

# Firearms

## 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.

## 312.2 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:

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\* 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.

\* 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 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.

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- (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.

### 312.3.4 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.

### 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.

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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.

### 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.

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- (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 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).

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### 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 § ~~16850~~; 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.

### 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

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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 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 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 with a Blue Team entry prior to the end of their shift, unless otherwise directed.
- (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 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.

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### 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, **warning** shots **or 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 should 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 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



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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):

- (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

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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.
- (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.

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### **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.

## 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.

### 318.2 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.

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

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- (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 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.

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

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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 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)
- (f) A recommendation for a year-to-year extension will be forwarded by the Canine Commander to the Chief of Police for approval.

### 318.9 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:

- (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.

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- (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.
- (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.

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- (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.

### 318.9.1 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.

### 318.10 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).

### 318.11 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 by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The Canine Supervisor 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 Commander or on duty/on call commander.

#### 318.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, 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.

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- (b) Canine handlers are encouraged to engage in additional training with approval of the Canine Commander.
- (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.

### 318.11.2 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.

### 318.11.3 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.

### 318.11.4 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.

### 318.11.5 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(f, 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).

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

### 318.11.6 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:

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- (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.

### 318.11.7 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 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

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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).

### 318.12 CANINE INJURY AND MEDICAL CARE

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 Supervisor, Commander or on duty/on-call commander as~~ 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.

### 318.13 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.
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.

# Custodial Searches

## 902.1 PURPOSE AND SCOPE

~~This~~ This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Alameda Police Department facility. Such items can pose a serious risk to the safety and security of ~~department~~ department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

## 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.



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### **902.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Alameda Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **902.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Alameda Police Department identification number and information regarding how and when the property may be released.

#### **902.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

### **902.5 STRIP SEARCHES**

No individual in temporary custody at any Alameda Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

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- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### 902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Alameda Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the individual who was searched.

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5. The name and sex of the members who conducted the search.
  6. The name, sex, and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

### **902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

### **902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

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- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Watch Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

### **902.7 TRAINING**

~~The~~ [The](#) Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.

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- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

### **902.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS**

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

### **902.9 JUVENILES**

No juvenile should be subjected to a strip search or a physical body cavity search at the Alameda Police Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
  - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

The employment policy of the City of Alameda shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, military or veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Alameda Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Alameda Police Department provides equal opportunities for applicants and employees regardless of 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. The Alameda Police Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Alameda Police Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Administration Bureau Commander ~~should~~ shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy ~~should~~ shall include:

- (a) Establishment of a written recruitment plan.
  - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.

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- (g) Consideration of shared or collaborative regional testing processes.

The Administration Bureau Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Alameda Police Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of ~~his/her~~ their status in the recruiting process.

### 1000.4 SELECTION PROCESS

The Alameda Police Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Alameda Police Department ~~should~~ shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) ~~Reference~~ Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
  - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)

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1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
  2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) [Relevant national and state decertification records, if available](#)
- (l) [Any relevant information in the National Law Enforcement Accountability Database](#)

### 1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

### 1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Alameda Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

#### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

#### 1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

#### 1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).



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Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Alameda Police Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Bureau Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

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### 1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Alameda Police Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Alameda Police Department.
- (b) Reports and documentation for candidates not hired by the Alameda Police Department for a minimum of four years.

### 1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Alameda Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

### 1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

### 1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Alameda Police Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

## **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Alameda Police Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

#### **1000.7.2 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

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1. Reading and writing ability assessment (11 CCR 1951)
  2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Alameda Police Department (Penal Code § 13510(d)).

# 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.

## 1002.2 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](#) ~~his~~ Division files shall accompany [them](#) ~~him~~ ~~her~~, 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.

**Termination** - If an employee quits or is terminated, [their](#) ~~his~~ ~~her~~ 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

## *Evaluation of Employees*

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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 a 1-5 basis that best describes the employee's performance. The rater will give an overall rating of the employee's performance. The definition of each rating category is as follows:

**Superior** - The employee's performance consistently exceeds the performance required for the position. It is exceptional performance, definitely superior or extraordinary.

**Above Average** - The employee accomplishes more than what is expected. They consistently and frequently exceed the job requirements.

**Average** - The employee is doing a satisfactory job. Performance is what is expected of a qualified person in their assigned position.

**Below Average** - The employee's level of performance is less than expected of a competent employee in their position. A below-average rating must be thoroughly discussed with the employee. Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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 under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater 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

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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**

When the supervisor has completed the evaluation, they will submit it to the Division Commander for review. Once reviewed by the Division Commander, the report will be forwarded to the Bureau Commander ~~and then to the Chief of Police~~ for review. After being reviewed by everyone in the employee's chain of command, the employee will receive the evaluations to be reviewed and signed.

### **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

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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 ~~Assignment Selection~~ Assignments and Promotions

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish ~~required~~ guidelines for promotions and ~~desirable qualifications~~ for making special ~~assignment selection~~ assignments within the ~~ranks of the~~ Alameda Police Department.

~~It is the policy of the Department to select personnel to fill vacancies in special assignments according to Department goals, objectives, and career development.~~

#### 1004.1.1 SELECTION CRITERIA

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

### 1004.2 SPECIAL ASSIGNMENT DURATION

The following assignments are subject to this policy:

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

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

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

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

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

*Special*

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**1004.2.1 EXTENSION REQUEST PROCESS**

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

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.

# Sick Leave

## PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

## POLICY

It is the policy of the Alameda Police Department to provide eligible employees with a sick leave benefit.

## USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

### 1014.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than 30 minutes before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

The Watch Commander or Supervisor, will verify through the Department's staffing application how many hours of sick leave the employee has used during the current calendar year. If the employee has used more than fifty percent of their yearly sick leave accrual, The Watch Commander or Supervisor will inform the employee that they ~~may~~ ~~shall~~ be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. The yearly sick leave accrual is ninety-six (96) hours. Fifty percent of that time is equal to or greater than forty-eight (48) hours

## Sick Leave

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When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Alameda Police Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### EXTENDED ABSENCE

~~Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work.~~ Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

~~Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.~~

### REQUIRED NOTICES

The Human Resources Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

### SUPERVISOR RESPONSIBILITIES

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

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.

## *Sick Leave*

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- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Lactation Break Policy

## 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to ~~employees-~~ members desiring to express breast milk for the ~~employee's-~~ member's infant child (Labor Code § 1034).

## 1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any ~~employee-~~ member desiring to express breast milk for ~~her-~~ the member's nursing infant child (29 USC § ~~207~~ 218d; Labor Code § 1030).

## 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the ~~employee-~~ member has the need to express breast milk (29 USC § ~~207~~ 218d; 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 breaks, if feasible, should be taken at the same time as the ~~employee's-~~ 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).

~~Employees-~~ Members desiring to take a lactation break shall notify the Communications Center 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 ~~employees~~ 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 ~~employee~~ 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 and the public (29 USC § ~~207-and-Labor-~~ 218d; Labor Code § 1031).

~~Employees-~~ 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 ~~employees-~~ members should avoid interrupting ~~an employee-~~ a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for ~~employees-~~ members assigned to the field may be taken at the nearest appropriate private area. ~~-The employee and their supervisor should meet to discuss how~~

## *Lactation Break Policy*

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~~the City can best accommodate the employee and ensure they are able to schedule breaks as needed. The room the employee uses to express milk should be private, have an electrical outlet and be in close proximity to a refrigerator and running water.~~

### **1035.5 STORAGE OF EXPRESSED MILK**

Any ~~employee-~~ member storing expressed milk in any authorized refrigerated area within the ~~Alameda-~~ Alameda Police ~~Department-~~ Department shall clearly label it as such and shall remove it when the ~~employee-~~ member ends her shift.

#### **1035.5.1 STATE REQUIREMENTS**

~~Employees-~~ 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.

~~Employees-~~ 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).