

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

310.2 POLICY

The policy of the Alameda Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

310.3.1 ALAMEDA POLICE DEPARTMENT OFFICER WITHIN JURISDICTION

The Alameda Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office.

310.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Alameda Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.3.3 ALAMEDA POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Alameda Police Department will conduct timely civil and/or administrative investigations.

*Officer-Involved Shootings and Deaths***310.3.4 INVESTIGATION CHART**

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
APD Officer in This Jurisdiction	APD Investigators	District Attorney's Office	APD Civil Liability Team	APD Inspectional Services
Allied Agency's Officer in This Jurisdiction	APD Investigators	District Attorney's Office	Involved Officer's Department	Involved Officer's Department
APD Officer In Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	APD Civil Liability Team	APD Inspectional Services

310.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

310.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved APD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

310.4.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Bureau Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

310.4.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Bureau Commander
- OIS Protocol rollout team
- Outside agency investigator (if appropriate)

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- Professional Standards Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

310.4.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved APD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any APD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional APD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved APD officer should be given an administrative order not to discuss the incident with other involved officers or APD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

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310.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved APD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-APD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Alameda Police Department to each involved APD officer. A licensed psychotherapist may also be provided to any other affected APD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved APD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

310.4.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

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310.5 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) APD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of APD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

310.5.1 REPORTS BY INVOLVED APD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved APD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved APD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved APD officer of the right to consult with legal counsel prior to completing any such criminal report.

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Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

310.5.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

310.5.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Commander to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

310.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this Department will conduct an internal administrative investigation of APD officers to determine

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conformance with Department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to Department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings [captured on their assigned devices](#) prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

310.8 ADMINISTRATIVE RESPONSIBILITIES

Any officer involved in a deadly force incident which results in serious bodily injury or death shall be placed on "Administrative Leave" upon completion of a preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to Administrative Leave shall not be interpreted to imply or indicate that the officer's actions were improper.

While on Administrative Leave the officer shall remain available during the normal business day for official Department interviews and statements regarding the incident, and shall be subject to recall to duty at any time.

In all cases where any person has been seriously injured or killed as a result of actions by a police officer, the involved officer will be required to undergo a debriefing with a professional counselor supplied by the City, as soon as possible. The purpose of this debriefing is to allow the officer to express his/her feeling and to deal with the moral, ethical and/or psychological after effects of the incident. The debriefing session will remain protected by the privileged physician-patient relationship.

310.9 REPORTING

If the death of an individual occurs in the Alameda Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Field Services Bureau Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

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310.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and Department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Bureau Commander and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved APD officer to visits by the media (Government Code § 3303(e)). No involved APD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Bureau Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.11 DEBRIEFING

Following an officer-involved shooting or death, the Alameda Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

310.11.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

310.12 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Alameda Police Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

Native American Graves Protection and Repatriation

392.1 PURPOSE AND SCOPE

~~This~~ This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

392.1.1 DEFINITIONS

~~Definitions~~ Definitions related to this policy include (43 CFR 10.2):-

Funerary objects ~~and associated funerary objects~~ -- Objects that, as part of the death rite or ceremony of a ~~culture~~ Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, ~~or~~ . Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains. ~~Native American human remains~~ ~~The physical remains~~ , regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a ~~person of~~ Native American ancestry individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

Native American Graves Protection and Repatriation

392.2 POLICY

It is the policy of the ~~Alameda~~ Alameda Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

392.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

~~Upon~~ Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, ~~sacred objects~~ unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4 5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4 5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - ~~Coroner~~ Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

392.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6 7).

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Alameda Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

402.2 POLICY

The Alameda Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

Bias-Based Policing

- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by ~~Penal~~ [Government Code § 12525.5](#) and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Alameda Police Department is the primary agency, the Alameda Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

402.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

Bias-Based Policing

402.5 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

402.5.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Professional Standards Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

402.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, handheld, or integrated into vehicles.

This policy does not apply to interviews or interrogations conducted at any Alameda Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

450.2 POLICY

The Alameda Police Department may provide members with access to portable recorders, either audio, video, or both, for use during the performance of their duties. Body-worn cameras (BWCs) and in-car cameras are used primarily by uniformed personnel along with personnel assigned to investigations. It is the policy of this department that members should activate their BWC and in-car cameras when acting in an official capacity with members of the public, where the recordings are consistent with this policy and law. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public. The recordings captured also assist the Department in establishing public accountability, procedural transparency, and assistance with criminal/civil proceedings, including prosecution, litigation, and convictions.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Alameda Police Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 SYSTEM ADMINISTRATOR RESPONSIBILITIES

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but are not limited to the following:

1. Operation and user administration of the system;
2. System evaluation;
3. Training;
4. This policy and procedure review and evaluation will take place no less than once annually;
5. Coordination with IT regarding system related issues; and
6. Ensure BWC files are retained in accordance with our retention requirements noted in this policy.

Portable Audio/Video Recorders

450.5 MEMBER RESPONSIBILITIES

All members assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operation. No member of this department shall operate a BWC or in-car camera without first completing this training. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

Prior to going into service [where official law enforcement-related contacts with the public are reasonably expected](#), each uniformed member, with the exception of those wearing Class A, will be responsible for making sure they are equipped with a BWC, issued by the Department, and that it is in good working order. Any member using a patrol vehicle will ensure the in-car camera is in good working order. Equipment malfunctions shall be brought to the attention of the member's supervisor as soon as possible so that a replacement unit may be provided.

Uniformed members should wear the BWC in a conspicuous manner. Members shall ensure that the BWC is worn in such a way as to provide an unobstructed camera view of the officer's civilian contact. Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member should record their name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

For the purpose of this policy, any member contacting an individual suspected of violating any law or during the course of any official law enforcement-related activity shall be presumed to be engaged in an investigation. This presumption shall not apply to contacts with other members conducted solely for [administrative](#) ~~administration~~ purposes. It shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted BWC will have knowledge that such a contact is being recorded. Officers are not required to obtain consent from a private person when:

1. In a public place;
2. In a location where there is no reasonable expectation of privacy;
3. The inside of a building or dwelling where the officer is lawfully present and engaged in the performance of official duties.

~~Members are encouraged to advise private persons they are recording if they are legally inside a private dwelling only via consent and it does not hinder officer safety.~~

All BWC files shall be securely downloaded no later than the end of each [member's](#) shift. ~~Members shall~~ [by placing e](#) the BWC into any open slot on the Evidence Transfer Manager (ETM) docking station [until all data has been uploaded](#). [Members are responsible for ensuring the data has been properly uploaded by the next tour of duty](#) ~~The BWC should not be removed from the ETM until the~~

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~~data has been uploaded and the battery has been fully recharged.~~ The BWC shall be recharged prior to the next tour of duty.

Each member shall be responsible for maintaining their recordings until the media is ~~either full or~~ placed into evidence/safekeeping. ~~Recordings shall be downloaded no later than the end of each shift, prior to the member's departure.~~ Should the member be unable to ~~upload~~ download the contents of their BWC audio recorder prior to their ~~departure~~ end of their shift due to technical issues, the member shall notify their immediate supervisor without delay. ~~then the recorder should be downloaded no later than the beginning of the member's next duty day.~~ Nothing in this policy prevents a supervisor from ordering an employee back to work to download the contents of their audio recorder, should the recordings be needed for an investigation.

~~Attach the connected report number to your recording in this format "1001234" (no dashes, no spaces).~~ If applicable, ensure a report number or incident number is assigned to the recording.

450.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device 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 (Penal Code § 832.18).

In cases where the device may have captured an incident involving an officer-involved shooting or officer-involved death, the supervisors should take custody of the portable audio/video recording device to ensure preservation of the data. Supervisors should place the BWC into any open slot on the Evidence Transfer Manager (EMT) docking station.

Supervisors are responsible for ensuring members utilize the BWC and audio recording equipment according to protocol and policy guidelines. ~~When calls for service are identified where recordings would enhance the mission of the Department, the supervisors should order officers responding to the call, via the police radio, to activate their BWCs :~~

The Inspectional Services Section will conduct periodic audits of recordings to ensure adherence to policy, assess performance, and for training purposes. Audits will be fair and impartial.

450.6 ACTIVATION OF THE PORTABLE RECORDER

There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible situation where use of the equipment may be appropriate.

Public contacts: Officers shall record public contacts, whether in person or through telephonic means, in situations where he/she is operating in an official law enforcement capacity.

Non-public contacts: Officer shall record non-public contacts where there is a likelihood enforcement action may be taken. These situations include, but are not limited to:

- Code 3 driving
- K-9 deployment

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- Deployment of a firearm
- Probation/parole searches
- Protective sweeps
- Service of arrest or search warrants

~~Audio only recordings shall be utilized in situations where the BWC becomes impractical (e.g. medical environment).~~

Communication between Law Enforcement Personnel outside the presence of any member of the public need not be recorded; provided, however, the body camera shall be immediately reactivated upon any public contact.

At no time should an officer jeopardize their ~~his/her~~ safety in order to activate a body camera recorder. However, if a member intentionally fails to activate their BWC as required by this policy, the member will be subject to discipline.

450.6.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Alameda Police Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record any other department members without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.6.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Officers may cease recording when encountering or interviewing a victim who is in a vulnerable position or who asks not to be video recorded ~~video -recorded~~.

Officers may cease recording when interviewing a subject who does not want to be video-recorded and the officer feels obtaining the information or statements exceeds the importance of video evidence.

In all cases above, the officer shall verbally express the intent and reason to stop recording prior to turning off the equipment, and should verbally express it has resumed if later reactivated. ~~The~~ o Officers should consider whether activating another type of recording device, such as audio recording would be appropriate for memorializing the interaction.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor, or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

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450.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras 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.

450.6.4 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental activation of the recorder where the recording is of no investigative or evidentiary value, the recording employee may request that the recorded file be deleted by submitting an email request with sufficient information to locate the recorded file to the [Bureau of Support Services](#) ~~Services Division~~ Commander who shall review the file, approve or deny the request, and forward to the System Administrator for action. All requests and final decisions shall be kept on file with the Services Division Commander.

450.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Alameda Police Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:

1. Encounters with undercover officers or confidential informants or receiving confidential information;
2. Conversations with law enforcement personnel that involve case tactics or strategy;
3. Strip searches;
4. When on break or otherwise engaged in non-business related activities; or

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5. In any location where members have a reasonable expectation of privacy, such as a restroom or locker room.

450.7.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited.

450.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

Any time a member records any portion of a contact, the system will automatically retain the video for three years and will automatically categorize it as "General". If, at the time of the making the recng, the member reasonably understands they are conducting an investigation involving a homicide, felony sex crime, or a misconduct allegation, the member shall recategorize the video into the appropriate category to ensure the recording is retained beyond the default three-year retention period. ~~if there is evidentiary value.~~ When applicable, ~~the user should~~ shall also record the related case or ~~/~~incident number and transfer the file in accordance with the current procedures for storing digital files. The member shall also document the existence of the recording in the related case report. Transfers shall occur at the end of the member's shift, or ~~any time the storage capacity is nearing its limit,~~ or as otherwise directed by a supervisor. ~~Videos that have no evidentiary value need to be changed from "uncategorized" to "No Evidentiary Value" and purged in accordance to the retention schedule.~~

Members shall use the categorization and notation functions of Evidence.com to make notes, which minimally include case or incident number when applicable ~~within the system.~~ Notes such as case numbers, incident numbers suspect names, and citation numbers will facilitate flagging videos for review, ~~and discovery.~~ ~~and retention.~~ ~~Members need not make notes on every recording, only recordings which should be retained according to the categorization schedule.~~ ~~Members shall designate retention of their videos in Evidence.com according to the nature of the incident (felony, misdemeanor, traffic stop, field interview, etc.) by using the categorization feature.~~ ~~Uncategorized videos will be deleted after two years so it is critical that videos are appropriately categorized.~~

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact or complaint); the member shall promptly notify a supervisor of the existence of the recording. Supervisors, managers, or system administrators may re-categorize recordings as they deem necessary.

450.8.1 RETENTION REQUIREMENTS

It is the responsibility of the member making the recording to ensure recordings are appropriately categorized ~~recordings in Evidence.com~~ based upon the circumstances of the incident. ~~Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.~~ All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule ~~but in no event for a period less than 90 days.~~

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~~While it is critical to retain recordings of evidentiary value, it is important that files of insignificant incidents are deleted in a timely fashion according to schedule. The following will be assigned the associated retention schedule ~~should serve as a guide~~:~~

1. Homicide and felony sex crimes - permanent
2. Inspectional Services - ~~6~~ 9 year retention
3. ~~Felony~~ General - 3 year retention
- ~~4. All Use of Force – 3 year retention~~
- ~~5. Liability to the City – 3 year retention~~
- ~~6. Misdemeanor (including traffic-related misdemeanors) – 1 year retention~~
- ~~7. 5150 W&I – 1 year retention~~
- ~~8. Citations/Warnings – 1 year retention~~
- ~~9. Field Interview Card/Incident Card/ Public Contact – Minimum 180-day retention~~
- ~~10. 901a /Fatal – 3 year retention~~
- ~~11. No Evidentiary Value – 90 days~~
- ~~12. Public Relations – 2 years~~
- ~~13. Admin Interviews – 3 years~~
- ~~14. Uncategorized /Pending Review – Not to be used – Users will have to re-categorize their BWCs from this category.~~

450.9 REVIEW OF RECORDINGS

Access to the data captured by recorders is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

Once uploaded to the server, personnel may view their own audio/video data at a department desktop computer. Access is automatically time/date stamped and records each access by name.

A member may review recorded files as it relates to their involvement in:

1. An incident for the purpose of completing a criminal investigation and preparing an official report
2. Prior to courtroom testimony or for courtroom presentation
3. For potential training purposes

Members may view all videos that they appear in, either visually or audibly. Additionally, members may view other member's videos if they were in close proximity to any functioning BWCs

Members with investigatory responsibilities may review recorded files under the provisions of this policy for the purpose of conducting official departmental business.

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Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Subsequent to an officer-involved shooting, or officer-involved death, employees may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video, or other audio recordings captured on their assigned devices prior to providing a recorded statement or completing reports. ~~the initial interview of an involved officer should occur before the officer has reviewed any audio/video recordings of the incident. An involved officer will have the opportunity to review recordings after the initial statement has been taken.~~

Recorded files may also be reviewed:

1. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
3. By media personnel with permission of the Chief of Police or the authorized designee.
4. By members of the public involved in an active investigation after approval by a commander.
5. In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Civilians shall not be allowed to review the recordings at the scene without command approval.

450.10 RECORDINGS FOR TRAINING

A Portable Audio/Video Recorder file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a Portable Audio/Video Recorder file for such purpose may come from any source.

1. A member recommending utilization of a Portable Audio/Video Recorder file for training purposes shall submit the recommendation through the chain of command to the Bureau of Support Services Commander, or designee.
2. If a member objects to the showing of a recording, their objection will be submitted to staff to determine if the member's objection outweighs the training value.
3. The Bureau of Support Services Commander, or designee, shall review the recommendation and determine how best to utilize the Portable Audio/Video Recorder file considering the identity of

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the member(s) involved, sensitive nature of the incident, and the benefit of utilizing the file versus other means (Lexipol Policy, Training Bulletin, Officer Safety Bulletin, or additional training).

450.11 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Alameda Police Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

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600.1 POLICY

It is the policy of the Alameda Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.3 INVESTIGATIONS DIVISION ORGANIZATION

The Investigations Division is within the Bureau of Support Services. The division is managed by a Lieutenant who reports to the Bureau Captain.

600.4 SCHEDULING

Scheduling of duty hours for the Investigations Division's personnel shall be the responsibility of the Division Commander and may be subject to adjustment to accomplish a specific police purpose.

Investigations Division personnel shall normally work the hours of the Second Platoon. When necessary, personnel may be scheduled for night and/or weekend duty.

It shall be the responsibility of the Division Commander to have at least one investigator available in the Division's office during normal working hours.

600.5 INVESTIGATIONS DIVISION GENERAL DUTIES AND RESPONSIBILITIES

- (a) Cases other than those previously mentioned may be assigned to particular personnel or sections as deemed necessary by the Division Commander.
- (b) Should any of the following offenses occur, the Bureau of Operations Commander, the Investigations Division Commander, and the Violent Crimes Unit supervisor shall be notified immediately, whether on or off duty:
 - 1. Kidnapping
 - 2. Murder or suspicious death
 - 3. Bombing
 - 4. Police Officer involved shooting
 - 5. All in custody deaths
 - 6. Arson involving serious injury or death

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- (a) If an arson involving major property damage occurs, the Investigations Division Commander and the Property Crimes supervisor shall be notified immediately, whether on or off duty.
- (c) For offenses other than those listed above, the Watch Commander or Duty Lieutenant shall be responsible for deciding whether or not off duty Investigations Division personnel should be contacted.
- (d) Whenever available, on duty Investigations Division personnel shall respond to reported felonies in progress, in order to assist with the investigation and /or apprehension of suspects.
- (e) During normal business hours, requests from outside agencies for felony investigations assistance involving local residents will be referred to the appropriate Section supervisor. Otherwise, patrol officers shall be directed to render the necessary assistance.
- (f) It is the responsibility of the Division Commander to review and assign each case received in the Division to the appropriate Investigative Unit.
- (g) Unit Supervisors shall re-assign cases to their respective personnel for investigative follow-up and update the Case Management File appropriately.
- (h) Although assigned to a specific unit, officers may be assigned to other units if deemed necessary by the Division Commander.
- (i) Unit supervisors shall ensure their personnel submit initial follow-up reports on all assigned cases in a timely manner.
- (j) Unit supervisors will ensure their personnel maintain an accurate monthly case assignment/status record using the Department's Case Management System.
- (k) Unit supervisors shall submit to the Division Commander a monthly summary of their unit's activities.
- (l) The Division Commander shall ensure that personnel within the Division meet regularly for case briefings and information sharing.
- (m) All Investigations Division personnel will, as often as possible, attend association meetings pertaining to their specific assignments.
- (n) At the conclusion of their work day, personnel assigned to the Investigations Division shall clear their desks of assigned cases and other paraphernalia.
- (o) No victim or citizen should be required to return at a later time, or fail to receive service, because a specific detective is not present to assist them. Despite specialization of assignments, assistance shall be provided to citizens whenever possible, even though it may involve temporarily working out of assignment.

600.5.1 TERRORISM LIAISON OFFICER

(a) **Terrorism Liaison Officer**

1. The Terrorism Liaison Officer has the responsibility for specified intelligence gathering, dissemination, sharing, and maintaining as it relates to the analysis

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of criminal activity and Homeland Security intelligence. The Terrorism Liaison Officer also has the responsibility for training Department employees for emergency response to, and recovery from, natural disasters as related to National Recovery Plans.

2. The Investigations Division Lieutenant is the Department's designated Terrorism Liaison Officer.
3. It is the policy of the Department that all intelligence information be gathered and stored in accordance with the Code of Federal Regulations, Title 28, and Part 23, which is established to protect individual rights of speech, association, or privacy. Information may only be maintained when it is based on reasonable suspicion of involvement in criminal activity or conduct, and the information is relevant to that criminal activity or conduct.

(b) Criminal/Homeland Security Intelligence

1. The gathering, evaluation, and dissemination of criminal intelligence and Homeland Security intelligence is the responsibility of the Terrorism Liaison Officer, under the direct command of the Bureau of Operations Captain.
2. The Chief of Police shall be informed of intelligence information that is relative and pertinent to the Alameda Police Department in a timely manner.
3. Intelligence information of a routine nature that is relative and pertinent to the Alameda Police Department shall be disseminated to staff and line officers for informational and training purposes.

(c) Terrorism Liaison Officer Responsibilities

1. Ensure the Department is compliant with Homeland Security Presidential Directive 5, which is the Management of Domestic Incidents, through a National Incident Management System.
2. Ensure the Department is compliant with Homeland Security Presidential Directive 8, which is the national response plan for Federal assistance to State and local government, in the event of threatened or actual domestic terrorist attacks, major disasters, and other emergencies.
3. Maintain correspondence with federal and state terrorism task force groups for the purpose of gathering, sharing, dissemination, and maintaining of intelligence information related to possible criminal activity.

600.6 INITIAL INVESTIGATION

600.6.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

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1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.6.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.7 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.7.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations commander. Copies of

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recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.7.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Alameda Police Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.8 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are

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to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.9 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.10 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.10.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.10.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.11 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.12 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a supervisor. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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600.13 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Criminal Investigations Bureau Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Alameda Police Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.14 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Alameda Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

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A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Division Policy for additional guidance.

600.15 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.15.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Alameda Police Department as lost or stolen, the Investigations supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code ~~§11109~~ §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Alameda Police Department (Penal Code § 28220).

600.15.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Alameda Police Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Division for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Division Policy for additional guidance).

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the ~~Department~~ Alameda Police Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Alameda Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- ~~duty~~, or ~~used~~ off-duty ~~in any manner reasonably related to the business of the Department for business-related purposes, or reasonably associated with work-related misconduct~~, will be subject to monitoring and inspection consistent with ~~the standards set forth in~~ applicable law and this policy.

~~The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that~~ the use of a personally owned PCD either on-duty or after duty hours for business-related purposes ~~may~~ , or reasonably associated with work-related misconduct, may subject the member and the ~~member's~~ member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication ~~accessed~~ accessed, transmitted, received, or reviewed on any PCD issued or funded by the Alameda Police Department ~~/Office~~ and shall have no expectation of privacy in their location should the device be equipped with location ~~detection~~ capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Personal Communication Devices

Members have no expectation of privacy regarding any-department related communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a ~~department~~ department-issued PCD. ~~Department~~ Alameda Police Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a ~~department~~ department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for ~~department~~ department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

702.4 ~~DEPARTMENT~~ ALAMEDA POLICE DEPARTMENT-ISSUED PCD

Depending on a ~~member's~~ member's assignment and the needs of the position, the Alameda Police Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Alameda Police Department-issued ~~PCDs are provided as a convenience to facilitate on-duty performance only~~ or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number ~~shall~~ , if any, shall remain the sole property of the Alameda Police Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Alameda Police Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the
- (d) member's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications)

~~- . Members will have a reduced expectation of privacy when using~~

- (a) or as otherwise authorized by department procedures.

Personal Communication Devices

1. [Use of](#) a personally owned PCD
- (b)
 1. [for work-related business constitutes consent for the Alameda Police Department to access the PCD to inspect and copy the work-related data \(e.g., for litigation purposes, public records retention and release obligations, internal investigations\).](#)
 2. [Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.](#)
 3. [Searches of a personally owned PCD by the Alameda Police Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.](#)
- (c) The device shall not be utilized to record or disclose any [department](#) business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment [or appointment](#) with the [Alameda Police](#) Department, without the express authorization of the Chief of Police or the authorized designee.

~~– Use of a personally owned PCD while at work for work-related business makes the PCD subject to Departmental access due to subpoena, litigation, public records retention and release obligations and/or internal investigations. Personnel should take this into consideration when utilizing their personally owned PCD at work for work-related business.~~

- (a) [If the PCD is carried on-duty, members will provide the Alameda Police Department with the telephone number of the device.](#)
- (b) All work-related documents, emails, photographs, recordings
- (c) [, and](#) other public records created or received on a

~~-- member's~~

- (a) [member's](#) personally owned PCD should be transferred to the
- (b) [Alameda](#) Police Department and deleted from the

~~-- member's~~

- (a) [member's](#) PCD as soon as reasonably practicable but no later than the end of the
- (b) [member's](#) shift.


Except with prior express authorization from their ~~supervisor~~ [supervisors](#), members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from ~~his/her~~ [their](#) supervisor, the member may engage in [department](#) business-related communications. Should members engage in such approved off-duty communications or work, members entitled to

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compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the [Alameda Police Department](#) with a copy of such records to ensure accurate ~~record-keeping~~ [recordkeeping](#).

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform ~~;~~ unless it is in an approved carrier.
- (b) ~~When appropriate, all~~ [All](#) PCDs in the workplace should  be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty ~~;~~ except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times ~~;~~ unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means ~~;~~ ~~without~~ [requires](#) the express authorization of the Chief of Police or the authorized designee, ~~may result in discipline~~.
- (f) Members will not access social networking sites for any purpose that is not official department business. [This restriction does not apply to a personally owned PCD used during authorized break times.](#)
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating ~~department~~ [department](#) vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the ~~Department~~ [Alameda Police Department](#) or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other ~~department~~ [department](#) communications network.

Special Assignments and Promotions

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Alameda Police Department.

1004.1.1 SELECTION CRITERIA

The selection of personnel to fill vacancies in special assignments shall be based upon candidate's qualifications and job performance.

1004.2 SPECIAL ASSIGNMENT DURATION

The following assignments are subject to this policy:

- Canine
- Community Resource Unit
- Investigations
- Personnel & Recruiting
- Traffic/Motors
- Training

Barring an operational need, assignments will typically be assigned at every watch change. The basic assignment is two years, with the Captain having the discretion to recommend extending the assignment by one year, and the Chief has the discretion to extend the assignment based on the needs of the department, not to exceed a total of six years. ~~by -an additional year.~~ In the event an assignment is filled after the start of a watch period, the partial year will not count against the basic assignment of two years.

Officers who rotate out of a special assignment may reapply for an assignment after returning to Patrol for 12 months.

Sergeants who rotate out of a special assignment may reapply for an assignment after returning to Patrol for six months.

If no Officer or Sergeant applies for a special assignment, the Chief has the discretion to appoint any member deemed qualified, including any member already in an assignment or otherwise not eligible due to recently rotating out of an assignment.

1004.2.1 EXTENSION REQUEST PROCESS

In order to be considered for an extension, any Officer or Sergeant in a special assignment must apply for the extension by submitting a memorandum of interest to their Division Commander or Bureau Commander if the employee reports to a Captain. The memo should be submitted six months prior to the normal rotation date.

Special Assignments and Promotions

Once the memo requesting an extension is received, the Chief of Police will make the final determination.

1004.2.2 RIGHT OF REMOVAL OR EXTENSION

The Chief retains authority to remove personnel who are not working at acceptable levels of performance. The Chief also retains the right to extend an individual over and above the maximum time allowed due to operational needs, only if it is deemed in the best interest of the Department to do so.

1004.2.3 TEMPORARY RELIEF FOR STAFFING SHORTAGES

In the event staffing shortages require an Officer or Sergeant in their first two years of a special assignment to return to the patrol division on a temporary basis, the time served in the patrol division shall be added to the duration of service in the special position up to the next watch change.

1004.3 APPLICATION PROCESS

Whenever practical, announcements of vacancies in specialized assignments will be posted six months prior to the anticipated opening and will include deadline filing dates. Personnel shall submit a memorandum of interest indicating their qualifications and skills relative to the position. The memorandum will be considered in much the same way as a resume for a job opening or promotion. Memorandum should also include the candidate's previous special assignments (regardless of rank) and collateral duties they have actively participated in the last three rating periods.

The Chief, or their designee, may interview the candidates and retains the latitude of selection.

The policy and procedures for all positions, including completion of probation, may be waived for temporary assignments, emergency situations, or for training, at the discretion of the Chief.

If the special assignment cannot be filled upon its vacancy, the eligibility list will remain in effect for the watch period in which the vacancy was to be filled.

1004.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Alameda Department of Human Resources.

Reporting of ~~Employee Convictions~~ Arrests, Convictions, and Court Orders

1010.1 PURPOSE AND SCOPE

~~Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Alameda Police Department of any past and current criminal convictions~~ The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Alameda Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1010.2 DOMESTIC VIOLENCE CONVICTIONS, ~~OUTSTANDING WARRANTS AND RESTRAINING COURT ORDERS~~

~~California and federal~~ Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing ~~a firearm~~ firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the Alameda Police Department are responsible for ensuring that they have not been disqualified from possessing ~~a firearm~~ firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.2 POLICY

The Alameda Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Alameda Police Department.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on ~~an employee's~~ a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a ~~member's~~ member's ability to possess a firearm.

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~~Moreover, while~~ While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1010.4 REPORTING PROCEDURE

All members ~~of this department~~ and all retired officers with an identification card issued by the ~~Alameda~~ Alameda Police ~~Department~~ Department shall ~~promptly~~ immediately notify their ~~immediate supervisor~~ (supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police ~~in the case of retired officers)~~ in writing of any past or current criminal detention, arrest, ~~outstanding warrant~~ charge, or conviction in any state or foreign country, regardless of whether or not the matter ~~is currently~~ was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.


All members and all retired officers with an identification card issued by the ~~Alameda~~ Alameda Police ~~Department~~ Department shall further promptly notify their ~~immediate supervisor~~ (supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police ~~in the case of retired officers)~~ in writing if they become the ~~member or retiree becomes the~~ subject of a domestic violence ~~restraining~~ -related order or ~~similar~~ any court order ~~or becomes the subject of an outstanding warrant that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.~~

Any member whose criminal ~~conviction unduly~~ arrest, conviction, or court order restricts or prohibits that member from fully and properly performing ~~his/her duties may be disciplined including, but~~ their duties, including carrying a firearm, may be disciplined. This includes but is not limited to ~~,~~ being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member ~~on his/her~~ , on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1010.4.1 NOTIFICATION REQUIREMENTS

The Administration Bureau Command  shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1010.5 PROCEDURE FOR RELIEF

~~Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any~~

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~~such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.~~

~~Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.~~

~~Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Alameda Police Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.~~

1010.5.1 NOTIFICATION REQUIREMENTS

~~The - Office of the Chief of Chief of Police Lieutenant shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).~~

~~The - Office of the Chief of Chief of Police Lieutenant shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).~~