



# CARLSBAD POLICE DEPARTMENT

## Department Training Bulletin

#2024-01

Distribution: All Sworn Personnel

Date: 03/19/2024

Subject: PROTOCOL FOR INVESTIGATION OF SERIOUS INJURY OR FATAL  
TRAFFIC COLLISIONS AND CRIMINAL ACTS

*Williams #5221*

Mickey Williams, Chief of Police

### PURPOSE:

The purpose of this Training Bulletin is to introduce and instruct personnel on the proper implementation of a new MOU between the Carlsbad Police Department, Escondido Police Department, and Oceanside Police Department. The MOU allows for the Chiefs of Police to request that one of the other signatories to the MOU investigate the following types of incidents when deemed necessary to avoid a conflict of interest or the potential for an appearance of a conflict of interest:

- a. Serious Injury or fatal traffic collision occurring within the jurisdiction of, and under the investigative responsibility of a participating agency.
- b. Criminal investigation arising within the jurisdiction of, and under the investigative responsibility of a participating agency.

*A primary driving force of this MOU is to provide an option for independent investigations of Qualifying Incidents. As such, the Primary Investigating Agency shall ensure the Primary Agency Investigators do not have a connection to the Involved Agency, the incident, or the employee(s) involved that would give the appearance of a possible conflict of interest.*

### APPLICATION:

This MOU does not apply to incidents which are covered by another MOU, including AB 1506 cases which are submitted to the California Department of Justice and incidents covered by the Countywide Protocol for Investigation and review of Officer-Involved Shootings and Other Deadly Force Incidents dated March 7, 2022, as may be amended. This MOU does not address or impact an agency's ability to conduct their own concurrent or subsequent investigation for administrative or civil litigation purposes.

## DEFINITIONS:

- a. "Investigating Agency Liaison" means the employee, supervisor, or manager of the investigating agency tasked with being a liaison between the investigating agency and the involved agency, to facilitate the comprehensive and independent investigation of the incident.
- b. "Involved Agency" means the department with the investigative responsibility of the incident.
- c. "Involved Agency Liaison" means the employee, supervisor, or manager of the involved agency tasked with being a liaison between the involved agency and the primary investigating agency, to facilitate the comprehensive and independent investigation of the incident.
- d. "Participating Agency" means a department who is a member of the MOU.
- e. "Primary Investigating Agency" means the department who assumes investigative responsibility for a qualifying incident.
- f. "Qualifying Incident" is an incident defined within 'PURPOSE AND SCOPE', subsections a-b.

## INITIATING AN INVESTIGATION UNDER THE MOU:

Upon the occurrence of a Qualifying Incident, the Involved Agency's Chief of Police or designee may request the assistance of another Participating Agency to conduct the related investigation. The requested agency may decline the request at the discretion of the requested agency's Chief of Police or designee. However, upon acceptance of the request to investigate, the requested agency retains the responsibility to perform a complete and thorough investigation of the incident until and unless replaced by another competent law enforcement agency.

The decision to deny a request from a participating member of this MOU shall be forwarded to a bureau commander (Captain) or higher for approval prior to taking any action.

## PRIMARY/SECONDARY ASSIGNMENTS:

When a Participating Agency has a Qualifying Incident within their jurisdiction, the Involved Agency may contact another Participating Agency, as outlined below, to request an investigation.

- a. Oceanside Police Department; primary is Carlsbad Police Department, secondary is Escondido Police Department.

- b. Escondido Police Department; primary is Oceanside Police Department, secondary is Carlsbad Police Department.
- c. Carlsbad Police Department; primary is Escondido Police Department, secondary is Oceanside Police Department.

The Involved Agency may conduct a concurrent or subsequent investigation of the incident; however, the intent of the parties to this MOU is that these types of investigations be conducted by the Primary Investigating Agency, independently and without interference or undue influence from the Involved Agency.

### INVESTIGATIVE CONSIDERATIONS:

All information or reports developed by the Primary Investigators shall be made available to the Involved Agencies, as needed, and as permitted by law.

The Primary Investigating Agency shall report the investigation utilizing a case number originated through the Primary Investigating Agency.

Investigators from the Primary Investigating Agency will refer to, follow and apply the Involved Agency's Policies and Procedures, and any applicable Employee MOU's for operational topics, including Body Worn Camera (BWC) video collection and review, conduct of "scene walk-throughs", scheduling of involved employee interviews, and report writing.

Investigators shall seek voluntary statements from employees involved in an incident. Employees involved in the incident shall be permitted to speak with a legal representative, peer support representatives, chaplain and/or mental health professionals before submitting to an interview by incident investigators.

Under no circumstances will the Primary Investigating Agency compel a statement from an involved employee without the express direction of the involved agency Chief of Police or designee.

### RESOURCES:

The Primary Investigating Agency will utilize their own evidence collection and laboratory personnel, unless impractical to do so. If the Primary Investigating Agency evidence collection and/or laboratory personnel are not to be used, the Primary Investigating Agency may request the Involved Agency's assistance.

### AGENCY LIAISONS:

After the Primary Investigating Agency agrees to handle an incident, the Involved Agency shall as soon as reasonably possible, identify who the Involved Agency Liaison will be for the investigation.



The Involved Agency Liaison shall also be responsible for providing any necessary agency-specific information to the Primary Investigating Agency, such as mobile data/CAD information, BWC footage, and employee record information, etcetera. In the event that the Primary Investigating Agency is conducting an investigation concerning the conduct of a peace officer or custodial officer on behalf of the agency employing the officer involved, any documents provided under this MOU shall remain confidential and only be further disclosed pursuant to applicable law or a valid court order.

The Primary Investigating Agency Liaison, or their designee, shall brief the Involved Agency as requested.

### EVIDENCE:

Evidence shall not be unnecessarily moved or altered until properly documented by the Primary Investigating Agency. Evidence in the personal possession of the employee(s) involved shall be surrendered upon request of investigators representing the Primary Investigating Agency.

### ON SCENE BRIEF:

If reasonably possible, prior to beginning the investigation of the incident, members of the Primary Investigating Agency shall receive a briefing on the facts known to that point. The Primary Investigating Agency is not required to delay the briefing or subsequent investigation to accommodate unavailable involved agency members, so as not to delay the onset of the investigation. Additional briefings may take place as time allows or as necessitated as the investigation unfolds.

### MEDIA RELEASES:

The release of information concerning any incident as defined herein will be handled by the Primary Investigating Agency, in coordination and collaboration with the Involved Agency. Any agency receiving media inquiries about the incident shall refer them to the Primary Investigating Agency for coordination and distribution with the Involved Agency. If the Primary Investigating Agency submits the case to the District Attorney's Office for review, media requests should generally be referred to the District Attorney's Office. This MOU is not meant to restrict the head of an agency from making public statements or releasing video that he or she deems necessary to the interests of justice or to protect public safety.

### NOTIFICATIONS:

If applicable, the Primary Investigating Agency shall be responsible for notifying the Medical Examiner and coordinating all necessary evidentiary information and collection with the Medical Examiner's Office. Additionally, the Primary Investigating Agency shall be responsible for coordinating family notifications with the Medical Examiner's Office, as necessary.

If applicable, the Involved Agency shall provide any notifications to the District Attorney's Office as deemed required by the investigation.

### "THREE DAY" INITIAL BRIEF:

In any Qualifying Incident, as defined herein, when requested by the Involved Agency, the Primary Investigating Agency, shall provide a briefing to representatives of the Involved Agency no later than the third working day following the incident. The briefing shall include a verbal review of the evidence, witness statements, and the status of the investigation. Included in this review should be selected command representatives of the Involved Agency and additional allied agencies as appropriate.

### REPORTING:

Upon completion of the investigation of an incident, the Investigating Agency shall provide copies of all investigative reports, witness statements, recordings, video evidence, photographs, diagrams, autopsy reports, and all other relevant documents to the Involved Agency.

The Primary Investigating Agency shall retain all original investigative reports and documents pursuant to their respective policies and applicable laws.

### RECORDS REQUESTS:

Each agency shall be individually responsible for responding to records requests they receive, including subpoenas and California Public Records Act requests. For example, if the Primary Investigating Agency receives a request for records related to an incident being investigated on behalf of an Involved Agency, the Primary Investigating Agency is responsible for responding to the records request they received, including the production, redaction or exemption of records within their possession, in accordance with applicable law. If the Involved Agency receives a request for records related to an incident being investigated on their behalf by the Primary Investigating Agency, the Involved Agency is responsible for responding to the records request they received, including the production, redaction or exemption of records within their possession, in accordance with applicable law.

### INVOLVMENT OF NON-PARTICIPATING LAW ENFORCEMENT AGENCIES:

When an employee of a non-participating agency in this MOU is involved in an incident as described above, the jurisdictional agency shall conduct the primary investigation of the incident.

**\*\*Attached to this training bulletin is a signed copy of the MOU. All supervisory personnel shall read the MOU and become familiar with its contents.\*\***





# CARLSBAD POLICE DEPARTMENT

## Department Training Bulletin

#2024-02

Distribution: All Sworn Personnel

Date: 3/28/2024

Subject: CARE Act Program

  
Mickey Williams, Chief of Police

### PURPOSE:

The purpose of this training bulletin is to inform first responders of the availability and process of the San Diego County CARE Act and its application in practice.

### GENERAL:

Through a new State law, San Diego County implemented the Community Assistance, Recovery, and Empowerment (CARE) Act program on October 1, 2023. In collaboration with County and community partners, the CARE Act program creates a new pathway to mental health and substance use services, support, and housing for individuals who are diagnosed with schizophrenia or other psychotic disorders and are not engaged in treatment.

Families, clinicians, first responders, and others may begin the process by filing a petition with the civil court to connect people (ages 18+) to court-ordered voluntary treatment if they meet the criteria and would benefit from the program.

### PROCESS:

The CARE Act process is as follows:

1. **Referral:** A referral can be initiated by family members, behavioral health providers, first responders, or other approved petitioners, by [filing a petition with the Superior Court](#). Petitions must include required State documentation to establish clinical history, see [Information for Petitioners \(Form: CARE-050-INFO\)](#), Item 6. (form reference optional).
2. **Initial Determination:** The Superior Court makes an initial determination as to whether the petition appears to meet the criteria for the CARE Act program. If the petition meets the initial criteria, the Superior Court will order County Behavioral Health Services (BHS) to conduct an investigation.
3. **Investigation and Engagement:** County BHS will conduct an investigation and report back within 14 days with a recommendation regarding establishing a CARE Act case. During the investigative process, BHS will conduct outreach and attempt to engage petitioned individuals with treatment and may avoid the need for a CARE Act case.

4. **Establishing a CARE Plan:** If the Superior Court determines that a case should be established, a CARE Plan will be developed with County BHS, in partnership with the petitioned individual and their counsel. The CARE Plan will be submitted to the Superior Court for review.
5. **Connection to Services:** Once a CARE Plan is accepted by the Superior Court, BHS and its network of community-based providers will actively engage the individual for whom a CARE Plan is being established to connect to services, including behavioral health treatment, stabilization medication, a housing plan, and other supports as needed. Program participation is 12 months but may be extended depending on individual circumstances.

#### PROGRAM QUALIFICATIONS:

CARE Act focuses on individuals, 18 years of age or older, who are diagnosed with schizophrenia or other psychotic disorders and are not engaged in treatment, substantially deteriorating, and/or unlikely to survive safely in the community without supervision. According to the Judicial Branch of California, only 7,000-12,000 of the 39.2 million Californians, or .02-.03% of the population, are estimated to meet CARE Act criteria.

**All** of the following requirements must be met for the respondent to be eligible for CARE Act court proceedings.

1. The respondent must be 18 years or older and must have a diagnosis of a schizophrenia spectrum disorder or another psychotic disorder in the same class, as defined in the current *Diagnostic and Statistical Manual of Mental Disorders*.
2. The respondent must be currently experiencing a mental illness that is severe in degree and persistent in duration, may cause behavior that interferes substantially with activities of daily living, **and** may lead to an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation.
3. They must **not** be clinically stabilized in ongoing voluntary treatment.
4. And at least *one* of the following must be true:
  - A. The respondent is unlikely to survive safely in the community without supervision, **and** the respondent's condition is substantially deteriorating, **OR**
  - B. The respondent needs services and support to prevent a relapse or deterioration that would likely result in grave disability or serious harm to the respondent or others.
5. The respondent's participation in a CARE plan or CARE agreement must:
  - A. Be the least restrictive alternative necessary to ensure the respondent's recovery and stability, **and**
  - B. Be likely to benefit the respondent.

While all determinations of eligibility are case-specific, examples of circumstances that **may** satisfy the above eligibility requirements are described in [JC Form # CARE-050-INFOPDF](#)

Only a person with a schizophrenia spectrum or other psychotic disorder is eligible for the CARE Act process.

- A person only with another serious mental illness, such as bipolar disorder or major depression, is not eligible.
- The psychotic disorder must not be based on a medical condition, including a physical health condition such as a traumatic brain injury, autism, dementia, or a neurological condition.
- A person with a current diagnosis of substance use disorder must *a/so* have a psychotic disorder and meet all the other criteria to be eligible.



## PROCEDURES:

A referral can be initiated by family members, behavioral health providers, first responders, or other approved petitioners, by [filing a petition with the Superior Court](#). Petitions must include required State documentation to establish clinical history.

A first responder must have had repeated interactions with the respondent in the form of multiple arrests, detentions, and transportation under Welfare and Institutions Code section 5150, multiple attempts to engage the respondent in voluntary treatment, or other repeated efforts to aid the respondent in obtaining professional assistance before making filing a petition.