

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 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.

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.

Use of Force

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 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.

Use of Force

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, 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.

Use of Force

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)).

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)).

Use of Force

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).

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).

Use of Force

- (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 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.

Use of Force

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 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.

Use of Force

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.
- (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

Use of Force

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\(s\)](#).

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.

Use of Force

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 should not use deadly force against a person whose actions are a threat solely to property.

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).

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.

Use of Force

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.
- (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.

Use of Force

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, 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.

Use of Force

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.

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 TRAINING

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

Use of Force

300.8.1 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) 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.

300.8.2 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)).

300.9 USE OF FORCE ANALYSIS

At least annually, the Field Services Bureau Commander should prepare an analysis report on use of force incidents. 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) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 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)).

300.11 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)).

Use of Force

300.12 POLICY AVAILABILITY

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

300.13 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)).

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 PROGRAM OVERVIEW

Normally, ~~three the first and tenth~~ 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, ~~usually to be eighteen (18) weeks in duration~~ the successful trainee must demonstrate ~~to his/her training officer(s) and his/her supervisor(s)~~, that he/she has the ability to adequately perform all duties required of an Alameda Police Officer. ~~The duration of the program may be adjusted for a lateral recruit who is eligible for the accelerated FTO program.~~

436.1.2 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. ~~Basically, The the~~ program shall consist of ~~three two (3 2)~~ weeks of In-House training and ~~a sixteen (16) weeks of In-Field Training Program.~~ Exceptions may be made for those in the accelerated FTO program.

(I). IN-HOUSE TRAINING - ~~The purpose of this portion of the Field Training Officer Program is to enable the newly hired officers to receive training, as described below, to sufficiently achieve an effective and meaningful transition from the basic police officer academy or their previous employer (in case of the newly hired lateral entry officers) to the field training portion of the program.~~ This program ~~may be two (2) working weeks or less in duration, during the first and tenth weeks of the program and~~ 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.

Field Training Officer Program

- (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.
- (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 strategic tactical communications and conflict resolution.
- (o) Scenario training providing practical training on application of Department Policies General Orders, 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 FTO CYCLE

- (a) ~~This portion of the program shall be divided into four (4) 4-week phases except for those in the accelerated FTO program.~~ Phase I shall be conducted by the primary Field Training Officer who shall, in conjunction with the FTO Sergeant and Lieutenant, determine whether ~~or not~~ the newly hired officer has corrected any discrepancies or weaknesses which affect the performance of the police patrol function.
- (b) ~~Subsequent~~ Phases II and III shall be conducted by secondary FTO's ~~who work on platoons differing from the platoon on which the primary FTO works.~~ Whenever possible, the secondary FTO's shall be working on different shifts. Exceptions may be made for those in the accelerated FTO program.
- (c) Phase IV ~~The last 4-week phase~~ shall be conducted by the primary FTO who shall evaluate the trainee with respect to overall improvement and readiness in with respect to 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, personally prepare all reports and conduct all investigations, and fulfill carry on all police related duties. The FTO will be in the car only as an observer-evaluator, unless the need for immediate intervention arises. ~~During the last two weeks of this phase, the FTO will not be in uniform but shall wear neat casual clothing.~~

Field Training Officer Program

- (d) Upon completion of the final phase ~~of the program~~, 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.
- (f) ~~The FTO Program is the essential means by which goals and objectives are achieved, specifically, the production of a police officer capable of performing all patrol officer functions in a safe, skillful, efficient and professional manner. As such, the FTO must possess the requisite experience and performance skills as well as training skills necessary to become a reliable evaluator of the trainee and an effective instructor. The FTO must serve as a role model for the trainee with respect to all job-related characteristics and functions. The FTO's professional and personal conduct should be exemplary and reflect the highest possible level of dedication to duty, idealism and job-related knowledge and skills, keeping in mind that the effectiveness, image and future of the Department is substantially impacted by the quality of its personnel.~~
- (g) ~~The FTO has two primary roles; that of a police officer assuming full sector responsibility, and that of a trainee/evaluator of newly hired officers. His/her sector responsibilities are clearly defined in other Departmental publications. His/her role as a trainee/evaluator consists of providing on-going instruction and ratings.~~

436.1.3 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

Field Training Officer Program

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.

436.2 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.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) At least one year of experience ~~Minimum of four years of patrol experience, two of which shall be~~ with this department, and at least one year in Patrol
- (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

436.2.2 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.

436.3 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

Field Training Officer 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)).

436.4 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.

436.5 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.

436.5.1 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.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Alameda Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 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.

Field Training Officer Program

- (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.

436.6.2 IMMEDIATE SUPERVISOR

The Field Training Sergeant shall review and approve the Daily Trainee Performance Evaluations. ~~The Field Training Sergeant will also review and approve the Weekly Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor and/or Field Training Sergeant.~~

436.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Lieutenant will periodically review the ~~Daily~~ Weekly Trainee Performance Evaluations submitted by the FTO ~~to through his/her immediate supervisor and/or~~ the Field Training Sergeant.

436.6.4 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.

436.7 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

436.7.1 DAILY EVALUATIONS

- (a) ~~The daily evaluation process shall commence with the first week of training and continue thereafter for a period of 16 weeks. Evaluations shall be completed after each day of training using the Daily Observation Report (DOR). The Department has adopted the "Design PD" FTO software that allows automation of the DOR's completed by the FTO's. Once a week, the patrol division supervisor shall prepare a weekly evaluation using the same daily evaluation form used by the FTO.~~
- (b) ~~Daily evaluations shall be conducted and completed by the FTO at the end of their working day and, whenever possible, the FTO and trainee shall be allowed to respond to the Department approximately one hour prior to the end of their shift for purposes of conducting and documenting the evaluations.~~

Field Training Officer Program

- (c) ~~All daily evaluations, along with any other pertinent information shall be maintained within the "Design PD" FTO software, accessible to FTO's via a protected password, with overall responsibility for maintenance by the FTO Lieutenant or his/her designee. Duplicate books can be printed at the discretion of the FTO Sergeant/Lieutenant and shall be kept within a 3-ring binder, referred to as the evaluation binder or "rookie book." Such books shall be kept within the locked FTO file cabinet, unless they are being used. Access to the file cabinet and binders is limited to program representatives and command officers.~~
- (d) ~~The Field Training Officer's attestation of each trainee's competence and successful completion of the Field Training Program and a statement that releases the trainee from the program, along with the signed concurrence of the department head, or his/her designate, shall be retained in department records based on current policy.~~

Lactation ~~Break Policy~~ Breaks

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide [guidance regarding](#) reasonable accommodations ~~to members desiring to express breast milk for the member's infant child~~ [for lactating members](#) (Labor Code § 1034).

1035.2 POLICY

It is the policy of ~~this department~~ [the Alameda Police Department](#) to provide, in compliance with ~~the Fair Labor Standards Act, reasonable~~ [federal and state law, reasonable accommodations for lactating members](#). This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing ~~infant~~ child (29 USC § 218d; [42 USC § 2000gg-1; 29 CFR 1636.3](#); Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the member ~~has the need to express breast milk requires a lactation break~~ (29 USC § 218d; [42 USC § 2000gg-1; 29 CFR 1636.3](#); Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. ~~Such~~

[Lactation](#) breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the ~~Communications Center~~ [dispatcher](#) or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Alameda Police Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in ~~close~~ proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view ~~and~~ [free from intrusion from co-workers coworkers](#) and the public, [and otherwise satisfy the requirements of federal and state law](#) (29 USC § 218d; [42 USC § 2000gg-1; 29 CFR 1636.3](#); Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid

Lactation

interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Alameda Police Department shall clearly label it as such and shall remove it when the member's [shift](#) ends- ~~her~~ **shift**.

1035.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Temporary Modified-Duty Assignments

1054.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the ~~Alameda~~ Alameda Police ~~Department~~ Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1054.2 POLICY

Subject to operational considerations, the Alameda Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Alameda Police Department with a productive employee during the temporary period.

1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Alameda Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the ~~Alameda~~ Alameda Police ~~Department~~ Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the ~~employee's~~ employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, ~~or~~ or engaging in outside employment, or ~~being~~ may otherwise ~~limited~~ limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

Temporary Modified-Duty Assignments

1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Alameda Police Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Bureau Commander, with notice to the Chief of Police.

1054.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

Temporary Modified-Duty Assignments

- (d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1054.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Alameda Police Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1054.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant **employee's** [employee's](#) right to a temporary modified-duty assignment if required under Government Code § 12945.

[If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Alameda Police Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate \(42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945\).](#)

1054.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a

Temporary Modified-Duty Assignments

leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1054.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment ~~shall~~ [may](#) have their probation extended by a period of time equal to their assignment to temporary modified duty.

1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.