

## Statement of Values

### 105.1 STATEMENT OF VALUES

We, the members of the Alameda police department, have dedicated Ourselves to public service. By choosing a career in law enforcement, we recognize the community holds us to the highest Standards of conduct. We ensure the public trust through our conscious commitment to the following values.

- (a) **Integrity** - Integrity is the foundation of our profession.
  - 1. We are honest, open, and fair in our dealings with ALL people.
  - 2. We build community trust by accepting responsibility for our actions, learning from our mistakes and ensuring our behavior promotes credibility.
  - 3. We recognize and respect people as individuals, and value the diversity of our community.
  - 4. We hold ourselves to the highest standards of our profession.
  - 5. We recognize society has entrusted us with tremendous authority and expects that we have the courage to do what is right in matters of personal and professional integrity. We accept the responsibility to do what is right, even in the face of adversity.
- (b) **Community Service** - Our continuing commitment is to provide quality service to the community with respect, concern, caring, and equal treatment of all people.
  - 1. We strive to meet the challenge of protecting our community while safeguarding the rights of all individuals.
  - 2. We are responsive to the concerns of our community.
  - 3. We maintain a caring attitude and empathize with those we serve.
  - 4. We welcome and seek an active partnership with the community in carrying out our responsibilities.
  - 5. We recognize that to be an effective law enforcement agency we must have the support, confidence, and trust of our community.
- (c) **Employee Recognition** - We value our fellow employees, recognizing that the human resource is our greatest asset.
  - 1. We encourage open communication and the sharing of ideas through teamwork.
  - 2. We acknowledge everyone's hard work and praise those who excel at their jobs.
  - 3. We strive to treat everyone with the same respect, dignity, courtesy and consistency that we expect from others.
- (d) **Professionalism** - We are committed to maintaining an environment that promotes and encourages a tradition of professionalism.
  - 1. We value a solid work ethic.

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2. We demand accountability through critical analysis and the application of consistent standards.
3. We promote continued professional development through quality recruitment, education and training.
4. We recognize the changing needs of our community and will demonstrate the flexibility necessary to meet them.
5. We take great pride in our services and accomplishments.
6. We value leadership at all levels of the organization.

105.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 12.2.1](#)

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# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Alameda Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

### 106.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 12.2.1](#)

### 106.1.2 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CCR** - California Code of Regulations (Example: 15 CCR 1151).

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Alameda.

**Professional Staff** - Employees and volunteers who are not sworn peace officers.

**Department/APD** - The Alameda Police Department.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Department.

**Juvenile**- Any person under the age of 18 years.

**Manual** - The Alameda Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Alameda Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Professional Staff employees

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- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Alameda Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**POST** - The California Commission on Peace Officer Standards and Training.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### **106.2 FORMATTING CONVENTIONS**

[Staff should review edited or newly adopted policies with these conventions in mind:](#)

- [Abbreviations and definitions.](#)
- [Location of Accreditation Standard references, and](#)
- [Location of Revision subsections.](#)

### **106.3 POLICY**

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

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### 106.3.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Alameda Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Alameda Police Department reserves the right to revise any policy content, in whole or in part.

### 106.4 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

### 106.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### 106.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### 106.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Bureau Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

### 200.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 11.1.1, [11.3.1](#), 12.1.1, [12.1.2](#), [12.1.3](#)

## 200.2 DEFINITIONS

The following words, phrases and terms relate to the organization of the Department. These definitions include the basic principles applicable to the organizational structure of the Department.

- **Department** - The Alameda Police Department.
- **Bureau** - The first subordinate organization unit within the Department.
- **Division** - A unit with jurisdiction-wide coverage and immediately subordinate to a bureau.
- **Section** - A functional unit which may be a sub-unit of a Bureau or Division or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.
- **Unit** - Any number of members and/or employees of the Department regularly grouped together under on head to accomplish a police purpose.
- **Detail** - A subdivision of a division, section, or unit, the personnel of which are assigned to a specialized activity.
- **Team** - A subset of the patrol division composed of sworn officers grouped by shift or schedule.
- **Sector** - A geographical area of variable size to which one or more officers are specifically assigned to accomplish policing responsibilities.
- **Unity of Command** - The principle of unity of command is that an employee should be under the direct control of one, and only one, immediate supervisor. Additionally, only one supervisor should have charge of any organizational unit, operation or incident. Conflicting orders by several superiors become confused, inefficient, and irresponsible. It is the policy of the Department that the principle of unity of command shall, whenever possible, be practiced in all organizational components of the Department.
- **Lines of Authority or Chains of Command** - Chains of command equate in meaning with lines of authority, which should be as clear and direct as possible. The Chief of Police has separate chains of command for each of the elements reporting to him/her as does each of his/her principal subordinate officers. Though flowing downward, there are several interlocking chains of command, yet there is only a single one going upward from any point in the organizational structure. The chain of command provides for a logical flow of policy, orders, reports, and information. The direction, up or down,

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is determined by the nature of the communication. All employees shall abide by the lines of authority or chain of command except in cases of emergency.

- **The Line Function** - That portion of the Department's total activity that is directly concerned with the accomplishment of the Department's objectives in field operations. They are responsible for the primary task of protecting of life and property and render such services required by the public.
- **Staff and Staff Function** - That portion of the Department's total activity that assists the line organization in the accomplishment of Department objectives.
- **Exercise of Authority** - All officers holding any command or supervisory rank within the Department have authority over all officers and employees of the Department of any subordinate rank. Command, or supervision, will ordinarily be exercised only within the scope of the officer's assignment. In an emergency, or when the good of the Department requires it, any command or supervisory officer may direct or correct the activities of any subordinate officer or employee. However, when an officer has directed or corrected an activity of a subordinate officer or employee outside of the normal scope of his/her assignment, he/she shall be held fully responsible for his/her actions.
- **Acting** - Means the assignment of a person to a position temporarily vacant to act on the part of an employee normally filling such position.
- **Full Authority in Acting Capacity** - Any officer assigned the status "Acting in Command" for any command or supervisory position in the Department shall have full responsibility of the command or supervisory position he/she is occupying.
- **Staff or Functional Supervision** - Staff supervision is supervision by a superior of the performance of subordinates for the purpose of guiding them in the accomplishment of their task when such superior is acting in a supervisory capacity outside the regular chain of command and responsibility and without direct control of the subordinates. He/she may discuss matters with such subordinates and point out mistakes and suggest improvements but shall lack authority to take disciplinary action or to give a command except in cases involving actions by subordinates that may jeopardize the purpose or reputation of the Department.
- **Span of Control** - Span of control includes both span of management and span of supervision. Span of control refers simply to the number of subordinates, of whatever rank, who directly report to one person. Due to the nature of police duties and the variety of law enforcement functions, it is almost impossible to fix a uniform limit to the number of employees one supervisor can effectively control. Each bureau of the Department must meet different demands for levels of service. However, under normal conditions, a ratio of one supervisor to eight employees is considered acceptable.
- **Authority and Responsibility** - It is the policy of the Department that authority shall be commensurate with responsibility. No responsibility shall be assigned to a person unless they have been delegated the authority necessary to fulfill it. In addition, each employee is accountable for his/her use of delegated authority. Inherent with delegated authority is the latitude to make decisions and take the necessary actions to satisfy the requirements of each assigned position. Commensurate with the authority,

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each employee will accept the responsibility for the use, misuse, or failure to use that authority.

- **Accountability of Command** - Command and supervisory personnel are accountable for the performance of the employees under their immediate control. While supervisors may delegate to subordinates the authority to perform certain tasks, and may hold those subordinates responsible for the successful conclusion of those tasks, the supervisor remains accountable for the final accomplishment of the delegated task.

### 200.2.1 PERSONNEL DEFINITIONS

**EMPLOYEE** When used alone shall mean both peace officers and civilian employees of the Department collectively and a section reading "employee shall" refers to both classifications.

- **Member** - Any person appointed to the Department as a full-time, regularly salaried peace officer.
- **Officer** - Shall have the same meaning as "Member".
- **Commanding Officer** - An officer appointed to the rank of Lieutenant or higher or assigned by the Chief of Police to act in such rank.
- **Supervisor** - Members or employees of the Department assigned to positions requiring the exercise of immediate supervision over the activities of other members and employees.
- **Officer in Charge** - Any member below the rank of Lieutenant in charge of an organizational unit.
- **Superior Officer** - A person holding a high supervisory or command rank or position.
- **Civilian** - An employee without peace officer status.
- **Seniority** - Seniority in the Department is established first by rank and secondly by time served in rank. Where conflict occurs because of identical service or dates of appointment, seniority is determined by order of appointment. In situations requiring decision or control where the officers are of equal rank, the senior officer will make the decision and exercise control unless otherwise directed by a superior officer.

**Precedence** For the purposes of seniority, the following is the precedence of ranks in descending order:

- **Chief of Police**
- **Police Captain**
- **Police Lieutenant**
- **Police Sergeant**
- **Police Officer**
- **Police Professional Staff**
- **Professional Staff Employee**

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### **200.3 BUREAUS**

The Chief of Police is responsible for administering and managing the Alameda Police Department. There are three bureaus in the Police Department as follows:

- Bureau of Field Services
- Bureau of Support Services
- Bureau of Professional Standards

#### **200.3.1 ADMINISTRATION BUREAU**

The Administration Bureau is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Administration Bureau. The Administration Bureau consists of Technical Services and Administrative Services.

#### **200.3.2 FIELD SERVICES BUREAU**

The Field Services Bureau is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Field Services Bureau. The Field Services Bureau consists of Uniformed Patrol, Investigations and Traffic.

### **200.4 COMMAND AND SUPERVISORY AUTHORITY AND RESPONSIBILITIES**

[Command protocol in situations involving personnel of different offices or sections engaging in a single operation is as follows:](#)

- [The command structure always follows the chain of command.](#)
- [Whenever the command structure is not easily distinguishable by rank, responsibility of command remains with the command officer having primary functional responsibility.](#)
- [Whenever command structure is easily distinguishable by rank but the command officer having primary functional responsibility is of lower rank, the responsibility of command remains with the highest ranking officer.](#)
- [Primary functional responsibility means matters that fall within the officer's normal responsibilities and duties.](#)

#### **200.4.1 CHIEF OF POLICE**

**Authority** - The Chief of Police is the chief executive officer of the Department and the final Department authority in all matters of policy, operations, and discipline. The Chief of Police exercises all lawful powers of the office and issues such lawful orders as are necessary to assure the effective performance of the Department.

**Responsibilities** - Through the Chief of Police, the Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department, for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by competent

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authority, and for the Department's relations with the citizens of Alameda, the City government and other agencies.

### 200.4.2 POLICE CAPTAIN

**Authority** - Subject to the authority of the Chief of Police, a Police Captain shall use such primary directives as may be necessary to promote the effective operations of all activities within his/her command.

**Responsibilities** - Members appointed to the rank of Police Captain ordinarily are assigned to command a bureau of the Department, but may be assigned additional duties by the Chief of Police. A Police Captain shall be responsible for planning, directing, controlling and coordinating all activities within his/her command. A Police Captain will report personally to the Chief of Police as may be required and shall submit such reports relating to his/her command as may be required. The Chief of Police may designate a Police Captain to act as Chief of Police when the former is absent from the City. While acting as Chief of Police, he/she shall possess the powers of the Chief of Police in the conduct of the business of the Department and in carrying out the orders and policies of the Office of the Chief. He/she shall not alter, revise, or countermand such orders or policies except in the case of emergencies.

### 200.4.3 POLICE LIEUTENANT

The Police Lieutenant may be assigned as a Command Officer in charge of a Division of the Department or a Command Officer in charge of a Platoon or may be assigned such other duties as detailed by the Chief of Police.

### 200.4.4 COMMAND OFFICER

#### **Authority and Responsibility**

Subject to direction from higher command, a commanding officer has direct control over all members and employees within his/her command. In addition to the general and individual responsibilities of all members and employees and supervisory officers, a commanding officer is responsible for the following:

- (a) **Command** - The inspection, direction, and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command and/or supervision in his/her absence.
- (b) **Loyalty and Esprit De Corps** - The development and maintenance of esprit de corps and loyalty to the Department.
- (c) **Discipline and Morale** - The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.
- (d) **Inter-Divisional Action** - The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to his/

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her command when delay necessary to inform the proper unit might result in a failure to perform a police duty.

- (e) **Grievance Resolution** - The resolution of personnel grievances in accordance with the provisions of Department directives and current Memorandum of Understanding.
- (f) **Organization and Assignment** - Proper organization and assignment of duties within his/her unit to assure proper performance of Department functions and those of his/her command.
- (g) **Reports and Records** - Preparation of required correspondence, reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
- (h) **Maintenance** - Assurance that quarters, equipment, supplies and material assigned to his/her command are correctly used and maintained.

### 200.4.5 OFFICER-IN-CHARGE

#### **Authority and Responsibilities**

The Officer-in-Charge, during his/her tour of duty, exercises the same authority and has the same responsibilities as the commanding officer, subject to orders of the Bureau Commander, or higher authority. In the absence of the Commanding Officer, the highest ranking officer on duty becomes the Officer-in-Charge unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the Officer-in-Charge is specifically responsible for the following:

- (a) **Good Order** - The general good order of his/her command during his/her tour of duty to include proper discipline, conduct, welfare, field training and efficiency.
- (b) **Roll Call** - Conduct of prescribed roll calls, communication of all orders or other information at roll call and inspection and correction of his/her command, as necessary.
- (c) **Reporting** - Reporting as required by the Division Commander. Maintenance of such records as specified by higher authority.
- (d) **Personnel Complaints** - Inquiry into personnel complaints against members and employees under his/her command in accordance with the appropriate Department directive.

### 200.4.6 POLICE SERGEANT

The Police Sergeant is a supervisory officer who may be assigned in charge of a watch, platoon, section, or unit of the Department. The Sergeant shall be responsible for officers and employees assigned to his/her watch, platoon, station or unit. A Sergeant may be assigned to field, staff or investigate duties.

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### 200.4.7 SUPERVISORS

#### **AUTHORITY AND RESPONSIBILITIES**

In addition to the general and individual responsibilities of all members and employees, each supervisor is specifically responsible for the following:

- (a) **Supervision** - A supervisor may be assigned to field or staff duties. During his/her tour of duty, he/she must closely supervise the activities of subordinates, making corrections where necessary and commending where appropriate.
- (b) **Leadership** - Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.
- (c) **Direction** - Supervisors must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside his/her usual sphere of supervision if the police objective or reputation of the Department so requires and if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his/her own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.
- (d) **Enforcement of Rules** - Supervisors must enforce Department rules and regulations and ensure compliance with Department policies and procedures.
- (e) **Inspection** - Supervisors are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
- (f) **Assisting Subordinates** - Supervisors shall have a working knowledge of the duties and responsibilities of their subordinates. They shall observe contacts made with the public by subordinates, be available for assistance or instruction as may be required and take active charge when necessary.
- (g) **Grievance Resolution** - The resolution of personnel grievances in accordance with the provisions of Department directives and Memorandum of Understanding.
- (h) **Investigative Assignments** - A Sergeant when assigned to investigative duties, functions in a supervisory capacity only in those situations when the matter is an investigative assignment; otherwise he/she has staff or functional supervision.

### 200.4.8 POLICE OFFICER

Police Officers are ordinarily assigned as sector officers. They may be assigned to other related duties or special assignment by Platoon or Division Commanders subject to the approval of the Chief of Police.

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- (a) A Police Officer is responsible for general law enforcement duties and shall be held strictly accountable for the sector or special detail to which he/she is assigned. He/she shall hold himself/herself in readiness to accept the calls and obey the orders of his/her superiors.
- (b) A Police Officer assigned as a specialist shall be held strictly accountable for proper and efficient performance of the duties of such special assignment.
- (c) A Police Officer shall work such hours as may be designated by the Platoon or Division Commander, subject to the approval of the Chief of Police.
- (d) A Police Officer assigned to the Patrol Division shall diligently patrol his/her sector in accordance with prescribed patrol practice and procedures.
- (e) A Police Officer shall give immediate attention to calls for assistance, complaints, or other emergencies. He/she shall render such assistance as may be required in an efficient manner, returning to his/her regular duties as soon as practical. He/she shall make an appropriate report to his/her superior, written or oral, as required, as soon as practical upon completion of the service rendered.
- (f) A Police Officer shall stay informed on information concerning the City of Alameda, its public buildings, courts, churches, transportation, boundaries, recreation facilities, county, state and federal offices within the City. He/she shall be available to the public to provide accurate and intelligent assistance to them.

#### **200.4.9 PROFESSIONAL STAFF POLICE EMPLOYEES**

A professional staff police employee performs a variety of police related services in the station and in the field.

Station duties may include care and control of property, operation of jail facilities, fingerprinting, identification, photography, radio dispatching, handling bail and monetary transactions, bookkeeping, preparation and control of physical evidence, maintenance of statistical records, preparing written reports, as well as answering questions at a public counter and over the phone.

Field duties may include abandoned vehicle investigation, parking violation enforcement, transportation of prisoners with sworn personnel, animal bite reports, lost and found reports, as well as other police related nonemergency duties.

Professional staff police employees shall work such hours as may be designated by their Platoon or Division Commander, subject to the approval of the Chief of Police.

A professional staff police employee is subject to all Department rules and regulations in the same manner as are officers and other employees of the Department.

#### **200.5 REQUIREMENT TO OBEY LAWFUL ORDERS**

[Employees must promptly obey any lawful orders, or directives of a supervisor. This includes orders or directives from a superior that an employee of the same or lesser rank relays. If an employee receives a conflicting order or directive, the employee must respectfully call the conflict to the attention of the supervisor giving the last order. If the supervisor giving the last order does not](#)

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change the order, the employee must obey the last order and is not responsible for disobedience of the first order.

### 200.5.1 UNLAWFUL ORDERS

Employees must never obey any order that they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees must request the issuer to clarify the order or to confer with higher authority. Any employee who disobeys or disregards a supervisor's lawful order or directive, verbal or written, is subject to disciplinary action.

# Law Enforcement Services Agreement

## 201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear directives for the preparation of written agreements governing law enforcement services provided by the Alameda Police Department to outside agencies or entities. Written agreements shall be required anytime the Alameda Police Department undertakes a contractual obligation to provide City resources for law enforcement purposes to any other agency or entity.

### 201.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 3.1.1

## 201.2 EMPLOYMENT RIGHTS OF ASSIGNED PERSONNEL

Any contract for law enforcement services shall be drafted and implemented to protect the employment rights of assigned personnel. Participation in contract law enforcement assignments shall not penalize participating employees or jeopardize promotional opportunities, training opportunities, or fringe benefits.

All contracts for law enforcement services shall be written agreements including, at a minimum, the following terms, conditions, and information:

- (a) A statement of the specific services to be provided;
- (b) Specific language dealing with financial agreements between the parties;
- (c) Clear statement of the records to be maintained by each party concerning the performance of services by the provider agency;
- (d) Language dealing with the duration, modification, and termination of the contract;
- (e) Specific language dealing with risk management and legal contingencies, including insurance and indemnification of parties;
- (f) Stipulation that the provider agency maintains control over its personnel;
- (g) Specific arrangement for the use of equipment and facilities; and
- (h) A procedure for review and revision, if needed, of the agreement.

## 201.3 RECOMMENDATION AND APPROVAL

All contracts for law enforcement services shall be reviewed and authorized by the Chief of Police.

## 201.4 MULTI-JURISDICTIONAL INVESTIGATIVE TASK FORCES

The Alameda Police Department allows for participation in formal, long-term, multi-jurisdictional investigative Task Forces as staffing levels permit. Task Force activities require a Memorandum of Understanding, which will include:

- (a) The Purpose
- (b) Defining Authority, Responsibilities, and Written Agreements; and

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(c) Evaluating Results and the need for Continued Operation(s)

The criteria for the use of Task Forces shall be specified in the memorandum of understanding, along with the kind of offenses for which they should be used and the procedures for control and evaluation should be outlined.

## Directives and Orders

### 204.1 PURPOSE AND SCOPE

Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

#### 204.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 12.2.1](#)

### 204.2 PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of Staff. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Special Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Any Special Order issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first for the year 2008.

### 204.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees are required to electronically acknowledge ~~in writing~~ the receipt and review of any new Special Order. Employee Signed -acknowledgement records can be accessed and are maintained via Lexipol forms -and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

### 204.3 RESPONSIBILITIES

The Command Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Special Orders.

The Chief of Police shall issue all Special Orders.

### 204.5 DIRECTIVE SYSTEM DEFINITIONS

The following definitions apply to the Department's written direction system. Unless otherwise required by context, the following words and phrases shall be construed accordingly:

- **Primary Directives** - Primary directives include General Orders, Special Orders, and Personnel Orders and Department manuals.

## Directives and Orders

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- **General Order** - General Orders are written orders, issued by the Chief of Police defining policy, procedure, and Rules and Regulations for the Department. General Orders are the most authoritative directives issued by the Department and they are long-term orders that remain in force until they are rescinded or modified. General Orders may be used to amend, rescind, or supersede any other rule, regulation, or order.
- **Personnel Order** - Personnel Orders are directives issued by the Chief of Police whenever there is a change in personnel status, such as:
  - Appointments
  - Transfers
  - Promotions
  - Leaves of Absence
  - Separations from Service
  - Demotions
  - Suspensions
  - Restorations to Duty, et cetera
- **Department Manuals** - Department Manuals are reference guides specifying the Rules and Regulations governing the conduct of personnel and the operation of the Department as well as specifying Department policies and procedures. All manuals in force in this Department are issued by authority of the Chief of Police. Compliance with the provisions of Department Manuals as described in the appropriate Department Directive is required.
- **Secondary Directives** - Secondary Directives are issued at Bureau, Division, Section or Unit level. Secondary Directives have four major requirements. They will be issued only by direction of the appropriate sub-division commander; they will be drafted and issued in an approved format; their content will not conflict with orders issued at a higher level within the organization; and each directive issued below Department-head level will be reviewed and approved by the issuing authority's superior. This means that review and approval of an order becomes the responsibility of the commander at the next highest organization level. For example: a) Bureau Orders be approved by the Chief b) Division Orders be approved by the Bureau Captain. c) Section Orders be approved by the Commander of the Division of which the Section is a part. d) Unit Orders be approved by the supervisor of the Section of which the unit is a part.
- **Training Bulletins** - Training Bulletins are part of the directive system. They are issued periodically by the Personnel and Training Section. The bulletins are a means of informing personnel of new programs, laws, court decisions and concerns applicable to law enforcement.

## Directives and Orders

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- **Non-Directive Material** - Non-directive material includes memorandums and informal instructional material utilized to disseminate information or instructions which do not warrant a formal order. Such material is not included as part of the formal directives system.
- **Report Log** - A log completed daily, which contains a 24-hour numerical record of all calls for service wherein a report number was issued.

### 204.5.1 OTHER DEFINITIONS

- **Indication of Time and Date** - All reports and inter-Department correspondence requiring time indication shall be stated according to the 24-hour clock system. The date shall be shown by writing the number of the month followed by the day and then the last two digits of the year. On correspondence directed outside the Department, the date and time shall be indicated in the conventional manner.
- **Right** - In reference to conditions of employment, the term "right" shall designate those conditions specifically outlined by State or Federal law, the City Charter, City Ordinances, Civil Service rules, or appropriate Memorandum of Understanding.
- **Privilege** - An employment condition which is not a "right", but granted at the convenience of the Department.
- **Shall/Will** - Indicates that the action is mandatory.
- **May** - Indicates that the action is permissive.
- **Gender** - The use of the masculine gender in any directive or manual includes the female gender, when applicable.
- **Policy** - Policy consists of principles and values which guide the performance of a Department activity. Policy is not a statement of what must be done in a particular situation; rather, it is a statement of guiding principles that should be followed in activities that are directed toward the attainment of Department objectives. Since policy is objective rather than situation oriented, it is broad enough in scope to encompass most situations. Policy, therefore, must be stated in general terms.
- **Procedure** - A procedure is a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs actions in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.
- **Rules/Regulations** - Shall mean Department legislation consisting of detailed directives binding members and employees or all ranks in terms of authority, responsibility, and conduct.

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- **Lawful Order** - Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance or any Department rule or regulation.
- **Beginning of Day and Week** - The Department day for record purposes shall begin at 0001 hours and shall conclude at 2400 hours. The Department week for record purposes shall commence at 0001 hours each Sunday.
- **Watch** - A designated span of time within a 24-hour period during which personnel are actually engaged in the performance of their assigned duties.
- **Watch Period** - A segment of the year designated for duty assignment purposes.
- **Tense of Words** - Words used in the present tense shall include the future tense.
- **Plurality of Words** - The singular includes the plural and the plural includes the singular.

## Rules and Regulations

### 205.1 PURPOSE AND SCOPE

This policy governs rules and regulations for all officers and employees of the Alameda Police Department.

#### 205.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 26.1.1](#)

### 205.2 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

#### 205.2.1 GENERAL CONDUCT

Police officers and employees of the Department hold a trust from the public which is different from that of any other public employee. Consequently, the public expects police officers and Department employees to live up to the same standards of conduct they are charged with enforcing. Therefore, members and employees shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the Department and the police profession. Whether on or off duty, members and employees shall avoid any conduct which brings the Department into disrepute. Any member or employee contacted by any other law enforcement agency as the subject of any investigation, or any member or employee arrested for any criminal offense, shall immediately report the facts and circumstances of the contact/arrest to the duty Division Commander. Without delay, the incident shall be appropriately documented and reported via the chain-of-command to the Chief of Police.

#### 205.2.2 CONDUCT TOWARD OTHERS

The Police Department exists to serve the public safety needs of all persons within the jurisdiction of the City of Alameda. Accordingly, it is the fundamental policy of the Department that members and employees shall treat all persons with courtesy and respect. Discrimination or racism in any form shall never be tolerated.

Any member or employee who discriminates against another member, employee, or any citizen, or makes any derogatory racial remark, or commits any discriminatory act against another member, employee or citizen shall be subject to severe disciplinary action, including discharge from the City service. Any member or employee who has knowledge that another member or employee has engaged in discriminatory or racist acts is strictly charged with the responsibility for reporting that fact to the Chief of Police, via the chain of command.

Members and employees shall perform their duties attentively and courteously, avoiding rude, threatening, harsh, insulting, profane, insolent or demeaning language, and they shall maintain a professional bearing regardless of provocation to do otherwise. Upon request, they shall supply their names and serial numbers to any citizen who seeks such identification. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department. All persons, except the very youthful and those known personally by the member or employee, shall at all times be addressed by their appropriate title followed by their last name.

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Members and employees shall treat superior officers, subordinates, and peers with respect. They shall be courteous and civil at all times in their relationships with one another and shall avoid any form of discrimination or racism. When on duty and in the presence of others, superior officers shall be referred to by rank title. Orders from superior to subordinate members and employees shall be given in a civil manner, without the use of profane or derogatory language.

- (a) **Loyalty** - Loyalty to the Department and to associates is an important factor in Department morale and efficiency. Members and employees shall maintain a loyalty to the Department and their associates as is consistent with the law and personal ethics.
- (b) **Cooperation** - All members and employees are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.
- (c) **Assistance** - All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.
- (d) **Failure to Assist Fellow Officer** - Any officer of the Department who fails to assist or protect his/her fellow officer in time of danger or to take effective action where danger might reasonably be impending, except where he/she is actually incapacitated, is subject to disciplinary action.

### 205.2.3 MEMBERS' GENERAL ON-DUTY RESPONSIBILITIES

Within the City of Alameda, while on duty, members shall at all times take appropriate action to:

- (a) Protect life and property.
- (b) Preserve the peace.
- (c) Prevent crime.
- (d) Detect and arrest violators of the law.
- (e) Enforce Federal, State, and City laws and ordinances coming within Department jurisdiction.
- (f) Members shall at all time respond to lawful orders of superior officers, communications dispatchers, and other proper authorities, as well as to calls for police assistance from citizens. Proper police action shall be taken whenever it is required.

### 205.2.4 MEMBERS ON SPECIAL ASSIGNMENTS

The administrative delegation of the enforcement of certain laws and ordinances to particular Department units does not relieve members in other units of responsibility for promptly enforcing those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved of the responsibility for taking proper action outside the scope of their special assignments when necessary.

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### 205.2.5 OFF-DUTY

- (a) **Off-duty members** - Off duty members shall at all times be subject to recall to duty by superior officers.
- (b) **Right of Off-Duty Members to Place Themselves in Peace Officer Status** - The right of off-duty members to assume peace officer status is set forth in the California Penal Code. Whenever possible, off-duty members who place themselves in peace officer status shall immediately identify themselves as peace officers and display their police identification. Under no circumstances shall an off-duty member who is under the influence of an alcoholic beverage or other intoxicating substance, place himself/herself in peace officer status. When an off-duty officer is the victim of an offense, he/she shall normally maintain his/her off-duty status and allow on-duty officers to handle the incident. Off-duty members who place themselves in peace officer status are not automatically covered by Workers' Compensation benefits and civil liability protection.

### 205.2.6 ADDITIONAL CONDUCT AND RESPONSIBILITIES

- (a) **Insubordination** - Failure or refusal of any member or employee to obey a lawful order given by a superior officer shall be insubordination. The act of ridiculing a superior officer or his/her orders whether in or out of his/her presence is also insubordination.
- (b) **Questions Regarding Assignment** - Members and employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by going through the chain of command.
- (c) **Knowledge of Laws and Regulations** - Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the City of Alameda. Further, every member and employee is required to establish and maintain a working knowledge of the Department's rules, regulations and primary directives. In the event of improper or breach of discipline, it will be presumed that the member or employee was familiar with the law, rule, policy, or primary directive in question.
- (d) **Performance of Duty** - All members and employees shall perform their duties as required or directed by law, Department rule, policy or primary directive, lawful order of a superior officer, or by lawful order relayed from a superior by an employee of the same or lesser rank. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.
- (e) **Obedience to Laws and Regulations** - Member and employees shall observe and obey all laws and ordinances, as well as, all rules, regulations and primary directives of the Department.
- (f) **Authority for Enforcing Obedience** - The authority for enforcement of the preceding is found in the Charter of the City of Alameda.
- (g) **Establishing Elements of Violation** - Existence of facts establishing a violation of a law, ordinance or rule is all that is necessary to support any allegation of such as a

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basis for a charge under this section. It is not necessary that a formal complaint be filed or sustained. Nothing in this Manual of Rules prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in Department directives, or in laws and ordinances within the cognizance of the Department.

- (h) **Reporting Violations of Laws, Ordinance, rules or Orders** - Members and employees knowing of other members or employees violating laws, ordinances, rules of the Department, or disobeying orders shall without unnecessary delay report the same in writing to their supervisor or the Chief of Police through the chain of command. If the member or employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, the chain of command may be bypassed.
- (i) **Criticism** - Members and employees shall not engage in public criticism of Department policies, instructions or orders they have received.
- (j) **Unlawful Orders** - No command or supervisory officer shall knowingly issue any order which is in violation of any law or ordinance or Department rule.
- (k) **Obedience to Lawful Orders** - Obedience to an unlawful order is never a defense for an unlawful action, therefore, no member or employee is required to obey any order which is contrary to Federal or State law or City ordinance. Members and employees who believe they have received an unlawful order shall promptly bring the matter to the attention of the supervisor of the person issuing the order. Responsibility for refusal to obey rests with the member or employee.
- (l) **Obedience to Unjust or Improper Orders** - Members or employees who are given orders they feel to be unjust or contrary to Rules and Regulations must first obey the order to the best of their ability and then may proceed as provided below.
- (m) **Reports and Appeals from Orders** - A member or employee receiving an unlawful, unjust or improper order may appeal at first opportunity to the Chief of Police through the chain of command. The appeal shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra Department action regarding appeals shall be conducted through the Office of the Chief of Police. If the alleged improper order pertains to a grievance as defined in the appropriate Memorandum of Understanding, he/she may elect to follow the established procedure for grievance resolution.
- (n) **Conflicting Orders** - Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the Department.

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- (o) **Gifts, Gratuities - Soliciting or Accepting** - Members and employees shall not under any circumstances solicit or accept or receive, either directly or indirectly, any gift, gratuity, loan, fee or other thing of value arising from or offered because of police employment or any activity connected with said employment. Members and employees shall not accept any gift, gratuity, loan, fee, or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said member or employee or any other member or employee in any matter of police business, or which might tend to cast an adverse reflection on the Department or any member or employee thereof. No member or employee of the Department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Chief of Police.
- (p) **Other Transactions** - Every member and employee is prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to his/her attention or which arose out of Department employment except as may be specifically authorized by the Chief of Police.
- (q) **Rewards** - Members and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that which may be authorized by the Charter of the City of Alameda.
- (r) **Disposition of Unauthorized Gifts, Gratuities** - Any unauthorized gift, gratuity, loan, fee, reward or other thing of value coming into the possession of any member or employee shall be forwarded to the Office of the Chief of Police together with a written report explaining the circumstances connected therewith.
- (s) **Free Admissions and Passes** - Members and employees shall not solicit or accept free admission to theaters and other places of amusement for themselves or others except in the performance of on-duty police task.
- (t) **Solicitation of Special Privileges** - No officer or employee shall use his/her badge, identification card, uniform or special position, to solicit special privileges for him/herself or for any other person.
- (u) **Solicitation of Special Discounts on Purchases** - No officer or employee shall solicit special discounts or purchases for him/herself or any other person, by use of his official position in the Department.
- (v) **Debts-Incurring and Payments** - No member or employee shall borrow any money or otherwise become indebted to any other member or employees. Members and employees shall not solicit other members or employees to cosign or endorse any promissory note or other loan. No member or employee shall offer to act as co-signer or endorser of any promissory note or other loan for another member or employees. Members and employees shall pay all just debts and legal liabilities incurred by them.

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- (w) **Associations** - Members and employees shall avoid regular or continual contact or associations with persons whom they know, should have known, have reason to believe, or should have had reason to believe, are known felons, persons under criminal investigation, or persons who have a reputation in the community for involvement in criminal or disreputable behavior, unless the contact or association occurs during the performance of official duty or as the result of casual contact due to a familial relationship.
- (x) **Gossiping** - While on duty, all members and employees shall refrain from engaging in non-business related conversation (gossiping) about any other member or employee's personal character, matters or conduct on or off the job where such conversation may only serve to the detriment of any other employee or member.

### 205.3 GENERAL CONDUCT ON-DUTY

#### 205.3.1 PROHIBITED ACTIVITY ON-DUTY

- (a) **Sleeping** - Members and employees shall remain awake during the time they are on duty. If unable to do so, they shall so report to their superior officer who shall determine the proper course of action.
- (b) **Reading** - Members and employees on duty shall not read newspapers, periodicals, or similar material in the public view except in connection with official duty.
- (c) **Shopping** - Uniform personnel shall not shop extensively or carry large quantities of merchandise unless directly connected with their normal police activity or required in line of duty.
- (d) **Gambling** - Members and employees on duty shall not gamble unless to further a police purpose.
- (e) **Intoxicants** - Reporting for Duty - No member who has the odor of or is under the influence of alcoholic beverage shall report for duty under any circumstances unless he/she has first given this information to and has been ordered to report by a superior officer.
- (f) **Intoxicants On-Duty** - No uniform personnel shall drink any alcoholic beverage or be under its influence while on duty. No member in plain clothes shall drink any alcoholic beverage while on duty except when in the performance of duty.
- (g) **Intoxicants Transporting** - No member or employee shall bring alcoholic beverages into the Police Administrative Building or, while on duty, transport alcoholic beverages in his/her automobile except evidence, property of a prisoner or suspect, or found property.
- (h) **Intoxicants in Uniform** - No uniform personnel off-duty and in uniform, or in any art of uniform dress, shall drink any alcoholic beverage in public view or in a place accessible to the public.

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- (i) **Intoxicants Off-Duty** - No member or employee while off-duty shall drink an alcoholic beverage to an extent which renders him/her unfit to report for his/her next regular tour of duty or which results in the commission of an obnoxious or offensive act which might tend to bring discredit upon the Department.
- (j) **Controlled or Prohibited Substances** - No member or employee shall consume any controlled or prohibited substance whether on or off-duty, unless prescribed by a physician. Such substance for the purpose of this section includes, but is not limited to, amphetamines, barbiturates, hallucinogens, opiates, cocaine, marijuana or their derivatives.
- (k) **Duty Calls for Emergencies** - Off duty officers and employees shall report for duty immediately upon receipt of and in compliance with the directions given them at the time of notification.
- (l) **Relief** - All members and employees are to remain at their assignment and on-duty until properly relieved by another member or employee or until dismissed by competent authority.
- (m) **Meals/Lunch On-Duty** - Officers and employees may suspend their duties for a lunch period of not to exceed 40 minutes subject to the direction of their superior officers. No lunch periods will be scheduled at the beginning or end of a tour of duty except in special situations and then only with the permission of the Watch Commander. In cases where officers are not able to have their 40 minute allowance because of a heavy workload, they may be allowed their 40 minutes toward the last of their tour of duty but only if they return to the Police Department to complete their tour of duty. The lunch periods will only be granted when an officer has worked a period in excess of four hours. No lunch period will be granted to officers working less than four hours. All lunch periods shall be subject to supervision, recall to duty, direction of supervisory officers and shall be scheduled to provide continued service to the public.
- (n) **Reporting Off-Duty/ Sickness or Injury** - Any member or employee of the Department who is unable to report for duty because of sickness or injury shall report this fact to his/her immediate supervisor within one-half (1/2) hour prior to the time that he/she was to report for duty, giving the address where he/she will be during the illness or injury. Members or employees while on sick leave will be expected to remain at the address given for the duration of their illness or injury.
- (o) **Reporting** - Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.
- (p) **Loitering** - On-duty members and employees, and off-duty members and employees in uniform shall not enter taverns and theaters except to perform a police task. Loitering and unnecessary conversation in such locations is forbidden. Eating in establishments where the primary purpose is the service of alcoholic beverages rather than food is

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discouraged, although not forbidden. Off-duty employees not on any official business shall not loiter in Department areas.

- (q) **National Colors and Anthem** - Uniformed members shall render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.
- (r) **Roll Call/Lineup** - Officers and employees, unless otherwise directed, shall present themselves at daily roll call/lineup at the time and place specified by department order. They shall be properly uniformed and equipped, neat and clean shaven except that they may wear a mustache which is neatly trimmed. They shall give careful attention to orders and instructions, avoiding unnecessary talking or movement.
- (s) **Absence from Duty** - Every member or employee who fails to appear for duty at the date, time and place specified for so doing without the consent of competent authority is "absent without leave." Absences without leave in excess of one day must be reported in writing to the Chief of Police. Members and employees shall not feign illness or injury, falsely report themselves ill, or otherwise attempt to deceive the Department as to the condition of their health.
- (t) **Physical Fitness for Duty** - All members and employees shall maintain the necessary level of physical fitness to perform their duties.
- (u) **Inspections** - From time to time the Chief of Police may call for full dress inspections of the Department or any part thereof. Members directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as absence without leave.
- (v) **Training** - All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police or Commanding Officer.
- (w) **Use of Tobacco Products While on-Duty** - On-duty members and employees shall not use tobacco products while in direct contact with the public or while driving police Department vehicles. The use of tobacco products which involve or encourage the act of spitting are strictly forbidden while on duty.
- (x) **Use of Tobacco Products on Official Calls** - Members or employee's on-duty, either in uniform or plain clothes, when calling at a residence or a place of business, shall not use tobacco products.
- (y) **Possession of Keys** - No member or employee, unless authorized by competent authority, shall possess keys to any premises not his/her own in or near his area of assignment.
- (z) **Address and Telephone Numbers** - Members and employees are required to have telephones in the place where they reside and are required to have their current addresses and telephone numbers on file with the Department. Whether working or on

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leave, changes in address or telephone number shall be reported to their commanding officer.

### 205.4 COMMUNICATION AND CORRESPONDENCE

Members and employees shall not use any Department letterhead for private correspondence. Members and employees will not send a correspondence out of the Department over their signature without specific permission of the Chief of Police.

- (a) **Forwarding Communications to Higher Commands** - Any member or employee receiving a written communication for transmission to a higher command shall in every case forward such communication. A member or employee receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgment.
- (b) **Mail for the Chief of Police** - No member or employee with the exception of those delegated by the Chief of Police shall open any mail addressed to the Chief of Police. The exception to this rule will be telegrams which shall immediately be opened by the Watch Commander or officer-in-charge.
- (c) **Department Address** - Members and employees shall not use the Department as a mailing address for private purposes.
- (d) **Department Business Cards** - A personalized card may be used by Command Officers and by other members or employees who can justify such use. No personalized cards bearing the seal of the Alameda Police Department may be used without the permission of the Chief of Police. Nothing will be entered on any Department business card which confers special consideration to the recipient. Such a card will be forwarded to the office of the Chief of Police, should it come into a member's possession, along with a report explaining how it was obtained.

### 205.5 INVESTIGATIONS, ARRESTS, AND DETENTIONS

- (a) **Command of Scene** - At the scene of any crime, accident, or other police incident (in the absence of a supervisory officer), the officer assigned to the investigation shall assume command and direction of police personnel in a manner to assure the most orderly and efficient accomplishment of the police task.
  - 1. When two or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision is intended to provide for the coordination of the efforts of the several subordinate members who may be assigned to the incident, therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.
- (b) **General Responsibilities of Members at Crime Scene** - The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

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1. Summoning of medical assistance and the administration of first aid as required to prevent further injury or loss of life.
  2. Arrest of violator(s).
  3. Security of the scene.
- (c) **Responsibilities of Assigned Member at Crime Scene** - The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for the duties enumerated above, and the completion of the preliminary or other investigation as directed. This shall include, but is not necessarily limited to, the securing of statements and other information which will aid in the successful completion of the investigation and locating, collecting and preserving physical evidence material to the issue.
- (d) **Relief of Member Conducting Preliminary Investigation** - Upon the completion of the preliminary investigation, the assigned officer shall stand relieved unless otherwise directed by a detective, another member specifically assigned to the investigation, or a superior officer.
- (e) **Identification as Police Officer** - Except when impractical or unfeasible, or where identity is obvious, officers shall identify themselves by displaying the official star or identification card before taking police action.
- (f) **Arrests** - Members shall strictly observe the laws of arrest while providing for their own safety and that of the arrested person. The arresting officer shall notify the transportation officers of any special care the prisoner may need. Responsibility for both the prisoner and his/her personal property transfers from the arresting officer to the transportation officers when they accept custody of the prisoner.
- (g) **Use of Physical Force** - The use of physical force shall be restricted to circumstances specified by law and to the degree necessary for the accomplishment of a police task. Malicious assaults or batteries committed by members or employees constitute gross misconduct.
- (h) **Custody of Prisoners** - Prisoners shall be kept securely in accordance with appropriate laws and Department directives. They shall be treated humanely and shall not be subjected to unnecessary restraint.
- (i) **Transportation of Prisoners** - Officers transporting prisoners shall do so in accordance with Department policy. Prisoners requiring medical attention shall be delivered to Alameda Emergency Care Center (E.C.C.) or the appropriate emergency hospital; and the transporting officers shall be responsible for the security of the prisoner until properly received, unless otherwise directed by a superior officer.
- (j) **Reports and Booking** - No member or employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false or improper information in

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the records of the Department. Past reports may be viewed for reference; however, no person shall copy, cut and paste, or plagiarize any portion of their own or another author's report. Each report and/or investigation shall be created independently and should stand alone, documenting the facts and events as investigated for each separate incident.

- (k) **Press Release at Crime Scenes** - Shall be governed by policy 346 of this manual.
- (l) **Security of Department Business** - Members and employees shall not reveal confidential police information outside the Department except as provided by law or directed by the Custodian Of Records. Questions regarding the disclosure of information shall be referred to Custodian Of Records. Violation of the security of this type of information reflects gross misconduct.
- (m) **Compromising Criminal Cases** - Members and employees shall not interfere with the proper administration of criminal justice. They shall not attempt to interrupt the legal process except where a manifest injustice might otherwise occur, or participate in any activity which might interfere with the process of law.
- (n) **Assisting Criminals** - Members and employees shall not impart to any person charged with criminal act information which might assist him/her in evading arrest or in disposing of evidence of any unlawful act.
- (o) **Endorsements and Referrals** - Except when sought by a relative, members and employees shall not suggest, recommend, advise or otherwise counsel concerning the procurement of a particular product or professional service, such as the retention of any ambulance company, tow service, attorney or bail bond broker, to any person coming to their attention as a result of police business. In no case may any such advice be given where a fee, gratuity or reward is solicited, offered or accepted.

### 205.6 PUBLIC RELATIONS

- (a) **Publicity** - Members and employees shall not seek personal publicity in the course of their employment.
- (b) **Commercial Testimonials** - Members and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with this Department.
- (c) **Public Appearance Request** - All public speaking by members and employees of this Department on police subjects, on or off-duty, must be cleared in advance by a Watch Commander. Any request or inquiry received by any employee in person or by telephone shall be referred to the recipient's Watch Commander. Any request for an out of town speaking engagement received by any employee shall be referred to the Chief of Police via the chain of command.

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- (d) **Appearance on Oral Boards** - No member or employee shall participate on any type of personnel or oral interview board without the specific approval of the Chief of Police.
- (e) **Membership in Organizations** - Except for the military reserve components enumerated in the California Veterans Code, members and employees shall not affiliate themselves with any organization or group, the constitution, by-laws, stated philosophies or practices of which in any way exacts prior consideration or which would prevent its members from rendering proper and efficient service to the Department and community.
- (f) **Subversive Organization** - No member or employee shall knowingly become a member of or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Chief of Police.
- (g) **Trade Unions-Organizations Affiliated with Trade Unions** - In order to promote full communication between public employers and their employees in resolving disputes regarding wages, hours, and other terms and conditions of employment, public employees may join organizations of their own choice and be represented by such organizations in their employment relationship with public agencies.
- (h) **Personal Preferment** - No member or employee shall seek the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer, or advancement.
- (i) **Political Activity** - No officer or employee shall engage in political activities or services of any nature during those hours of duty at the Department. Nor shall City funds, supplies, property, or equipment be used to perform any political activity or service.
- (j) **Conduct Toward the Public** - Members and employees shall be courteous and orderly in their dealing with the public. They shall perform their duties quietly, avoiding harsh, violent, profane, or insolent language and always remain calm, regardless or provocation to do otherwise. Upon request, they are required to supply their name and badge number in a professional manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department.
- (k) **Impartial Attitude** - All members, while charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, or influence is unacceptable conduct. Similarly, unwarranted interference in the private business of others when not in the interests of justice is unacceptable conduct.
- (l) **Caring for Lost, Injured, or Ill Persons** - Members shall always be alert to assist lost, helpless, injured, or ill persons. Every member is strictly charged with maintaining a proficiency in first aid techniques authorized by the American Red Cross. Failure or inability to render first aid competently is considered as serious neglect of duty.
- (m) **Availability when On-Duty** - On-duty members shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

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- (n) **Responding to Calls** - Members of the Department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, is misconduct.

## 205.6.1 JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES AND TESTIFYING

- (a) **Court Appearances** - Attendance at a court or judicial hearing as required by subpoena is an official duty assignment. When making such an appearance, either the official uniform or plain clothes shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court, such as gum chewing and smoking.
- (b) **Testifying for the Defendant** - Any member or employee subpoenaed to testify for the defense in any trial or hearing, or against the City of Alameda or Department in any hearing or trial shall notify his/her Division Commander upon receipt of the subpoena. He shall also notify the District Attorney or City Attorney's Office, whichever is appropriate.
- (c) **Refusal to Testify** - Any member or employee who appears as a witness before any competent investigative body, judicial tribunal, hearing board or person authorized to receive testimony and who refuses to testify shall be subject to disciplinary action.
- (d) **Department Investigations Testifying** - Members and employees are required to answer questions by or render material and relevant statements to a competent authority in a Department investigation when so directed.
- (e) **Truthfulness** - Members and employees are required to be truthful at all times whether under oath or not. For purposes of this section, a member and employee are considered not to be "truthful" when an affirmative misstatement is made as well as when relevant information is omitted.
- (f) **Civil Action Interviews** - Civil action interviews involving members or employees which arise out of Department employment shall be conducted according to current Department directives.
- (g) **Civil Action, Court Appearances Subpoenas** - A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of Department employment or if the member or employee is informed that he/she is a party to a civil action arising out of Department employment, he/she shall immediately notify his/her Division Commander and the City Attorney of the service or notification of the testimony he/she is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.
- (h) **Civil Depositions and Affidavits** - Members and employees shall confer with their Division Commander before giving a deposition or affidavit in a civil case arising out of Department employment. If the Division Commander determines that the case is of

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importance to the City, he/she shall inform the Chief of Police through channels before the deposition or affidavit is given.

- (i) **Civil Cases** - Members shall not serve civil process or assist in civil cases except as required by law, by Department regulations, or where they may be personally involved. With the exception of providing appropriate referral information, they shall avoid entering into civil disputes while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

# Emergency Management Plan

## 206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

### 206.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.4](#)

## 206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Alameda Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

## 206.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administration and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

## 206.4 UPDATING OF MANUALS

The Chief of Police or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

## 206.5 DISASTER PREPAREDNESS

### 206.5.1 PURPOSE

The purpose of this order is to enhance the ability of the Department to manage a major disaster incident.

## *Emergency Management Plan*

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### 206.5.2 POLICY

Government Code Section 3100 states, "All public employees are declared to be disaster service workers subject to such civil defense activities as may be assigned to them by their superior or by law." It is the policy of the Department that all employees comply with the provision of this general order as well as with Government Code Section 3100 and City of Alameda Administrative Instruction #20.

### 206.5.3 DEFINITION

For purposes of this policy, and according to the Robert T Stafford Disaster Relief and Emergency Assistance Act of October, 2000, a "major disaster" is defined as any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought) or, regardless of cause, any fire, flood, or explosion.

According to the City of Alameda's Emergency Operations Plan, September, 2001, an emergency that may strike Alameda also includes, but not limited to, a hazardous spill or leak, an industrial or transportation accident, an airplane crash, environmental response or civil unrest.

### 206.5.4 PROCEDURE

The seriousness of world tensions, terrorist's threats, chemicals hazards and natural disasters cannot be ignored. Therefore, it is the goal of the Department to prepare for, respond to and recover from major disasters and other catastrophic emergencies. In order to prepare for a response to a major disaster, all personnel with a direct role in emergency preparedness, incident management or response shall become familiar with the Department's Incident Command System (ICS), which is predicated on California's Standardized Emergency Management System (SEMS).

Personnel shall become familiar with the National Incident Management System (NIMS), which is mandated through the President's Homeland Security Presidential Directive-5, Management of Domestic Incidents, and Homeland Security Presidential Directive-8, National Preparedness Goal.

NIMS governs Federal assistance to local governments in the event of a major disaster. All personnel with a direct role in emergency preparedness, incident management or response must complete the National Incident Management System Internet courses, IS-700 and IS-800, in order for the Department to be within full compliance of the Presidential Directives.

#### (a) **Initial Response**

1. In the event of a major disaster, the following considerations shall be the responsibility of the first responder:
  - (a) Notification of the Fire Department
  - (b) Stabilize any injured party and request appropriate medical assistance.
  - (c) Scene isolation. The first responder shall attempt to control the scene to prevent people from further exposure to the disaster. It shall be his/her

## *Emergency Management Plan*

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responsibility to safely direct other officers or emergency personnel into an affected area.

- (d) Notification of an APD supervisor
- (e) Supervisor to notify appropriate Command Staff, (Duty Watch Commander), Bureau of Operations Captain, and Chief of Police
- (f) Evacuation
- (g) Communications
- (h) Office of Emergency Services
- (i) Department Command Staff shall immediately notify the California and Alameda County Offices of Emergency Services. Upon such notification they will take the necessary action to assure skills, resources, and technical assistance are provided as rapidly as possible.
- (j) For mass casualty incidents, the on-scene supervisor or Incident Commander shall notify the Chief or Assistant Chief of Inspectors at the Alameda County District Attorney's Office to utilize their assistance with investigation of the incident and/or providing victim services. Contact can be made via the Alameda County Sheriff's Office Emergency Services Dispatch.

### 206.5.5 EMERGENCY OPERATIONS CENTER

The Emergency Operations Center (EOC) serves as the center of the City's emergency operations. The primary EOC is located at 1809 Grand St., adjacent to Fire Station No. 3. If necessary, the secondary EOC is located within the basement of the Police Administration Building (PAB). Refer to the City's Emergency Operations Plan, September 2001, for complete EOC operating instructions within the PAB.

In the event of a major disaster requiring a full commitment of the Department's personnel and resources, all sworn members of the Department shall make themselves available for mobilization to help carry out the department's responsibilities.

When a major disaster impacts the City of Alameda, all on-duty members shall remain in an active status to fulfill the department's responsibilities.

# Training

## 208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Alameda Police Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

### 208.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 12.2.1, 33.1.5, 33.1.6, 33.5.1](#)

## 208.2 PHILOSOPHY

The Alameda Police Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Alameda Police Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

## 208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

## 208.4 TRAINING PLAN

A training plan will be developed and maintained by the Personnel and Training Sergeant. It is the responsibility of the Personnel and Training Sergeant to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

[All sworn personnel will complete an annual retraining program, including legal updates. The annual retraining will consist of Continuous Professional Training \(CPT\) and Perishable Skills Program \(PSP\) courses mandated by the California Commission on Peace Officer Standards and Training \(POST\).](#)

## Training

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### 208.4.1 LESSON PLANS

All instructors conducting training courses for Departmental personnel must have a lesson plan for each course of instruction. Lesson plans shall be approved by the manager of the unit conducting the training and once approved shall be routed to the Training Manager to be filed with the training records. Lesson plans should include the following:

- Training objectives that describe performance or job-related relevance
- Course outline that details the content of training
- If applicable, any practical or written tests to be given

### 208.4.2 REMEDIAL TRAINING

If assigned training is not completed satisfactorily or practical/written tests are not passed, remedial training shall be given as soon as practical. Remedial training may include a Performance Improvement Plan (PIP), if appropriate. Remedial training should be provided until such time that the employee can satisfactorily pass the required training, or they have demonstrated a failure to respond to the training. If an employee refuses or fails to respond to remedial training, they may be subject to the provisions of the Standards of Conduct policy.

All remedial training will be documented in writing.

## 208.5 TRAINING NEEDS ASSESSMENT

The Professional Standards Unit will conduct an annual training-needs assessment of the Alameda Police Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

## 208.6 PERSONNEL AND TRAINING UNIT

It is the policy of the Department that employees of the Personnel and Training Unit shall administer the personnel and training function.

### 208.6.1 PERSONNEL AND TRAINING SERGEANT

The Personnel and Training Unit shall be supervised by a member of this Department holding the rank of Sergeant or higher who shall be responsible to the Bureau of [Professional Standards Services](#) Captain for carrying out responsibilities delineated in this order.

- (a) The responsibilities of the Personnel and Training Sergeant include, but are not limited to, the below functions:
  1. Develop, implement, maintain and coordinate a recruiting and selection program as needed in coordination with the City Personnel Department to insure that Department staffing levels are constantly maintained and comply with Federal and State mandates as well as Department needs.
  2. Develop, conduct and implement, continuous training programs for all Department personnel in compliance with the Department Training Plan.
  3. Maintain Department personnel records.

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4. Establish, control and supervise the Department vacation schedules. Assist the Staffing Allocation Lieutenant with respect to personnel assignment charts and maintain records of personnel transfers within the Department.
5. Maintain, control and update the Department Education Incentive Program for those officers eligible to participate.
6. Develop an annual budget to cover the required expenditures for achieving the Department's personnel and training function as well as the Education Incentive program.
7. Process retirements, leaves of absence and terminations.
8. Oversee the Department Firearms Range program with the Rangemaster and coordinate firearms training with other Department training schedules.
9. Maintain the Department Performance Evaluation process to insure all personnel are evaluated according to department policy.
10. Represent the Chief of Police in personnel matters at meetings and official functions as required.
11. Maintain the Department Personnel Roster.

### 208.6.2 RECRUITMENT AND SELECTION PROGRAM

- (a) **Recruiting** - The Personnel and Training Section shall maintain an active recruiting program with respect to entry level, and lateral level and academy graduate positions by encouraging all interested persons to apply, maintaining contact with all colleges and police academies and by comprehensive advertising.
- (b) **Selection** - The Personnel and Training Section shall, in cooperation with the City Personnel Department, ensure that the following selection processes are conducted in accordance with State, City and other controlling policies and regulations:
  1. Written examination.
  2. Writing skills examination.
  3. Physical agility examination.
  4. Oral interview examination.
  5. Psychological testing.
  6. Polygraph examination.
  7. Record checks, fingerprinting and photographs.
  8. Compiling of personnel background data.

### 208.6.3 TRAINING PROGRAM

The Personnel and Training Sergeant shall maintain, conduct and coordinate a Department Training Plan which includes, but is not limited to:

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- All legislative mandated training.
- Job analysis based minimum required training for all Department assignments and promotions.
- Recruit and continuing professional training in conformance with the requirements established by the California Commission on Peace Officer Standards and Training and the California Board of Corrections Standards and Training for Correctional Officers.
- In-Service Training related to important and critical aspects of job performance such as firearms training, defensive tactics training and crowd control training.
- Remedial training in areas where needed.
- In addition to the above stated duties, the Personnel and Training Sergeant shall be available upon request to discuss any member's educational and training needs as they relate to improving job performance and career development.

### 208.6.4 PERSONNEL AND TRAINING RECORDS

The following files and/or records shall be maintained by the Personnel and Training Sections:

- **Personnel Files** - Containing the background investigation, injuries/accidents, commendations, training, firearms qualifications, performance evaluations, and other miscellaneous information. Each employee shall have an individual file and the filing cabinet containing these files shall be locked at all times. All original documents shall not be removed from these files, only copied, and such information copied from these files for Department use must be approved by the Personnel and Training Sergeant and accounted for via a checkout log kept in the Personnel and Training Office.
- **Financial Records** - For all training schools attended by department members during the past three (3) fiscal years.
- **Personnel Roster Files** - Entries to be kept electronically indicating, for each member/employee, personnel data pertaining to Department issued equipment, personal skills and Department assignments.
- **Eligibility List Files** - Indicating all applicants who were investigated and were subsequently not hired.
- **Training Activity Files** - [Following participation in training programs, each member's training record shall be updated](#) ~~Entries to be kept electronically indicating for each member/employee all training received.~~
- **Department Master Training Plan** - Indicating the training status of all department employee classifications and task assignments with regards to compliance with the plan.

### 208.6.5 EDUCATION INCENTIVE PROGRAM

The Personnel and Training Sergeant shall be responsible for determining the eligibility of all appropriate members for receiving the Education and Training Incentive Award. Alameda City Council Resolution No. 7350, and subsequent appropriate resolutions and amendments and regulations, shall apply to this award program.

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### 208.6.6 PUBLIC INFORMATION FUNCTIONS

The Personnel and Training Sergeant shall coordinate the public information function as follows:

- Provide speakers for, or speaking at, eligible citizen groups and institutions relative to their area of responsibility. Refer to the directive concerning public speaking engagements.
- Arrange for the release of personnel and training information to the news media where appropriate.
- Coordinate with similar functions in other Departments, governmental agencies and community organizations.

### 208.6.7 LIAISON FUNCTIONS

The Personnel Officer is designated the Alameda Police Department liaison with the following institutions for the purpose of keeping abreast of the latest personnel and training techniques, opportunities, and financial support programs, as well as membership and liaison with training management associations beneficial to the Alameda Police Department's training mission.

- Commission on Peace Officers' Standards and Training (POST).
- State of California Board of Corrections Standards and Training for Corrections (STC).
- Area Community Colleges, four year colleges and universities.
- Other Police Agencies on matters of personnel and training.
- The City Personnel Department.
- Military and business establishments as required.

### 208.7 TRAINING BULLETIN

It is the policy of the Department that Training Bulletins will be produced and distributed for the purpose of disseminating training information or [procedures for carrying out agency activities](#) ~~procedural clarification~~. Training Bulletins will be produced and distributed on an "as needed" basis.

#### Responsibility

- The Personnel and Training Section is responsible for the development, updating, maintenance, filing, and distribution of Training Bulletins.

#### Procedure

- A Training Bulletin may be generated by any member of the Department.
- The Personnel and Training Section shall review the proposed Training Bulletin for content, accuracy, and any possible conflict with established Department Orders.
- Proposed Training Bulletins shall be forwarded to the Bureau of Services Commander, through the Chain of Command, for approval.
- The Bureau of Services Commander shall review, and if approved, forward the approved Training Bulletin back to the Personnel and Training Section.

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- The Personnel and Training Section shall then complete a final draft of the Training Bulletin and forward it to the Chief of Police for final approval.

After approval, the Training Bulletin shall be returned to the Personnel and Training Section for numbering, indexing, logging, reproducing, and distribution.

### **208.8 TRAINING COMMITTEE**

The Bureau of Service Captain shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs.

The Bureau of Service Captain may remove or replace members of the committee at his/her discretion. The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Bureau of Service Captain to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Bureau of Service Captain. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Bureau of Service Captain will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

### **208.9 TRAINING PROCEDURES**

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.

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### 5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Personnel & Training Sergeant to attend the required training on an alternate date.

### **208.10 POLICY**

The Alameda Police Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

### **208.11 TRAINING SERGEANT**

The Chief of Police shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

#### 208.11.1 TRAINING RESTRICTION

The Training Sergeant is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

## License to Carry a Firearm

### 218.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

#### 218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police ~~department~~ [agency](#) from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police ~~department~~ [agency](#) to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

### 218.2 POLICY

The Alameda Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

### 218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the City of Alameda (Penal Code § 26150; Penal Code § 26155).
  1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., ~~or The~~ [the](#) Second Amendment Foundation, ~~or the~~ [Firearms Policy Coalition](#) and ~~who~~ are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Alameda Police Department (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

*License to Carry a Firearm*

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**218.4 APPLICATION PROCESS**

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

**218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
  - 1. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
    - (a) Require the applicant to complete the package before any further processing.
    - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
    - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
  - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
  - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
  - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Alameda Police Department shall give written notice to the applicant of the Alameda Police Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

## *License to Carry a Firearm*

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### 218.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or the authorized designee. During this stage, there will be further discussion of any potential restrictions or conditions that might be placed on the license.
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Alameda Police Department for psychological testing. The cost of such psychological testing shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165 (Penal Code § 26165).
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

### **218.5 ISSUED FIREARMS PERMITS**

In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).

### *License to Carry a Firearm*

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1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
  2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
  2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Alameda Police Department shall notify the California DOJ (Penal Code § 26210).

#### 218.5.1 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Alameda Police Department in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

#### 218.5.2 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

### *License to Carry a Firearm*

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- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Alameda Police Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

#### 218.5.3 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Alameda Police Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Alameda Police Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

Once the Chief of Police or the authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied.

#### **218.6 ALAMEDA POLICE DEPARTMENT REPORTING AND RECORDS**

The Alameda Police Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

### *License to Carry a Firearm*

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- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license
- (e) The revocation of a license

The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

#### **218.7 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

#### **218.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Alameda (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

#### **218.9 WRITTEN NOTICE FOR DENIAL OF LICENSE**

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

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Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

### **218.9.1 ADDITIONAL REQUIREMENTS**

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Alameda Police Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

### **218.10 POLICY AVAILABILITY**

This policy shall be made accessible to the public as provided by Penal Code § 26160.

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

#### 300.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 1.2.10, 4.1.1, 4.1.2, 4.1.5, 4.1.6, 4.2.1, 4.2.2, 4.2.3, 4.2.4](#)

#### 300.1.2 DEFINITIONS

Definitions related to this policy include:

**Active Resistance** – Imminent threat(s) through verbal statement(s) and/or physical action(s) by an individual who has the intent, means, opportunity, and ability to:

- 1) resist arrest/custody through violence and/or
- 2) flee from arrest/custody.

**Compliant Subject** - An individual who is cooperative, responsive to lawful commands, and offers no active resistance.

**Control Hold** - Any Department-approved method or hold, designed to control the movement of an individual by manually applying pressure to a particular part of their body (such as bent wrist control hold, twist lock, rear wrist lock, finger lock, etc.). A control hold can be applied without implementing pain.

**Control Techniques** - Movements/manipulation of an engaged individual by an officer which could include pushing, pulling, guiding, and/or the use of control holds.

**Deadly/Lethal Force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

**De-escalation** - The process of using strategies and techniques intended to decrease the need to use force and/or reducing or ending the application of force.

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**Disengagement** - A de-escalation tactic designed to avoid or minimize the need to use force, or otherwise unsafe outcomes for both the individual being contacted and/or the officer. Disengagement may be a viable option for individuals who pose no additional threats to others, there is no crime, or for individuals who may later be apprehended under safer conditions.

**Emergency Medical Treatment** – Treatment for significant injuries where an individual requires life-saving intervention and/or treatment at a hospital.

**Exigent Circumstances** – Circumstances where a reasonable person would believe that certain action(s) and/or response(s) were necessary to prevent harm.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

**Force** - The application of physical techniques/tactics, chemical agents, or weapons upon another person to:

- (a) Defend against an assault, and/or
- (b) Overcome resistance to arrest/custody, and/or
- (c) Overcome flight from arrest/custody.

It is not a use of force when a person allows themselves to be searched, escorted, handcuffed, or restrained.

**Imminent Threat** - A threat which, based on the totality of the circumstances and clear articulable facts, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. Imminent threat is one that from appearances must be immediately addressed. (Penal Code 835a).

**Intercede**- Includes, but is not limited to, verbally and/or physically stopping the excessive use of force.

**Less-Lethal Force** - Any use of force, other than deadly force, which by design presents less potential for causing death or serious injury than conventional lethal force options.

**Medical Treatment** – Treatment for injuries not requiring lifesaving intervention. This includes first aid in the field or treatment at a medical facility.

**Necessary Force** - Force where objectively reasonable alternatives were not available and/or practical and the force used was reasonable based on the Department's policy and training to effect the lawful purpose intended.

**Objectively Reasonable** – An assessment of reasonableness based on a specific set of facts and a totality of circumstances where an officer's conduct is evaluated based on the reasonable

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officer standard. This evaluation is used to determine whether the officer's actions were justified given the situation they faced at that time.

**Pain Compliance Technique** - Involves either the manipulation of a person's joints or activating certain pressure points intended to create sufficient pain for the purpose of motivating a person to comply with verbal commands.

**Passive Resistance** - Resistance where an individual does not follow the lawful verbal commands of an officer and does not engage in acts of violence and/or physical resistance in any way. Examples: A person who goes completely limp, sits down, and refuses to stand or walk, or who may stand with arms at their sides without attempting to strike at or physically resist officers.

**Personal Body Weapons** - An officer's use of their body part, including but not limited to hand, foot, knee, elbow, shoulder, hip, arm, leg, or head by means of kinetic energy transfer (impact) to gain control of a subject.

**Pre-Event Conduct** - The actions of police personnel, to include the process of gathering and assessing all of the information and resources available to officers prior to an event.

**Restrained Person** – A person who has fully been placed into any authorized restraint device such as handcuffs, leg restraints, or a WRAP Restraint Device.

**Serious Bodily Injury** - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

**Tactical Repositioning** - A tactic considered when circumstances reasonably appear to be conducive and advantageous to physically move or change an officer's location. The intent is to seize opportunities to gain additional time, distance, and cover in a manner that supports safety for members of the community, officers, and the subject. When appropriate, the objective is to consider tactical repositioning as an option in support of de-escalation techniques and to increase an officer's reaction time and tactical options. Tactical repositioning is not considered a "retreat" as outlined in PC 835a(d) and should be included as another option for officers to consider when attempting an arrest.

**Takedown Technique** – A method designed to physically take a subject to the ground with the intent of gaining control of the subject.

**Totality of the Circumstances** - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

### **300.2 POLICY**

The Alameda Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication,

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crisis intervention, and de-escalation tactics before resorting to force. Officers must respect the sanctity of human life, act in all possible respects to preserve human life, and minimize the force that is used, while still protecting themselves and the public.

In all cases where physical force is used and no other options were practical, officers shall use a minimum amount of force to accomplish a legitimate law enforcement objective that is objectively reasonable and proportional to effectively and safely overcome resistance.

The United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that, in order to comply with the U.S. Constitution, an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. Additionally, Penal Code section 835(a) imposes further restrictions on an officer's use of force.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Alameda Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

### 300.2.2 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). Any application of force that is solely rooted in bias against a person's race, ethnicity, national origin, religion, disability, gender identity or expression, sexual orientation, or any other protected class/characteristic is strictly prohibited. Officers engaged in such action will be subject to termination. See the Bias-Based Policing Policy.

### 300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

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As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

### 300.2.4 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

### 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Alameda Police Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Officers should consider re-positioning or disengaging.

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

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### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have

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successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### 300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Alameda Police Department for this specific purpose.

### 300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

**De-escalation and Force Minimization:** Every officer's goal, throughout an encounter with a member of the public, shall be to de-escalate, wherever possible, and resolve the encounter without resorting to the use of force. Wherever possible, officers shall employ de-escalation techniques to increase the likelihood of voluntary compliance with law enforcement requests or directives and, thereby, decrease the likelihood that a use of force will become necessary during an incident. Further, in any encounters that do call for applying force, officers must always use a minimal amount of force that is objectively reasonable to safely achieve their legitimate law enforcement objective.

**Proportionality:** When determining the appropriate level of force, officers shall balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time. It is particularly important that officers apply proportionality and critical decision making when encountering a subject who is unarmed or armed with a weapon other than a firearm.

**Minimizing the Use of Deadly Force:** Deadly force may only be used when it is objectively reasonable that such action is necessary to protect the officer or another person from imminent danger of death or serious bodily harm. Officers shall not use deadly force if it is objectively reasonable that alternative techniques will eliminate the imminent danger and ultimately achieve the law enforcement purpose with less risk of harm to the officer or to other persons.

**Vulnerable Populations:** Officers should be particularly sensitive when considering the use of force against vulnerable populations, including children, elderly persons, pregnant women, people with

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physical and mental disabilities, people experiencing mental health crises, and people with limited English proficiency.

**Foster Strong Community Relationships:** The Alameda Police Department understands that uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community. The Department is committed to fostering strong community relations by building on its historic tradition of progressive policing, ensuring accountability and transparency, and striving to increase trust with our community.

De-escalation tactics and techniques are actions used by officers which seek to minimize the need to use force during an incident. Such tactics and techniques may increase the likelihood of voluntary compliance when employed and shall be used when it is safe to do so. De-escalation tactics emphasize slowing down an incident to allow time, distance, and flexibility for the situation to resolve. Officers shall continually assess the dynamics of a situation and modulate their response and actions appropriately. Officers may be justified in using force at one moment, but not justified in using force the next due to a change in dynamics. The application of these tactics is intended to increase the potential for resolution with a minimal reliance on the use of force, or without using force at all.

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.
- (c) Maintaining a safe distance.
- (d) Using available cover and concealment and identifying escape routes.
- (e) Staging other relevant emergency personnel such as the Alameda Fire Department.
- (f) Controlling vehicle and pedestrian traffic.
- (g) Establishing communication, preferably with one officer.

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- (h) Creating an emergency plan and a deliberate plan with contingencies.
- (i) Making a tactical approach to the scene.
- (j) Gathering intelligence concerning the incident and/or the involved person(s) from available sources.
- (k) Evaluating if the person has any of the following conditions which may prevent or delay effective de-escalation:
  - 1. Physical disability
  - 2. Mental health disability
  - 3. Developmental disability
  - 4. Intellectual disability
  - 5. Under the influence of drugs (prescribed or otherwise) or alcohol, or both
- (l) Using available cover and concealment, as appropriate.
- (m) Utilizing distance and space to maximize non-confrontational contact and dialogue.
- (n) Communicating with the person in a calm, slow, non-threatening manner and tone:
  - 1. Provide clear, concise directions or commands
  - 2. Allow person(s) to express themselves verbally; allow the person to "vent"
  - 3. Ask open-ended questions
  - 4. Recognize the importance of verbal and non-verbal communication being in sync
- (o) Deploying less-lethal resources.
- (p) Tactical repositioning of resources and personnel.
- (q) Disengagement.

### 300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

### 300.3.7 ADDITIONAL RESTRICTIONS

Officers are not authorized to use any restraint or transportation method which would create substantial risk of positional asphyxia as defined by Government Code § 7286.5 and/or unreasonably impair an individual's breathing or respiratory capacity. Once controlled, the individual shall be placed into a recovery position (e.g., supine or seated) and officers shall promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

Pressure on the head, neck, and/or spine shall be avoided unless necessary to protect the safety of the officer(s) or other person(s).

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Any pressure applied on the back shall be transitory.

Department policy further requires restrained individuals shall be placed into the recovery position immediately.

If a decision is made to place a restrained individual into a leg restraint device, officers shall comply with Policy 306.7.

### **300.4 DEADLY FORCE APPLICATIONS**

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

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### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### 300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

## **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Alameda Police Department may require the completion of additional report forms, as specified in department policy, procedure or law.

### 300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a conducted energy device or control device.

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- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

### **300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Division Policy.

### **300.5.3 REPORT RESTRICTIONS**

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain,

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or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

### 300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived their *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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### 300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues.

### 300.8 ADMINISTRATIVE LEAVE

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 their feelings 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.

### 300.9 TRAINING

Officers, investigators, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

#### 300.9.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) A review of definitions such as reasonable belief and serious bodily injury.
- (h) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

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### 300.9.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

### 300.10 USE OF FORCE ANALYSIS

At least annually, the Field Services Bureau Commander should prepare an analysis report on use of force incidents by the end of the first quarter of each calendar year. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Date and time of incidents.
- (c) Types of encounters resulting in use of force.
- (d) Trends or patterns related to race, age, and gender of subjects involved.
- (e) Trends of patterns resulting in an injury to any person including employees.
- (f) Impact on policies, practices, equipment, and training
- (g) ~~Training needs recommendations.~~
- (h) ~~Equipment needs recommendations.~~
- (i) ~~Policy revision recommendations.~~

### 300.11 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

### 300.12 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

### 300.13 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

### 300.14 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

#### 308.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.1.4, 4.2.1, 4.3.1, 4.3.2, 4.3.3, 4.3.4](#)

### 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Alameda Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy shall be carried and used by uniformed personnel and any detective involved in an enforcement capacity only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 308.4 RESPONSIBILITIES

#### 308.4.1 WATCHCOMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### 308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

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### 308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### 308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### 308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### 308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

#### 308.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### 308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on

## *Control Devices and Techniques*

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impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

### **308.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

#### **308.8.1 USE OF KINETIC ENERGY PROJECTILES BY SWAT**

Officers assigned to the SWAT team, who have completed a Department training course, may carry and employ 12 gauge or 37/40 mm projectiles while on duty or while performing SWAT missions.

#### **308.8.2 RESPONSIBILITIES**

Anyone struck by a kinetic energy projectile shall be taken to the hospital for examination.

Every effort shall be made to locate the projectile, and place it into evidence.

### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

## *Control Devices and Techniques*

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### 308.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### 308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the

## *Control Devices and Techniques*

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officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

### 308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

### 308.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor. [Proficiency training shall be conducted biennially.](#)
- (b) All training and proficiency for control devices will be documented in the officer's training file. [Training records will be retained in the department's database.](#)
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

### 308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## 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.

#### 310.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.2.3, 41.2.4](#)

### 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**

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>APD Officer in This Jurisdiction</b>	APD Investigators	District Attorney's Office	APD Civil Liability Team	APD Inspectional Services
<b>Allied Agency's Officer in This Jurisdiction</b>	APD Investigators	District Attorney's Office	Involved Officer's Department	Involved Officer's Department
<b>APD Officer In Another Jurisdiction</b>	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)

## *Officer-Involved Shootings and Deaths*

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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 order any APD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - (a) Public safety information shall be limited to such things as outstanding suspect information, direction of any shots fired, identity of known or potential witnesses and any other pertinent information.
  - (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
  - (c) If the involved officer(s) and suspect(s) need medical treatment, the supervisor shall make every effort to have the officer(s) and suspect(s) transported to different hospitals.
- (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.
  - (a) 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.
  - (b) 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.

## *Officer-Involved Shootings and Deaths*

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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).

## *Officer-Involved Shootings and Deaths*

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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.

## *Officer-Involved Shootings and Deaths*

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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 Division 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 Division 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 LEAVE**

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 [their his /her feelings](#) 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, 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).

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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.

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### 312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

#### 312.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.1.3, 4.2.1, 4.3.1, 4.3.2, 4.3.3, 4.3.4](#)

### 312.2 POLICY

The Alameda Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 312.3.1 HANDGUNS

##### MAKE/MANUFACTURER:

The authorized department issued handgun for uniformed personnel is the Glock 17, chambered in 9mm.

##### MODELS:

\* Must be chambered in either 9mm.

On-duty handguns for plain-clothes/detective use may have a barrel of less than 3.5 inches, providing the weapon meets all other criteria outlined in this section, and Rangemaster approval.

## Firearms

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\* Must have a magazine capacity of at least 7 cartridges. On-duty personnel shall not carry a magazine that holds more than 17 cartridges.

\* Handgun finish must be parkerized, black, blue, or stainless steel.

\* Grips must be wood (brown/natural in color) or plastic/rubber (black or brown).

No mechanical modifications, other than grips, sights, or approved handgun-mounted illumination devices shall be made to any duty handgun. All modifications must meet Rangemaster approval.

### 312.3.2 PATROL RIFLES

The authorized [department](#)-issued patrol rifle is the Colt AR-15.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with [department](#) training in a locking weapons rack in the patrol vehicle.

### 312.3.3 SWAT TEAM WEAPONS

[Members of the Special Weapons and Tactics Team are authorized to carry the following:](#)

- (a) [Glock Gen 5 G17 9mm handgun,](#)
- (b) [Remington 870 12-gauge shotgun,](#)
- (c) [AR-15 5.56mm, semi-automatic rifle,](#)
- (d) [FN 303 Launcher,](#)
- (e) [40mm Launcher, and](#)
- (f) [Other specialized weapons as authorized by the Critical Incident Response Team Commander or Team Leader.](#)

[Additionally, members of the SWAT Sniper Team are authorized to carry a.308 caliber rifle.](#)

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### 312.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship ~~(e.g. Colt, Smith & Wesson, Browning, Sig Sauer, etc.)~~. In addition to the calibers authorized for on-duty use, .38/.357 revolvers are also authorized for off-duty carry.
- (b) The purchase of the weapon shall be the responsibility of the officer.
- (c) The weapon shall be carried out of sight at all times, in a holster approved by the Rangemaster or designated Firearms Instructor, and in such a manner as to prevent accidental cocking, discharge, or loss of physical control. The weapon shall be carried at all times in a manner which ensures positive control of the firearm.
- (d) It will be the responsibility of the officer to submit the weapon to the Rangemaster or designated Firearms Instructor for inspection prior to being carried off-duty. The Rangemaster or designated Firearms Instructor shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner. The weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon prior to it being carried and thereafter once annually. The range qualification dates will be specified by the Rangemaster.
- (e) A complete description of the weapon(s) shall be contained on the qualification record approved by the Rangemaster.
- (f) Only department approved ammunition is authorized for use in off-duty carry, in either 9mm, .45 ACP, .380 ACP, or .38/.357.
- (g) If any member desires to own more than one weapon utilized while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.
- (h) When armed, whether on or off-duty, officers shall carry their department identification and/or badge when practical.

### 312.3.5 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster or designated Firearms Instructor when needed, in accordance with established policy.

[The Alameda Police Department will issue appropriate commercially manufactured ammunition for duty use: handgun, rifle, and less lethal shotgun ammunition. Officer may only carry and deploy ammunition issued for duty use. The Rangemaster will periodically review the brands and types to ensure all types of issued ammunition are current and meet industry standards.](#)

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[The SWAT Team Commander will issue appropriate commercially manufactured ammunition for SWAT duty use: 12-gauge shotgun breaching rounds, 40mm launcher munitions, .308 caliber field ammunition, 5.56mm/.223 caliber special purpose ammunition, and 12-gauge shotgun gas or less lethal munitions.](#)

[The following is the approved list of ammunition for each type of weapon in the department's inventory:](#)

- [- Handgun: 9mm](#)
- [- AR-15 Rifle: 5.56mm/.223 caliber](#)
- [- Sniper Rifle: .308 caliber](#)
- [- Shotgun: Ballistic fiber bag](#)
- [- FN 303 Launcher: FM 303 munition](#)
- [- 40mm Launcher: 40mm direct impact marking round](#)

### 312.4 EQUIPMENT

Firearms carried on or off-duty shall be maintained in a clean, serviceable condition. Repair of department issued firearms will be the responsibility of the Rangemaster. Maintenance and repair of authorized personally owned firearms is the responsibility of the individual member.

#### 312.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of their firearm to a supervisor or the Rangemaster.

Firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

#### 312.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### 312.4.3 TACTICAL LIGHTS

Uniformed personnel shall only use department issued tactical lights. Tactical lights may only be installed on a firearm carried by non-uniformed personnel or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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### 312.4.4 OPTICS

Optics may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

### 312.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Alameda Police Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Alameda Police Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Alameda Police Department or a Rangemaster approved by the Alameda Police Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 312.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and

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loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department issued and personally owned firearms may be safely stored in lockers at the end of the shift. Alameda Police Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

### 312.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

### 312.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

### 312.5.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

## 312.6 FIREARMS TRAINING AND QUALIFICATIONS

All sworn personnel are required to qualify quarterly with their duty weapon and annually with their off-duty weapon(s) on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Inspectional Services and Training Sergeant. In addition to regular qualification schedules, the Rangemaster or designated Firearms Instructor shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and Body Worn Camera (BWC) activation practice and should demonstrate their knowledge and understanding.

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### 312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  1. Unauthorized range make-up
  2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

### 312.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, documentation of the incident reports shall be made as follows:

- (a) If on-duty at the time of the incident and no property damage occurred, the member shall provide basic information to his/her supervisor. The supervisor shall document the incident [in the Risk Management Reporting Portal](#) with ~~a Blue Team entry~~ prior to the end of shift, unless otherwise directed.
- (b) If on-duty at the time of the incident and property damage occurred, the member shall provide basic information to his/her supervisor. The supervisor shall document the incident [in the Risk Management Reporting Portal](#) with ~~a Blue Team~~ entry prior to the end of their shift, unless otherwise directed. A miscellaneous report will be completed by an un-involved officer to document the property damage.
- (c) If off-duty and within the city of Alameda at the time of the incident, the member shall provide basic information to responding officers and a miscellaneous report shall be completed. A supervisor shall document the incident [in the Risk Management Reporting Portal](#) with ~~a Blue Team~~ entry prior to the end of their shift, unless otherwise directed.

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- (d) If off-duty and outside the city limits of Alameda at the time of the incident, the member shall cooperate with the investigating agency. The member shall provide basic information to his/her supervisor as soon as circumstances permit. The supervisor shall document the incident [in the Risk Management Reporting Portal](#) with ~~a Blue Team~~ entry prior to the end of their shift, unless otherwise directed.

### 312.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

### 312.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

### 312.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

## 312.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department. The ONLY ammunition authorized in the Alameda Police Department indoor range will be lead free, non-toxic based ammunition and must be approved

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by the Rangemaster and the Personnel and Training Sergeant. All duty ammunition and practice ammunition that is lead based must be stored in a locked and secured location within the Police Administration Building (PAB). This designated location within the PAB will be determined by the Services Bureau Captain, the Rangemaster, and the Personnel and Training Sergeant.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

### 312.8.1 ASSISTANT RANGEMASTER

The Assistant Rangemaster will fall under direct supervision of the Rangemaster and will assist the Rangemaster with his/her primary responsibilities.

In the absence of the Rangemaster, the Assistant Rangemaster will become the designated Rangemaster.

### 312.8.2 FIREARMS INSTRUCTOR

Firearms Instructors will fall under the direct supervision of the Rangemaster. They are responsible for conducting quarterly qualifications, preparing training outlines, performing weapon maintenance, maintaining department owned weaponry, conducting ammunition/weaponry inventories, conducting range maintenance, conducting weapon inspections, and any other assignment/responsibility delegated by the Rangemaster or Assistant Rangemaster.

Firearm Instructors will report directly to the Rangemaster or the Assistant Rangemaster in his/her absence.

## 312.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to Officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

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- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the department based on the law and published TSA rules.
- (b) Officers must carry their Alameda Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Alameda Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Alameda Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **312.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Alameda Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.

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- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

### **312.11 FIREARM SECURITY IN VEHICLES**

Members are responsible for knowing the location of firearm(s) under their care and control; and ensuring those firearm(s) are secure at all times, whether on or off duty.

When members are in public and in possession of a firearm, they should maintain the firearm secured on their person at all times.

However, should it become necessary to secure a firearm inside an unattended vehicle (excludes shotguns/patrol rifles already secured), a member shall adhere to the following guidelines:

\* Members shall not secure firearms in the glove box or other similar storage compartment within any vehicle.

\* If a member is faced with a situation that requires a firearm be stored in an unattended vehicle for a short period of time, the firearm shall be secured inside the locked trunk of the vehicle. The firearm is to be placed in the trunk out of public view.

\* If the vehicle design does not include a trunk (truck, SUV, etc.), the firearm shall be secured in a locked metal container affixed to the vehicle in a location within the passenger compartment not visible from the exterior of the vehicle. The firearm is to be placed in the locked metal container out of public view.

If a member is unable to secure a firearm in a vehicle as described above, the member shall not leave a firearm in an unattended vehicle.

Under no circumstances shall any firearm be left unattended in a vehicle overnight.

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects (Vehicle Code § 17004.7).

#### 314.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.2, 41.2.3](#)

#### 314.1.2 DEFINITIONS

Definitions related to this policy include:

**Blocking** - A preventive maneuver where emergency vehicles are strategically positioned to prevent a suspect from moving their vehicle, usually before a pursuit starts or at low speeds.

**Boxing-in** - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

**Ramming** - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

**Roadblock** - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

**Tire deflation device** - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

### 314.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

### 314.3 INITIATING A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that the suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle and:

- The suspect was involved in a felony, or

## Vehicle Pursuits

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- The suspect was involved in a crime and an officer can reasonably articulate, based on factual information, that the suspect is armed with a firearm as an instrument that was used in the commission of the crime.

Any pursuit initiation outside of the above listed criteria must be approved by a Watch Commander. After a pursuit is initiated, continuation of the pursuit requires positive affirmation from an on-duty supervisor, without delay.

Officers who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for officers and the public.

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider:

- (a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.
- (b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
- (c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, road conditions, environmental conditions (e.g., hills, curves, mountains), and weather conditions.
- (d) The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.
- (e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
- (f) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).
- (g) Whether the pursuing unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
- (h) The availability of other resources such as air support or vehicle locator/deactivation technology.

### 314.4 PURSUIT UNITS

Vehicle pursuits should be limited to two police department emergency vehicles. However, an officer or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects. If a supervisor joins the pursuit, the watch commander will take over supervising the pursuit.

## Vehicle Pursuits

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### 314.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by Vehicle Code § 21055. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

### 314.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, police department motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

### 314.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themselves or others.

As soon as practicable, the primary unit should notify the Communications Center of the pursuit, request priority radio traffic, and provide appropriate information including:

- (a) The location, direction of travel, and estimated speed of the pursuit.
- (b) The description of the fleeing vehicle, including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
- (e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- (f) The suspected number of occupants and their identities or descriptions.
- (g) The weather, road, and traffic conditions.
- (h) The need for any additional resources or equipment.
- (i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

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### 314.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

- (a) Notifying the Communications Center of their entry into the pursuit.
- (b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (c) Identifying the need for and requesting additional resources or equipment as appropriate.
- (d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

### 314.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

## 314.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

- (a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- (b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
- (c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
  - 1. Request assistance from available air support.
  - 2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
  - 3. Request other units to observe exits available to the fleeing vehicle.
- (d) Pursuing units should request that the Communications Center notify the California Highway Patrol (CHP) and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

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### 314.5.1 RULES OF THE ROAD

The speed of a vehicle pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

### 314.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the police department vehicle.

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Officers should not parallel the pursuit route.

## **314.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
- (b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
- (c) Confirming that no more pursuing units than required are involved in the pursuit.
- (d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
- (e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.

## Vehicle Pursuits

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- (f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
- (g) Verifying that the proper radio channel is being used.
- (h) Confirming the Watch Commander has been notified of the pursuit.
- (i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.
- (j) Continuing the management and control of Alameda Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

### 314.6.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Bureau Commander. The Watch Commander shall prepare relevant reports, as appropriate.

### 314.7 THE COMMUNICATIONS CENTER

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

#### 314.7.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

### 314.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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### 314.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Alameda Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

### 314.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit and there is a specific known risk to the pursuing unit's safety. Under this circumstance, the supervisor may authorize units from this department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Alameda Police Department, the Watch Commander or supervisor should review the request as soon as practicable, taking into consideration:

- (a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.
- (b) Whether there is adequate staffing to continue the pursuit.
- (c) The available units' capabilities to maintain the pursuit.
- (d) The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

### 314.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

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Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

### 314.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

- (a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
- (b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
- (c) Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
- (d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
- (e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

### 314.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper, only by an officer that has received PIT training, and only after receiving supervisory approval.

Before conducting a PIT, officers should consider factors such as:

- (a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the officer has received training.

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- (b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.
- (c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
- (e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

### 314.9.3 BOXING-IN OR BLOCKING

Boxing-in or blocking should only be used when the suspect's vehicle is stopped or traveling at a low speed, only by an officer that has received training in boxing-in or blocking, and only after receiving supervisory approval.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

### 314.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

### 314.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

## 314.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually reevaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

- (a) A supervisor directs the pursuit to be terminated.
- (b) The location of the fleeing vehicle is no longer known.
- (c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.

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- (d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

### 314.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

### 314.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

### 314.11 DEBRIEFING

Participating officers should return to the Alameda Police Department as soon as practical following a pursuit to debrief with a supervisor.

### 314.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

- (a) Pursuing officers should complete appropriate crime/arrest and pursuit reports.
- (b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:
  1. Date and time of the pursuit.
  2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved vehicles and officers.
  5. Alleged offenses.

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6. Whether a suspect was apprehended, as well as the means and methods used.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of officers, suspects, or case numbers.

### 314.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

### 314.13 PURSUIT TRAINING

The Training Sergeant should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, dispatchers).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

#### 314.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

The Training Sergeant shall make available to all officers initial and supplementary POST training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

### 314.14 POLICY ACKNOWLEDGEMENT

Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The

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POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

### **314.15 APPLICATION OF VEHICLE PURSUIT POLICY**

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

## Officer Response to Calls

### 316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

#### 316.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.1, 41.2.4](#)

#### 316.1.2 DEFINITIONS

- [Non-emergency calls: A call is considered a non-emergency call when there is no immediate or potential threat to life or property.](#)
- [Emergency calls: A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance.](#)

### 316.2 RESPONSE TO CALLS

Officers responding "Code-3" shall consider the incident an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to [Vehicle Code § 21055](#).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

### 316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

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### **316.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. An officer shall also discontinue the Code-3 response when directed by a supervisor.

When making the decision to initiate a Code-3 response, the responding officer should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of other responding units

Unless impractical or unsafe due to other emergency radio traffic, (e.g. 940b), officers responding Code 3 shall immediately advise dispatch of that fact and provide the location from where they are responding.

### **316.5 COMMUNICATIONS RESPONSIBILITIES**

Dispatchers shall provide officers with sufficient information relative to the severity of the call so responding officers may make the best decision regarding mode of response. When an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed, the dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Notify the Watch Commander as soon as practicable
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

### **316.6 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

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- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

#### **316.7 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

## Canines

### 318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

#### 318.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.1.4](#)

### 318.2 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Services Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs. The canine teams are assigned to the patrol division, and will choose their shift based on seniority in the unit from the choices identified by the staffing lieutenant. Canine teams may be assigned to normal patrol duties as a beat officer as needed due to operational or staffing requirements.

### 318.3 CANINE SUPERVISOR

The Canine Supervisor shall be appointed by the Canine Commander, with the approval of the Bureau of Field Services Captain and the Chief of Police. The Canine Supervisor shall be a sergeant who has supervisory responsibility for the Canine Program.

The responsibilities of the Canine Supervisor include, but are not limited to:

- (a) Verifying deployment, vehicle mileage and training logs are being completed accurately.
- (b) Conducting periodic reviews of the handler's equipment and canine to verify their care and condition.
- (c) Attending canine training quarterly to verify the training's suitability and quality.
- (d) Scheduling canine related activities.
- (e) Scheduling periodic in-house canine training to increase patrol familiarity with the canines.
- (f) Conducting an initial review of all canine deployments to verify compliance with policy/training/guidelines.

### 318.4 CANINE COMMANDER

The Canine Commander shall be appointed by and directly responsible to the Bureau of Field Services Captain or the authorized designee. The Canine Commander shall be a lieutenant who has command responsibility of the Canine Program.

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The responsibilities of the Canine Commander include, but are not limited to:

- (a) Reviewing all canine deployments to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the training vendor.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines
- (g) Verifying the canine teams are scheduled for regular training to maximize their capabilities.

### **318.5 REQUESTS FOR CANINE TEAMS**

Field Services Bureau members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Field Services Bureau shall be reviewed by the on duty Watch Commander.

#### **318.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the on duty/on call commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged, but may be authorized at the discretion of the on duty watch commander.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) Canine teams deploying to an outside agency for a call involving a potential suspect apprehension will be accompanied by at least one other uniformed officer and a supervisor. If a supervisor is unavailable to respond, the request shall be declined.
- (f) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **318.5.2 PUBLIC DEMONSTRATION**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Commander prior to making any resource commitment. The Canine Commander is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Commander.

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### 318.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect, with supervisor and/or commander approval, if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any armed violent felony criminal offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

In a situation where a suspect is wanted for an armed violent felony warrant, a mere advisement of a potential felony warrant alone does not justify a canine apprehension deployment. The warrant's validity and criminal offense must be verified prior to deploying the canine, absent an exigent circumstance (i.e. deployment in the defense of the canine handler's life).

A canine may be used to locate and apprehend a suspect, with [supervisor or](#) commander approval, if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any felony criminal offense or violent misdemeanor offense, when there are specific articulable facts to indicate the suspect is armed and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

For the purposes of this section, "armed" is defined as the suspect is armed with, or threatening that they are armed with, any weapon or object that has the potential to cause serious bodily injury or death.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine. Absent exigent circumstances, all deployments of a canine team for apprehension require supervisor and/or commander approval.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit an armed violent felony offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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All canines teams shall be equipped with an electronic collar. The canine teams shall be trained on the use of the electronic collar and the canine shall be equipped with a functional electronic collar when performing apprehension work. The electronic collar shall be tested for functionality prior to deploying the canine, absent an exigent circumstance. Whenever possible, the canine teams shall utilize on-leash tactics or the electronic collar to conduct controlled systematic searches with the canine. Canine teams are discouraged from conducting off leash searches where the canine is out of the handlers visual/auditory range, unless it presents an unnecessary risk to the safety of the involved officers. The specific articulable facts justifying the necessity of an off lead, or off electronic collar, search shall be documented in the report for the deployment.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect. After the canine has secured a bite on the suspect, the handler shall continually reassess the threat level of the suspect. Once the handler believes the suspect no longer poses a threat, the canine will be commanded to release the bite.

### 318.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the offense meet the guidelines for an apprehension deployment listed in 318.6 above.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee, and be a threat to the safety of the public, if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. It is the supervisor's responsibility to assess the totality of the circumstances with the canine handler, and approve the use of the canine based on the factors listed above. The canine handler shall recommend to the supervisor that the canine not

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be used whenever he/she deems deployment is unsuitable. A supervisor or commander who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

### 318.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would greatly increase the risk of injury, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should also include an advisement that if the canine finds the suspect the canine may bite the suspect. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. Those hearing the announcement at the opposite location shall advise via the radio that the announcement could be heard from their location, and have their BWC active to capture the announcements. If available, warnings given in other languages should be used as necessary. If the structure or area is large enough that it is possible the initial announcement could not be heard, the canine handler should pause the search in a safe location, and give additional announcements and opportunities to surrender.

If a warning is not to be given, the canine handler, absent an exigent circumstance, shall receive approval from the supervisor or commander of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### 318.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the appropriate police report. All deployments shall be logged in the canine training and use tracking software. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Canine Commander. Unintended bites or injuries caused by a canine should be documented in an administrative report if off duty (memorandum explaining the circumstances), or a miscellaneous police report if they occur on duty..

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

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Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

### 318.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) with supervisor and/or commander approval. The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

#### 318.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search shall be conducted on lead or electronic collar and in a manner that minimizes the likelihood of unintended bites or injuries.

#### 318.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics. A canine narcotics search shall be conducted on lead or electronic collar and in a manner that minimizes the likelihood of unintended bites or injuries.

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### 318.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

### 318.8 CANINE SELECTION

[The agency utilizes a contracted vendor for the selection and evaluation of police service canines. Selection criteria include, but are not limited to, canine demeanor, age, medical status, and breed.](#)

### 318.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) Sufficient skill, critical thinking ability and maturity to handle the assignment. This should be assessed via an interview with the Canine Commander and an examination of past ratings.
- (d) Agreeing to be assigned to the position for a minimum of two years.
- (e) A recommendation for a year-to-year extension will be forwarded by the Canine Commander to the Chief of Police for approval.

### 318.10 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

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- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) The canine handler will be provided high-quality dog food for his/her assigned canine.
- (d) Each canine team shall be provided a complement of canine equipment to ensure the proper handling and safekeeping of the canine.
- (e) Handlers shall permit the Canine Commander or Supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Commander as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler. At no time can anyone other than the handler allow the canine out of the kennel, or enter the kennel without the handler's direct supervision.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the Canine Commander or Watch Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct (absent an exigent circumstance such as the handler being the victim of a violent crime while with the canine) unless approved in advance by the Canine Commander or on duty/on call commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Commander so that appropriate arrangements can be made. If and when commercial boarding is necessary for the safekeeping of the canine in the handler's absence, it shall be at the expense of the department.
- (l) All items assigned to the handler shall be returned to the unit at the end of his/her assignment, except those items which may be purchased by the handler with department approval, should the handler elect to purchase them. Some items, such as the kennel and shelter provided for the canine, have a service life similar in length to the assignment. The handler will have the option of keeping those items at the termination of the contract.
- (m) The canine handler shall be provided with critical incident specific safety and communications equipment appropriate to the assigned tactical mission in the event that a canine team is used for a CIRT operation.

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- (n) Vehicles assigned to the Canine Unit shall be equipped with safety features including automatic door pops, air conditioning, interior temperature monitoring, and rubber rear mats.
- (o) All canine related expense receipts, including food, temporary shelter, equipment, and miscellaneous supplies, shall be routed through the Canine Commander for approval before being submitted for reimbursement or payment by the City.

### 318.10.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine. This standard of care shall also apply to any privately owned vehicle in which the canine is stored or transported.

### 318.11 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Canine Commander.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

### 318.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander. [Each police canine team will receive monthly in-service training that is monitored by a certified trainer.](#)

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### 318.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to meet POST standards and a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Alameda Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Alameda Police Department.

### 318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### 318.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file. Canine specific performance, training and duties shall be considered and included in the handler's performance evaluations. The Professional Standards/Training Unit shall also have access to K9 training records.

### 318.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Alameda Police Department may work with outside trainers with the applicable licenses or permits.

### 318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Alameda Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

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These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

### 318.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency and the Program Watch Commander. The Canine Commander, along with the Professional Standards Sergeant, will also audit the training aids annually (if applicable) when the Property audit is conducted as required by Lexipol 804.8.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The Canine Commander shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### 318.12.7 IMMUNITY

[All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training \(Health & Safety Code § 11367.5\(b\)\).](#)

### 318.12.8 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous

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training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The Canine Commander shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

### 318.13 CANINE CARE AND EQUIPMENT

The handler shall be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Department equipment under their control in a clean and serviceable condition.
- (c) Handlers shall permit the Canine Unit Manager or Supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Canine Unit Supervisor as soon as possible.
- (e) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Unit Supervisor or Watch Commander.

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In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

The list of required canine equipment is as follows:

- (a) [Spill proof water bowl](#)
- (b) [Electronic collar](#)
- (c) [Short lead \(four feet to six feet\)](#)
- (d) [Long tracking lead \(20 feet to 30 feet\)](#)
- (e) [Tracking/patrol harness](#)
- (f) [Flat collar with ID patches](#)
- (g) [K9 first aid kit](#)
- (h) ["Pinch" collar](#)
- (i) [K9 patrol vehicle with temperature monitored software](#)
- (j) [K9 travel crate](#)
- (k) [K9 kennel](#)

### **318.14 CANINE VEHICLES**

Effective upon approval of the Chief of Police, all Canine Handlers will be assigned an "Exclusive Use" City vehicle in accordance with Administrative Policies and Procedures regarding "Vehicle and Equipment Use Maintenance Policy." The use of these vehicles includes necessary service, maintenance, and City gasoline for City business use subject to City and Department policies and practices.

The handlers will comply with the City's Vehicle Use Policy and the Department's Lexipol Policy.

The Lexipol Policy and Handler Contract will reflect the following points:

1. The vehicles will be used exclusively for official City business.
2. Handler's issued vehicles will keep a mileage log that shall be audited by the Canine Supervisor and Canine Commander quarterly.
3. Handlers will park the vehicle in a locked garage. If the vehicle is not secured in a locked garage, the vehicle shall be parked off-street at the member's residence and the AR-15 shall be secured at the Police Administration Building prior to driving home.

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4. The Canine Supervisor will make a duty roster where one canine handler will be assigned duty each week. The duty handler will be responsible for responding to any request for a canine that has been approved by a watch commander.
5. An unexcused violation of the Vehicle Use Policy or related Lexipol Policy will be a terminable offense.

## Missing Persons

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 332.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.5, 41.2.6](#)

#### 332.1.2 DEFINITIONS

Definitions related to this policy include:

**At risk** - Includes but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away, or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily, or under circumstances that do not conform to their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

### 332.2 POLICY

The Alameda Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Alameda Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

### 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

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- Alameda Police Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

### 332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

### 332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:
  1. A photograph and a fingerprint card of the missing person, if available.

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

### 332.5.1 AT-RISK REQUIREMENTS

In all cases involving a person who is At Risk or a child under 16 years of age, the handling employee shall ensure that the following steps are taken:

- (a) Notify the shift supervisor about the case as soon as practical.
- (b) Broadcast a "Be on the Look-Out" (BOLO) bulletin. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 or may be At Risk (Penal Code § 14211(d)).
- (c) Conduct a Coroner's check within 24 hours of the report being initiated (Penal Code § 14212(g)).
- (d) If missing for more than 30 days, the handling investigator shall immediately inform the family or next of kin of the missing person that Penal Code § 14212(b) requires them to submit to the dentist, physician and surgeon, or medical facility, the release form previously signed by a member of the family or next of kin, in order to obtain the release of the dental or skeletal X-rays, or both, and treatment notes. If the family member or next of kin fails to take this action and provide the obtained records to law enforcement, the handling investigator shall submit the same release form to secure those X-rays and treatment notes (Penal Code § 14212(b)). If the missing person is an at-risk and has not been found within 30 days, and the X-rays and treatment notes have not been released or otherwise obtained, the handling investigator shall execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted, and that the dental or skeletal X-rays, or both, and treatment notes, are necessary for the exclusive purpose of furthering the investigation (Penal Code § 14212(d)).

### 332.6 REPORT PROCEDURES AND ROUTING

Employees **shall** **should** complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### 332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.

## Missing Persons

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- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### 332.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigations Division.
- (e) Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### 332.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

## Missing Persons

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- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

### 332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

#### 332.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.

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- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **332.9 CASE CLOSURE**

The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Alameda or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

#### 334.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 81.2.10](#)

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 MEMBER RESPONSIBILITIES

Members of the Alameda Police Department should notify their supervisor, Watch Commander, or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

### 334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

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### 334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

### 334.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office
  - 2. National Center for Missing and Exploited Children (NCMEC)

## Public Alerts

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### 334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

#### 334.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

#### 334.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  1. The license number and/or any other available description or photograph of the vehicle
  2. Photograph, description and/or identification of the suspect
  3. The suspect's identity, age and description, if known
  4. Detail regarding location of incident, direction of travel, potential destinations, if known
  5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  2. The FBI local office

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### 334.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

#### 334.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### 334.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

### 334.7 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

#### 334.7.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
  - 1. The complete license plate number of the suspect's vehicle.

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2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

### 334.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

### 334.8 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Alameda Police Department (Government Code § 8594.13).

#### 334.8.1 CRITERIA FOR FEATHER ALERT

The Alameda Police Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

- (a) The missing person is an Indigenous person.
- (b) The Alameda Police Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person is missing.
- (d) The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
  1. The missing person's physical safety may be endangered.
  2. The missing person may be subject to trafficking.
  3. The missing person suffers from a mental or physical disability, or substance use disorder.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### 334.8.2 PROCEDURE FOR INDIGENOUS PERSONS ALERT

Requests for an Indigenous Persons Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

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### **334.9 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

#### **334.9.1 PROCEDURE**

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

#### **334.9.2 CRITERIA**

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

### **334.10 ENDANGERED MISSING ADVISORY**

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

#### **334.10.1 CRITERIA FOR ENDANGERED MISSING ADVISORY**

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Alameda Police Department has utilized all available local resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### **334.10.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES**

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

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### 334.11 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

#### 334.11.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Alameda Police Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### 334.11.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

### 334.12 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Alameda Police Department shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

### 334.13 EMERGENCY MESSAGES

[Citizens, businesses, emergency providers, hospital personnel, and other law enforcement agencies may request an emergency message be delivered regarding an emergency situation.](#)

[Emergency messages require supervisor approval and may include, but are not limited to:](#)

- (a) [Serious illness of a family member](#)
- (b) [Injury as a result of an accident or crime](#)
- (c) [Death notification \(when ACSO is unavailable\)](#)
- (d) [Hospital staff needing to speak to a family member](#)

## Public Alerts

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- (e) Law enforcement agency needing to speak to a family member
- (f) Other requests, as approved.

All emergency message requests will be entered as a call for service in CAD and dispatched to the appropriate sector officer. The CAD incident will include:

- (a) As much information from the requesting party as necessary to answer questions that may be asked by the person being notified.
- (b) The name and telephone number of the person that the party being notified should contact for additional information.

## Report Preparation

### 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 344.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 82.2.1, 82.2.2](#)

#### 344.1.2 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

[All forms to be used in field reporting will be maintained by the Bureau of Professional Standards. The forms are stored on the department's internal network.](#)

### 344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

#### 344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes

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- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Senior and Disability Victimization Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

### 344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

### 344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

## Report Preparation

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- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

### 344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Miscellaneous reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

### 344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### 344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Division shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

### 344.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.

## Report Preparation

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- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

### 344.2.8 ADDITIONAL REPORTING REQUIREMENTS

Agency personnel shall prepare a record or report anytime a member is dispatched to or otherwise assigned to an incident. Documenting an incident in the current Records Management System (RMS) is always acceptable; however, some incidents may be recorded as follows:

- (a) Computer Aided Dispatch (CAD) Event Number Reports:
  1. A CAD Event Number is assigned to all calls-for-service.
  2. Information is retrievable in CAD with the Event Number, address and/or date.
  3. CAD Event Number Reports are limited to non-criminal calls requiring no further action.
  4. CAD Event Number Reports shall include the incident location, nature of the incident, names of the involved persons, the final disposition, and may include additional notes entered by the responding Agency members.
  5. When only documenting incidents with a CAD Event Number Report, serious consideration should be given to the nature of the incident, as well as what is being requested by the community member. CAD Event Number Reports are not a replacement for RMS Reports when an RMS Report is applicable.
- (b) Citations/Summonses:
  1. May be issued to document offenses such as traffic infractions and citable misdemeanor warrants with positive identification.
  2. Citations/summonses issued for offenses other than infractions also require an associated RMS Report. The citation number will be referenced in the report and a copy of the citation/summons will be attached to the report. The report number will be referenced on the citation/summons.

### 344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

## Report Preparation

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### 344.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### 344.3.2 TELEPHONE REPORTS

- (a) **PURPOSE AND SCOPE** - It is the policy of the department that authorized personnel may obtain information by telephone for the purpose of completing a written report. This method of obtaining information is only acceptable when the incident being reported meets the below criteria:
1. Crimes in progress or having just occurred require a police response.
  2. Phone reports will only be taken if the incident being reported is "cold" in nature and rapid response by a police unit would not aid in the apprehension of the suspect or in securing evidence at the scene.
  3. Incidents with suspects or additional follow-up investigation will not be taken by telephone.
- (b) **PROCEDURE** - The following circumstances require dispatching of a field unit, even if the incident would otherwise qualify as a phone report:
1. When a crime is in progress or has just occurred, and police presence may result in the apprehension of the suspect.
  2. When police presence is likely to prevent property damage or personal injury.
  3. When there is need to process or collect physical evidence.
  4. When the incident requires on-the-scene preliminary investigation, i.e., for serious injury, loss items of significant value or sensitivity, and when there are investigative leads requiring immediate attention.
  5. When the citizen insists on the presence of an officer.
- (c) **QUALIFYING REPORTS** - If the police purpose would be better served by sending an officer to the scene to investigate, one will be sent. This decision will be made by the Patrol Sergeant. The following types of incidents may qualify as phone reports, if an authorized person is available to handle:
1. Misdemeanor crimes against property.
  2. Simple assaults with no or minor injuries and the suspect is not known.
  3. Runaway reports with the runaway being over 15 years old and with a prior runaway report on file.
  4. Harassing or annoying telephone calls, unless an officer is needed for the complainant's immediate protection.
  5. Lost property.
  6. Supplemental reports to existing reports on file.
  7. Miscellaneous reports.

## *Report Preparation*

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- (d) If in the course of the report taking an investigative lead is developed, the report taker will advise the Patrol Sergeant and the follow-up investigation will be assigned to a patrol officer to handle.
- (e) If after a report has been taken by telephone and an investigative lead is developed, the report will be assigned to a patrol officer for follow-up investigation until the investigation is suspended, cleared, or unfounded.

### **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

## Media Relations

### 346.1 POLICY

It is the policy of the Alameda Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

#### 346.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.4, 54.1.3](#)

### 346.2 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

### 346.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

#### 346.3.1 PRESS OFFICER

The press officer will be assigned through the Office of the Chief of Police. Information will not be shared with the media without the approval of the Office of the Chief of Police or their designee.

### 346.4 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

## Media Relations

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- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

### 346.4.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Alameda Police Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

### 346.4.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

### 346.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

### 346.6 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

## Media Relations

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Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

### **346.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

#### **346.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

### **346.8 RELEASE OF INFORMATION**

The Alameda Police Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

#### **346.8.1 INFORMATION LOG**

The Alameda Police Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

## Major Incident Notification

### 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

#### 358.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 11.3.3](#)

### 358.2 POLICY

The Alameda Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic fatalities
- Unusual deaths
- Rapes
- Armed robberies
- Felony assaults with serious injury
- Vandalism to a place of worship as described per Penal Code 594.3(a)
- Kidnappings
- Hate Incident or Hate Crime
- Major drug cases
- Officer-involved shooting - on or off duty (See Policy Manual § 310.53 for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Alameda official
- Arrest of Department employee or prominent Alameda official
- Aircraft crash with major damage and/or injury or death
- Bombings or explosive devices
- In-custody deaths

### *Major Incident Notification*

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- Arrest of a City employee
- Use of the Emergency Response Vehicle
- Traffic collisions involving bicyclists or pedestrians
- Other significant events as deemed appropriate by the Watch Commander

#### **358.4 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the cellular telephone number first and then by any other available contact numbers, including their home telephone.

##### **358.4.1 STAFF NOTIFICATION**

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Bureau Commander and the Detective Lieutenant if that bureau is affected.

##### **358.4.2 DETECTIVE NOTIFICATION**

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

##### **358.4.3 TRAFFIC BUREAU NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

##### **358.4.4 PRESS INFORMATION OFFICER (PIO)**

The Press Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

#### **358.5 SIGNIFICANT POLICE INCIDENT REPORTING TO CITY MANAGER AND CITY COUNCIL**

The purpose of this order is to establish a procedure for disseminating information on significant police incidents to the City Manager, and City Council.

It is the policy of this Department as part of its command/control responsibility to ensure that police Executive Command Officers, the City Manager, and City Council are notified of significant police incidents in a timely fashion.

The On-Duty Watch Commander shall assume responsibility for preparing and forwarding the information at all other times.

During non-business hours, the Bureau of Field Services Commander or other Bureau Commander should be notified of the significant police incident if, in the judgment of the Watch

### *Major Incident Notification*

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Commander, the incident is of sufficient gravity that notification is necessary before the regular business day.

During non-business hours, the Chief of Police should be notified of the significant police incident if, in the judgment of the Bureau of Field Services Commander or other Bureau Commander, the incident is of sufficient gravity that notification is necessary before the regular business day.

When notifying the City Manager or City Council of a significant police incident, the below procedure shall be followed:

Obtain the necessary information for completion of the Significant Police Incident form. Complete the form and e-mail it to the City Manager, each City Council Member, City Department Heads, the Chief of Police, both Captains and all Lieutenants via the SIGINFO address in the City of Alameda e-mail system.

## Conducted Energy Device

### 389.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

#### 389.1.1 ACCREDITATION STANDARDS

[This section pertains to the following CALEA Standards: 4.1.5, 4.2.1, 4.3.2, 4.3.3, 4.3.4](#)

### 389.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

### 389.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Bureau of Support Services should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Alameda Police Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers shall secure a CED on their person and under their control at all times. Any deviation from this shall be approved at a captain's level.

#### 389.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged shall be returned to the Bureau of Support Services for disposition. Officers shall submit documentation

## *Conducted Energy Device*

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stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

### **389.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

### **389.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

#### **389.5.1 APPLICATION OF THE CED**

The CED may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

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### 389.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

### 389.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

### 389.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

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### 389.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 389.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

### 389.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

## **389.6 DOCUMENTATION**

Officers shall document all CED discharges in the related arrest/crime report. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

### 389.6.1 RISK MANAGEMENT REPORTS

As applicable based on the device type, items that shall be included in the Risk Management Report are::

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.

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- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the Risk Management Reports to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile Risk Management Reports with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

### 389.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

### 389.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/

## *Conducted Energy Device*

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or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

### **389.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

### **389.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate by the Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training files. [Training files will be retained in the department's database.](#)

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Sergeant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.

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- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

## Use of Social Media

### 391.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Alameda Police Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 391.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.4](#)

#### 391.1.2 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

### 391.2 POLICY

The Alameda Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Alameda Police Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 391.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Alameda Police Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

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### **391.4 AUTHORIZED CONTENT**

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

#### **391.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

### **391.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Alameda Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Alameda Police Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

## *Use of Social Media*

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Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

### **391.5.1 PUBLIC POSTING PROHIBITED**

Alameda Police Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Alameda Police Department may provide a method for members of the public to contact department members directly.

### **391.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

### **391.7 RETENTION OF RECORDS**

The Administration Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **391.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

## 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 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 1.2.9](#)

#### 402.1.2 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):

## *Bias-Based Policing*

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

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### **402.5 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted annually, [and as needed for remedial purposes](#), and [will](#) include:

- (a) Explicit and implicit biases, [and](#)
- (b) Avoiding improper profiling, [and](#)
- (c) [Legal aspects](#).

#### 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).

#### 402.6.1 DEPARTMENT REVIEW

[The Bureau of Professional Standards shall prepare a documented annual administrative review of activities with potential for bias to include, but not limited to:](#)

- (a) [Traffic and field contacts](#),
- (b) [Asset forfeiture efforts](#),
- (c) [Citizen complaints, and](#)
- (d) [Any corrective measures taken](#).

# Critical Incident Response Team

## 408.1 PURPOSE AND SCOPE

The Critical Incident Response Team (CIRT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons And Tactics (SWAT) Team. The Critical Incident Response Team has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations ([Penal Code § 13514.1](#)).

### 408.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 33.6.2](#)

### 408.1.2 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Critical Incident Response Team are divided into Administrative and Operational Policies and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 408.1.3 SWAT TEAM DEFINED

A Critical Incident Response Team (CIRT), sometimes referred to as SWAT, is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 408.2 LEVELS OF CAPABILITY/TRAINING

### 408.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

## *Critical Incident Response Team*

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### 408.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

### 408.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

## **408.3 POLICY**

It shall be the policy of this department to maintain a Level II SWAT team (CIRT) and to provide the equipment, staffing, and training necessary to maintain such a team. The CIRT unit should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

### 408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of CIRT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the CIRT Commander or his/her designee.

### 408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.

### *Critical Incident Response Team*

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- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

#### 408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures (CIRT Manual) in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CIRT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
  - 1. All CIRT members should have an understanding of operational planning.
  - 2. CIRT training should consider planning for both spontaneous and planned events.
  - 3. CIRT should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of CIRT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:

### *Critical Incident Response Team*

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1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
  - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
  - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
  - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
  - (d) When appropriate, debriefing should include specialized units and resources.
    - (i) Sound risk management analysis.
    - (j) Standardization of equipment deployed.

#### **408.4 TRAINING NEEDS ASSESSMENT**

The CIRT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

##### **408.4.1 INITIAL TRAINING**

SWAT operators and SWAT team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

##### **408.4.2 UPDATED TRAINING**

Appropriate team training for the specialized CIRT functions and other supporting resources should be completed prior to full deployment of the team.

Critical Incident Response Team operators and CIRT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

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#### 408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the CIRT function at the organizational level to ensure personnel who provide active oversight at the scene of CIRT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or their equivalent. CIRT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

#### 408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CIRT Commander. The CIRT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CIRT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CIRT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

## *Critical Incident Response Team*

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### 408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

### 408.4.6 SCENARIO BASED TRAINING

CIRT units should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

### 408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Professional Standards Unit. Such documentation shall be maintained in each member's individual training file. Team training shall be documented and records maintained by the CIRT Commander.

## **408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

### 408.5.1 UNIFORMS

CIRT units from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 408.5.2 EQUIPMENT

SWAT teams from this agency (CIRT) should be adequately equipped to meet the specific mission(s) identified by the agency.

The SWAT Team maintains two (2) specialized response vehicles equipped for exclusive use by the SWAT Team.

1. Emergency Response Vehicle - B.A.T.T. (Ballistic Armored Tactical Transport): A four-wheel drive armored vehicle built on a Ford F-550 Super-Duty chassis and powered by a 6.8L V-10 gas engine. The vehicle is equipped to carry specialized equipment and for emergency operations response (emergency lighting, sirens, radios). It is stored within the Administration Building parking compound.

2. Passenger Van – Utilized to transport Team members to operation sites and equipped to carry specialized equipment. The vehicle is stored within the Administration Building parking compound.

Team Leaders shall assign to team members the specific responsibility of routine, weekly checks of the vehicles to ensure security, operational capability and periodic service needs.

### 408.5.3 FIREARMS

Weapons and equipment used by CIRT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

### *Critical Incident Response Team*

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Members of the Department assigned to the SWAT team are issued a Glock 17, 9mm handgun. All members assigned to the SWAT team shall carry this handgun during SWAT operations. SWAT team members may also carry this handgun while working their primary assignment.

When SWAT team members leave the team, they will return their assigned handgun.

#### **408.5.4 OPERATIONAL READINESS INSPECTIONS**

The CIRT Commander may appoint a supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CIRT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment and equipment maintained or used in CIRT vehicles.

#### **408.6 MANAGEMENT/SUPERVISION OF CRITICAL INCIDENT RESPONSE TEAM**

The Commander of the CIRT shall be selected by the Chief of Police upon recommendation of staff.

##### **408.6.1 PRIMARY UNIT MANAGER**

Under the direction of the Chief of Police, through the Operations Bureau Commander, the Critical Incident Response Team shall be managed by a lieutenant.

##### **408.6.2 TEAM SUPERVISORS**

The Crisis Negotiation Team and each SWAT Team should be supervised by a sergeant. Senior officers may be assigned as team leaders by the CIRT Commander.

The team leaders shall be selected by the Chief of Police upon specific recommendation by staff and the CIRT Commander.

The following represent the team leader's responsibilities for the Critical Incident Response Team.

- (a) The Crisis Negotiation Team leader's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CIRT Commander.
- (b) The SWAT Team leader's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CIRT Commander.

#### **408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Critical Incident Response Team.

### *Critical Incident Response Team*

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#### 408.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, with a minimum of one year of service, shall submit a memorandum of interest to the CIRT Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CIRT Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

#### 408.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team leader.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team leader.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team leader. Performance and efficiency levels, established by the team leader, will be met and maintained by all team members, including a 'Meets Standards' performance evaluation. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

#### **408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The SWAT Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT Team.

### *Critical Incident Response Team*

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#### 408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel, with a minimum of one year of service, shall submit a memorandum of interest to the CIRT Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CIRT Commander. The testing process will consist of an oral board, physical agility test, and Basic SWAT handgun/rifle course.

- (a) Oral board - The oral board will consist of personnel selected by the CIRT Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance;
  - 2. Demonstrated good judgment and understanding of critical role of SWAT member;
  - 3. Special skills, training, or appropriate education as it pertains to this assignment; and,
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility - The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CIRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun/rifle course - Candidates will be invited to shoot the SWAT Basic Drill for the handgun and rifle. A minimum qualifying score must be attained to qualify.
- (d) A list of successful applicants shall be submitted to staff, by the CIRT Commander, for final selection.

#### 408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CIRT Commander. The performance and efficiency level, as established by the team leader, will be met and maintained by all SWAT Team members. Any member of SWAT who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### 408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Critical Incident Response Team. Generally, the SWAT Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a SWAT Team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CIRT Commander.

### *Critical Incident Response Team*

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#### 408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Critical Incident Response Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CIRT Commander.

#### 408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Critical Incident Response Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

#### 408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Bureau Commander. Deployment of the Alameda Police Department Critical Incident Response Team in response to requests by other agencies must be authorized by a Bureau Commander.

#### 408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The CIRT unit, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Alameda Police Department CIRT unit shall operate under the policies, procedures and command of the Alameda Police Department when working in a multi-agency situation.

#### 408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Critical Incident Response Team. The Watch Commander shall then notify the CIRT Commander and Bureau Commander. If unavailable, a team leader shall be notified. A current mobilization list shall be maintained in the Communication Center by the CIRT Commander.

The Watch Commander should advise the CIRT Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.

### *Critical Incident Response Team*

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- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CIRT Commander or team leader shall then call selected officers to respond.

#### 408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Critical Incident Response Team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once CIRT has arrived, all negotiations should generally be halted to allow the Crisis Negotiators and SWAT time to set up.
- (f) Be prepared to brief the CIRT Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

#### 408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Critical Incident Response Team at the scene, the Incident Commander shall brief the CIRT Commander and team leaders about the situation. Upon review, it will be the Incident Commander's decision, with input from the CIRT Commander, whether to deploy the Critical Incident Response Team. Once the Incident Commander authorizes deployment, the CIRT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Critical Incident Response Team. The Incident Commander and the CIRT Commander (or his or her designee) shall maintain communications at all times.

*Critical Incident Response Team*

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**408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL**

All of those persons who are non-CIRT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Field Services require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Critical Incident Response Team personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team Leader or his or her designee.

## Hostage and Barricade Incidents

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 414.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.4](#)

#### 414.1.2 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

### 414.2 POLICY

It is the policy of the Alameda Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

## *Hostage and Barricade Incidents*

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### 414.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

### 414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### 414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

### *Hostage and Barricade Incidents*

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- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Alameda Police Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

## *Hostage and Barricade Incidents*

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- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Alameda Police Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **414.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a CIRT response if appropriate and apprising the CIRT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
  - (b) Ensure the completion of necessary first responder responsibilities or assignments.
  - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
  - (d) Establish a command post location as resources and circumstances permit.
  - (e) Designate assistants who can help with intelligence information and documentation of the incident.
  - (f) If it is practicable to do so, arrange for video documentation of the operation.
  - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code §

## *Hostage and Barricade Incidents*

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11471). The supervisor must ensure the Alameda Police Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

### **414.6 CRITICAL INCIDENT RESPONSE TEAM (CIRT) RESPONSIBILITIES**

The Incident Commander will decide, with input from the CIRT Commander, whether to deploy CIRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CIRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CIRT. The Incident Commander and the CIRT Commander or the authorized designee shall maintain communications at all times.

### **414.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Patrol Rifles

### 432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Alameda Police Department will make patrol rifles available to qualified sworn personnel as an additional and more immediate tactical resource.

#### 432.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.3.1](#)

### 432.2 PATROL RIFLE

It is the policy of the department that each patrol vehicle will be equipped with a patrol rifle and that patrol personnel shall be responsible for its use according to department policy. Each rifle assigned to the patrol division shall be numbered to match the vehicle which it is deployed in.

#### 432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department Rangemaster.

### 432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the AR-15 style rifle chambered in 5.56mm/.223 caliber.

### 432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or Range Officer who shall inspect and service each patrol rifle on a regular basis.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.
- (e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.
- (f) The department Rangemaster shall be responsible for the completion of a department weapon inventory on an annual basis, to include all patrol rifles.

## *Patrol Rifles*

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### **432.5 TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

### **432.6 DEPLOYMENT OF THE PATROL RIFLE**

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

### **432.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

### **432.8 PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" status until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

- (a) The weapon is toggled to "safe"
- (b) The chamber is empty
- (c) The rifle bolt is forward
- (d) There is a fully loaded magazine in the rifle with no more than 28 rounds
- (e) The dust cover is closed

*Patrol Rifles*

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- (f) The rifle is secured in the patrol vehicle's rifle rack.

If any of these conditions are not met, the weapon shall be removed from the vehicle and corrected.

**432.9 RIFLE STORAGE**

- (a) When not assigned to an officer for duty, patrol rifles will be stored in the department rifle locker in rifle racks with the magazine removed, bolt open, and bore flag in the chamber.
- (b) At the end of the assigned officer's shift, the patrol rifle will be returned and secured in in the department rifle locker.

## Field Training Officer Program

### 436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Alameda Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

#### 436.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 33.4.3](#)

### 436.2 PROGRAM OVERVIEW

Normally, three weeks of the program shall focus on the refinement of basic skills as learned in the basic academy as they pertain to performing the police mission in the City of Alameda. By the end of the training program, the successful trainee must demonstrate that they have the ability to adequately perform all duties required of an Alameda Police Officer.

#### 436.2.1 PROGRAM CONTENT AND FORMAT

This program shall be modeled pursuant to the FTO program compiled by Glenn F. Kaminsky and Dr. Michael D. Roberts, and taught in POST approved FTO seminars. The program shall consist of three (3) weeks of In-House training and sixteen (16) weeks of In-Field Training. Exceptions may be made for those in the accelerated FTO program.

(l). IN-HOUSE TRAINING - This program shall consist of the following (at a minimum):

- (a) Introduction to the FTO Program, its objectives and procedures.
- (b) Introduction to Police Department's organization, functions, work schedules, chain of command, overall duties and obligations, and city geography.
- (c) Introduction to the philosophy of Community Policing relative to the Alameda Police Department.
- (d) Range policies and procedures including practical firearms/weapons training.
- (e) Practical training in defensive tactics, arrest and control techniques, and impact weapons.
- (f) Practical training in vehicle operations traffic stops, and high risk vehicle stops.
- (g) Practical training in search and seizure law, search techniques, including searches of persons, buildings and vehicles, including the use of K-9's.
- (h) Introduction to how domestic violence pertains to law enforcement and our responsibilities.
- (i) Introduction to different City Departments including City Hall, the Courts, the District Attorney's office, and the Fire Department.

### *Field Training Officer Program*

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- (j) Practical training in different computer systems patrol officers use during the course of their shift.
- (k) Practical training with the Identification/Property Bureau Section, the collection, packaging and documentation of evidence items.
- (l) Practical training in the area of traffic accident and driving under the influence investigations.
- (m) Practical training on how to identify persons under the influence of a controlled substance.
- (n) Practical training with tactical communications and conflict resolution.
- (o) Scenario training providing practical training on the application of department policies and criminal and case law.

The FTO Sergeant shall insure that the most qualified instructors within the Department provide the above training and that the newly hired officer(s) receives all necessary forms and handouts required for the subsequent field training.

#### (II). IN-FIELD TRAINING

- (a) Phase I shall be conducted by the primary Field Training Officer who shall, in conjunction with the FTO Sergeant and Lieutenant, determine whether the newly hired officer has corrected any discrepancies or weaknesses which affect the performance of the police patrol function.
- (b) Phases II and III shall be conducted by secondary FTOs. Whenever possible, the secondary FTOs shall be working on different shifts. Exceptions may be made for those in the accelerated FTO program.
- (c) Phase IV shall be conducted by the primary FTO who shall evaluate the trainee with respect to overall improvement and readiness in performing all aspects of the patrol officer function. During this phase, the trainee shall operate in a quasi-solo capacity. He/she shall operate the police vehicle, prepare all reports and conduct all investigations, and fulfill all police related duties. The FTO will be in the car as an observer-evaluator, unless the need for immediate intervention arises.
- (d) Upon completion of the final phase, the primary FTO shall prepare a comprehensive rating of the trainee which shall be presented at the final FTO meeting for the purpose of evaluating the trainee's level of success in completing the program.
- (e) During this 16-week program, there should be at least four (4) general FTO meetings conducted at or close to the end of every four week phase, unless the trainee is in the accelerated FTO program. The purpose of these meetings is to discuss and evaluate the performance, progress, and weaknesses of the trainee as well as other topics related to the program. In the event of trainee deficiencies which indicated the possibility of failing the training program, there shall be a special FTO meeting to develop a comprehensive remedial plan to insure that every possible means of assisting the trainee has been utilized.

## Field Training Officer Program

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### 436.2.2 PROGRAM RESPONSIBILITY

The responsibility for the FTO program is as follows:

- (a) FTO Lieutenant - shall oversee the entire program to insure that it is being conducted in accordance with Departmental and program needs and objectives. The FTO Lieutenant shall have been previously awarded, or eligible for the award of a POST Supervisory Certificate, and shall successfully complete a POST-certified Field Training Supervisor/Administrator/Coordinator (SAC) Course prior to, or within 12 months of the initial promotion, appointment, or transfer to such a position.
- (b) FTO Sergeant - shall insure that all patrol sergeants and training officers coordinate their efforts and perform all required functions relating to the training and evaluations of newly hired officers. The FTO Sergeant shall have been previously awarded or eligible for the award of a POST Supervisory/Administrator/Coordinator (SAC) Course prior to, or within 12 months of the initial promotion, appointment, or transfer to such a position.
- (c) Personnel and Training Sergeant - shall be responsible for scheduling appropriate training schools for those officers selected to be field training officers. The FTO sergeant shall be responsible for the proper scheduling of the in-house academy portion of the program.
- (d) Field Training Officer - shall conduct the actual training and evaluation process.

### 436.3 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

#### 436.3.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b)
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

#### 436.3.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

## *Field Training Officer Program*

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### **436.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR**

The FTO Program supervisor should be selected from the rank of sergeant or above by the Field Services Bureau Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

### **436.5 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Alameda Police Department who has successfully completed a POST approved Basic Academy.

### **436.6 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

#### **436.6.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Alameda Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

## *Field Training Officer Program*

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The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Alameda Police Department.

### **436.7 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **436.7.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

#### **436.7.2 IMMEDIATE SUPERVISOR**

The Field Training Sergeant shall review and approve the Daily Trainee Performance Evaluations.

#### **436.7.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Lieutenant will periodically review the Daily Trainee Performance Evaluations submitted by the FTO to the Field Training Sergeant.

#### **436.7.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

### **436.8 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End of phase evaluations
- (c) End of training meeting between FTO Lieutenant, FTO Sergeant, Primary Field Training Officer, and the recruit's new Watch Commander and sergeant
- (d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
- (e) Field Training Program critique

## Criminal Organizations

### 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Alameda Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 442.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 40.2.3](#)

#### 442.1.2 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

### 442.2 POLICY

The Alameda Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

#### 442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as

## *Criminal Organizations*

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open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting documentation for an entry shall be retained by the Records Division in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

### 442.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Alameda Police Department, the basis for that designation, and the name of the agency that made the designation. The Alameda Police Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

## *Criminal Organizations*

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The gang unit supervisor should forward reports or FIs to the Records Division after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Division supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

### **442.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

#### **442.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

#### **442.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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### **442.5 INFORMATION RECOGNITION**

Alameda Police Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Alameda Police Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

### **442.6 RELEASE OF INFORMATION**

Alameda Police Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### **442.7 CRIMINAL STREET GANGS**

The Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
  - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
  - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
  - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

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- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

### **442.8 TRAINING**

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

#### **442.8.1 SHARED GANG DATABASE TRAINING**

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Alameda Police Department (Penal Code § 186.36; 11 CCR 751.6).

### **442.9 AUDIT REQUIREMENTS**

Annually, the Bureau of Support Services shall conduct an audit to ensure compliance with these policies and procedures. The review should include:

- (a) Whether all source documents are in the file,
- (b) Whether source information has been evaluated for source and content validity,
- (c) Whether a purge date has been established which is current and accurate, and
- (d) Whether procedures and processes contained within this policy are in need of updating.

If any files are found to be out of compliance with the requirements of this policy, those files shall be withdrawn from the criminal intelligence system, brought into compliance, and re-evaluated to determine whether they may still be maintained in the system.

## Body-Worn Cameras

### 450.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

#### 450.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.3.8, 41.3.10](#)

#### 450.1.2 DEFINITIONS

Definitions related to this policy include:

**Activate** - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

**BWC media** - The video, audio, and images captured by department BWCs and the associated metadata.

**BWC media systems** - Any software, including web-based programs and mobile applications, used by the Alameda Police Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

**Deactivate** - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

**Event** - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

### 450.2 POLICY

It is the policy of the Alameda Police Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

A violation of this policy subjects the member to discipline (Penal Code § 832.18) (see the Personnel Complaints Policy).

### 450.3 RESPONSIBILITIES

## Body-Worn Cameras

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### 450.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include (Penal Code § 832.18):

- (a) Serving as a liaison between the Alameda Police Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Alameda Police Department and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
  - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
  - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
  - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
  - 1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
  - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Records Supervisor to (see the Records Division and Records Maintenance and Release policies):
  - 1. Determine and apply proper retention periods to BWC media. Agency legal counsel should be consulted in determining retention periods.
  - 2. Develop procedures for the appropriate release of BWC media.

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- (j) Coordinating with the Property and Evidence Unit to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Unit Policy).
- (k) Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.
- (l) Designating the persons responsible for downloading the recorded data from the BWC.
- (m) Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review. [The review should determine whether the policy, training, and operational practices are consistent with APD's mission, vision, and values. The review should include feedback from Patrol, Training, and Records supervisors](#)

### 450.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance (Penal Code § 832.18).

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

### 450.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities (Penal Code § 832.18).
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

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### 450.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Alameda Police Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Alameda Police Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

### 450.5 ACTIVATION OF BWC

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

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.

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

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engaged in an investigation. This presumption shall not apply to contacts with other members conducted solely for administrative purposes.

Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

### 450.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

### 450.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in

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recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

### 450.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities. Members shall be notified their BWC is being livestreamed when safe to do so.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

If livestreaming was activated during an event, the member who authorized the livestreaming will outline in CAD the reason for livestreaming and the names of the members who communicated or participated in the event.

### 450.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (b) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (c) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

### 450.5.5 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.

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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. 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).

### **450.6 DOWNLOADING BWC MEDIA**

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly downloaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be downloaded and tagged as soon as practicable upon returning to the Alameda Police Department (Penal Code § 832.18).

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and download and tag the BWC media if the storage system does not have automatic downloading capacity (Penal Code § 832.18).

#### **450.6.1 TAGGING BWC MEDIA**

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 recording, the member reasonably understands they are conducting an investigation involving a homicide, felony sex crime, or a misconduct allegation, the member shall re-categorize the video into the appropriate category to ensure the recording is retained beyond the default three-year retention period. When applicable, the user 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 as otherwise directed by a supervisor.

Members shall use the categorization and notation functions of Evidence.com to make notes, which minimally include case or incident number when applicable. Notes such as case numbers, incident numbers suspect names, and citation numbers will facilitate flagging videos for review and discovery.

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.

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BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly downloaded and tagged by their subordinates.

### **450.7 BWC MEDIA**

All BWC media is the sole property of the Alameda Police Department (Penal Code § 832.18). Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Alameda Police Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee (Penal Code § 832.18).

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (Penal Code § 832.18).

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

#### **450.7.1 ACCESS AND USE OF BWC MEDIA**

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media or any BWC where they appear in, either visually or audibly, for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.

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- (e) Supervisors are permitted to access and view BWC media of their subordinates.
  - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
  - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
  - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Training Sergeant is permitted to access and view BWC media for training purposes.
  - 1. The Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
  - 2. The Training Sergeant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Records Supervisor may access BWC media when necessary to conduct department-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

### 450.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

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Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review BWC media before public release.

### 450.7.3 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 Professional Standards 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 Bureau of Professional Standards Commander.

### 450.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained for a minimum of 60 days, after which it may be erased, destroyed, or recycled. Non-evidentiary media may be kept for more than 60 days for availability in case of a civilian complaint and to preserve transparency (Penal Code § 832.18).

It is the responsibility of the member making the recording to ensure recordings are appropriately categorized based upon the circumstances of the incident. Files should be securely stored in accordance with state records retention laws. All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule.

The following will be assigned the associated retention schedule:

- Homicide and felony sex crimes: permanent
- Inspectional Services: 9 years
- General: 3 years

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

#### 450.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Unit Policy).

Evidentiary BWC media should be retained for a minimum of two years under the following circumstances (Penal Code § 832.18):

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- (a) The recording is of an incident involving the use of force by an officer or an officer-involved shooting.
- (b) The recording is of an incident that leads to the detention or arrest of an individual.
- (c) The recording is relevant to a formal or informal complaint against an officer or the Alameda Police Department.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

### **450.9 TRAINING**

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including downloading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

## Foot Pursuits

### 458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

#### 458.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.1.5](#)

### 458.2 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

### 458.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

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- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

### 458.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

## Foot Pursuits

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- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

### 458.5 RESPONSIBILITIES IN FOOT PURSUITS

#### 458.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

## Foot Pursuits

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### 458.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

### 458.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

### 458.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

### 458.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

## Foot Pursuits

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1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - (g) Arrestee information, if applicable.
  - (h) Any injuries and/or medical treatment.
  - (i) Any property or equipment damage.
  - (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

### **458.7 POLICY**

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

## Crisis Intervention Incidents

### 465.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 465.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.2.7](#)

#### 465.1.2 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 465.2 POLICY

The Alameda Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 465.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear

### *Crisis Intervention Incidents*

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- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **465.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Bureau Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **465.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.

### *Crisis Intervention Incidents*

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- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

#### **465.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **465.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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### **465.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) At the discretion of the Bureau of Operations Commander, conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **465.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **465.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

### **465.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS**

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

## *Crisis Intervention Incidents*

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If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

### **465.11 EVALUATION**

The Bureau Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

### **465.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

[The Bureau of Professional Standards is responsible for documenting entry level and annual refresher mental health training given to Department employees.](#)

## Medical Aid and Response

### 466.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

#### 466.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.1.5, 41.2.8](#)

### 466.2 POLICY

It is the policy of the Alameda Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 466.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

## *Medical Aid and Response*

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Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

### **466.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **466.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### **466.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

## *Medical Aid and Response*

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### **466.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Field Services Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Alameda Police Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

### **466.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

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### 466.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

### 466.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

### 466.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

## **466.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the LEMSAs.
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

### 466.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the member's immediate supervisor.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

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### 466.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

### 466.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

### 466.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

### 466.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

## **466.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

### 466.10.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Field Services Bureau Commander should develop protocols related to the following:

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- (a) Providing security and control during an examination or treatment, including:
  - 1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
  - 2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
- (b) Responsibility for continuing security and control if the person in custody is admitted to the hospital
  - 1. This should include transferring custody of the person to an appropriate agency.

**466.11 FIRST-AID TRAINING**

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

# First Amendment Assemblies

## 467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 467.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 4.2.1](#)

## 467.2 POLICY

The Alameda Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

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Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

### 467.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### 467.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### 467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 467.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 467.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.

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- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

**467.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

**467.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

**467.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **467.8 ARRESTS**

The Alameda Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

#### **467.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

##### **467.9.1 MEDIA ACCESS**

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment,

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officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

### **467.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

### **467.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

#### **467.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **467.12 ANTI-REPRODUCTIVE RIGHTS CALLS**

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

### **467.13 TRAINING**

Alameda Police Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The

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Alameda Police Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

**467.14 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL**

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
  - 1. A violation of an imposed curfew.
  - 2. A verbal threat.
  - 3. Noncompliance with a law enforcement directive.

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- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

**467.14.1 USE SUMMARY**

The Field Services Bureau Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Alameda Police Department at the time of the report and include the information required in Penal Code § 13652.1.

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

#### 700.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 17.5.2](#)

### 700.2 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

#### 700.2.1 OPERATIONAL READINESS

[All department-owned property shall be stored in a state of operational readiness, which includes care and cleaning, preventative maintenance, repair, workability, and responsiveness. The operational readiness of equipment should be inspected at regular intervals.](#)

Bureau Commanders are responsible for the operational readiness of all assets under their command and will ensure that procedures are developed, maintained, and adhered to on all systems, facilities, and assets under their control.

Every system should have one or more operational employee(s) responsible for its readiness. Considerations for readiness are:

- (a) Located where it can be accessed;

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- (b) In a tested and functioning condition;
- (c) Identified frequency of testing and maintenance;
- (d) Adequate stock or inventory on hand;
- (e) Stock replaced at end of life limits;
- (f) Users identified and adequately trained to access and operate;
- (g) Procedures to access and deploy are clearly published;
- (h) Procedures established to address failure of asset; and
- (i) System for reporting lack of readiness.

**700.3 FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage or loss of personal property must be made on the Uniform/Equipment Damage Reimbursement Form (APD Form 80-40). This form shall be submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall review the form for completeness and accuracy, and determine if he/she will approve the reimbursement. The form shall be forwarded to the appropriate Bureau Commander who shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's comments shall address whether reasonable care was taken to prevent the loss or damage. A receipt or if not available, a photo copy of the item(s) being repaired or replaced illustrating the purchase price shall be attached to the completed form.

Upon review and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Bureau Commander who will then forward the claim to the Alameda Police Department's Administrative Management Analyst who will process the reimbursement. The depreciation rate shall be 50% of the purchase price regardless of the age of the item(s) being replaced. The item being replaced shall be collected by the supervisor and placed into APD Property for destruction.

The depreciation rate of 50% was acquired via the "Depreciation Guide" provided by United Policyholders (UP). UP is the largest and oldest charitable organization serving the interest of policyholders. They are a non-profit 501(c)(3) whose mission is to be a trustworthy and useful information resource and respected voice for consumer of all types of insurance in all 50 states.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

**700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

The Uniform/Equipment Damage Reimbursement Form shall be submitted before the employee goes off duty, or within the time frame directed by the supervisor to whom the verbal report is made.

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**700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) If the employee who's property was damage requests repair or replacement, the Uniform/Equipment Damage Reimbursement Form shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

**700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present, or the employee responsible for the property, to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report or memorandum, as appropriate, before going off duty or as otherwise directed by the supervisor.

This documentation, accompanied by the supervisor's written report and/or memorandum, shall promptly be forwarded to the appropriate Bureau Commander.

## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

#### 704.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.3.2](#)

#### 704.1.2 VEHICLE INSPECTION

At the beginning of each shift, it is the responsibility of each employee to inspect their assigned vehicle's exterior and interior for damage, defects, or found property. All employees shall complete a Vehicle Checklist Status update at the beginning of their shift. The Vehicle Checklist can be found in the PlanIt staffing and scheduling system. At a minimum, employees will document the vehicle mileage, oil level, fuel level, damaged equipment or equipment that needs to be replaced, exterior vehicle damage, and ensure all assigned equipment is accounted for.

Personnel who fail to observe and subsequently report damage, other vehicle defects, or found property, or fail to clean the litter out of their assigned vehicle at the conclusion of their tour of duty, shall be subject to appropriate disciplinary action. In addition to the daily check by the assigned personnel, supervisors and managers are responsible for the overall condition and appearance of the vehicles assigned to their unit.

[If an item requires replacement, the employee shall replace it or notify a supervisor immediately. At a minimum, the following equipment shall be present in the patrol vehicle:](#)

- (a) [WRAP Restraint Device](#)
- (b) [Spit hoods](#)
- (c) [Trauma kit](#)
- (d) [Narcan](#)
- (e) [Fire extinguisher](#)
- (f) [Box of flares](#)
- (g) [Crime scene tape](#)
- (h) [Life ring](#)
- (i) [Personal flotation devic](#)
- (j) [\( 2\) blankets](#)
- (k) [DNA collection kit](#)

### 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation in the form of

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a Service Request shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the Service Division for repair.

### **704.2.1 FLAT TIRES**

Personnel operating police vehicles are not expected to change flat tires within the city limits. City garage personnel are to be utilized during normal business hours, and the city's contractual tow service at all other times.

Officers or employees authorized to take city vehicles outside the city limits on extended trips shall ensure the vehicle is equipped with a spare tire and jack.

### **704.2.2 REMOVAL OF WEAPONS**

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

### **704.2.3 SEVERE USE**

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### **704.2.4 DAMAGE OR POOR PERFORMANCE**

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

## **704.3 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

## **704.4 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

## **704.5 PROFESSIONAL STAFF EMPLOYEE USE**

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display

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the “out of service” placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

# The Communications Center

## 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

### 802.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: [41.2.1](#), 81.2.1, [81.2.3](#), 81.2.6

## 802.2 COMMUNICATION OPERATIONS

It is the policy of the Alameda Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

## 802.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

## 802.4 ORGANIZATION

The Communications Section is organized under the Bureau of Support Services. It is under the command of the Bureau of Support Services Captain.

The overall operation of the Communications Center, including staff allocations and matters relating to policy, procedure, facility, and equipment needs, are the responsibility of the Communications Manager.

Responsibility for the day-to-day operations of the Communications Center and its personnel rests with the Senior Dispatchers and Communications Manager. Such responsibilities shall include, but are not limited to, personnel investigations and associated disciplinary recommendations, ensuring continuity of department policy relative to the Communications Center operations, recommendations for changes of policy or equipment, control of daily staffing, such as excused absences, compensatory overtime, and representation.

## 802.5 DUTIES AND RESPONSIBILITIES

Communications Center personnel are responsible for the following:

- (a) Dispatch police and calls for service

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- (b) Respond to requests for information from field units, including requests for service or information relating to vehicle checks, warrant checks, criminal history checks, and serialized property checks
- (c) Maintain status of field units
- (d) Receive and process all emergency and non-emergency phone calls
- (e) Answer and screen all calls for fire and ambulance and transfer to Alameda County Regional Emergency Communications Center (ACRECC).
- (f) Provide and relay information to the public, making referrals as needed
- (g) Make supplemental police reports as needed
- (h) Process, direct, and send teletype and computer messages
- (i) Make entries into the CLETS system, such as, stolen vehicles, missing persons, bicycles, boats and other serialized or licensed information. Verification of the entry will be completed by the Communications Center personnel and attached to the original report. Gun entries will be entered and reviewed by the Communications Center personnel and a secondary review will be conducted by the Property and Evidence Technician. All entries/reports are reviewed and signed off by the Patrol Sergeant and the Administration Sergeant
- (j) Process paperwork for the release of stored/impounded vehicles
- (k) Prepare and maintain the Daily Management Report and Daily Bulletin
- (l) Maintain any specialized logs or reports

#### **802.6 COMMUNICATIONS MANAGER**

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is responsible for discipline, conduct, and efficiency of Communications Center personnel, and the general good order of the Section.

The responsibilities of Communications Manager include, but are not limited to the following:

- (a) Overseeing the efficient and effective operation of the Communication Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center Resource Manual.
  - 1. Ensuring dispatcher compliance with established policies and procedures.

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- (h) Assigning responsibilities and duties to Senior Dispatchers.
- (i) Preparing performance evaluations for Senior Dispatchers.
- (j) Handling discipline, personnel matters relating to Communication Centers personnel.
- (k) Conducting daily inspections of the Communication Center facility and personnel, taking appropriate action as needed.
- (l) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with departmental policy.
- (m) Maintaining a current contact list of City personnel to be notified in the event of a large scale emergency.
- (n) Explaining functions and procedures of the Communication Center to visitors.
- (o) Attending meetings representing the department
- (p) Establishing procedures for:
  - (a) Reporting telephone, radio, and CAD related issues.
  - (b) Storage and retention of recordings.
  - (c) Security of audio recordings (e.g. passwords, limited access, authorized users, preservation of recordings past normal retention standards).
  - (d) Availability of current information files (e.g. rosters, member contacts, emergency providers, etc.)
  - (e) Assignment of field members and safety check intervals.
  - (f) Misdirected, silent, and hang-up calls.
  - (g) Fire and medical calls.
  - (h) Hazmat, water, and aircraft emergencies.
  - (i) Management Report and Daily Bulletin preparation.
  - (j) Emergency evacuations.

#### **802.7 SENIOR PUBLIC SAFETY DISPATCHER**

The Senior Dispatchers shall supervise the dispatch function to ensure rapid response to calls for service, proper utilization of field resources, and compliance with department procedures. The Senior Dispatchers shall perform direct supervision as required on felony calls in progress and operations requiring extensive utilization of field personnel. The specific duties of the Senior Dispatcher relating to the Communications Center operation include, but are not limited to:

- (a) Providing training of Communications Center personnel
- (b) Administering and ensuring sufficient staffing for Communications Center operation
- (c) Maintaining the Communications Center files and logs
- (d) Preparing performance evaluations for Communications Center personnel

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- (e) Assuring the Communications Center equipment is functioning properly and that necessary repairs are completed in a timely manner
- (f) Performing all duties of a Public Safety Dispatcher

**802.8 PUBLIC SAFETY DISPATCHER**

The Public Safety Dispatcher shall ensure rapid response to calls for service, proper utilization of field resources, and compliance with department procedures while working as the Complaint Taker and/or Police Dispatcher.

The Complaint Taker's primary responsibility is to answer 911 and non-emergency phone calls. Additional responsibility includes providing necessary support and assistance to the Police Dispatcher. The Complaint Taker will not engage in any activity that will take their attention away from this responsibility and will limit personal phone calls. The Complaint Taker also has the responsibility of relieving the Police Dispatcher.

The Police Dispatcher's primary responsibility is to dispatch, monitor, and maintain the status of all police units. The Police Dispatcher will not engage in any activity that will take their attention away from this responsibility or conduct personal business on the phone or internet while working at the dispatch console. The Police Dispatcher will answer only emergency 911 phone calls when all other personnel are unavailable and will refrain from handling non-emergency calls.

The responsibilities of the Public Safety Dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.
  - 2. Business telephone lines.
  - 3. Answering and screening calls for fire and/or ambulance and transfers to Alameda County Emergency Communications Center (ACRECC).
  - 4. Telecommunications Device for the Deaf (TDD)/ Text to Telephone (TTY) equipment.
  - 5. Radio communications with department members in the field and support resources.
  - 6. Other electronic sources of information (e.g. text messages, digital photographs, video, etc.).
- (b) Dispatching police calls for service.
- (c) Responding to requests for information from field units, including requests for service or information relating to vehicle checks, warrant checks, criminal history checks, and serialized property checks.
- (d) Maintaining the current status of field units, their locations, and nature of calls for service.
- (e) Documenting the field activities of department personnel and support resources.
- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

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1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment or emergency response.

(g) Inquiry and entry of information through the Communications Center, department, and other law enforcement database systems (CLETS, DMV, NCIC). Verification of the entry will be completed by Communications Center personnel and attached to the original report.

(h) Preparing copies of telephone/radio logger tapes upon request.

(i) Monitoring department video surveillance systems.

(j) Providing and relaying information to the public, making referrals as needed.

(k) Making supplemental police reports as needed.

(l) Processing, directing, sending teletype computer messages.

(m) Processing paperwork for the release of stored/impounded/repossessed vehicles.

(n) Preparing and maintaining the Daily Bulletin.

(o) Maintaining any specialized logs or reports.

(p) Monitoring the 3SI alarm system, dispatching personnel when appropriate.

(q) Monitoring the Share911 system, dispatching personnel when appropriate.

(r) Sending emergency community notifications when requested.

### **802.9 CALL HANDLING**

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking five key questions:

- Where?
- What?
- When?
- Who?
- Weapons?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

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If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

### **802.9.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals. Emergency calls should be dispatched immediately and the caller will be advised that an officer is being dispatched. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### **802.9.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call. The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

### **802.9.3 VICTIM/WITNESS REQUEST FOR INFORMATION**

The following are procedures for communications personnel to respond to victim/witness requests for information and/or services. This includes initial and subsequent requests:

- Determine what the caller is asking for.
- Advise the caller that we can assist with their request or refer them to the appropriate outside agency.
- If their request can be handled by this agency, we will provide those services.
- If their request cannot be handled by this agency, we will refer or transfer the caller to the appropriate agency for service.

## **802.10 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

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- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

#### **802.10.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Alameda Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **802.10.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **802.11 DOCUMENTATION**

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.

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- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **802.12 CONFIDENTIALITY**

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### **802.13 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## Property and Evidence Unit

### 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

#### 804.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 83.3.2](#)

#### 804.1.2 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property and Evidence Unit, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Alameda Police Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Alameda Police Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

### 804.2 POLICY

It is the policy of the Alameda Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

### 804.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Alameda Police Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

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**804.3.1 PROPERTY BOOKING PROCEDURE**

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. Members booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) ~~Place the case number in the upper right-hand corner of the bag.~~
- (e) ~~The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.~~
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

**804.3.2 NARCOTICS AND DANGEROUS DRUGS**

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker ~~accompanied by one copy of the report for the Property and Evidence Technician.~~

**804.3.3 EXPLOSIVES**

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

**804.3.4 EXCEPTIONAL HANDLING**

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence Technician, or placed in the designated

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container for return to the Department of Motor Vehicles. No formal property booking process is required.

- (c) All bicycles and bicycle frames require a property record. **Property tags will be securely attached** Property labels are to be affixed to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Technician, or placed in the bicycle storage area until a Property and Evidence Technician can log the property.
- (d) All cash shall be counted and the envelope initialed by the booking officer. A supervisor shall be contacted for cash counts in excess of \$400.00 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### **804.3.5 RELINQUISHED FIREARMS**

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Alameda Police Department has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Division Policy).

#### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364

## *Property and Evidence Unit*

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- (e) Fireworks
- (f) Contraband

### 804.4.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

### 804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker; ~~accompanied by two copies of the property record~~. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the ~~report room~~ [Property & Evidence Unit](#). The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property [tag label](#) shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this [tag label](#).

## 804.5 RECORDING OF PROPERTY

The Property and Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored ~~on the property control card~~ [in the Property & Evidence database](#).

A property number shall be obtained for each item or group of items. This number shall be recorded on the property [tag label](#) ~~and the property control card~~.

Any changes in the location of property held by the Alameda Police Department shall be noted in the property logbook.

## 804.6 PROPERTY CONTROL

Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court day.

### 804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

## *Property and Evidence Unit*

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Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence Technician. This request may be filled out any time after booking of the property or evidence.

### 804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property and Evidence Technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form ~~will remain with the evidence~~ [shall be uploaded to the digital evidence database or](#) ~~and the copy will be~~ returned to the Records Division for filing with the case.

### 804.6.3 SUBMISSION OF EVIDENCE FOR LABORATORY ANALYSIS

- [All submission of evidence to an external laboratory facility shall only be with the approval of the Property & Evidence Manager or his/her designee.](#)
- [All evidence shall be packaged in department approved envelopes or containers with the appropriate evidence tracking documentation attached.](#)
- [Evidence requiring transport shall be handled by department personnel and will include documentation indicating the type of evidence, as well as the appropriate laboratory processing request forms.](#)
- [Appropriate receipts shall be utilized in order to maintain the chain of evidence. All evidence shall be accompanied by properly completed individual chain of custody documentation at all times.](#)
- [All laboratory processing results shall be documented in writing.](#)

### 804.6.4 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Property and Evidence Technician shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

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#### 804.6.5 AUTHORITY TO RELEASE PROPERTY

The Investigations Division shall authorize the disposition or release of ~~all~~ evidence and property [under their purview](#) coming into the care and custody of the Alameda Police Department.

#### 804.6.6 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Division for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Unit. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Unit Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Alameda Police Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

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**804.6.7 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Alameda Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Alameda Police Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

**804.6.8 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Investigations Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

**804.6.9 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS**

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property and Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

**804.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS**

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Alameda Police Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Alameda Police Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

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**804.6.11 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Alameda Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

**804.6.12 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION**

The Alameda Police Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

**804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

**804.7.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)

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- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

**804.7.2 UNCLAIMED MONEY**

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Alameda Police Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

**804.7.3 RETENTION OF BIOLOGICAL EVIDENCE**

The Property and Evidence Unit Supervisor shall ensure that no biological evidence held by the Alameda Police Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Alameda Police Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Bureau supervisor.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Criminal Investigations Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

#### **804.7.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS**

The Property and Evidence Unit supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

- (a) Identification of firearms and other weapons that need to be destroyed
- (b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
- (c) Identification of any law enforcement agency that the Alameda Police Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency
  - 1. If the Alameda Police Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Property and Evidence Unit supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Alameda Police Department website (Penal Code § 18005).

#### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a regular basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Alameda Police Department shall be conducted by a Bureau Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

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**804.9 PROPERTY AND EVIDENCE MANUAL**

Specific procedures for the booking of property and evidence are outlined in the Alameda Police Department's Property and Evidence Manual.

Officers and supervisors are encouraged to familiarize themselves with the procedures contained within the manual.

The Property and Evidence Manual is available in the property and evidence booking area, the patrol sergeant's office, the Identification Sergeant's office, and the offices of the Service Division Lieutenant and Bureau of Services Commander. It is the responsibility of the Property and Evidence Sergeant to review and update the manual annually to ensure accordance with applicable law and department policy.

## Records Division

### 806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Alameda Police Department Records Division. The policy addresses department file access and internal requests for case reports.

#### 806.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 82.1.1, 82.1.2, [82.2.3](#), 82.3.4

#### 806.1.2 CASE NUMBERING SYSTEM

All cases will be assigned a unique number; no numbers will be omitted and no numbers will be duplicated. Cases will consist of a numbering system that commences with the two digits of the calendar year followed by a sequential number beginning with 00001. Starting at midnight on the first day of January of each year, the first case issued will be 00001. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

### 806.2 POLICY

It is the policy of the Alameda Police Department to maintain department records securely, professionally, and efficiently.

### 806.3 RESPONSIBILITIES

#### 806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administration Bureau Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training, and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  1. Homicides.
  2. Cases involving department members or public officials.

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3. Any case where restricted access is prudent.

**806.3.2 RECORDS DIVISION**

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
  1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Alameda Police Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
  1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  2. Suspected hate crimes (Penal Code § 13023).
  3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
  4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
  5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
  6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
  1. Officer suicides
  2. Officer misconduct
  3. Uses of force
  4. Officer deaths or assaults
  5. Crime incidents

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6. Deaths in custody
- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Alameda Police Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
  - (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
  - (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
  - (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
  - (l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
  - (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

**806.3.3 RECORDS DIVISION PROCEDURE MANUAL**

The Records Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

**806.4 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by officers of the Alameda Police Department and no accusatory pleading has been filed, the person arrested may petition the Alameda Police Department to destroy the related arrest records. Petitions should be forwarded to the Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

## Records Division

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Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Investigations Division Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Division Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Alameda Police Department's decision within 45 days of receipt. Responses should include only the decision of the Alameda Police Department, not an explanation of the analysis leading to the decision.

### **806.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Services Bureau Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention upon request.
- (b) All references to an arrest are deleted from the arrest records of the Alameda Police Department and the record reflects only a detention.
- (c) The California DOJ is notified.

### **806.6 FILE ACCESS AND SECURITY**

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, citations, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Watch Commander. All records are also maintained electronically.

The Records Management System features a comprehensive security system that protects against unauthorized access in multiple ways. First, each physical workstation can be configured to allow or prevent access to sensitive information such as State/NCIC information. Second, the Records Management System employs a software security system that sets the security access of each user down to an individual function basis. Each user belongs to a security group, which defines the user's capabilities for each system function. Access can be controlled in features such as adding new records, updating records, deleting records, and accessing juvenile records.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

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**806.7 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

**806.8 CONFIDENTIALITY**

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Alameda Police Department's employee performance evaluation system is designed to record work performance for both the Alameda Police Department and the employee, providing recognition for good work and developing a guide for improvement.

#### 1002.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 35.1.2](#)

### 1002.2 POLICY

The Alameda Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Alameda Police Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 1002.3 FULL TIME PROBATIONARY PERSONNEL

Professional Staff personnel are on probation before being eligible for certification as permanent employees. An evaluation is completed for all full-time professional staff personnel during the probationary period.

Sworn personnel are on probation for 24 months before being eligible for certification as permanent employees. Lateral sworn police employees who possess, at minimum, a Basic POST Certificate and have two years of experience as a police officer are on probation for at least 12 months before being eligible for certification as a permanent employee. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

### 1002.4 DIVISION FILES

To attain uniformity, and to preclude the practice of duplicate or unnecessary record keeping, the following policy is implemented:

**Transfers** - If an employee is transferred to another Division or unit in the middle of an evaluation period, their Division files shall accompany them, provided that they are of use to the new supervisor. If such files are of no further use they are to be destroyed. Duplicate files are not necessary and shall not be kept.

## *Evaluation of Employees*

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**Termination** - If an employee quits or is terminated, their Divisional files shall be closed out immediately. Materials no longer needed shall be destroyed. Items of informational value which are to be kept shall be forwarded to the Chief's office for inclusion in the former employee's closed personnel file. There shall be only one closed file on former employees and no information shall be released from the closed files except with direct authorization from the Chief of Police.

**Current Employees** - Divisional files are kept only for the convenience of the respective units. Supervisors must keep them current and must not allow them to become repositories of out-dated or worthless information. In no event should information be released to outside inquirers from the informal Divisional files unless specifically authorized by the Divisional Commander

### 1002.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will evaluate each employee on rating categories. The rater will also give an overall rating of the employee's performance. The definition of each rating standard is as follows:

**Meets Standards** - The employee's performance meets the standards of their essential job functions.

**Does Not Meet Standards** - The employee's performance does not meet the minimum standards of their essential job functions.

Space for the employee's strengths, areas of growth and/or any other brief written comments is provided at the end of the evaluation. Any rating categories marked as Does Not Meet Standards shall be substantiated in the comments section.

### 1002.4.2 PERSONNEL REPORTS

Notes may be made to assist supervisors in documenting facts that may later be used for performance evaluation purposes.

Personnel reports must not remain in existence beyond 12 months.

Responsibility for security of the files will rest with the Training Unit. The Alameda Police Department Personnel Report (APD-104) may be used for documenting events in replacement of a supervisor's notes.

Supervisors may use the Personnel Report to document events occurring during the rating period.

After completing a Personnel Report, the supervisor will forward it to the appropriate Division Commander for review and their signature. The form will then be returned to the supervisor who will review it with the employee. It will then be held in Training Unit files until it is attached to the performance appraisal at the end of the rating period.

## 1002.5 EVALUATION REVIEW

All evaluations are to be submitted through the chain to the Bureau Commander for review prior to the employee reviewing and signing. Evaluations of managers, lieutenants, and captains are to

## *Evaluation of Employees*

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be submitted through the chain to the Chief of Police for review prior to the employee reviewing and signing.

### **1002.6 EVALUATION INTERVIEW**

Arrangements shall be made for a private discussion of the evaluation between the employee and their supervisor. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions, and training opportunities. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

### **1002.7 EVALUATION DISTRIBUTION**

The performance evaluation will be maintained and will be available for review by the employee and their supervisors.

### **1002.8 EVALUATION PERIODS**

All personnel will be rated annually. Evaluations will be due on the last day of each month based alphabetically on the employees' last names. The employee's current supervisor is responsible for completing the employee's evaluation by the due date. Any supervisor who directly supervised an employee for more than 90 days during the evaluation period must have input on the employee's evaluation.

January - Employees with last names beginning in A or B

February - Employees with last names beginning in C or D

March - Employees with last names beginning in E or F

April - Employees with last names beginning in G or H

May - Employees with last names beginning in I or J

June - Employees with last names beginning in K or L

July - Employees with last names beginning in M or N

August - Employees with last names beginning in O or P

September - Employees with last names beginning in Q, R, or S

October - Employees with last names beginning in T or U

November - Employees with last names beginning in V, W, or X

December - Employees with last names beginning in Y or Z

## 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 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.1.5](#)

#### 1004.1.2 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. 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

## *Special Assignments and Promotions*

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Bureau Commander if the employee reports to a Captain. The memo should be submitted six months prior to the normal rotation date.

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.

## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Alameda Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

#### 1020.1.1 ACCREDITATION STANDARDS

This section pertains to the following CALEA Standards: 1.2.10, 26.2.1, 26.2.2, 26.3.2, 26.3.3, 26.3.5, [82.2.2](#)

### 1020.2 POLICY

The Alameda Police Department takes seriously all complaints regarding the service provided by the Alameda Police Department and the conduct of its members.

The Alameda Police Department will accept and investigate all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Alameda Police Department.

#### 1020.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

## Personnel Complaints

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- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 1020.3.2 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member. Informal complaints need not be documented on a Personnel Complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 1020.3.3 RESPONSIBILITIES

The responsibility of maintaining complaint records rests with the Bureau of Professional Standards. These records are considered part of the internal affairs investigative process and are not to be included in the employees' personnel files or centralized records management systems.

### 1020.3.4 RECORDKEEPING

Every complaint shall be fully documented and assigned a unique case number. Complaint files shall include, at a minimum:

- (a) Date of receipt,
- (b) Complainant's identity (if known),
- (c) Nature and details of the complaint,
- (d) Names of the involved employees,
- (e) Investigation details,
- (f) Findings, and
- (g) Any resulting action.

The Bureau of Professional Standards shall maintain a complete and accurate record of all complaint investigations from initiation through final disposition.

## *Personnel Complaints*

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### 1020.3.5 CONFIDENTIALITY

Internal Affairs records are confidential and shall be protected from unauthorized access or disclosure (832.7 PC). These records may only be accessed by authorized Internal Affairs personnel or other individuals specifically designated by the Chief of Police. The confidentiality of Internal Affairs records is critical. All employees involved in handling or reviewing these records are required to safeguard the information at all, including during and after the course of an investigation. Confidentiality in Internal Affairs investigations is not about shielding misconduct but about protecting the integrity of the investigative process, upholding legal obligations, and ensuring fairness for all parties involved. When managed correctly, it strengthens both internal discipline and public confidence in the accountability mechanisms of a professional police agency.

### 1020.3.6 SECURITY

Internal Affairs complaint records shall be maintained in a secure area, physically protected from unauthorized access. If stored digitally, they shall be kept in a restricted access system with appropriate encryption and password protection. Security precautions must be implemented and sustained throughout the lifecycle of each investigation and following its conclusion to ensure the integrity of the information.

### 1020.3.7 RETENTION

Records shall be retained in accordance with applicable local, state, and federal regulations, and in line with agency retention schedule specific to internal investigations.

### 1020.3.8 AUDIT AND OVERSIGHT

Periodic audits shall be conducted by Internal Affairs to ensure compliance with this directive, verify proper access controls, and confirm that confidentiality and security protocols are being followed. Any breach or improper handling of Internal Affairs records shall be reported immediately and may result in disciplinary action.

## **1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

### 1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

### 1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall

## *Personnel Complaints*

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obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Alameda Police Department (Penal Code § 832.7).

### **1020.4.3 AVAILABILITY OF WRITTEN PROCEDURES**

The Alameda Police Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

### **1020.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS**

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

## **1020.5 DOCUMENTATION**

Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All formal complaints should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Alameda Police Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

## **1020.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

### **1020.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

## Personnel Complaints

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1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
  - (c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Alameda Police Department receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
  - (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
  - (e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
  - (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
  - (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
  - (h) Investigating a complaint as follows:
    - (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
    - (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
  - (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
  - (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 1020.6.2 EMPLOYEE NOTIFICATION

When an employee is notified they have become the subject of an administrative investigation, the department shall issue to the employee in writing the nature of the allegations and the employee's rights and responsibilities relative to the investigation.

## Personnel Complaints

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### 1020.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Alameda Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

## Personnel Complaints

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- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

### 1020.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

### 1020.6.5 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### 1020.6.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough and complete. The format should start with a list of pertinent information, including, but not limited to: Dates/Times Occurred, Date/

## *Personnel Complaints*

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Time Reported, Location of Incident, Complainant, Allegations, Subject Employee(s), Witness Employee(s), Other Witnesses, Attorney(s), and Connected Report. The body of the investigation should follow this format:

**Summary:** Provide a brief summary of the facts giving rise to the investigation.

**Investigation:** Give a detailed, chronological account of the investigative steps taken. Include observations made from evidence examinations and comprehensive summaries from all interviews. Use sub-headings to separate sections of the investigation when appropriate.

**Findings:** For every subject employee, address each allegation separately by assigning an appropriate disposition based on the investigation and evidence. Summarize all evidence relevant to the allegation in support of the disposition.

**Recommendations:** If applicable, and when appropriate, provide a recommendation regarding further action or disposition.

**Attachments:** Provide a list of all exhibits referenced in and attached to the investigation, including documents, photos, recordings, etc.

### 1020.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### 1020.6.8 INTERNAL NOTIFICATION

To ensure appropriate executive oversight and timely leadership intervention when necessary, complaints shall be classified into two categories for notification purposes:

#### Immediate Notification Required

The Internal Affairs Unit shall notify the Chief Executive Officer (Chief of Police) as soon as possible, ideally within 24 hours, upon receipt of complaints involving:

- Allegations of criminal conduct by an employee.
- Use of force resulting in serious injury or death.
- Allegations of bias-based policing, racial profiling, or violations of civil rights and the allegation appears to have merit.
- Allegations involving corruption, bribery, or theft by agency personnel.
- Allegations involving command staff or high-ranking officials.
- Incidents that have garnered or are likely to garner media attention or pose a risk to public confidence.
- Allegations of misconduct during high-profile operations or public events.

#### Deferred Notification Permitted

## *Personnel Complaints*

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Complaints that are less urgent in nature may be summarized in periodic reports to the Chief Executive Officer. These may include:

- Minor misconduct such as rudeness, tardiness, or failure to follow administrative procedures.
- Policy violations that do not involve public safety or criminal behavior.
- Complaints already resolved at the supervisory level and documented for reference.

The Watch Commander (or designee) shall use professional judgment and consider the totality of circumstances in determining the timing of notification when cases do not clearly fall into either category.

### **1020.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

#### **1020.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

### **1020.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Alameda Police Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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### **1020.9 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

### **1020.10 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

### **1020.11 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### **1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

### **1020.13 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review

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the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

### 1020.14 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

#### 1020.14.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

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2. If the member elects to respond orally, the presentation may be recorded by the Alameda Police Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

### 1020.14.2 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Bureau Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

### 1020.14.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

### 1020.14.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

## **1020.15 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

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A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Alameda Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### 1020.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Alameda Police Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
  - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
  - 2. Findings of civilian review boards.
  - 3. Final dispositions of any investigations.
  - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Alameda Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

#### 1020.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Alameda Police Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:

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1. A narrative of the allegations
  2. Date and time of incidents
  3. Location of occurrence
  4. Any witness information, if available
  5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

### 1020.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
1. The Alameda Police Department shall provide the name of the body conducting the proceeding.
  2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
1. The name of the court having jurisdiction over the criminal charges against the officer.
  2. The status of the criminal case, if known.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

Practical safety measures should be used to reduce the risks and hazards associated with police work. The Department provides soft body armor for personnel in an effort to improve safety.

The rules governing the providing of body armor for sworn employees by the City of Alameda are outlined in the Memorandum of Understanding.

#### 1024.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 41.3.5, 41.3.6](#)

### 1024.2 POLICY

It is the policy of the Alameda Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures. The wearing of body armor is mandatory for all [personnel engaged in pre-planned, high-risk situations.](#) ~~uniformed officers while on duty.~~ [Generally, the use of body armor is required subject to the following:](#)

- (a) [Officers shall only wear agency-approved body armor.](#)
- (b) [Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.](#)
- (c) [Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.](#)
- (d) [Body armor shall be worn when an officer is working in uniform, involved in high risk and/or pre-planned operations or taking part in Department range training.](#)
- (e) [An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.](#)

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections.

[Soft body armor should never be stored for any period of time in an area where environmental conditions \(e.g., temperature, light, humidity\) are not reasonably controlled \(e.g., normal ambient room temperature/humidity conditions\), such as in automobiles or automobile trunks.](#)

[Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor.](#)

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[If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.](#)

[Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.](#)

### 1024.3 REPLACEMENT PROCEDURE

The City will replace body armor based on manufacturer recommendations, ~~and Rangemaster approval.~~

- Vouchers for body armor are issued from the Personnel and Training Office.
- Take the voucher to the authorized distributor for fitting and ordering of the body armor.
- Upon receipt of the new body armor, return the packing slip to P&T along with the serial number, make and model.
- The Personnel and Training Sergeant shall be responsible for maintaining a body armor replacement schedule.

### 1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.
- (d) [Annual inspections of body armor should be conducted by a Range Master for fit, cleanliness, and signs of damage, abuse and wear.](#)

## Outside Employment

### 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

#### 1040.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 22.2.5](#)

#### 1040.1.2 DEFINITIONS

**Outside Employment** - Any member of this Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Department for services, product(s) or benefits rendered.

**Contractual Overtime** - Any member of this Department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such contractual overtime shall be requested and scheduled directly through this Department so that the Department may be reimbursed for the cost of wages and benefits.

### 1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit and be allowed to work no more than two events per month. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

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### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

### 1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

### 1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

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- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient.
- (e) The employee shall not be engaged in a shift that does not allow adequate rest periods (minimum eight hours) between normal duty hours and the outside employment.

### 1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  1. The officer(s) shall wear the departmental uniform/identification.
  2. The officer(s) shall be subject to the rules and regulations of this department.
  3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  5. Outside security services shall not be subject to the collective bargaining process.
  6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside contractual overtime assignment shall be required to complete all related reports in a

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timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### 1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

### 1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment (e.g. body armor, smartphone, pepper spray, handcuffs, badge, etc.) or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

#### 1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

### 1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-

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duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Alameda Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

## Line-of-Duty Death

### 1043.1 PURPOSE AND SCOPE

This policy outlines the procedures to be followed in the event of a member's line-of-duty death.

#### 1043.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 22.1.5, 41.2.4](#)

### 1043.2 PERSONNEL ASSIGNMENTS

**Department Liaison Officer** - Appointed by the Chief of Police, (or in his/her absence, the Bureau of Services Captain), the Liaison Officer coordinates department resources and staff to meet the needs of a member's family, and makes efforts to ensure all department responsibilities and family wishes are fulfilled.

**Unit Commander** - Directs the notification of appropriate family members and oversees the entire process.

**Notification Officer** - Appointed by the Unit Commander, the Notifications Officer informs the member's family of the line-of-duty death. This person may be pre-designated in the member's Emergency Card, which is on file in the Personnel and Training section. The Notification Officer may also be assigned as Assistant Liaison officer.

**Notification Team** - Appointed by the Unit Commander, the Notification Team accompanies the Notification Officer and provides support to the family.

**Hospital Liaison Officer** - The Hospital Liaison Officer facilitates interaction between the hospital staff, the family of the deceased member, other members, and medical personnel. The Hospital Liaison Officer should make every effort to obtain a private room for the family, and may be responsible to ensure the member and his/her family is insulated from unwanted intrusion.

**Family Liaison Officer** - Appointed by the Chief of Police, (or in his/her absence, Bureau Commander of the deceased member), the Family Liaison Officer assists the family in meeting immediate needs, and functions as a liaison to communicate the family's needs to the Department throughout the period following a member's death. In some instances, the officer appointed as the Notification Officer may also serve as Family Liaison Officer.

**Department & Association Benefits Coordinator** - Appointed by the APOA President, the Department and Association Benefits Coordinator helps the family access APOA and department-related benefits, works as a liaison with the Family Liaison Officer and the Department Benefits Coordinator, and assists in the planning of the member's funeral.

### 1043.3 LINE-OF-DUTY DEATH PROCEDURE

Department personnel shall complete a sequence of five steps in the event of a member's line-of-duty death:

1. Notification of the family

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2. Support the family at the hospital
3. Support the family with funeral arrangements
4. Support the family in obtaining all applicable benefits
5. Provide the family with long-term support

### 1043.3.1 NOTIFICATION OF THE FAMILY

The notification process should inform a member's family of the line-of-duty death, and provide the family with immediate support.

The department should notify a member's family before the name of the deceased member is released to the media or any other agency. Police radio broadcasts are often monitored by the media. If the media obtains the name of an injured or deceased member, officers should advise the media to withhold release of the information pending notification of family members.

Notification and support of the family shall be accomplished as follows:

- (a) The Department Liaison Officer directs the injured or deceased member's Unit Commander to form a Notification Team.
- (b) The Unit Commander examines the member's Emergency Notification Form in the Personnel and Training Section, and identifies those people the member requested to be notified in the event of an emergency.
- (c) The Unit Commander selects the Notification Officer and the members of the Notification Team.
  1. The Notification Team consists of a minimum of two Department personnel; one of whom is identified as the Notification Officer.
  2. The Unit Commander may designate him/herself as Notification Officer, Notification Team member, or choose not to be part of the Notification Team.
  3. A member of the Department who is a close friend of the injured/deceased member should be considered first for the Notification Officer position.
- (d) Accompanied by the Notification Team, the Notification Officer requests admission to the family residence.
  1. The Notification Officer shall never inform the family on the doorstep.
  2. If the member's residence is too far away, or the person to be notified works a distance from the Department, the Notification Officer may contact the respective police agency to make the notification and arrange for the family's transport to the hospital. The Notification Officer shall make arrangements to meet the police agency transporting the family and/or to provide an APD escort to the hospital.
  3. If a family member has a medical problem:
    - (a) Arrangements for medical personnel to be at the residence at notification should be considered.
  4. If notification is made at a work site:

### *Line-of-Duty Death*

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- (a) Request the help of the family member's supervisor in choosing an area where the family member can be informed.
- (b) If young children are at home or at school: The Notification Team shall facilitate arrangements for the care of young children. Team members should contact other family members or close friends. An officer will remain at the residence.
- (e) In the company of another team member, the Notification Officer shall notify the family of a member's serious injury or line-of-duty death.
  - (a) The Notification Officer should recount in a clear manner the facts surrounding the incident. The Notification Officer shall make every effort to answer all questions to the best of his/her ability. If a member has died, the Notification Officer should speak plainly, and should avoid words or phrases that may be construed as providing false hope or ambiguity.
- (f) Other Notification Team Members shall provide support and, as necessary, greet other family members.

#### 1043.3.2 HOSPITAL SUPPORT

The department will make every effort to provide transportation of the family to the hospital, and facilitate communication between the family, medical personnel, and police staff.

Support of the family at the hospital shall be accomplished as follows:

- (a) The Notification Officer or another member of the Notification Team shall transport the family to the hospital in a police department vehicle, and support the family during the time they are at the hospital. If possible, a vehicle without a cage should be used. If a family member insists on driving, the family member should be accompanied by a member of the Notification Team.
- (b) Keep all press away from the family.
- (c) The Notification Officer, or another member of the Notification Team, shall inform the hospital a family member is coming.
- (d) The first police officer to arrive at the hospital, other than the Chief of Police, assumes the duties of Hospital Liaison Officer. If this step is not practical, the first police officer arriving at the hospital shall designate another officer to assume the responsibilities of Hospital Liaison Officer.
- (e) The Hospital Liaison Officer shall request the Patient Services Coordinator, or other appropriate hospital personnel, designate a secure waiting area for the member's family.
- (f) The Hospital Liaison Officer shall request medical personnel provide the family with information regarding the member before releasing any information to other parties.

### *Line-of-Duty Death*

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- (g) The Family Liaison Officer will consult with the Investigations Division Commander to determine what information is appropriate for release to the family as information becomes available. It is important for the family to know as much as possible about the incident in which the member was involved in, to eliminate the possibility of misinformation.
- (h) If the family is allowed to see the member at the hospital, the Hospital Liaison Officer shall ensure a medical representative prepares the family for what they might see, and asks that the Notification Officer, or a Department member who is a friend of the family, accompany them. If a member has died, the family should be allowed to view the body.
- (i) The Hospital Liaison Officer shall ensure the hospital Patient Services Coordinator forwards all medical bills related to the member to the Service Division Lieutenant.
- (j) The Notification Officer, or another member of the Notification Team, shall facilitate the family's return home from the hospital.

#### 1043.3.3 FUNERAL ARRANGEMENTS

Support for the family in funeral arrangement preparation shall be accomplished as follows:

- (a) The Family Liaison Officer shall inform the family of possible funeral arrangement options. If the family chooses a police funeral, (for sworn members), the Family Liaison Officer shall be responsible for explaining the details of the service to the family. The Association Benefits Coordinator and at least one APOA Board of Directors' representative should attend all meetings regarding the planning of funeral services.
- (b) The Family Liaison Officer and Association Benefits Coordinator shall provide the family with as much assistance for the funeral as possible, including overseeing travel and lodging arrangements for family members, and arranging for meals, child care, transportation, etc.
- (c) The Family Liaison Officer and Association Benefits Coordinator will be responsible for issuing a teletype message to outside law enforcement agencies.
- (d) The teletype will include, at a minimum, the following information: name of deceased, date and time of death, circumstances surrounding death, funeral arrangements, (private or police), and family requested expressions of sympathy. If the family requests a police funeral, the teletype message should include the uniform to be worn, contact person, and phone number for visiting departments to call when confirming their attendance or requesting information.
- (e) The Department Liaison Officer shall direct the funeral activities of the Department and visiting law enforcement agencies in accordance with the wishes of the family. The Department Liaison Officer shall use the Line-of-Duty Death Procedures Checklist and the Law Enforcement Funerals Checklist, to ensure plans are complete. Direction of funeral activities may include the following tasks:
  - 1. Establishment of an itinerary with the Chief of Police; Bureau Commanders; the funeral director; the family priest or minister; the cemetery director; the Honor Guard, pallbearers, and ushers; and the Alameda Police Officers Association.

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2. Coordination of traffic management with other jurisdictions.
  3. Creation of a roster of all departments attending the funeral, to include the number of personnel.
  4. Acknowledgment of visiting and assisting departments.
  5. Assignment of an officer to be present at the family home during the viewing and funeral.
- (f) The Association Benefits Coordinator shall arrange a reception following the funeral for Department and outside agency personnel.
- (g) The Department Liaison Officer is also responsible for arranging for the member's personal belongings to be delivered to the family.
- (h) The Association Benefits Coordinator is responsible for notification to all law enforcement support and social organizations such as Camaraderie, 100 Club, Widows and Orphans, etc. of the death of the sworn member.
- (i) The Department Liaison Officer shall arrange for routine house checks at the home of the member's family for at least six weeks following the funeral.

#### 1043.3.4 FAMILY BENEFITS

The department will make every effort to ensure the deceased member's family receives appropriate continued support after the funeral, and all City of Alameda and APOA benefits to which it is entitled.

To ensure the family receives all appropriate benefits, the following shall be accomplished:

- (a) The APOA Benefits Coordinator will make initial contact with the family a few days after the funeral.
- (b) The APOA Benefits Coordinator shall provide the family with a Summary of Benefits briefing, in coordination with the Department of Human Resources. If there are surviving children from a former marriage, the APOA Benefits Coordinator provides the children's guardian with information about the benefits to which the children may be entitled.
- (c) The APOA Benefits Coordinator will communicate with Human Resources to ensure the family's medical and dental benefits are not revoked.
- (d) The Benefits Coordinator is responsible for assisting the family in ensuring all necessary paperwork is filed for the family to receive applicable benefits.
- (e) The Benefits Coordinator will communicate with the family as long as necessary for follow-up to make sure the family receives all benefits to which it is entitled.
- (f) The Association Benefits Coordinator will establish and monitor the trust fund for the family, if established.

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### 1043.3.5 LONG-TERM SUPPORT

The department is committed to providing a deceased member's family with continued support in the months and years following a member's death.

The department recognizes the responsibility to a deceased member's family does not end at a member's funeral, nor can guidelines be set for what a member's family might need or how individual department members may help. Members of the department must remain sensitive to the needs of the family long after the member's death.

Long-term family support shall be accomplished as follows:

- (a) The Family Liaison Officer and the Association Benefits Coordinator shall ensure the member's family is invited to appropriate police and APOA events.
- (b) If there are no investigative or legal prohibitions governing the release of information, the Family Liaison Officer shall relay all details of the fatal incident to the family at the earliest opportunity. If criminal or civil action follow the death, the Family Liaison Officer, or an appropriate department representative, shall perform the following steps:
  1. Inform the family of new developments prior to a press release.
  2. Keep the family apprised of all legal proceedings.
  3. Introduce the family to victim assistance specialists.
  4. Advise the family that it is permissible for them to attend the trial; do not discourage them from attending.
  5. Arrange for investigators to meet the family, if possible.
- (c) The Chief of Police and an APOA representative shall commemorate the 1st anniversary of the member's death, and each year thereafter.
- (d) An Association representative should commemorate the anniversary of a sworn member's death each year by placing flowers at the Police Administration Building's memorial display case.
- (e) An Honor Guard composed of the Chief, Command Personnel, Traffic, and Association Representative(s) should plan to visit the grave sites of fallen sworn members each year on the designated date.
- (f) The Family Liaison Officer and the APOA shall continue to have contact with the family and ensure that the needs of the family are met.
- (g) The Association Benefits Representative shall be responsible for notifying the Northern California Chapter of Concerns of Police Survivors (C.O.P.S.) to contact the family and offer assistance.
- (h) The APOA shall coordinate both Sacramento and D.C. Memorials.

### 1043.4 LINE-OF-DUTY INJURY

If a member of the department receives a significant on-duty injury, the first two (2) steps of this policy, Notification of the Family, and Hospital Support, should be followed.

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For the purposes of this policy, a significant injury is defined as one which requires admittance to the hospital for more than one (1) day.

Nothing in this policy is intended to contravene Policy 1042 of this manual.

## Illness and Injury Prevention

### 1059.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Alameda Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

#### 1059.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 46.3.2](#)

### 1059.2 POLICY

The Alameda Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Alameda Police Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Alameda Police Department to comply with all laws and regulations related to occupational safety.

### 1059.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Bureau Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  1. Meet regularly.
  2. Prepare a written record of safety and health committee meetings.
  3. Review the results of periodic scheduled inspections.
  4. Review investigations of accidents and exposures.
  5. Make suggestions to command staff for the prevention of future incidents.
  6. Review investigations of alleged hazardous conditions.
  7. Submit recommendations to assist in the evaluation of member safety suggestions.

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8. Assess the effectiveness of efforts made by the Alameda Police Department to meet relevant standards.
- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

#### **1059.4 ADMINISTRATION BUREAU COMMANDER RESPONSIBILITIES**

The responsibilities of the Administration Bureau Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  1. New member orientation that includes a discussion of safety and health policies and procedures.
  2. Regular member review of the illness and injury prevention plan.
  3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing members of the illness and injury prevention guidelines.
  2. Recognizing members who perform safe work practices.
  3. Ensuring that the member evaluation process includes member safety performance.
  4. Ensuring department compliance to meet standards regarding the following:
    - (a) Respiratory protection (8 CCR 5144)
    - (b) Bloodborne pathogens (8 CCR 5193)
    - (c) Aerosol transmissible diseases (8 CCR 5199)
    - (d) Heat illness (8 CCR 3395; 8 CCR 3396)
    - (e) Emergency Action Plan (8 CCR 3220)
    - (f) Fire Prevention Plan (8 CCR 3221)
    - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

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- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1059.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Bureau Commander.
- (e) Notifying the Administration Bureau Commander when:
  1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Occupational illnesses and injuries occur.
  4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

#### **1059.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

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Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Personnel and Training Sergeant via the chain of command.

The Personnel and Training Sergeant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

### **1059.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Personnel and Training Sergeant shall ensure that the appropriate documentation is completed for each inspection.

#### **1059.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

### **1059.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

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Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

### **1059.9 TRAINING**

The Administration Bureau Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Alameda Police Department is made aware of a new or previously unrecognized hazard.

#### **1059.9.1 TRAINING TOPICS**

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretching and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.

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- (n) Other job-specific safety concerns.

**1059.10 RECORDS**

Except as otherwise provided in applicable law, records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Line-of-Duty Deaths

### 1060.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Alameda Police Department in the event of the death of a member occurring in the line of duty and to direct the Alameda Police Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1060.1.1 ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 22.1.5](#)

#### 1060.1.2 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1060.2 POLICY

It is the policy of the Alameda Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1060.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

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- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Alameda Police Department Liaison as soon as practicable (see the Notifying Survivors section and the Alameda Police Department Liaison and Hospital Liaison subsections in this policy).

#### **1060.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Alameda Police Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

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- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Alameda Police Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Alameda Police Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Alameda Police Department members may be apprised that survivor notifications are complete.

#### 1060.4.1 OUT-OF-AREA NOTIFICATIONS

The Alameda Police Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Alameda Police Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Alameda Police Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Alameda Police Department to pay travel expenses without the authorization of the Chief of Police.

#### 1060.5 NOTIFYING ALAMEDA POLICE DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those

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members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Alameda Police Department regarding the deceased member or the incident.

### **1060.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Alameda Police Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Alameda Police Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Alameda Police Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Alameda Police Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

#### **1060.6.1 ALAMEDA POLICE DEPARTMENT LIAISON**

The Alameda Police Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Alameda Police Department. The Alameda Police Department Liaison reports directly to the Chief of Police. The Alameda Police Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

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- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1060.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Alameda Police Department members and friends of the deceased member.
  - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Alameda Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Alameda Police Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

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- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

### 1060.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Alameda Police Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Alameda Police Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Alameda Police Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Alameda Police Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Alameda Police Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1060.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  1. Members involved in the incident.

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2. Members who witnessed the incident.
  3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
  - (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
  - (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
  - (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

#### 1060.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Alameda Police Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Alameda Police Department, including but not limited to the following:
  1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  2. Bagpipers/bugler
  3. Uniform for burial
  4. Flag presentation
  5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

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- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

### 1060.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Alameda Police Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Alameda Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

### 1060.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
  1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
  2. Social Security Administration.
  3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
  1. Education benefits (Education Code § 68120).
  2. Health benefits (Labor Code § 4856).
  3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  1. Private foundation survivor benefits programs.
  2. Survivor scholarship programs.

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- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### **1060.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Chief of Police and the Alameda Police Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **1060.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Alameda Police Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

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- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

#### **1060.8 ALAMEDA POLICE DEPARTMENT CHAPLAIN**

The Alameda Police Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **1060.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

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**1060.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

**1060.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.