confidential communication. **These conversations, whether in person, by telephone, or by video conference, shall not be audibly monitored or recorded in any manner.**
- b. All efforts should be made to provide the juvenile and his/her attorney as much privacy as possible while still taking into account any potential safety concerns. As such, it is recommended that these conversations take place at a police facility (HQ, substation, etc.) where a detention room provides both privacy and the ability for the officer to visually monitor the juvenile.



## JUVENILE MIRANDA REQUIREMENTS AND EXCEPTIONS

### NEW MIRANDA LAWS APPLICABLE TO JUVENILES

#### Requirements of the New Law [WIC626.6]

- **17 YRS OF AGE OR YOUNGER**
- **PRIOR TO ANY CUSTODIAL INTERROGATION; AND**
- **PRIOR TO A WAIVER OF MIRANDA RIGHTS**
- **YOU MUST ALLOW THE JUVENILE TO CONSULT WITH AN ATTORNEY IN PERSON, BY TELEPHONE, OR VIDEO CONFERENCE**
- **The consultation cannot be waived.**
- **You still need a valid Miranda waiver prior to asking PC26.**



#### Exceptions [WIC626.6(c)]

- **IMMINENT THREAT** – no consultation is required when:
  - Officer **reasonably believed** the information sought was necessary to **protect life or property** from imminent threat, AND
  - The officer's questions were limited to those questions that were reasonably necessary to obtain that information.
- **\*\*\*Do this prior to *Miranda admonishment* then seek *Miranda* admonishment.**

#### Situations Where Miranda Does NOT Apply

- Obtaining blood samples
- Obtaining fingerprints
- Obtaining photographs of the juvenile (for purposes of gang documentation)
- Obtaining handwriting exemplars
- Standing in a live lineup
- Standing in a curbside lineup
- Collecting DNA
- Repeating words or phrases used by a perpetrator
- Asking for a minor's consent to search

### NEW MIRANDA LAWS APPLICABLE TO JUVENILES

#### Impact on PC26

Without a valid *Miranda* waiver, officers **CANNOT** ask questions related to PC26. Establish PC26 **prior** to submitting a case by:

- Asking PC26 questions of parents
- Obtaining school records
- Obtaining behavior contracts
- Identifying prior instances of similar conduct

#### Strategies for Overcoming the Obstacles in the Law

##### Eliminating the “custody” component:

- Conducting juvenile suspect interviews OUT OF CUSTODY whenever possible (*BEHELER*)
- Arranging pretext phone calls, texts, and social media communications whenever possible
- Calling juveniles over the phone rather than interrogating them in person

##### Eliminating the “interrogation” component:

- Audio-recording conversations between juveniles and their co-participants in holding cells or in the back of a patrol car