

Emergency Pings and Ex-Parte Court Orders

341.1 PURPOSE

This policy establishes guidelines for the Orange County Sheriff's Department (OCSD) regarding the handling of emergency pings and the preparation of ex-parte court orders. It delineates responsibilities and processes to ensure timely and efficient responses to emergencies while maintaining compliance with legal requirements.

341.2 SCOPE

This policy applies to all OCSD personnel, including the Real Time Operations Center (RTOC) and Dispatch. It outlines procedures for:

- Initiating and handling emergency pings.
- Preparing and processing ex-parte court orders.
- Coordinating responsibilities between RTOC and Dispatch.

341.3 POLICY

The OCSD is committed to responding swiftly to emergencies involving exigent circumstances while adhering to legal standards. The RTOC will serve as the primary entity responsible for drafting ex-parte court orders to support emergency pings.

341.4 DEFINITIONS

Emergency Ping: The process of obtaining real-time location information from any device or vehicle capable of transmitting an electronic signal during exigent circumstances.

Device: Any technology capable of transmitting GPS or location data (e.g., mobile phones, smart devices, or equipped vehicles).

Ex-parte Court Order: A legal document prepared and submitted to a judge without notice to the other party, seeking authorization for an emergency ping.

DR Number: A unique identifier assigned to a specific incident or case.

Call Number: A unique identifier for a specific call for service.

341.5 PROCEDURE

A. Emergency Pings

1. Initiation:

- (a) Deputies or investigators identifying the need for an emergency ping will contact the Department Commander with all relevant details, including the exigent circumstances and the subject's information.

1. A need for an emergency ping includes:

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- (a) When a Member, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires access to the subject's device; or
 - (b) When access to information concerning the location or the telephone number associated with the device is necessary in order to respond to an emergency 911 call from that device.
- (b) The specific circumstances where emergency pings may be lawfully pursued are detailed in Penal Code § 1546.1(c)(6) and (11).
- (c) The Department Commander will notify the RTOC and provide the DR or Call Number associated with the incident.
- (d) Upon notification, the RTOC will coordinate with the requesting deputy or investigator to validate the emergency and confirm the necessity of the ping, as outlined in Penal Code § 1546.1.
- (e) RTOC personnel will initiate the emergency ping request with the service provider and document all actions taken.
- (f) RTOC personnel shall continue to monitor the facts and circumstances surrounding the exigent ping and notify the service provider when the need for further pings has concluded.
- (g) RTOC personnel shall have sole responsibility for completing all ex-parte orders and required notifications related to emergency pings, pursuant to Penal Code § 1546.2.

B. Ex-parte Court Orders

1. Preparation:

- (a) The RTOC will be responsible for drafting ex-parte court orders related to emergency pings.
- (b) The order will include:
 - Detailed exigent circumstances justifying the request.
 - Information about the subject and device to be pinged.
 - Reference to the associated DR or Call Number.

2. Submission:

- (a) The completed ex-parte court order will be submitted electronically to the appropriate court for review and approval.
- (b) RTOC personnel will document the submission and approval process.

C. Notifications

1. California Electronic Communication Privacy Act (CALECPA) Requirements:

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- (a) Notifications required under the CALECPA for emergency pings will be made through either certified mail or the Department of Justice (DOJ) website, as applicable.
- (b) RTOC personnel will ensure compliance with CALECPA requirements and maintain records of all notifications.

D. After-Hours Procedure

1. Dispatch Notification:

- (a) If the RTOC is not operational, Dispatch will submit the request for the emergency ping with the service provider and then provide all details related to the emergency ping to the RTOC Sergeant for required follow-up. This notification will minimally contain the following information:
 - DR or Call Number.
 - Summary of the incident.
 - Requesting deputy's or investigator's contact details.

2. Follow-Up:

- (a) RTOC personnel will review all after-hours notifications during the next operational period and prepare the ex-parte court order for submission.
- (b) The RTOC will complete the required notifications as outlined in Penal Code § 1546.2.

341.6 DOCUMENTATION AND RECORDKEEPING

- 1. All emergency pings and associated ex-parte court orders will be documented in the case file and maintained per OCSD's record retention policies.
- 2. RTOC personnel are responsible for compliance with all legal and departmental requirements for recordkeeping.

341.7 ACCOUNTABILITY

- 1. RTOC and Dispatch supervisors will monitor compliance with this policy.
- 2. Any deviations from the established procedures must be documented and reported to the appropriate chain of command.