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POLICY 200

200.1: PURPOSE AND SCOPE

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

200.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 11.1.1, 11.3.1, 12.1.1, 12.1.2, 12.1.3

200.2: POLICY

The Alameda Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Alameda Police Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3: DEFINITIONS

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

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

downward, there are several interlocking chains of command, yet there is only a single one going upward from any point in the organizational structure. The chain of command provides for a logical flow of policy, orders, reports, and information. The direction, up or down, is determined by the nature of the communication. All employees shall abide by the lines of authority or chain of command except in cases of emergency.

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

Inherent with delegated authority is the latitude to make decisions and take the necessary actions to satisfy the requirements of each assigned position. Commensurate with the authority, each employee will accept the responsibility for the use, misuse, or failure to use that authority.

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

200.3.1: PERSONNEL DEFINITIONS

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

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

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

- **Chief of Police**
- **Police Captain**
- **Police Lieutenant**
- **Police Sergeant**
- **Police Officer**

- **Police Professional Staff**
- **Professional Staff Employee**

200.4: ORGANIZATIONAL CHART

The [Chief of Police](#) or the authorized designee is responsible for developing and maintaining an organizational chart which shall be accessible to all members. The organizational chart shall be reviewed and updated annually and whenever structural changes occur.

200.5: BUREAUS

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

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

200.5.1: BUREAU OF SUPPORT SERVICES

The Bureau of Support Services is commanded by a Captain. The Bureau of Support Services consists of Administrative Services, Communications Center, Investigations Division, Technical Services, and the Traffic Unit.

200.5.2: BUREAU OF FIELD SERVICES

The Bureau of Field Services is commanded by a Captain. The Bureau of Field Services consists of Animal Control Services, Canine Unit, Critical Incident Response Team, Marine Unit, and the Patrol Division.

200.5.3: BUREAU OF PROFESSIONAL STANDARDS

The Bureau of Professional Standards is commanded by a Captain. The Bureau of Professional Standards consists of the Community Oriented Policing and Problem Solving Unit, Inspectional Services Division, Personnel & Training Unit, Property & Evidence Unit, and the Records Division.

200.6: COMMAND AND SUPERVISORY AUTHORITY AND RESPONSIBILITIES

Command protocol in situations involving personnel of different offices or sections engaging in a single operation is as follows:

1. The command structure always follows the chain of command.
2. Whenever the command structure is not easily distinguishable by rank, responsibility of command remains with the command officer having primary functional responsibility.
3. Whenever command structure is easily distinguishable by rank but the command officer having primary functional responsibility is of lower rank, the responsibility of command remains with the highest ranking officer.

4. Primary functional responsibility means matters that fall within the officer's normal responsibilities and duties.

200.6.1: CHIEF OF POLICE

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

Responsibilities - Through the Chief of Police, the Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department, for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by competent authority, and for the Department's relations with the citizens of Alameda, the City government and other agencies.

200.6.2: POLICE CAPTAIN

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

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

200.6.3: POLICE LIEUTENANT

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

200.6.4: COMMAND OFFICER

Authority and Responsibility

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

- a. **Command** - The inspection, direction, and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command and/or supervision in his/her absence.
- b. **Loyalty and Esprit De Corps** - The development and maintenance of esprit de corps and loyalty to the Department.
- c. **Discipline and Morale** - The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.
- d. **Inter-Divisional Action** - The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to his/her command when delay necessary to inform the proper unit might result in a failure to perform a police duty.
- e. **Grievance Resolution** - The resolution of personnel grievances in accordance with the provisions of Department directives and current Memorandum of Understanding.
- f. **Organization and Assignment** - Proper organization and assignment of duties within his/her unit to assure proper performance of Department functions and those of his/her command.
- g. **Reports and Records** - Preparation of required correspondence, reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
- h. **Maintenance** - Assurance that quarters, equipment, supplies and material assigned to his/her command are correctly used and maintained.

200.6.5: OFFICER-IN-CHARGE

Authority and Responsibilities

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

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

200.6.6: POLICE SERGEANT

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

200.6.7: SUPERVISORS

AUTHORITY AND RESPONSIBILITIES

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

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

200.6.8: POLICE OFFICER

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

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

200.6.9: PROFESSIONAL STAFF POLICE EMPLOYEES

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

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

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

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

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

200.7: REQUIREMENT TO OBEY LAWFUL ORDERS

Employees must promptly obey any lawful orders, or directives of a supervisor. This includes orders or directives from a superior that an employee of the same or lesser rank relays. If an employee receives a conflicting order or directive, the employee must respectfully call the conflict to the attention of the supervisor giving the last order. If the supervisor giving the last order does not change the order, the employee must obey the last order and is not responsible for disobedience of the first order.

200.7.1: UNLAWFUL ORDERS

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

205: Training

205.1: PURPOSE AND SCOPE

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

205.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 12.2.1, 33.1.5, 33.1.6, 33.4.2, 33.5.1

205.2: POLICY

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

205.3: PHILOSOPHY

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

205.4: BASIC ACADEMY LAW ENFORCEMENT TRAINING PROGRAM

Members hired as recruits will be assigned to attend a California POST certified law enforcement training program. The Basic Academy Law Enforcement Training Program shall include:

1. A curriculum based on tasks and duties of a fully functioning sworn officer, and
2. Evaluation techniques designed to measure competency in the required knowledge, skills, and abilities.

205.5: OBJECTIVES

The objectives of the Training Program are to:

- a. Enhance the level of law enforcement service to the public.
- b. Increase the technical expertise and overall effectiveness of our personnel.
- c. Provide for continued professional development of [department](#) personnel.

- d. Ensure compliance with POST rules and regulations concerning law enforcement training.

205.6: TRAINING PLAN

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

- Legislative Changes
- State Mandated Training
- Critical Issues Training

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

205.6.1: LESSON PLANS

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

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

205.6.2: REMEDIAL TRAINING

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

All remedial training will be documented in writing.

205.6.3: POST-MANDATED TRAINING

Members of the Alameda Police Department shall complete all POST-mandated training, including (Penal Code § 13510; 11 CCR § 1005):

- a. Entry-level training standards, prior to being assigned duties that include the exercise of peace officer power.
- b. At least 24 hours of POST-certified and/or POST-approved training every two years.

205.6.4: [CIVILIANNOSWORN] ORIENTATION

The Training Sergeant or the authorized designee shall provide all newly appointed professional staff members with information and instruction regarding the following:

- a. Alameda Police Department mission, values, and organizational structure (see the Organizational Structure and Responsibility Policy)
- b. Code of conduct and ethics (see Standards of Conduct Policy)
- c. Confidentiality and records handling (including CJIS compliance, if applicable)
- d. Workplace harassment and discrimination prevention (see the Discriminatory Harassment Policy)
- e. Safety procedures and emergency protocols
- f. Relevant department policies and procedures
- g. Role-specific expectations and duties

205.6.5: LEADERSHIP DEVELOPMENT

The Training Sergeant or the authorized designee shall establish a plan to train and develop personnel for future leadership responsibilities, including fair and appropriate professional development opportunities (e.g., mentorship, leadership training or academies, rotational or acting assignments, other opportunities designed to enhance supervisory and management knowledge, skills, and abilities).

205.7: TRAINING NEEDS ASSESSMENT

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

205.8: PERSONNEL AND TRAINING UNIT

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

205.8.1: PERSONNEL AND TRAINING SERGEANT

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

- a. The responsibilities of the Personnel and Training Sergeant include, but are not limited to, the below functions:
 1. Develop, implement, maintain and coordinate a recruiting and selection program as needed in coordination with the City Personnel Department to insure that Department staffing levels are constantly maintained and comply with Federal and State mandates as well as Department needs.
 2. Develop, conduct and implement, continuous training programs for all Department personnel in compliance with the Department Training Plan.
 3. Maintain Department personnel records.
 4. Establish, control and supervise the Department vacation schedules. Assist the Staffing Allocation Lieutenant with respect to personnel assignment charts and maintain records of personnel transfers within the Department.
 5. Maintain, control and update the Department Education Incentive Program for those officers eligible to participate.
 6. Develop an annual budget to cover the required expenditures for achieving the Department's personnel and training function as well as the Education Incentive program.
 7. Process retirements, leaves of absence and terminations.
 8. Oversee the Department Firearms Range program with the Rangemaster and coordinate firearms training with other Department training schedules.
 9. Maintain the Department Performance Evaluation process to insure all personnel are evaluated according to department policy.
 10. Represent the Chief of Police in personnel matters at meetings and official functions as required.
 11. Maintain the Department Personnel Roster.

205.8.2: TRAINING PROGRAM

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

- All legislative mandated training.
- Job analysis based minimum required training for all Department assignments and promotions.
- Recruit and continuing professional training in conformance with the requirements established by the California Commission on Peace Officer Standards and Training and the California Board of Corrections Standards and Training for Correctional Officers.
- In-Service Training related to important and critical aspects of job performance such as firearms training, defensive tactics training and crowd control training.
- Remedial training in areas where needed.

- In addition to the above stated duties, the Personnel and Training Sergeant shall be available upon request to discuss any member's educational and training needs as they relate to improving job performance and career development.

205.8.3: PERSONNEL AND TRAINING RECORDS

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

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

205.8.4: EDUCATION INCENTIVE PROGRAM

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

205.8.5: PUBLIC INFORMATION FUNCTIONS

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

- Provide speakers for, or speaking at, eligible citizen groups and institutions relative to their area of responsibility. Refer to the directive concerning public speaking engagements.

- Arrange for the release of personnel and training information to the news media where appropriate.
- Coordinate with similar functions in other Departments, governmental agencies and community organizations.

205.8.6: LIAISON FUNCTIONS

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

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

205.9: TRAINING BULLETIN

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

Responsibility

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

Procedure

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

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

205.10: TRAINING COMMITTEE

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

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

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

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

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

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

205.11: TRAINING PROCEDURES

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

1. Court appearances
2. First choice vacation

3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

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

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

205.12: [trainingManager]

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

205.12.1: TRAINING RESTRICTION

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

210: License to Carry a Firearm

210.1: PURPOSE AND SCOPE

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

210.1.1: APPLICATION OF POLICY

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

210.2: POLICY

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

210.3: QUALIFIED APPLICANTS

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

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

- i. Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- j. Complete required training described in Penal Code § 26165.

210.3.1: NON-RESIDENT APPLICANTS

Non-resident applicants are required to meet the resident criteria described in the Qualified Applicants section of this policy, where applicable, as well as the requirements in Penal Code § 26150(b) and Penal Code §26155(b).

210.3.2: APPLICANT DISQUALIFICATION

The [Alameda Police Department](#) shall not issue a license when (Penal Code § 26195):

- a. The applicant fails to comply with all reporting requirements concerning any restraining orders, arrests, convictions, or charges as specified in Penal Code § 26202.
- b. The applicant knowingly provided false, inaccurate, or incomplete information in connection with any application for a license, license renewal, or license amendment pursuant to Penal Code § 26175(e).

210.4: APPLICATION PROCESS

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

210.4.1: PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- a. Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 1. If an incomplete application package is received, the [Chief of Police](#) or the authorized designee may do any of the following:
 - a. Require the applicant to complete the package before any further processing.
 - b. Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - c. Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., disqualifying criminal conviction).
- b. Applicant fees shall be submitted and processed according to [department](#)-established procedures and Penal Code § 26190.
 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.

2. Full payment of the remainder of the application fee will be required upon issuance of a license.
3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- c. Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).
- d. The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the [Alameda Police Department](#) shall give written notice to the applicant of the [Alameda Police Department's](#) initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person. This shall include a final determination on whether the applicant is an unlawful user of or addicted to any controlled substance described in 18 USC 922 (g)(3) (Penal Code § 26202).

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

210.4.2: PHASE TWO

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

- a. Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- b. The [Chief of Police](#) may, based upon criteria established by the [Chief of Police](#), require that the applicant be referred to an authorized psychologist used by the [Alameda Police Department](#) for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the [Alameda Police Department](#). The [Chief of Police](#) may allow non-resident applicants to complete the psychological assessment virtually or at an approved location in the applicant's state of residence (Penal Code § 26190).
- c. The applicant shall complete a course of training approved by the [Alameda Police Department](#), which complies with Penal Code § 26165.
- d. The applicant shall submit any firearm to be considered for a license to the [Rangemaster](#) or other [department](#) authorized gunsmith, at no cost to the applicant, for a full safety inspection. The [Chief of Police](#) reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- e. The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the [department Rangemaster](#), or provide proof of successful completion of another [department](#)-approved firearms safety and proficiency examination,

including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the [Chief of Police](#) or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

210.5: ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the [Chief of Police](#), the following shall apply:

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

210.5.1: LICENSE RESTRICTIONS

- a. The [Chief of Police](#) may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 1. Consuming any alcoholic beverage while armed.
 2. Falsely representing him/herself as a peace officer.
 3. Unjustified or unreasonable displaying of a firearm.
 4. Committing any crime.
 5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- b. The [Chief of Police](#) reserves the right to inspect any license or licensed firearm at any time.
- c. The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

210.5.2: AMENDMENTS TO LICENSES

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

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

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

210.5.3: REVOCATION OF LICENSES

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

- a. The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- b. The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- c. The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.

- d. Any information provided by a licensee in connection with an application for a new license or an application to amend a license was knowingly inaccurate or incomplete.
- e. If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).
- f. The licensee fails to notify the issuing [department](#) of a restraining order, arrest, charge, or conviction of a crime in Penal Code § 26202.

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

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

210.5.4: LICENSE RENEWAL

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

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

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

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

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

The Alameda Police Department shall not issue a renewal license unless confirmation has been received from the California DOJ that the applicant is eligible to possess, receive, own, or purchase a firearm (Penal Code § 26185).

210.5.5: LICENSE RESTRICTIONS

- a. The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 1. Consuming any alcoholic beverage while armed.
 2. Falsely representing him/herself as a peace officer.
 3. Unjustified or unreasonable displaying of a firearm.
 4. Committing any crime.
 5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- b. The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- c. The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

210.6: [DepartmentOffice] REPORTING AND RECORDS

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

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

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

210.7: CONFIDENTIAL RECORDS

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

210.8: LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

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

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

210.9: LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

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

210.10: WRITTEN NOTICE FOR DENIAL OF LICENSE

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

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

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

210.10.1: ADDITIONAL REQUIREMENTS

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

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

210.10.2: ADDITIONAL REQUIREMENTS

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

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the [Chief of Police](#) or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the

county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

210.10.3: ADDITIONAL REPORTING REQUIREMENTS

The [Alameda Police Department](#) shall submit the required prescribed information in Penal Code § 26202(f) to the National Instant Criminal Background Check System Index within 5 days upon determination that an applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance (Penal Code § 26202(f)).

210.11: POLICY AVAILABILITY

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

210.12: LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police [department](#) may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

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

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

318: Public Alerts

318.1: PURPOSE AND SCOPE

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

318.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: [41.2.41.2.6](#), 81.2.10

318.2: POLICY

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

318.3: RESPONSIBILITIES

318.3.1: MEMBER RESPONSIBILITIES

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

318.3.2: SUPERVISOR RESPONSIBILITIES

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

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

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

318.4: AMBER ALERTS

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

318.4.1: CRITERIA FOR AMBER ALERT

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

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

318.4.2: PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

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

2. National Center for Missing and Exploited Children (NCMEC)

318.5: BLUE ALERTS

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

318.5.1: CRITERIA FOR BLUE ALERTS

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

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

318.5.2: PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

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

318.6: SILVER ALERTS

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

318.6.1: CRITERIA FOR SILVER ALERTS

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

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

318.6.2: PROCEDURE FOR SILVER ALERT

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

318.7: YELLOW ALERT

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

318.7.1: CRITERIA FOR YELLOW ALERT

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

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

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

318.8: FEATHER ALERT

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

318.8.1: CRITERIA FOR FEATHER ALERT

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

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

318.8.2: PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

318.9: ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

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

318.9.1: PROCEDURE

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

318.9.2: CRITERIA

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

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

318.10: YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

318.10.1: CRITERIA FOR YELLOW ALERTS

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

- a. A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- b. It is likely the suspect may be seen on a state highway.
- c. There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
 3. The identity of the suspect
- d. Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

318.10.2: PROCEDURE FOR YELLOW ALERT

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

318.11: ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to

otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

318.11.1: CRITERIA FOR ENDANGERED MISSING ADVISORY

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

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

318.11.2: PROCEDURE FOR ENDANGERED MISSING ADVISORIES

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

318.12: EBONY ALERT

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

318.12.1: CRITERIA FOR EBONY ALERT

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

- a. The missing person is between the ages of 12 and 25 years old, inclusive.
- b. The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- c. The missing person suffers from a mental or physical disability.
- d. Determination that the person has gone missing under unexplained or suspicious circumstances.
- e. Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

- f. The Alameda Police Department has utilized all available local resources.
- g. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

318.12.2: PROCEDURE FOR EBONY ALERT

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

318.13: LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

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

318.14: EMERGENCY MESSAGES

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

Emergency messages require supervisor approval and may include, but are not limited to:

- a. Serious illness of a family member
- b. Injury as a result of an accident or crime
- c. Death notification (when ACSO is unavailable)
- d. Hospital staff needing to speak to a family member
- e. Law enforcement agency needing to speak to a family member
- f. Other requests, as approved.

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

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

318.15: YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

318.15.1: CRITERIA FOR YELLOW ALERTS

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

- a. A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- b. It is likely the suspect may be seen on a state highway.
- c. There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
 3. The identity of the suspect
- d. Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

318.15.2: PROCEDURE FOR YELLOW ALERT

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

511: TRAFFIC DIRECTION AND CONTROL

511.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidance when members may be expected to provide traffic direction and control.

511.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 61.3.2

511.2: GENERAL PROVISIONS

Members may need to perform manual traffic direction and control during the following situations:

1. Traffic collisions
2. Adverse road and weather conditions
3. Criminal investigations
4. Fire or rescue operation
5. Special events
6. Hazardous material incidents
7. Failure of traffic control devices

511.2.1: CONSIDERATIONS

Members conducting traffic direction and control at the scene of a collision should be aware of the need to preserve tire friction marks and other evidence.

Members conducting traffic direction and control during adverse road and weather conditions should be aware of risks to the member and community:

- Downed trees
- Gas leaks
- Broken water main
- Fallen electrical wires
- Hazardous roadway/pavement conditions

511.3: SAFETY

Members directing traffic, or in the roadway controlling traffic, must wear reflective clothing at all times.

511.4: ALTERNATIVE TRAFFIC CONTROL DEVICES

Members may be required to utilize alternative means of controlling traffic. The objective of these means is to maintain or restore the safe and efficient movement of vehicular and pedestrian traffic.

511.4.1: MANUAL OPERATION

Members assigned to provide manual operation of traffic direction and control should use uniform traffic control signals and gestures.

- Stop signal: Upraised hand at the end of an extended arm raised well above shoulder-level with the palm of the hand facing the approaching person for whom the signal is intended.
- Start signal: Point at the approaching person using an extended arm at shoulder-level and then wave the person onward by bending the arm at the elbow and drawing the hand towards the chest.

511.4.2: TEMPORARY TRAFFIC CONTROL DEVICES

Members may use flares, cones, portable traffic signs, or police vehicles as temporary traffic control devices.

600: Investigation and Prosecution

600.1: POLICY

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

600.1.1: Accreditation Standards

This policy pertains to the following CALEA Standards: 42.1.3, 42.2.1, [42.2.8](#), [83.2.6](#)

600.2: PURPOSE AND SCOPE

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

600.3: INVESTIGATIONS DIVISION ORGANIZATION

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

600.4: SCHEDULING

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

Investigations Division personnel shall normally work the hours as assigned by the Bureau Commander. When necessary, personnel may be scheduled for night and/or weekend duty.

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

600.5: INVESTIGATIONS DIVISION GENERAL DUTIES AND RESPONSIBILITIES

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

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

600.5.1: TERRORISM LIAISON OFFICER

- a. **Terrorism Liaison Officer**
 1. The Terrorism Liaison Officer has the responsibility for specified intelligence gathering, dissemination, sharing, and maintaining as it relates to the analysis of criminal activity and Homeland Security intelligence. The Terrorism Liaison Officer also has the responsibility for training Department employees for emergency response to, and recovery from, natural disasters as related to National Recovery Plans.

2. The Investigations Division Lieutenant is the Department's designated Terrorism Liaison Officer.
 3. It is the policy of the Department that all intelligence information be gathered and stored in accordance with the Code of Federal Regulations, Title 28, and Part 23, which is established to protect individual rights of speech, association, or privacy. Information may only be maintained when it is based on reasonable suspicion of involvement in criminal activity or conduct, and the information is relevant to that criminal activity or conduct.
- b. Criminal/Homeland Security Intelligence**
1. The gathering, evaluation, and dissemination of criminal intelligence and Homeland Security intelligence is the responsibility of the Terrorism Liaison Officer, under the direct command of the Bureau of Operations Captain.
 2. The Chief of Police shall be informed of intelligence information that is relative and pertinent to the Alameda Police Department in a timely manner.
 3. Intelligence information of a routine nature that is relative and pertinent to the Alameda Police Department shall be disseminated to staff and line officers for informational and training purposes.
- c. Terrorism Liaison Officer Responsibilities**
1. Ensure the Department is compliant with Homeland Security Presidential Directive 5, which is the Management of Domestic Incidents, through a National Incident Management System.
 2. Ensure the Department is compliant with Homeland Security Presidential Directive 8, which is the national response plan for Federal assistance to State and local government, in the event of threatened or actual domestic terrorist attacks, major disasters, and other emergencies.
 3. Maintain correspondence with federal and state terrorism task force groups for the purpose of gathering, sharing, dissemination, and maintaining of intelligence information related to possible criminal activity.

600.6: INITIAL INVESTIGATION

600.6.1: [Officer_Deputy] RESPONSIBILITIES

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

- a. Upon arrival, be observant of all conditions, events, and statements, and evaluate their significance to the crime.
- b. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- c. If information indicates a crime has occurred, the **officer** shall:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.

2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the [Watch Commander](#).
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- d. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.6.2: [CivilianNonSworn] MEMBER RESPONSIBILITIES

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

600.7: FOLLOW-UP INVESTIGATION

600.7.1: CASE STATUS CONTROL SYSTEM

Upon screening a potential case, the Investigations Division Sergeant will decide which investigator will be assigned the case and enter the case information in the automated case management system. The case management information should include:

- Investigator's name
- Date assigned
- Case number
- Due date

600.7.2: ADMINISTRATIVE DESIGNATORS

All crimes investigated by the Alameda Police Department shall have administrative clearance designators to include open, closed, suspended.

600.7.3: INVESTIGATIONS CASE FILES

When a case is assigned to the Investigations Division, a temporary case file may be created and stored within the Investigations Division while the investigation is ongoing. This file should contain copies of preliminary investigative reports, records of statements, results of

examination of evidence, case status reports, and other records needed for the investigation.

Upon completion of the case, all relevant and discoverable records should be transferred to the permanent record.

When the Investigator no longer needs the case file and all pertinent information has been transferred to the permanent record, case notes and work product material may be purged.

600.7.4: REPORT ACCESSIBILITY

The Records Management System (RMS) allows department-wide viewing of case files.

However, with the approval of a supervisor, general access to reports may be restricted.

600.8: CUSTODIAL INTERROGATION REQUIREMENTS

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

600.8.1: AUDIO/VIDEO RECORDINGS

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

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

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the [Investigations Division](#) commander. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

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

600.8.2: MANDATORY RECORDING OF ADULTS

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

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

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

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

600.9: USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.10: COMPUTERS AND DIGITAL EVIDENCE

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

600.11: INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

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

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

600.11.1: ACCESS RESTRICTIONS

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

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

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

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

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

600.11.2: INTERCEPTING ELECTRONIC COMMUNICATION

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

600.12: CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the **officer** reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the **Investigations Division** supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

600.12.1: MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility or other official setting. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

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

- a. Recording is not feasible because of exigent circumstances that are later documented in a report.
- b. The individual refuses to have the interrogation recorded, including refusal anytime during interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- c. The custodial interrogation took place in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- d. The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if

the interrogating member develops a reason to believe the individual committed a murder.

- e. The interrogation would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- f. A recording device fails despite reasonable maintenance and the timely repair or replacement was not feasible.
- g. Questions are part of a routine processing or booking, and not an interrogation.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction of the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institution Code § 626.8).

600.13: DISCONTINUATION OF INVESTIGATIONS

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

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

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

600.14: MODIFICATION OF CHARGES FILED

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

600.15: CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

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

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

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

600.16: ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the [Alameda Police Department](#) reports that the person has been a victim of an anti-

reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

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

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

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

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

600.17: STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.17.1: CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

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

600.17.2: RELINQUISHMENT OF FIREARMS VERIFICATION

The [Investigations Division](#) supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the [Alameda Police Department](#) who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession

of firearms and provide the information to the [Records Division](#) for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the [Records Division](#) Policy for additional guidance).

600.18: USE OF DESIGNATED ROOMS FOR INTERVIEWS AND INTERROGATIONS

Designated rooms include polygraph rooms, voice stress analyzer rooms, and other rooms where it is likely that an interview could turn into an interrogation and arrest of a person.

600.18.1: WEAPONS CONTROL

Appropriate safety precautions will be taken before conducting interviews in designated rooms. Officers shall secure all weapons in lock boxes or in a secure area.

600.18.2: SECURITY CONCERNS

Officers shall conduct a thorough search of the designated room before and after its use.

Subjects placed in the room will be searched in accordance with constitutional requirements and officer discretion.

Persons who have been arrested should be restrained to the detention bar unless there are at least two sworn members in the room.

600.18.3: NUMBER OF PERSONNEL ALLOWED IN THE INTERVIEW ROOM

Members should take necessary steps to limit the access and number of personnel to the designated room while in use. Unless there is a need for additional personnel, interviews should be limited to two sworn members.

600.18.4: MEANS AND METHODS FOR SUMMONING ASSISTANCE

Should the need arise to provide assistance to members in the room, other personnel who are monitoring via livestream devices should render assistance.

600.18.5: EQUIPMENT TO BE KEPT IN THE ROOM

Rooms should be equipped with chairs and a table.

600.18.6: ACCESS TO RESTROOMS, WATER, OR COMFORT BREAKS

Subjects should be provided access to restrooms, water, and other basic needs while being interviewed. Subjects needing to be escorted out of the room should be guided by a sworn member.

Officers shall not leave any person unattended if they appear to be under a significant amount of duress or a potential threat to themselves.

704: Cash Handling, Security and Management

704.1: PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.1.1: ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 17.4.2](#)

704.2: POLICY

It is the policy of the [Alameda Police Department](#) to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3: PETTY CASH FUNDS

The [Chief of Police](#) shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts [for cash disbursed or received](#), cash transfer forms and expense reports by the fund manager. [At a minimum, this will include a balance sheet, ledger, or other system that identifies initial balance, credits \(cash income received\), debits \(cash disbursed\), and the balance on hand.](#)

[See City of Alameda Administrative Policies and Procedures #33.](#)

704.4: PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5: PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every ~~six months~~[quarter](#). This audit requires that the fund manager and at least one command staff member, selected by the [Chief of Police](#), review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger

attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the [Chief of Police](#).

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the [Chief of Police](#) or the [City](#).

704.6: ROUTINE CASH HANDLING

Those who handle cash as part of their property or [Investigations](#) supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7: OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

802: [PropertyBureau]

802.1: PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

802.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: [83.2.1](#), 83.3.2, 84.1.1, 84.1.6

802.1.2: DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the [Property and Evidence Unit](#), including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the [Alameda Police Department](#) or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the [Alameda Police Department](#) for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

802.2: EVIDENCE COLLECTION TRAINING

Members assigned to collect and handle evidence will receive the following training:

- [Preservation of crime scenes](#)
- [Handling of DNA evidence](#)
- [Methods of collecting, marking/labeling, and packaging/storing a variety of evidentiary items](#)
- [Preservation of the chain of evidence](#)
- [Documenting the description of the item, source, and the name of the person collecting the evidence](#)
- [Documenting the transfer of evidence](#)

802.3: POLICY

It is the policy of the [Alameda Police Department](#) to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

802.4: PROPERTY HANDLING

All property that is taken into the custody of the Alameda Police Department must be documented in a report. The report will detail the circumstances by which the property came into the member's possession and a description of each item.

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the [Alameda Police Department](#). A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.4.1: PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. Members booking property shall observe the following guidelines:

- a. Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- b. Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- c. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- d. When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

802.4.2: NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The **officer** seizing the narcotics and dangerous drugs shall place them in the designated locker.

802.4.3: EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the **Watch Commander**. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the **police** facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in **proper containers and in an area designated for the storage of flammable materials**. The **Property and Evidence Technician** is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.4.4: EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- a. Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- b. License plates found not to be stolen or connected with a known crime, should be released directly to the **Property and Evidence Technician**, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- c. All bicycles and bicycle frames require a property record. Property labels are to be affixed to each bicycle or bicycle frame. The property may be released directly to the **Property and Evidence Technician**, or placed in the bicycle storage area until a **Property and Evidence Technician** can log the property.
- d. All cash shall be counted and the envelope initialed by the booking officer. A supervisor shall be contacted for cash counts in excess of \$400.00 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate **City** department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.4.5: RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- a. A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- b. The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- c. The Automated Firearms System indicates that the firearm was reported lost or stolen.
 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the [Alameda Police Department](#) has complied with the requirements of Penal Code § 33850 et seq.

The [Property and Evidence Technician](#) shall ensure the [Records Supervisor](#) is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the [Records Division](#) Policy).

802.5: PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- a. Narcotics and dangerous drugs
- b. Firearms (ensure they are unloaded and booked separately from ammunition)
- c. Property with more than one known owner
- d. Paraphernalia as described in Health and Safety Code § 11364
- e. Fireworks
- f. Contraband

802.5.1: PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.5.2: PACKAGING NARCOTICS

The [officer](#) seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the [officer](#)'s report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the Property & Evidence Unit. The booking [officer](#) shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property label shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this label.

802.6: RECORDING OF PROPERTY

The [Property and Evidence Technician](#) receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the Property & Evidence database.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property label.

Any changes in the location of property held by the [Alameda Police Department](#) shall be noted in the property logbook.

802.7: PROPERTY CONTROL

Each time the [Property and Evidence Technician](#) receives property or releases property to another person, he/she shall enter this information on the property control card. [Officers](#) desiring property for court shall contact the [Property and Evidence Technician](#) at least one day prior to the court day.

802.7.1: RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the [Property and Evidence Technician](#). This request may be filled out any time after booking of the property or evidence.

802.7.2: TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The [Property and Evidence Technician](#) releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the [officer](#) will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form shall be uploaded to the digital evidence database or returned to the [Records Division](#) for filing with the case.

802.7.3: SUBMISSION OF EVIDENCE FOR LABORATORY ANALYSIS

- All submission of evidence to an external laboratory facility shall only be with the approval of the Property & Evidence Manager or his/her designee.
- All evidence shall be packaged in department approved envelopes or containers with the appropriate evidence tracking documentation attached.
- Evidence requiring transport shall be handled by department personnel and will include documentation indicating the type of evidence, as well as the appropriate laboratory processing request forms.
- Appropriate receipts shall be utilized in order to maintain the chain of evidence. All evidence shall be accompanied by properly completed individual chain of custody documentation at all times.
- All laboratory processing results shall be documented in writing.

802.7.4: STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to [officers](#) for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The [Property and Evidence Technician](#) shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

802.7.5: AUTHORITY TO RELEASE PROPERTY

The [Investigations Division](#) shall authorize the disposition or release of evidence and property under their purview coming into the care and custody of the [Alameda Police Department](#).

802.7.6: RELEASE OF PROPERTY

All reasonable attempts shall be made by the Property & Evidence Technician to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A [Property and Evidence Technician](#) shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the [Records Division](#) for filing with the case. If some items of property have not been released the property card will remain with the [Property and Evidence Unit](#). Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The [Property and Evidence Unit](#) Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The [Alameda Police Department](#) is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.7.7: DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the [Alameda Police Department](#), and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the [Alameda Police Department](#) may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.7.8: CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The [Investigations Division](#) will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this [department](#), including paraphernalia as described in Health and Safety Code § 11364.

802.7.9: RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the [Property and Evidence Technician](#) shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

802.7.10: RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- a. If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- b. If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the [Alameda Police Department](#) shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification

and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

- c. Unless the person contacts the [Alameda Police Department](#) to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.7.11: RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the [Alameda Police Department](#) determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.7.12: RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The [Alameda Police Department](#) shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

802.8: DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The [Property and Evidence Technician](#) shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

802.8.1: EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.8.2: UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the [Alameda Police Department](#) shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this [department](#) to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

802.8.3: RETENTION OF BIOLOGICAL EVIDENCE

The [Property and Evidence Unit](#) Supervisor shall ensure that no biological evidence held by the [Alameda Police Department](#) is destroyed without adequate notification to the following persons, when applicable:

- a. The defendant

- b. The defendant's attorney
- c. The appropriate prosecutor and Attorney General
- d. Any sexual assault victim
- e. The [Criminal Investigations Bureau](#) supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the [Property and Evidence Unit](#) Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the [Alameda Police Department](#) within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the [Criminal Investigations Bureau](#) supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the [Chief of Police](#) and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the [Criminal Investigations Bureau](#) supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8.4: DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The [Property and Evidence Unit](#) supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

- a. Identification of firearms and other weapons that need to be destroyed
- b. Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
- c. Identification of any law enforcement agency that the [Alameda Police Department](#) contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this [department](#) and the other agency
 1. If the [Alameda Police Department](#) contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly

prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The [Property and Evidence Unit](#) supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the [Alameda Police Department](#) website (Penal Code § 18005).

802.9: INSPECTIONS OF THE EVIDENCE ROOM

- a. On a semi-annual basis, the supervisor of the evidence custodian shall conduct an inspection of the evidence storage facilities and practices to determine adherence to appropriate policies and procedures used for the control of property and evidence.
- b. Unannounced inspections of evidence storage areas shall be conducted annually as directed by the [Chief of Police](#).
- c. An annual audit of evidence held by the [Alameda Police Department](#) shall be conducted by a [Bureau Commander](#) (as appointed by the [Chief of Police](#)) not routinely or directly connected with evidence control. See Alameda Police Department Property & Evidence Manual.
- d. An audit of property and evidence conducted in compliance with the Alameda Police Department Property & Evidence Manual shall occur whenever the evidence custodian is assigned to and/or transferred from the position. The audit is to be conducted jointly by the newly designated custodian and a designee of the Chief of Police to ensure that records are correct and property annotated.

802.10: PROPERTY AND EVIDENCE MANUAL

Specific procedures for the booking of property and evidence are outlined in the Alameda Police Department's Property and Evidence Manual.

Officers and supervisors are encouraged to familiarize themselves with the procedures contained within the manual.

The Property and Evidence Manual is available in the property and evidence booking area, the patrol sergeant's office, the Identification Sergeant's office, and the offices of the Service Division Lieutenant and Bureau of Services Commander. It is the responsibility of the Property and Evidence Sergeant to review and update the manual annually to ensure accordance with applicable law and department policy.