

## SAN DIEGO POLICE DEPARTMENT ORDER

**DATE/TIME:** APRIL 17, 2024 0830 HOURS

**NUMBER:** OR 24-14

**SUBJECT:** MANDATORY ELECTRONIC COMMUNICATIONS PRIVACY ACT (ECPA SEARCH WARRANTS) TRAINING

**SCOPE:** ALL SWORN INVESTIGATIVE PERSONNEL AND LONG-TERM ACTING INVESTIGATIVE PERSONNEL

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**Portions of this document are deemed by the San Diego Police Department to be exempt from public disclosure because the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure, pursuant to California Government Code section 7922.000.**

The California Electronic Communications Privacy Act (ECPA) is a state law that regulates the collection, use, and disclosure of electronic communication and location information. The law requires any government entity that executes a warrant or obtains information in an emergency from an electronic communication service provider or from an electronic device to notify the identified targets of the warrant or emergency request that information about them has been compelled or obtained. The law also requires that the government entity provide specific information about the investigation under which the information is sought and provide a copy of the warrant or a written statement setting forth facts giving rise to the emergency. (California Penal Code Section 1546.2).

All Search Warrants for electronic information, devices, and providers are subject to the requirements of PC 1546 and ECPA. Non-Compliance with ECPA notice requirements may be challenged via California Penal Code 1538.5, regarding motions to suppress evidence and in extreme cases, could result in exclusion of evidence.

Recently, the San Diego County District Attorney's Office has discovered numerous investigations brought forth by the San Diego Police Department and various agencies countywide that are not in compliance with ECPA. **These discoveries could result in potential suppression of evidence in court.**

To reduce the possibility of suppression of evidence or dismissal of cases, and to be in compliance with ECPA, the San Diego County District Attorney's Office will be conducting training presentations on ECPA to assist with future investigations requiring the use of search warrants for electronic information.

**This San Diego County District Attorney's Office ECPA training is required for all sworn investigative personnel and long-term acting investigative personnel.**

**The following Training Dates will be provided:**  
(All presentations will be held at **(Redacted – record exempt)**.)

**Monday April 22, 2024 (0900-1000)**

**Thursday April 25, 2024 (1500-1600)**

**Monday May 13, 2024 (1500-1600)**

**Thursday May 16, 2024 (0900-1000)**

You must log into your Success Factors Account (Instructions below) in order to register for a course and complete the training. **Supervisors will ensure completion by their personnel.**

**Instructions:**

1. Using the Google Chrome browser, log onto Success Factors via SDPD Intranet > SDPD Applications > OKTA Login Portal.
2. At the first OKTA screen, select the “SuccessFactors” (Production) tile to access the application and then select the “My Learning” tile to access the learning module.
3. Go to “Find Learning” in the upper left corner of the screen. There, you will see a box that contains a search line which reads, “What do you want to LEARN today?” In that search box, type “*Electronic Communications Privacy Act (ECPA Search Warrants) Class*” (note the spacing in title). Click Search.
4. A list of courses will show up on your screen. Select “*Electronic Communications Privacy Act (ECPA Search Warrants) Class*”. Then select the “See Classes” button in blue.
5. On the next screen, there will be a list of the available classes. Select the date you want and click the blue “Register Now” button.
6. The next screen will show more class details. Click the Blue “Register” button in the top right hand corner.

If you have any questions please email **(Redacted – record exempt)**, In-Service Training Unit, at **(Redacted – record exempt)**

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Please read at squad conferences and give a copy to all personnel.