

104: Policy Manual

104.1: PURPOSE AND SCOPE

Note: Text in the highlighted boxes are not part of the policy updates. This is from the standard fill in fields on the form.

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

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect,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

104.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 12.2.1

104.1.2: DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Alameda.

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

Department/APD - The Alameda Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Alameda Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

104.2: FORMATTING CONVENTIONS

Staff should review edited or newly adopted policies with these conventions in mind:

- a. Abbreviations and definitions,
- b. Location of Accreditation Standard references, and
- c. Location of Revision subsections.

104.3: POLICY

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

104.3.1: DISCLAIMER

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

104.4: AUTHORITY

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

104.5: ISSUING THE POLICY MANUAL

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

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

104.6: REVIEW OF POLICIES

Prior to the issuance of any new, revised policy, or policy slated to be purged, the Bureau of Professional Standards will review the changes to ensure:

- a. The new or revised policy does not contradict with other existing policies or applicable law.
- b. The policy to be purged does not contain the language required for the current law enforcement operations.
- c. The current policy meets or exceeds all applicable requirements for accreditation standards, and
- d. Formatting, syntax, grammar, and spelling is correct throughout the document.

The ~~agency Head~~ Bureau of Professional Standards will ensure that the Policy Manual is periodically reviewed and updated as necessary.

104.7: REVISIONS TO POLICIES

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

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

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

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

200: Organizational Structure and Responsibility

200.1: PURPOSE AND SCOPE

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

200.1.1: ACCREDITATION STANDARDS

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

200.2: DEFINITIONS

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

- **Department** - The Alameda Police Department.
- **Bureau** - The first subordinate organization unit within the Department.
- **Division** - A unit with jurisdiction-wide coverage and immediately subordinate to a bureau.
- **Section** - A functional unit which may be a sub-unit of a Bureau or Division or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.
- **Unit** - Any number of members and/or employees of the Department regularly grouped together under one 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.

200.2.1: PERSONNEL DEFINITIONS

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

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

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

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

200.3: BUREAUS

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

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

200.3.1: BUREAU OF SUPPORT SERVICES

The ~~DivisionAdmin DivisionMajor~~ Bureau of Support Services is commanded by a Captain. ~~divisionHead, whose primary responsibility is to provide general management direction and control for the DivisionAdmin DivisionMajor.~~ The ~~DivisionAdmin DivisionMajor~~ Bureau of Support Services consists of Administrative Services, Communications Center, Investigations Division, Technical Services, and the Traffic Unit. ~~Technical Services and Administrative Services.~~

200.3.2: 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.

200.3.3: 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.

200.4: COMMAND AND SUPERVISORY AUTHORITY AND RESPONSIBILITIES

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

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.

200.4.1: CHIEF OF POLICE

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

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

200.4.2: POLICE CAPTAIN

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

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

200.4.3: POLICE LIEUTENANT

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

200.4.4: COMMAND OFFICER

Authority and Responsibility

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

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

200.4.5: OFFICER-IN-CHARGE

Authority and Responsibilities

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

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

200.4.6: POLICE SERGEANT

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

200.4.7: SUPERVISORS

AUTHORITY AND RESPONSIBILITIES

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

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

200.4.8: POLICE OFFICER

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

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

200.4.9: PROFESSIONAL STAFF POLICE EMPLOYEES

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

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

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

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

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

200.5: REQUIREMENT TO OBEY LAWFUL ORDERS

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

200.5.1: UNLAWFUL ORDERS

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

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.

205.7: 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: RECRUITMENT AND SELECTION PROGRAM~~

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

205.8.3: 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.

205.8.4: PERSONNEL AND TRAINING RECORDS

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

- **Personnel Files** - Containing the background investigation, injuries/accidents, commendations, training, firearms qualifications, performance evaluations, and other miscellaneous information. Each employee shall have an individual file and the filing cabinet containing these files shall be locked at all times. All original

documents shall not be removed from these files, only copied, and such information copied from these files for Department use must be approved by the Personnel and Training Sergeant and accounted for via a checkout log kept in the Personnel and Training Office.

- **Financial Records** - For all training schools attended by department members during the past three (3) fiscal years.
- **Personnel Roster Files** - Entries to be kept electronically indicating, for each member/employee, personnel data pertaining to Department issued equipment, personal skills and Department assignments.
- **Eligibility List Files** - Indicating all applicants who were investigated and were subsequently not hired.
- **Training Activity Files** - Following participation in training programs, each member's training record shall be updated.
- **Department Master Training Plan** - Indicating the training status of all department employee classifications and task assignments with regards to compliance with the plan.

205.8.5: EDUCATION INCENTIVE PROGRAM

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

205.8.6: PUBLIC INFORMATION FUNCTIONS

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

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

205.8.7: LIAISON FUNCTIONS

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

- Commission on Peace Officers' Standards and Training (POST).

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

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: TRAINING SERGEANT

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

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)
- d.
 1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., the Second Amendment Foundation, or the Firearms Policy Coalition and are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.
- e. 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).
- f. Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- g. Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- h. Pay all associated application fees (Penal Code § 26190).

- i. 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).
- j. Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- k. 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).
- b.
 - 1. If an incomplete application package is received, the [Chief of Police](#) or the authorized designee may do any of the following:
 - 2.
 - 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).
- c. Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
- d.
 - 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).
- e. Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).
- f. 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: 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.

210.5.2: REVOCATION OF LICENSES

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

- 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).

210.5.3: LICENSE RENEWAL

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

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

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

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

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

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).

210.6: [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 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).

210.9: WRITTEN NOTICE FOR DENIAL OF LICENSE

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

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

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

210.9.1: ADDITIONAL REQUIREMENTS

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

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

210.9.2: 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)).

210.10: POLICY AVAILABILITY

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

211: Retiree Concealed Firearms

211.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Alameda Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

211.2: POLICY

It is the policy of the Alameda Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

211.3: LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- a. Separated from service in good standing from this department as an officer.
- b. Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- c. Has not been disqualified for reasons related to mental health.
- d. Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- e. Is not prohibited by federal law from receiving or possessing a firearm.

211.3.1: LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Alameda Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Alameda Police Department to meet the active duty standards for qualification to carry a firearm.

211.3.2: AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- a. In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- b. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- c. Not prohibited by federal law from receiving a firearm.
- d. Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

211.4: CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn **officer** of this **department** who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

- a. For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any **officer** who retires in lieu of termination.
- b. No CCW Approved endorsement shall be issued to any **officer** retiring because of a psychological disability (Penal Code § 26305).

211.4.1: CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired **officer** shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

- a. A photograph of the retiree.
- b. The retiree's name and date of birth.
- c. The date of retirement.
- d. The name and address of this **department**.
- e. A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

211.4.2: QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Alameda Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

- a. The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- b. This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- c. The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

211.4.3: QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

211.5: FORMER [Officer_Deputy] RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

211.5.1: RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- a. Sign a waiver of liability of the Alameda Police Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Alameda Police Department.
- b. Remain subject to all applicable department policies and federal, state and local laws.
- c. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- d. Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

211.5.2: MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

- a. Qualify annually with the authorized firearm at a course approved by this [department](#) at the retired [officer](#)'s expense.
- b. Remain subject to all applicable [department](#) policies and federal, state, and local laws.
- c. Not engage in conduct that compromises public safety.
- d. Only be authorized to carry a concealed firearm inspected and approved by the [Alameda Police Department](#).
- e. Undergo a fingerprint-based state and national criminal history background check when required by the [Alameda Police Department](#) (Penal Code § 26330).

211.6: DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the [Alameda Police Department](#). In the event that an identification card is denied, suspended, or revoked, the former [officer](#) may request a review by the [Chief of Police](#). The decision of the [Chief of Police](#) is final.

211.6.1: DENIAL PER 26305 Penal Code

26305.

(a) No peace officer who is retired after January 1, 1989, because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm pursuant to this article.

(b) A retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.

(c) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the issuing agency when the conduct of a retired peace officer compromises public safety.

(d) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked or denied by the issuing agency only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in Section 26320.

211.7: DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

- a. In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- b. Prior to revocation of any CCW endorsement, the Alameda Police Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- c. A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Alameda Police Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 1. The decision of such hearing board shall be binding on the Alameda Police Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Alameda Police Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- d. Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 3. The personal and written notification should be as follows:
 - a. The retiree's CCW endorsement is immediately and temporarily suspended.

- b. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - c. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- 4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Alameda Police Department to deliver the written notification.

211.8: FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

300: Use of Force

300.1: PURPOSE AND SCOPE

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

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

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

300.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 1.2.10, 4.1.1, 4.1.2, 4.1.5, 4.1.6, [4.1.7](#), 4.2.1, 4.2.2, 4.2.3, 4.2.4

300.1.2: DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

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

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

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

Feasible - Reasonably capable of being done or carried out under the circumstances to

successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

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

1. Defend against an assault, and/or
2. Overcome resistance to arrest/custody, and/or
3. Overcome flight from arrest/custody.

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

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

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

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

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

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

Objectively Reasonable – An assessment of reasonableness based on a specific set of facts and a totality of circumstances where an officer's conduct is evaluated based on the reasonable officer standard. This evaluation is used to determine whether the officer's actions were justified given the situation they faced at that time.

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

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

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

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

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

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

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

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

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

300.2: POLICY

The Alameda Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force. Officers must respect the sanctity of human life, act in all possible respects to preserve human life, and minimize the force that is used, while still protecting themselves and the public.

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

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

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

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

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

300.2.1: DUTY TO INTERCEDE

Any [officer](#) present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively

reasonable **officer** under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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

300.2.2: FAIR AND UNBIASED USE OF FORCE

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

300.2.3: DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4: FAILURE TO INTERCEDE

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

300.3: USE OF FORCE

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

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

Given that no policy can realistically predict every possible situation an **officer** might encounter, **officers** are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. **Officers** may only use a level of force that they

reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1: USE OF FORCE TO EFFECT AN ARREST

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

300.3.2: FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- a. The apparent immediacy and severity of the threat to **officers** or others (Penal Code § 835a).
- b. The conduct of the individual being confronted, as reasonably perceived by the **officer** at the time (Penal Code § 835a).
- c. **Officer**/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of **officers** available vs. subjects).
- d. The conduct of the involved **officer** leading up to the use of force (Penal Code § 835a).
- e. The effects of suspected drugs or alcohol.
- f. The individual's apparent mental state or capacity (Penal Code § 835a).

- g. The individual's apparent ability to understand and comply with **officer** commands (Penal Code § 835a).
- h. Proximity of weapons or dangerous improvised devices.
- i. The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
- j. The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- k. Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- l. Training and experience of the **officer**.
- m. Potential for injury to **officers**, suspects, bystanders, and others.
- n. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the **officer**.
- o. The risk and reasonably foreseeable consequences of escape.
- p. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- q. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the **officer** or others.
- r. Prior contacts with the subject or awareness of any propensity for violence.
- s. Any other exigent circumstances.

300.3.3: PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. **Officers** may only apply those pain compliance techniques for which they have successfully completed **department**-approved training. **Officers** utilizing any pain compliance technique should consider:

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

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

300.3.4: USE OF FORCE TO SEIZE EVIDENCE

In general, **officers** may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, **officers** are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, **officers** should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the

head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Alameda Police Department for this specific purpose.

300.3.5: ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

Vulnerable Populations: Officers should be particularly sensitive when considering the use of force against vulnerable populations, including children, elderly persons, pregnant women, people with physical and mental disabilities, people experiencing mental health crises, and people with limited English proficiency.

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

De-escalation tactics and techniques are actions used by officers which seek to minimize the need to use force during an incident. Such tactics and techniques may increase the likelihood of voluntary compliance when employed and shall be used when it is safe to do so. De-escalation tactics emphasize slowing down an incident to allow time, distance, and flexibility for the situation to resolve. Officers shall continually assess the dynamics of a situation and modulate their response and actions appropriately. Officers may be justified

in using force at one moment, but not justified in using force the next due to a change in dynamics. The application of these tactics is intended to increase the potential for resolution with a minimal reliance on the use of force, or without using force at all.

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

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

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

- a. Attempts to de-escalate a situation.
- b. If reasonably available, the use of crisis intervention techniques by properly trained personnel.
- c. Maintaining a safe distance.
- d. Using available cover and concealment and identifying escape routes.
- e. Staging other relevant emergency personnel such as the Alameda Fire Department.
- f. Controlling vehicle and pedestrian traffic.
- g. Establishing communication, preferably with one officer.
- h. Creating an emergency plan and a deliberate plan with contingencies.
- i. Making a tactical approach to the scene.
- j. Gathering intelligence concerning the incident and/or the involved person(s) from available sources.
- k. Evaluating if the person has any of the following conditions which may prevent or delay effective de-escalation:
 1. Physical disability
 2. Mental health disability
 3. Developmental disability
 4. Intellectual disability
 5. Under the influence of drugs (prescribed or otherwise) or alcohol, or both
- l. Using available cover and concealment, as appropriate.
- m. Utilizing distance and space to maximize non-confrontational contact and dialogue.
- n. Communicating with the person in a calm, slow, non-threatening manner and tone:
 1. Provide clear, concise directions or commands
 2. Allow person(s) to express themselves verbally; allow the person to "vent"

3. Ask open-ended questions
4. Recognize the importance of verbal and non-verbal communication being in sync
- o. Deploying less-lethal resources.
- p. Tactical repositioning of resources and personnel.
- q. Disengagement.

300.3.6: RESTRICTIONS ON THE USE OF A CAROTID RESTRAINT OR CHOKE HOLD

Officers of this department are not authorized to use a carotid restraint or choke hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restrict blood flow and may render the person unconscious in order to subdue or control the person. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.7: ADDITIONAL RESTRICTIONS

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

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

Any pressure applied on the back shall be transitory.

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

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

300.4: DEADLY FORCE APPLICATIONS

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

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

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

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

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

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

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

300.4.1: SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2: DISPLAYING OF FIREARMS

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

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

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

300.5: REPORTING THE USE OF FORCE

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

300.5.1: NOTIFICATION TO SUPERVISORS

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

- a. The application caused a visible injury.
- b. The application would lead a reasonable **officer** to conclude that the individual may have experienced more than momentary discomfort.
- c. The individual subjected to the force complained of injury or continuing pain.
- d. The individual indicates intent to pursue litigation.
- e. Any application of a conducted energy device or control device.
- f. Any application of a restraint device other than handcuffs, shackles, or belly chains.
- g. The individual subjected to the force was rendered unconscious.
- h. An individual was struck or kicked.
- i. An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2: REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.5.3: REPORT RESTRICTIONS

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

300.6: MEDICAL CONSIDERATIONS

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

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

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple [officers](#) to be brought under control, may be at an increased risk of sudden death. Calls involving these persons

should be considered medical emergencies. **Officers** who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.7: SUPERVISOR RESPONSIBILITY

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

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

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

300.7.1: [watchCommander] RESPONSIBILITY

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

300.8: ADMINISTRATIVE LEAVE

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

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

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

300.9: TRAINING

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

300.9.1: TRAINING REQUIREMENTS

Required annual training shall include:

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

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

300.9.2: STATE-SPECIFIC TRAINING REQUIREMENTS

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

300.10: USE OF FORCE ANALYSIS

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

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

300.11: USE OF FORCE COMPLAINTS

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

300.12: POLICY REVIEW

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

300.13: POLICY AVAILABILITY

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

300.14: PUBLIC RECORDS REQUESTS

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

309: Domestic Violence

309.1: PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this [department](#) to take enforcement action when appropriate, to provide assistance to victims and to guide [officers](#) in the investigation of domestic violence.

309.1.1: DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

309.2: POLICY

The [Alameda Police Department](#)'s response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this [department](#) to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3: OFFICER SAFETY

The investigation of domestic violence cases often places [officers](#) in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all [officers](#) to exercise due caution and reasonable care in providing for the safety of any [officers](#) and parties involved.

309.4: INVESTIGATIONS

The following guidelines should be followed by [officers](#) when investigating domestic violence cases:

- a. Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- b. When practicable, [officers](#) should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

1. A lethality assessment should be administered to victims of domestic violence to assess the level of danger and/or the severity of the situation and attached to the appropriate report.
- c. **Officers** should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- d. When practicable and legally permitted, video or audio record all significant statements and observations.
- e. All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the **Investigations Division** in the event that the injuries later become visible.
- f. **Officers** should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- g. If the suspect is no longer at the scene, **officers** should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- h. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- i. When completing an incident or arrest report for violation of a court order, **officers** should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting **officer** should attach a copy of the order to the incident or arrest report.
- j. **Officers** should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 1. Whether the suspect lives on the premises with the victim.
 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 3. The potential financial or child custody consequences of arrest.
 4. The physical or emotional state of either party.
 5. Use of drugs or alcohol by either party.
 6. Denial that the abuse occurred where evidence indicates otherwise.
 7. A request by the victim not to arrest the suspect.
 8. Location of the incident (public/private).
 9. Speculation that the complainant may not follow through with the prosecution.
 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic

status, age, cultural group, disability, or marital status of the victim or suspect.

11. The social status, community status, or professional position of the victim or suspect.

309.4.1: IF A SUSPECT IS ARRESTED

If a suspect is arrested, **officers** should:

- a. Advise the victim that there is no guarantee the suspect will remain in custody.
- b. Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- c. Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

309.4.2: IF NO ARREST IS MADE

If no arrest is made, the **officer** should:

- a. Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- b. Document the resolution in a report.

309.4.3: ARRESTING [Officers_Deputies]' RESPONSIBILITIES REGARDING FIREARMS

If a suspect is arrested, **officers** shall (Penal Code § 273.76):

- a. Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
 1. The investigating or filing **officer** shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
- b. Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
- c. Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.
- d. Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

309.5: VICTIM ASSISTANCE

Because victims may be traumatized or confused, **officers** should be aware that a victim's behavior and actions may be affected:

- a. Victims should be provided with the **department's** domestic violence information handout, even if the incident may not rise to the level of a crime.
- b. Victims should also be alerted to any available victim advocates, shelters, and community resources.
- c. When an involved person requests law enforcement assistance while removing essential items of personal property, **officers** should stand by for a reasonable amount of time.
- d. If the victim has sustained injury or complaints of pain, **officers** should seek medical assistance as soon as practicable.
- e. **Officers** should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the **officer** determines that a need exists.
- f. **Officers** should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- g. If appropriate, **officers** should seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

309.6: DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. **Officers** should request that **dispatcher**s check whether any of the involved persons are subject to the terms of a court order.

309.7: FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by **officers** as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

309.8: VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, **officers** should carefully review the actual order when available, and where appropriate and practicable:

- a. Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the **officer** shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- b. Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- c. Contact the issuing court to verify the validity of the order.
- d. Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. **Officers** should contact a supervisor for clarification when needed.

309.9: STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- a. An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 1. **Officers** are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the **officer** makes the arrest as soon as probable cause arises (Penal Code § 836).
- b. **An officer** responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include

advising the victim how to safely execute the arrest. **Officers** shall not dissuade victims from making a lawful private person's arrest. **Officers** should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

- c. **Officers** shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- d. In responding to domestic violence incidents, including mutual protective order violations, **officers** should generally be reluctant to make dual arrests. **Officers** shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, **an officer** shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 4. Whether either person acted in self-defense.
- e. An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the **officer's** presence. After arrest, the **officer** shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

309.10: REPORTS AND RECORDS

- a. A written domestic violence incident report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents ~~as required by Penal Code § 13730~~, including notations for any court order served that are subject to the report requirements (Penal Code § 13730; Code of Civil Procedure § 527.12).
- b. Reporting **officers** should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

- c. Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

309.11: RECORD-KEEPING AND DATA COLLECTION

The ~~department~~ Records Division shall maintain records of court orders related to domestic violence and the service status of each order (Penal Code § 13710), ~~as well as records~~ Additionally, records shall be maintained on the number of domestic violence related calls reported to the Alameda Police Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (~~Penal Code § 13730~~). This information is to be reported monthly to the ~~Attorney General~~ monthly California Department of Justice (DOJ). ~~It shall be the responsibility of the Records Supervisor to maintain and report this information as required. The~~ Records Supervisor has the responsibility to ensure that records are maintained and the required information is reported to the DOJ (Penal Code § 13730).

309.12: SERVICE OF COURT ORDERS

- a. An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- b. A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- c. Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- d. During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
 1. An officer should ensure that the Communication Center is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Division Policy for additional guidance).

- e. If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the **officer** shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The **officer** shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

309.13: PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

309.14: DECLARATION IN SUPPORT OF BAIL INCREASE

Any **officer** who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the **officer** shall prepare a declaration in support of increased bail (Penal Code § 1269c).

309.15: DOMESTIC VIOLENCE DEATH REVIEW TEAM

This **department** should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

312: Juvenile Operations

312.1: PURPOSE AND SCOPE

This policy is to establish guidelines and operational procedures for the Department regarding aspects of preventing and combating juvenile delinquency.

312.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 44.1.1, [44.2.1](#)

312.2: RESPONSIBILITY OF DEPARTMENT MEMBERS

The Alameda Police Department recognizes the importance of preventing and combating juvenile delinquency. The Department also recognizes that traditional methods for dealing with juvenile offenders are not sufficient. To meet its commitment to provide exceptional services to the community, the Department participates in preventive programs and actions designed to prevent young people from developing criminal tendencies.

Officers have a wide range of alternatives they may employ when dealing with juvenile offenders from warnings to intake. Officers should use the least coercive alternative, consistent with preserving public safety, order, and individual liberty that is appropriate when deciding what action to take with juvenile offenders. Furthermore, it is the policy of the Alameda Police Department to implement problem-solving strategies through positive programs that deal with delinquency and youth crime.

All employees share in the responsibility for participating in and supporting the juvenile operations function to ensure that the appropriate action is taken in all cases where juveniles come to the attention of the Department. All sworn personnel will maintain a working knowledge of the California Welfare and Institutions Code concerning the handling of juveniles and familiarize themselves with the various support programs the Juvenile Court uses. Each officer assists, as applicable, in the design and implementation of programs intended to prevent and control delinquent and criminal behavior by juveniles.

312.2.1: TEMPORARY JUVENILE CUSTODY

When taking a juvenile into temporary custody, officers should select from the following alternatives the most appropriate course of action dependent upon the situation and needs of the juvenile:

- Divert the juvenile from the Court by release, counsel and release, release to parent or guardian on a Notice to Appear (NTA) to Juvenile Court, or referral to community resources (Diversion Program)
- Seek a Juvenile petition

- Seek a Juvenile petition and request a custody order

Refer to the Temporary Custody of Juveniles Policy for additional requirements.

312.2.2: CRIMINAL JUSTICE DIVERSION PROGRAMS

The Alameda Police Department contracts with diversion programs for juvenile offenders arrested and issued a Notice to Appear (NTA) for criminal behavior. These programs provide an opportunity for juvenile offenders issued a NTA to be diverted away from the juvenile justice system. The goal of such diversion is to provide community-level, individualized, and family-focused interventions to reduce recidivism. These programs also reduce the reliance on more expensive, intensive, and restrictive responses by the Probation Department/Juvenile Court.

312.3: COMMUNITY-BASED YOUTH PROGRAMS

The Department supports a philosophy of youth interaction and encourages all employees to volunteer their time and become active in community youth programs sponsored by the Alameda Unified School District (AUSD), Alameda Recreation and Park Department (ARPD) and other organizations.

312.4: JUVENILE POLICY DEVELOPMENT AND REVIEW

When substantive changes are being made to relevant juvenile policies and programs, the Bureau of Support Services Lieutenant or their designee will meet with the Alameda Unified School District administration to review and obtain feedback.

313: Temporary Custody of Juveniles

313.1: PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the [Alameda Police Department](#) (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

313.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 44.2.1, [44.2.2](#), [44.2.3](#)

313.1.2: DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of [an officer](#) or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this [department](#) performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- a. A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- b. A juvenile handcuffed to a rail.
- c. A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- d. A juvenile being processed in a secure booking area when a non-secure booking area is available.
- e. A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- f. A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- g. A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

313.2: POLICY

The [Alameda Police Department](#) is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the [Alameda Police Department](#). Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

313.3: JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the [Alameda Police Department](#):

- a. Unconscious
- b. Seriously injured
- c. A known suicide risk or obviously severely emotionally disturbed

- d. Significantly intoxicated except when approved by the [Watch Commander](#). A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- e. Extremely violent or continuously violent

[Officers](#) taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the [Alameda Police Department](#) unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the [officer](#) taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

313.3.1: EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The [Watch Commander](#) shall be notified of the need for medical attention for the juvenile. [Alameda Police Department](#) members should administer first aid as applicable (15 CCR 1142).

313.3.2: SUICIDE PREVENTION OF JUVENILES IN CUSTODY

[Alameda Police Department](#) members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

313.4: CUSTODY OF JUVENILES

[Officers](#) should take custody of a juvenile and temporarily hold the juvenile at the [Alameda Police Department](#) when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the [Alameda Police Department](#) without authorization of the arresting [officer](#)'s supervisor or the [Watch Commander](#). Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time

of the juvenile's entry into the [Alameda Police Department](#) (34 USC § 11133; Welfare and Institutions Code § 207.1).

313.4.1: CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the [Alameda Police Department](#). Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

313.4.2: CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, [officers](#) may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

313.4.3: CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the [Alameda Police Department](#) unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- a. Released upon warning or citation.

- b. Released to a parent or other responsible adult after processing at the Alameda Police Department.
- c. Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- d. Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

313.5: ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile (under 18 years of age) is taken into custody, officers shall contact the Alameda County Public Defender's Office and allow the minor to speak with the on-call Public Defender. Prior to the call ending and with the Public Defender still on the line, the juvenile shall be given the Miranda rights advisement regardless of whether questioning is intended. If the officer experiences difficulty contacting the Public Defender, they should contact the Alameda County Juvenile Hall intake division and request assistance contacting the on-call Public Defender. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625)

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

313.6: JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the [Alameda Police Department](#), the custody shall be promptly and properly documented in the juvenile custody log, including:

- a. Identifying information about the juvenile.
- b. Date and time of arrival and release from the [Alameda Police Department](#) (15 CCR 1150).
- c. [Watch Commander](#) notification and approval to temporarily hold the juvenile.
- d. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- e. Any changes in status (e.g., emergency situations, unusual incidents).
- f. Time of all safety checks.
- g. Any medical and other screening requested and completed (15 CCR 1142).
- h. Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- i. Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The [Watch Commander](#) shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

313.7: NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the [Alameda Police Department](#) (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the [Alameda Police Department](#) (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

313.8: TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the [Alameda Police Department](#) shall ensure the following:

- a. The [Watch Commander](#) should be notified if it is anticipated that a juvenile may need to remain at the [Alameda Police Department](#) more than four hours. This will enable

the [Watch Commander](#) to ensure no juvenile is held at the [Alameda Police Department](#) more than six hours.

- b. A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- c. Personal safety checks and significant incidents/activities shall be noted on the log.
- d. Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- e. Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- f. Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- g. Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- h. Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- i. Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- j. Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- k. Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- l. Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- m. Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- n. Juveniles shall have adequate furnishings, including suitable chairs or benches.
- o. Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- p. Juveniles shall have access to language services (15 CCR 1143).
- q. Juveniles shall have access to disability services (15 CCR 1143).
- r. No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

313.9: USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the [Alameda Police Department](#) when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the [Watch Commander](#). Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

313.10: PERSONAL PROPERTY

The [officer](#) taking custody of a juvenile offender or status offender at the [Alameda Police Department](#) shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the [Alameda Police Department](#).

313.11: SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). [Watch Commander](#) approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- a. Age, maturity, and delinquent history
- b. Severity of offense for which the juvenile was taken into custody
- c. The juvenile offender's behavior
- d. Availability of staff to provide adequate supervision or protection of the juvenile offender
- e. Age, type, and number of other individuals in custody at the facility

Members of this [department](#) shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

313.11.1: LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- a. The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- b. Juveniles shall have constant auditory access to department members (15 CCR 1147).
- c. Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- d. Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 1. All safety checks shall be logged.
 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 3. Requests or concerns of the juvenile should be logged.
- e. Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- f. Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- g. Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

313.12: SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The [Watch Commander](#) will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the [Alameda Police Department](#) (15 CCR 1142; 15 CCR 1047). The procedures will address:

- a. Immediate notification of the on-duty supervisor, [Chief of Police](#), and [Criminal Investigations Bureau](#) Supervisor.
- b. Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- c. Notification of the appropriate prosecutor.
- d. Notification of the [City](#) attorney.
- e. Notification to the coroner.
- f. Notification of the juvenile court.
- g. In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).
- h. A medical and operational review of deaths pursuant to 15 CCR 1046.
 1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).
- i. Evidence preservation.

313.12.1: IN-CUSTODY DEATH PUBLICATION

The [Chief of Police](#) or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the [department](#) website as prescribed and within the time frames provided in Penal Code § 10008.

313.13: INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, [an officer](#) shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile (Welfare and Institutions Code § 625.6).

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by [an officer](#) during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

- a. Information is necessary to protect life or property from an imminent threat.
 - 1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

313.13.1: MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is 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 fixed place of detention. 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 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.

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 over the individual, or

the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

313.14: FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting [officer](#)'s supervisor, or in the supervisor's absence, the [Watch Commander](#).

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the [Watch Commander](#) or the [Investigations Division](#) supervisor, giving due consideration to the following:

- a. The gravity of the offense
- b. The past record of the offender
- c. The age of the offender

313.15: RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this [department](#) shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the [Records Supervisor](#) and the appropriate [Investigations Division](#) supervisors to ensure that personnel of those bureaus act within legal guidelines.

313.16: BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The [Field Services Bureau Commander](#) shall coordinate the procedures related to the custody of juveniles held at the [Alameda Police Department](#) and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

313.17: RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

313.18: TRAINING

[Alameda Police Department](#) members should be trained on and familiar with this policy and any supplemental procedures.

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: 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.

PROCEDURE FOR YELLOW ALERT

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

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 ~~INDIGENOUS~~FEATHER ALERT

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

318.9: MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- a. Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- b. In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- c. The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Alameda Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

318.10: 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).

318.10.1: PROCEDURE

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

318.10.2: 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.

318.11: 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).

318.11.1: 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.

318.11.2: PROCEDURE FOR YELLOW ALERT

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

318.12: 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).

318.12.1: 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.

318.12.2: PROCEDURE FOR ENDANGERED MISSING ADVISORIES

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

318.13: 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).

318.13.1: 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.

318.13.2: PROCEDURE FOR EBONY ALERT

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

318.14: 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.

318.15: 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.

318.16: 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).

318.16.1: 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.

318.16.2: PROCEDURE FOR YELLOW ALERT

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

318.17: MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- a. Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- b. In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- c. The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Alameda Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

321: Standards of Conduct

321.1: PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the [Alameda Police Department](#) and are expected of all [department](#) members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this [department](#) or a member's supervisors.

The purpose of this directive is to establish a fair and transparent disciplinary system that upholds the integrity of the [Alameda Police Department](#), ensures consistent enforcement of rules, and promotes high standards of employee conduct. This system seeks to correct inappropriate behavior constructively while maintaining employee morale, motivation, and respect for due process.

321.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 1.1.2, 26.1.4

321.2: POLICY

The continued employment or appointment of every member of the [Alameda Police Department](#) shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

321.3: GUIDING PRINCIPLES

Fairness and Objectivity: Disciplinary measures shall be based on factual evidence, evaluated objectively, and applied consistently across all levels of the organization.

Due Process: Employees have the right to be informed of allegations, respond to accusations, and appeal disciplinary decisions through a defined grievance procedure.

Training First: Training is encouraged as a proactive and corrective tool to address knowledge or skill deficiencies.

Counseling Before Discipline: Counseling is a key tool in changing negative behavior through respectful dialogue, coaching, and clarity of expectations.

Progressive Discipline: The disciplinary system shall follow a progressive model whenever appropriate, with increasing levels of response based on the severity and/or frequency of the misconduct.

Consistency and Proportionality in Discipline: Disciplinary actions will reflect the nature and severity of the employee's conduct. Although a progressive approach is encouraged, disciplinary steps do not require a strict sequence when serious misconduct occurs.

Positive Reinforcement: The disciplinary system is designed not only to correct misconduct but also to reinforce positive behavior and strengthen employee commitment to agency values.

Respect for Due Process: Employees are entitled to notice of alleged misconduct, an opportunity to respond, and access to an appeals process in accordance with agency procedures.

The agency adopts a progressive approach to employee development, which may include:

- a. **Coaching and Mentorship:** Informal guidance provided by supervisors or mentors to reinforce positive behavior and redirect performance challenges.
- b. **Targeted Training and Development:** Assignment to job-specific training programs, workshops, continuing education, or other learning resources to build skills and address deficiencies.
- c. **Performance Improvement Plan (PIP):** A structured plan with clearly defined objectives, timelines, and training resources aimed at helping the employee meet established expectations.

Employee Training and Development

- Supervisors shall routinely identify and recommend training programs to assist employees in meeting job requirements and professional standards.
- Employees are encouraged to take initiative in pursuing relevant training opportunities and to actively participate in development plans.
- The agency shall provide access to internal or external training programs as part of its commitment to workforce development.

Roles and Responsibilities

- Supervisors/Managers shall identify performance issues early, encourage training as a first response, and ensure documentation of all efforts.
- Human Resources shall support employee development, coordinate training opportunities, and ensure consistency and fairness in all actions.
- Employees are responsible for engaging in training, cooperating with improvement efforts, and contributing to a positive workplace culture.

321.4: GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

321.5: DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any [department](#) supervisor or person in a position of authority, absent a reasonable and bona fide justification.

321.5.1: UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or [department](#) policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, [department](#) policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

321.5.2: SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- a. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- b. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- c. Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- d. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

321.6: CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient [department](#) service.

321.6.1: LAWS, RULES AND ORDERS

- a. Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in [department](#) or [City](#) manuals.
- b. Disobedience of any legal directive or order issued by any [department](#) member of a higher rank.
- c. Violation of federal, state, local or administrative laws, rules or regulations.

321.6.2: ETHICS

- a. Using or disclosing one's status as a member of the [Alameda Police Department](#) in any way that could reasonably be perceived as an attempt to gain influence or authority for non-[department](#) business or activity.
- b. The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- c. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- d. Acceptance of fees, gifts or money contrary to the rules of this [department](#) and/or laws of the state.
- e. Offer or acceptance of a bribe or gratuity.
- f. Misappropriation or misuse of public funds, property, personnel or services.
- g. Any other failure to abide by the standards of ethical conduct.

321.6.3: INTOXICANTS

- a. Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- b. Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- c. Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

321.6.4: SAFETY

- a. Failure to observe or violating department safety standards or safe working practices.
- b. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- c. Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- d. Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- e. Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- f. Unsafe or improper driving habits or actions in the course of employment or appointment.
- g. Any personal action contributing to a preventable traffic collision.
- h. Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

321.6.5: CONDUCT

- a. Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
- c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- d. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- e. Engaging in horseplay that reasonably could result in injury or property damage.

- f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- g. Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- i. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- j. Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- m. Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

321.6.6: PERFORMANCE

- a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work related investigation.
- b. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- c. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- d. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

- f. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on [department](#) premises.
 - 2. At any work site, while on duty or while in uniform, or while using any [department](#) equipment or system.
 - 3. Gambling activity undertaken as part of [an officer](#) official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- g. Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on [department](#) property except as expressly authorized by [City](#) policy, the memorandum of understanding, or the [Chief of Police](#).
- h. Engaging in political activities during assigned working hours except as expressly authorized by [City](#) policy, the memorandum of understanding, or the [Chief of Police](#).
- i. Any act on or off duty that brings discredit to this [department](#).

321.6.7: EFFICIENCY

- a. Neglect of duty.
- b. Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- c. Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- d. Unauthorized sleeping during on-duty time or assignments.
- e. Failure to notify the [Alameda Police Department](#) within 24 hours of any change in residence address or contact numbers.
- f. Failure to notify the [Department of Human Resources](#) of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

321.6.8: UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- a. Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this [department](#).
 - a. Members of this [department](#) shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- b. Disclosing to any unauthorized person any active investigation information.

- c. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- d. Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- e. Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

321.6.9: ATTENDANCE

- a. Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- b. Unexcused or unauthorized absence or tardiness.
- c. Excessive absenteeism or abuse of leave privileges.
- d. Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

321.6.10: RELATIONSHIPS

- a. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- b. Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- c. Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- d. Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- e. Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- f. Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

321.6.11: DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression,

age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

321.7: FINDINGS

One of the findings listed below will be included in the report of investigation of an alleged act of misconduct.

Unfounded: The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel.

Exonerated: Acts did occur but were justified, lawful and proper.

Not Sustained: Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.

Sustained: The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

Not Involved: Investigation established that the individual indicated in the allegation was not involved in the alleged incident.

321.8: PENALTIES

Subject to the provisions of the Charter of the City of Alameda, the rules of the Civil Service Board, and when necessary, the approval of the City Manager, the following penalties may be assessed against any member or employee of the Department as disciplinary action:

- Counseling & Training
- ~~Training~~
- Oral reprimand
- Written reprimand
- Suspension
- Fine
- Demotion
- Dismissal

The following factors shall be considered when determining disciplinary action:

- a. Severity of the offense,
- b. Frequency and pattern of prior behavior,
- c. Employee's length of service and performance history,
- d. Impact on agency operations, safety, or reputation,

- e. Intent and circumstances surrounding the misconduct, and
- f. Mitigating or aggravating factors.

321.8.1: COUNSELING & TRAINING

In some cases, counseling and training may be an appropriate level of discipline or included with other levels of discipline. In determining whether counseling and training is appropriate, the employee's Division Commander should consider the seriousness of the violation and whether counseling and training will assist in correcting deficiencies in employee performance. This can be accomplished by:

- a. Documenting the need for training to correct deficiencies in employee performance.
- b. Provide the employee with appropriate training to correct deficiencies in employee performance and determine that the employee has acknowledged and benefited from the training to where it has assisted in correcting his/her performance.
- c. Document that the training has been provided to the employee.

321.8.2: WRITTEN REPRIMANDS

Written reprimands shall be administered by management level employees. They may include:

- a. A summary of the circumstances.
- b. A narrative identifying the policy violations.
- c. Admonishment that future violations may result in progressive discipline.

Any employee wishing to formally appeal a written reprimand or punitive transfer must submit a written request to the Chief of Police within thirty (30) days of receipt of the written reprimand or the notice of punitive transfer (Government Code § 3306).

Absent a written stipulation to the contrary, the employee will be provided with an administrative hearing before the Chief of Police, or their designee, within ten (10) days. The decision to sustain, modify or dismiss the written reprimand or punitive transfer shall be final and binding.

321.8.3: SUSPENSIONS

The Chief of Police, or their designee, can recommend disciplinary suspensions for employees. The procedures for a disciplinary suspension are as follows:

- a. A disciplinary suspension will be scheduled as soon as practical and the date(s) of the suspension shall be scheduled according to Department staffing needs and/or limitations.
- b. The date(s) shall be decided by the Chief of Police or their designee.

- c. At no time will the disciplined employee be allowed to work overtime during any pay period that includes suspension from duty.

321.9: APPEALS

Appeals from penalties imposed as disciplinary action measures may be taken as provided in the Charter of the City of Alameda, Rules and Regulations of the Civil Service Board, Section 3300 of the Government Code, and/or applicable Memoranda of Understanding

321.10: EMERGENCY SUSPENSION

The following personnel have the authority to impose an emergency suspension, until the next business day, against any member or employee when it appears that such action is in the best interest of the Department:

- Any Command Officer
- Any Police Sergeant

Follow-up Action on Emergency Suspension - A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at 0900 unless otherwise directed by a Commanding Officer. The command or supervisory officer imposing or recommending the suspension shall notify the Bureau Commander and complete a written report for the Chief of Police. The written report shall be completed prior to the employee meeting, and the command or supervisory officer shall report to the Chief of Police.

323: Report Preparation

323.1: PURPOSE AND SCOPE

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

323.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 82.2.1, 82.2.2

323.1.2: REPORT PREPARATION

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

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

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

323.2: REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate **department** approved form unless otherwise approved by a supervisor.

323.2.1: CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- a. All arrests

- b. All felony crimes
- c. Non-Felony incidents involving threats or stalking behavior
- d. Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Senior and Disability Victimization Policy
 - 5. Hate Crimes Policy
 - 6. Suspicious Activity Reporting Policy
- e. All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the [department](#)-approved alternative reporting method (e.g., dispatch log).

323.2.2: NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- a. Anytime [an officer](#) points a firearm at any person
- b. Any use of force against any person by a member of this [department](#) (see the Use of Force Policy)
- c. Any firearm discharge (see the Firearms Policy)
- d. Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- e. Any found property or found evidence
- f. Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- g. Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- h. All protective custody detentions
- i. Suspicious incidents that may place the public or others at risk
- j. Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

323.2.3: DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling [officer](#) should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- a. Sudden or accidental deaths.
- b. Suicides.
- c. Homicide or suspected homicide.

- d. Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- e. Found dead bodies or body parts.

323.2.4: INJURY OR DAMAGE BY [CityCounty] PERSONNEL

~~Miscellaneous~~ Reports shall be taken if an injury occurs that is a result of an act of a [City] employee. Additionally, reports shall be taken involving damage to [City] property or [City] equipment.

323.2.5: MISCELLANEOUS INJURIES

Any injury that is reported to this [department] shall require a report when:

- a. The injury is a result of drug overdose
- b. Attempted suicide
- c. The injury is major/serious, whereas death could result
- d. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.2.6: MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The [Records Division] shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.2.7: ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- a. Lost property.
- b. Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- c. Misdemeanor vandalism with no suspect information and no hate crime implications.
- d. Vehicle burglaries with no suspect information or evidence.
- e. Stolen vehicle attempts with no suspect information or evidence.
- f. Annoying telephone calls with no suspect information.
- g. Identity theft without an identifiable suspect.

- h. Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- i. Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- j. Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.2.8: ADDITIONAL REPORTING REQUIREMENTS

Agency personnel shall prepare a record or report anytime a member is dispatched to or otherwise assigned to an incident. Documenting an incident in the current Records Management System (RMS) is always acceptable; however, some incidents may be recorded as follows:

- a. Computer Aided Dispatch (CAD) Event Number Reports:
 - 1. A CAD Event Number is assigned to all calls-for-service.
 - 2. Information is retrievable in CAD with the Event Number, address and/or date.
 - 3. CAD Event Number Reports are limited to non-criminal calls requiring no further action.
 - 4. CAD Event Number Reports shall include the incident location, nature of the incident, names of the involved persons, the final disposition, and may include additional notes entered by the responding Agency members.
 - 5. When only documenting incidents with a CAD Event Number Report, serious consideration should be given to the nature of the incident, as well as what is being requested by the community member. CAD Event Number Reports are not a replacement for RMS Reports when an RMS Report is applicable.
- b. Citations/Summonses:
 - 1. May be issued to document offenses such as traffic infractions and citable misdemeanor warrants with positive identification.
 - 2. Citations/summonses issued for offenses other than infractions also require an associated RMS Report. The citation number will be referenced in the report and a copy of the citation/summons will be attached to the report. The report number will be referenced on the citation/summons.

323.3: GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.3.1: GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

323.3.2: TELEPHONE REPORTS

- a. PURPOSE AND SCOPE - It is the policy of the department that authorized personnel may obtain information by telephone for the purpose of completing a written report. This method of obtaining information is only acceptable when the incident being reported meets the below criteria:
 1. Crimes in progress or having just occurred require a police response.
 2. Phone reports will only be taken if the incident being reported is "cold" in nature and rapid response by a police unit would not aid in the apprehension of the suspect or in securing evidence at the scene.
 3. Incidents with suspects or additional follow-up investigation will not be taken by telephone.
- b. PROCEDURE - The following circumstances require dispatching of a field unit, even if the incident would otherwise qualify as a phone report:
 1. When a crime is in progress or has just occurred, and police presence may result in the apprehension of the suspect.
 2. When police presence is likely to prevent property damage or personal injury.
 3. When there is need to process or collect physical evidence.
 4. When the incident requires on-the-scene preliminary investigation, i.e., for serious injury, loss items of significant value or sensitivity, and when there are investigative leads requiring immediate attention.
 5. When the citizen insists on the presence of an officer.
- c. QUALIFYING REPORTS - If the police purpose would be better served by sending an officer to the scene to investigate, one will be sent. This decision will be made by the Patrol Sergeant. The following types of incidents may qualify as phone reports, if an authorized person is available to handle:
 1. Misdemeanor crimes against property.
 2. Simple assaults with no or minor injuries and the suspect is not known.
 3. Runaway reports with the runaway being over 15 years old and with a prior runaway report on file.
 4. Harassing or annoying telephone calls, unless an officer is needed for the complainant's immediate protection.
 5. Lost property.
 6. Supplemental reports to existing reports on file.
 7. Miscellaneous reports.
- d. If in the course of the report taking an investigative lead is developed, the report taker will advise the Patrol Sergeant and the follow-up investigation will be assigned to a patrol officer to handle.

- e. If after a report has been taken by telephone and an investigative lead is developed, the report will be assigned to a patrol officer for follow-up investigation until the investigation is suspended, cleared, or unfounded.

323.4: REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating [officer](#) to ensure that any report returned for correction is processed in a timely manner.

323.5: REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the [Records Division](#) for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the [Records Division](#) may be corrected or modified by the authoring [officer](#) only with the knowledge and authorization of the reviewing supervisor.

329: Major Incident Notification

329.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

329.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 11.3.3, [41.2.4](#)

329.2: POLICY

The [Alameda Police Department](#) recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

329.3: MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the [Chief of Police](#) and the affected [Bureau](#) Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic fatalities
- Unusual deaths
- Rapes
- Armed robberies
- Felony assaults with serious injury
- Vandalism to a place of worship as described per Penal Code 594.3(a)
- Kidnappings
- ~~Hate Incident or~~ Hate Crime
- Major drug cases
- Officer-involved shooting - on or off duty (See Policy Manual § 310.53 for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent [Alameda](#) official
- Arrest of Department employee or prominent [Alameda](#) official
- Aircraft crash with major damage and/or injury or death
- Bombings or explosive devices
- In-custody deaths
- Arrest of a [City](#) employee
- Use of the Emergency Response Vehicle
- Traffic collisions involving bicyclists or pedestrians
- Other significant events as deemed appropriate by the [Watch Commander](#)

329.4: WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the cellular telephone number first and then by any other available contact numbers, including their home telephone.

329.4.1: STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Bureau Commander and the Detective Lieutenant if that bureau is affected.

329.4.2: DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

329.4.3: TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

329.4.4: PRESS INFORMATION OFFICER (PIO)

The Press Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

329.5: SIGNIFICANT POLICE INCIDENT REPORTING TO CITY MANAGER AND CITY COUNCIL

The purpose of this order is to establish a procedure for disseminating information on significant police incidents to the City Manager, and City Council.

It is the policy of this Department as part of its command/control responsibility to ensure that police Executive Command Officers, the City Manager, and City Council are notified of significant police incidents in a timely fashion.

The On-Duty Watch Commander shall assume responsibility for preparing and forwarding the information at all other times.

During non-business hours, the Bureau of Field Services Commander or other Bureau Commander should be notified of the significant police incident if, in the

judgment of the Watch Commander, the incident is of sufficient gravity that notification is necessary before the regular business day.

During non-business hours, the Chief of Police should be notified of the significant police incident if, in the judgment of the Bureau of Field Services Commander or other Bureau Commander, the incident is of sufficient gravity that notification is necessary before the regular business day.

When notifying the City Manager or City Council of a significant police incident, the below procedure shall be followed:

Obtain the necessary information for completion of the Significant Police Incident form. Complete the form and e-mail it to the City Manager, each City Council Member, City Department Heads, the Chief of Police, both Captains and all Lieutenants via the SIGINFO address in the City of Alameda e-mail system.

341: Volunteer Program

341.1: POLICY

The Alameda Police Department shall ensure that volunteers are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

341.2: PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Alameda Police Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Alameda Police Department and prompt new enthusiasm.

341.2.1: DEFINITION OF VOLUNTEER

An individual who performs a service for the Alameda Police Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

341.3: VOLUNTEER MANAGEMENT

341.3.1: VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the AdministrationBureau Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Alameda Police Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Alameda Police Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- a. Recruiting, selecting and training qualified volunteers for various positions.
- b. Facilitating the implementation of new volunteer activities and assignments.
- c. Maintaining records for each volunteer.
- d. Tracking and evaluating the contribution of volunteers.
- e. Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- f. Maintaining a record of volunteer schedules and work hours.

- g. Completion and dissemination as appropriate of all necessary paperwork and information.
- h. Planning periodic recognition events.
- i. Administering discipline when warranted.
- j. Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

341.3.2: RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with [department](#) policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the [Alameda Police Department](#) in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

341.3.3: SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include but not limited to the following:

- a. ~~Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.~~ Local, state, and national criminal history background check. Fingerprints shall be obtained from all applicants and submitted to the California Department of Justice (Penal Code § 11105.05; Penal Code § 11105.002).
- b. Traffic history check
- c. Employment
- d. References
- e. Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

341.3.4: SELECTION AND PLACEMENT

Service as a volunteer with the [Alameda Police Department](#) shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the [Alameda Police Department](#) Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the [Alameda Police Department](#). All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the [Alameda Police Department](#).

341.3.5: TRAINING

Volunteers will be provided with an orientation program to acquaint them with the [Alameda Police Department](#), personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn [officers](#) or other full-time members of the [Alameda Police Department](#). They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the [Alameda Police Department](#).

341.3.6: FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- a. Driver license
- b. Medical condition
- c. Arrests
- d. Criminal investigations

All volunteers shall adhere to the guidelines set forth by this [department](#) regarding drug and alcohol use.

341.3.7: DRESS CODE

As representatives of the [Alameda Police Department](#), volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to [department](#)-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn [officers](#). The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official [department](#) assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or [department](#) property at the termination of service.

341.4: SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the [Alameda Police Department](#) must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- a. Take the time to introduce volunteers to employees on all levels.
- b. Ensure volunteers have work space and necessary office supplies.
- c. Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

341.5: CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or [department](#) policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released.

Confidential information shall be given only to persons who have a need and a right to know as determined by [department](#) policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the [Alameda Police Department](#). Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the [Alameda Police Department](#), or maintain that they represent the [Alameda Police Department](#) in such matters without permission from the proper [department](#) personnel.

341.6: PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the [Alameda Police Department](#) shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the [Alameda Police Department](#) and shall be returned at the termination of service.

341.6.1: VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- a. A driving safety briefing and [department](#) approved driver safety course.
- b. Verification that the volunteer possesses a valid California Driver License.
- c. Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a [Alameda Police Department](#) vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all [Alameda Police Department](#) vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a [Alameda Police Department](#) vehicle Code-3.

341.6.2: RADIO AND [MDT] USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or [MDT](#) and comply with all related provisions. The Volunteer Coordinator

should ensure that radio and CLETS training is provided for volunteers whenever necessary.

341.7: DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the [Chief of Police](#) or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the [Chief of Police](#) or authorized designee.

Volunteers may resign from volunteer service with the [Alameda Police Department](#) at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

341.7.1: EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the [Alameda Police Department](#).

341.8: EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

343: Conducted Energy Device

343.1: PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

343.1.1: ACCREDITATION STANDARDS

This section pertains to the following CALEA Standards: [4.1.4](#), 4.1.5, 4.2.1, 4.3.2, 4.3.3, 4.3.4

343.2: POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to [officers](#) and suspects.

343.3: ISSUANCE AND CARRYING CEDS

Only members who have successfully completed [department](#)-approved training may be issued and may carry the CED.

The Bureau of Support Services should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the [department](#) inventory.

[Officers](#) shall only use the CED and cartridges/magazines that have been issued by the [Alameda Police Department](#). Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed [officers](#) who have been issued the CED shall wear the device in an approved holster.

[Officers](#) who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

- a. All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- b. For single-shot devices, whenever practicable, [officers](#) should carry an additional cartridge on their person when carrying the CED.
- c. [Officers](#) should not hold a firearm and the CED at the same time.

Non-uniformed officers shall secure a CED on their person and under their control at all times. Any deviation from this shall be approved at a captain's level.

343.3.1: USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the **officer**'s shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged shall be returned to the Bureau of Support Services for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

~~r cartridge/magazine was damaged or became inoperative, if known.~~

343.4: VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of **officers** or when it is not practicable due to the circumstances. The purpose of the warning is to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other **officers** and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with **an officer**'s lawful orders and it appears both reasonable and feasible under the circumstances, the **officer** may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the **officer** deploying the CED in the related report.

343.5: USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, **officers** should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, **an officer** designated as lethal cover for any **officer** deploying a CED may be considered for officer safety.

343.5.1: APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the **officer** at the time indicate that such application reasonably appears necessary to control a person who:

- a. Is violent or is physically resisting.
- b. Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm **officers**, themselves, or others.

Mere flight from a pursuing **officer**, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

343.5.2: SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the **officer**, the subject or others, and the **officer** reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals with obviously low body mass.
- d. Individuals who are handcuffed or otherwise restrained.
- e. Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- f. Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between **officers** and the subject, thereby giving **officers** time and distance to consider other force options or actions.

343.5.3: TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, **officers** should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently

striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

343.5.4: MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- a. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- b. Whether the probes are making proper contact.
- c. Whether the individual has the ability and has been given a reasonable opportunity to comply.
- d. Whether verbal commands or other options or tactics may be more effective.

343.5.5: ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

343.5.6: DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

343.5.7: OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

343.6: DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime report. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be

documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a [department](#)-approved process to preserve the data.

343.6.1: Risk Management Reports

As applicable based on the device type, items that shall be included in the Risk Management Report are::

- a. The brand, model, and serial number of the CED and any cartridge/magazine.
- b. Date, time, and location of the incident.
- c. Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- d. The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- e. The range at which the CED was used.
- f. The type of mode used (e.g., probe deployment, drive-stun).
- g. Location of any probe impact.
- h. Location of contact in drive-stun mode.
- i. Description of where missed probes went.
- j. Whether medical care was provided to the subject.
- k. Whether the subject sustained any injuries.
- l. Whether any [officers](#) sustained any injuries.

The [Training Sergeant](#) should periodically analyze the Risk Management Reports to identify trends, including deterrence and effectiveness. The [Training Sergeant](#) should also conduct audits of CED device data downloaded to an approved location and reconcile Risk Management Reports with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

343.6.2: REPORTS

The [officer](#) should include the following in the arrest/crime report:

- a. Identification of all personnel firing CEDs
- b. Identification of all witnesses
- c. Medical care provided to the subject
- d. Observations of the subject's physical and physiological actions
- e. Any known or suspected drug use, intoxication, or other medical problems

343.7: MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or [officers](#) trained in probe removal and handling

should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- a. The person is suspected of being under the influence of controlled substances and/or alcohol.
- b. The person may be pregnant.
- c. The person reasonably appears to be in need of medical attention.
- d. The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- e. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another **officer** and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting **officer** shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

343.8: SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

343.9: TRAINING

Personnel who are authorized to carry the **CED** shall be permitted to do so only after successfully completing the initial **department**-approved training. Any personnel who have not carried the **CED** as a part of their assignment for a period of six months or more shall be

recertified by a department-approved CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Defensive Tactics Coordinator or Training Division. All training and proficiency for CEDs will be documented in the officer's training file. Training files will be retained in the department's database.

Command staff, supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- a. A review of this policy.
- b. A review of the Use of Force Policy.
- c. Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- d. Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- e. Handcuffing a subject during the application of the CED and transitioning to other force options.
- f. De-escalation techniques.
- g. Restraint techniques that do not impair respiration following the application of the CED.

401: Bias-Based Policing

401.1: PURPOSE AND SCOPE

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

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

401.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 1.2.9

401.1.2: DEFINITIONS

Definitions related to this policy include:

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

This includes biased conduct, including but not limited to conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, that is motivated by bias toward any person's protected class or characteristic, whether actual or perceived as identified in Penal Code § 13510.6(a)(1). Biased conduct may result from implicit and explicit biases. Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that a peace officer's conduct resulted from bias towards that person's membership in a protected class. A peace officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct (Penal Code § 13510.6).

401.2: POLICY

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

401.3: BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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

401.3.1: CALIFORNIA RELIGIOUS FREEDOM ACT

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

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

- a. In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- b. By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4: MEMBER RESPONSIBILITIES

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

401.4.1: REASON FOR CONTACT

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

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

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

401.4.2: REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, **an officer** conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When

multiple [officers](#) conduct a stop, the [officer](#) with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

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

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

401.4.3: DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

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

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

REPORTING TRAFFIC STOPS

Each time [an officer](#) makes a traffic stop, the [officer](#) shall report any information required in the Traffic Function and Responsibility Policy.

REPORTING TRAFFIC STOPS

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401.5: SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- a. Supervisors should discuss any issues with the involved [officer](#) and their supervisor in a timely manner.
 1. Supervisors should document these discussions in the prescribed manner.
- b. Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, [Mobile Data Terminal](#) (MDT) data, and any other available resource used to document contact between [officers](#) and the public to ensure compliance with the policy.
 1. Supervisors should document these periodic reviews.

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- c. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
 1. When investigating any bias-related complaint or law enforcement activity incident that involves possible indications of officer biased conduct or improper profiling, a supervisor shall determine whether the officer engaged in conduct that constitutes biased conduct as defined in 11 CCR 1022 or improper profiling during a law enforcement activity as described in Penal Code § 13519.4(e) (Penal Code § 13510.6).
- d. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6: ADMINISTRATION

The Bureau of Professional Standards should review the efforts of the Alameda Police Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7: TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually, and as needed for remedial purposes, and will include:

- a. Explicit and implicit biases,
- b. Avoiding improper profiling, and
- c. Legal aspects.

401.7.1: ADDITIONAL STATE REQUIREMENTS

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

- a. All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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

401.8: REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

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

~~401.8.1: DEPARTMENT REVIEW~~

~~The Bureau of Professional Standards shall prepare a documented annual administrative review of activities with potential for bias to include, but not limited to:~~

- ~~a. Traffic and field contacts,~~
- ~~b. Asset forfeiture efforts,~~
- ~~c. Citizen complaints, and~~
- ~~d. Any corrective measures taken.~~

437: Automated License Plate Readers (ALPR)

437.1: STATEMENT OF INTENDED USE

The use of Automated License Plate Readers (ALPR) technology seeks to improve the safety and protection of the City of Alameda, its residents, visitors, and business owners. The primary intended use of the technology is to collect license plate numbers to assist in the identification, apprehension, and prosecution of criminal offenders. Other uses include locating missing persons, intelligence gathering to prevent crimes or investigate acts of domestic terrorism, deter criminal actions, and/or reduce the perception of crime.

437.2: POLICY

The policy of the Alameda Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR are for the official use in support of criminal investigations. Such data may contain confidential information not open to the public for review.

437.3: PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of ALPR technology.

437.4: DEFINITIONS

(a) **Fixed ALPR:** A fixed device that uses cameras and computer technology to compare digital images to lists of available information of interest.

(b) **Mobile ALPR:** A mobile device, typically mounted in a patrol vehicle, that uses cameras and computer technology to compare digital images to lists of available information of interest.

(c) **ALPR Operator:** Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.

(d) **ALPR Administrator:** The Bureau of Support Services Captain or the Chief's designee serves as the ALPR Administrator for the Department.

(e) **Hotlist:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLOs.

(f) **Vehicles of Interest:** Including, but not limited to, vehicles that are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/ or wanted persons and

vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.

(g) **Detection:** Data obtained by a ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

(h) **Hit:** Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

(i) **Public Agency:** A public agency (also referred to as "law enforcement agency" in this policy) means the state, any city, county, or city and county, or any agency or political subdivision of the state or a city, county, or city and county, including, but not limited to, a law enforcement agency.

(j) **Authorized Agency:** Another law enforcement agency whose own policy matches the intent of the Alameda Police Department's ALPR policy as determined by the Office of the Chief of Police.

437.5: ADMINISTRATION

The ALPR technology, allows for the automated detection of license plates along with the vehicle make, model, color, and unique identifiers through the Alameda Police Department's ALPR system and the vendor's vehicle identification technology. The Alameda Police Department uses the technology to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, criminal investigations, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment and ALPR data retention and access shall be managed by the ALPR Administrator. The ALPR Administrator will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

437.6: ALPR ADMINISTRATOR

The Bureau of Support Services Captain shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) Training requirements for authorized users.

(b) A description of how the ALPR systems will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(c) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(d) The title and name of the current designee in overseeing ALPR operations.

(e) Ensuring the appropriate and timely retention and destruction of ALPR data.

(f) Ensuring this policy and related procedures are conspicuously posted on the Department's website.

437.7: OPERATIONS

The use of an ALPR is restricted to the purposes outlined below. Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

(c) Absent exigent circumstances, officers shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) via Dispatch or MDT before taking any enforcement action. Once an alert is received, the operator must confirm that the observed license plate from the system matches the license plate, state of issue, and description of the observed vehicle. Officers are reminded ALPR provides hits on vehicles and may or may not provide information on occupants. Accordingly, officers must establish reasonable suspicion and/or probable cause to detain vehicle occupants.

(d) ~~Access and searches of the database require supervisory approval prior to the search. Additionally, the search documentation~~ Documentation of access and searches of the database shall include the name of the person accessing the database, the associated case number/details, and intended purpose of the access by crime code or additional description. ~~The name of the supervisor approving access will be captured and retained through dispatch.~~

(e) Partial license plates and unique vehicle descriptions reported during criminal investigations should be entered into the ALPR system in an attempt to identify suspect vehicles.

(f) Department members will clear all stops that were generated from an ALPR alerts with a CAD disposition code that clearly documents the stop outcome.

(g) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day, with the most current data overwriting the old data.

(h) To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which can be fully audited.

437.8: PROHIBITED USES

The ALPR system and all data collected are the property of the Alameda Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this policy. The following uses of the ALPR system are expressly prohibited:

(a) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the ALPR to record license plates not exposed to public view.

(b) Harassment or Intimidation: It is a violation of this policy to use the ALPR system to harass, monitor, and/or intimidate any individual or group.

(c) Use Based on a Protected Class/Characteristics. It is a violation of this policy to use the ALPR system solely based on a person's or group's perceived race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.

(d) Immigration Enforcement/Investigations: It is a violation of this policy to use the ALPR system for immigration enforcement and/or investigations.

(e) Personal Use: It is a violation of this policy to use the ALPR system for any personal purpose.

(f) First Amendment Rights. It is a violation of this policy to use the ALPR system for the purpose or known effect of infringing upon First Amendment rights and/or any Constitutional rights.

(g) The City Manager will be notified of any sustained policy violations within 1 week of the sustained violation. Anyone who engages in an impermissible use of the ALPR system may be subject to:

- Criminal prosecution,
- Civil liability, and/or

- Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

437.9: DATA COLLECTION AND RETENTION

The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

ALPR data stored or retained by the Alameda Police Department or any vendor may be retained up to 60 days. Thereafter, ALPR data shall be purged unless it has become, or is reasonable to believe will become evidence in a criminal, civil, and/or administrative action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data shall be downloaded from the server into evidence.com. Additionally, no ALPR data will be warehoused or co-mingled with any private company data. Information gathered or collected will not be shared, sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes, and only in compliance with this policy or in response to a lawful action to produce the data.

437.10: ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by procedural and technological means. The Alameda Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time (Civil Code § 1798.90.52). Passwords are required to be changed periodically according to CJIS standards. Employees that leave the City will have all access immediately revoked.

(b) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and this policy.

(c) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes. Absent a court order, the Department may only share access to ALPR data with agencies whose ALPR policies align with this policy's intent and in compliance with Civil Code § 1798.90.5 et seq.

(d) ALPR system audits shall be conducted regularly.

437.11: ALPR DATA AUDITS AND ANNUAL REPORTING

It is the responsibility of the ALPR Administrator to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The

Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least ten detection browsing inquiries conducted by Department employees during the preceding 12-month period and determine if each inquiry meets the requirements established in this policy.

The audit shall be documented in the form of an internal Department memorandum to the Office of the Chief of Police. The memorandum shall include any data errors or policy violations found so that such errors can be corrected and violations addressed.

Additionally, the memorandum shall include an evaluation of the system's efficacy, including relevant crime statistics and/or data to help the community assess whether use of the technology is beneficial. After the review by the Office of the Chief of Police, the memorandum and any associated documentation shall be filed and retained according to the City of Alameda's retention policies.

Beginning on January 1, 2024, or the next closest regular scheduled City Council meeting, and annually on or about the same date thereafter. The Office of the Chief of Police will prepare an annual report for submission to City Council. The annual report will include, at a minimum:

- 1) A summary of the audit memorandum including any corrective action taken, not to include any confidential disciplinary information prohibited by law from disclosure.
- 2) The number of fixed ALPR cameras.
- 3) The number of mobile ALPR cameras.
- 4) (ALPRs) The number of scanned license plates.
- 5) The number of hotlist hits or alerts.
- 6) The number of search queries and the justification for such queries.
- 7) The number of investigative leads generated by use of ALPR data.
- 8) The number of witnesses located by use of ALPR data.
- 9) The number of stolen vehicles recovered by use of ALPR data.
- 10) The number of suspects apprehended by use of ALPR data.
- 11) A list of Authorized Agencies that accessed or received ALPR data.
- 12) The approved and unapproved ALPR data requests from third parties referenced in the section below.

13) Total costs for maintenance, upgrades, licensing, and training.

437.12: RELEASING ALPR DATA

The Department shares the following data with the recipients, provided they have both a "right to know" and a "need to know." A "right to know" is the legal authority to receive information pursuant to a court order, statutory law, case law, or being a sworn member of a law enforcement agency conducting an active criminal/administrative investigation.

A "need to know" is a compelling reason to request information such as direct involvement in an investigation. The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law and this policy. Absent exigent circumstances, all other agencies that have not been authorized by the Office of the Chief of Police, the following procedures shall apply.

Personnel shall ask that the requesting agency to complete a written request for the ALPR data that includes:

- (a) The name of the agency.
- (b) The name of the person requesting.
- (c) The intended purpose of obtaining the information.
- (d) The request is reviewed by the on-duty watch commander or the authorized designee and approved before the request is fulfilled.
- (e) The approved request is retained on file.

The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) before approving the release of ALPR data. The Alameda Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement. These federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). No facial recognition software will be incorporated into the ALPR software.

437.13: TRAINING

The Training Manager should ensure that members receive Department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53). (ALPRs) Training shall include, but not be limited to, this policy, relevant statutory and case law, and local ordinances and policies. An attestation that this policy has been reviewed shall be documented in all ALPR Operator's training records.

441: Medical Aid and Response

441.1: PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

441.1.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 4.1.5, 41.2.8

441.2: POLICY

It is the policy of the [Alameda Police Department](#) that all [officers](#) and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

441.3: FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact [the Communications Center](#) and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide [the Communications Center](#) with information for relay to EMS personnel in order to enable an appropriate response, including:

- a. The location where EMS is needed.
- b. The nature of the incident.
- c. Any known scene hazards.
- d. Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating,

extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

441.4: TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

441.5: PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, [an officer](#) shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the [officer](#) should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If [an officer](#) believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The [officer](#) may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the [officer](#) will require the person to be transported to the nearest medical facility. In such cases, the [officer](#) should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

441.6: MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

441.7: AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The [Field Services](#) [Bureau Commander](#) should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the [Alameda Police Department](#) should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One [department](#) member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

441.8: AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

441.8.1: AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the [Training Sergeant](#) who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact [the Communications Center](#) as soon as possible and request response by EMS.

441.8.2: AED REPORTING

Any member using an AED will complete an incident report detailing its use.

441.8.3: AED TRAINING AND MAINTENANCE

The [Training Sergeant](#) should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The [Training Sergeant](#) is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

441.9: ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

~~Members may administer opioid overdose medication in accordance with protocol specific by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code 1714.22; 22 CCR 100019):~~

- ~~a. When trained and tested to demonstrate competence following initial instruction.~~
- ~~b. When authorized by the medical director of the LEMSAs.~~
- ~~c. In accordance with California Peace Officer Standards and Training (POST) standards.~~

[Trained members may administer opioid overdose medication \(Business and Professions Code § 4119.9\).](#)

441.9.1: OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the ~~member's immediate supervisor~~ [Training Sergeant](#).

Any member who administers an opioid overdose medication should contact [the Communications Center](#) as soon as possible and request response by EMS.

441.9.2: OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The [Training Sergeant](#) will ensure that the [Records Supervisor](#) is provided enough information to meet applicable state reporting requirements.

441.9.3: OPIOID OVERDOSE MEDICATION TRAINING

The [Training Sergeant](#) should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards ~~(Civil Code § 1714.22)~~.

441.9.4: DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The [Training Sergeant](#) shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

441.9.5: OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

441.10: SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the [officer](#) has reason to believe the arrestee is

feigning injury or illness, the **officer** should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the **officer** should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay **an officer** from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the **officer's** training.

441.10.1: HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with **department** protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The **Field Services Bureau Commander** should develop protocols related to the following:

- a. Providing security and control during an examination or treatment, including:
 1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
 2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
- b. Responsibility for continuing security and control if the person in custody is admitted to the hospital
 1. This should include transferring custody of the person to an appropriate agency.

441.11: FIRST-AID TRAINING

The **Training Sergeant** should ensure **officers** receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

500: Traffic Function and Responsibility

500.1: PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

It is the policy of the Department to take enforcement action when a threat to life and/or public safety is involved. The following are some examples of serious violations:

- a. Incidents involving drug/alcohol impairment
- b. Drivers with a suspended or revoked license
- c. Moving violations
- d. Serious speed violations resulting in added danger to the public
- e. Hazardous violations including, but not limited to, reckless driving and speed contests
- f. Multiple violations
- g. Violations resulting in traffic collisions.

Officers should use discretion in determining enforcement action for acts such as:

- a. Off-road vehicle violations
- b. Equipment violations and other non-moving violations
- c. Public carrier and commercial vehicle violations
- d. Other non-hazardous violations
- e. Newly enacted laws and/or regulations
- f. Pedestrian and bicycle violations

500.1.1: Accreditation Standards

This policy pertains to the following CALEA Standards: 61.1.2, 61.1.5

500.1.2: TRAFFIC SECTION RESPONSIBILITIES

The Traffic Section shall have primary responsibility for planning, analysis, inspection, and coordination of the Department's traffic safety program. Its personnel provide specialized enforcement, investigation, education, and program supervision.

500.1.3: TRAFFIC SECTION COMMANDER

The Traffic Section Commander is a lieutenant who reports to the Bureau of Operations Commander. The Traffic Lieutenant's responsibilities include:

- Development and review of section goals and objectives annually
- Management of the section and accomplishment of its goals and objectives
- Planning for traffic-related events, incidents, and Department needs
- Organizing, staffing, and inspecting the Traffic Section
- Development of traffic policies and procedures
- Participation in the City Manager's Transportation Technical Team
- Budget preparation

500.1.4: TRAFFIC SUPERVISOR

The Traffic Supervisor is a sergeant who reports to the Traffic Section Commander. The Traffic Sergeant's responsibilities include:

- Supervising, training, scheduling, and evaluating Traffic Section personnel
- Motorcycle enforcement
- DUI enforcement
- Parking enforcement
- Operation, repair and maintenance of all traffic-related vehicles and equipment
- Abandoned vehicle abatement
- Emergency back-up coverage for patrol
- Budget preparation for the Traffic Section
- Taxi permits issuance, enforcement and administration
- Traffic safety education within the community
- Grant application and administration

The Traffic Sergeant collects, maintains, and utilizes traffic accident, enforcement, and other related data. These records are used for:

- Analysis of traffic accident data such as reports, investigations, locations, hazards and volume
- Analysis of traffic enforcement activities such as citations, arrests, dispositions, and locations
- Implementation of selective enforcement techniques and procedures based on analyzed data considering type of vehicles, volume, environmental factors, and violations

- Preparation and dissemination of statistical reports and analysis at regular intervals to department personnel
- Deployment of traffic enforcement personnel as indicated through traffic accident analysis and other related factors

The Traffic Sergeant shall be responsible for the review of all collision and hit and run reports.

The Traffic Sergeant causes all necessary and appropriate follow-up investigations and when necessary, authorizes the issuance of a citation.

The Traffic Sergeant shall keep abreast of and advise all uniformed personnel of any specific changes in traffic legislation and/or court decisions.

The Traffic Sergeant, through the Traffic Lieutenant, assists the Patrol Division in planning, coordinating and controlling special traffic situations, such as parades, demonstrations, special events, etc.

The Traffic Sergeant, through the Traffic Lieutenant, develops uniform traffic enforcement policies.

The Traffic Sergeant is responsible for the Adult School Crossing Guard Program which includes:

- Interviewing and hiring prospective crossing guards
- Training and supervising crossing guards at traffic posts
- Maintaining adequate crossing guard clothing and equipment; Maintaining records on the judicious selection of crossing guard posts; Preparing an annual budget for program expenditures

The Traffic Sergeant's responsibilities and duties to other City agencies are:

- Assist and confer with the Engineering Department to create the best possible City-wide traffic movement by way of construction, reconstruction and placement of roads, road signs, signals, and markings
- Assist and confer with the City Attorney regarding any traffic related matters
- Participate as a member of the City Manager's Transportation Technical Team and perform related duties

The Traffic Sergeant will provide the following assistance to agencies not within the City government:

- Act as a liaison with courts on traffic matters
- When requested by Community Oriented Policing Preventative Services (COPPS), provide speakers on topics related to traffic safety and driver improvement
- Confer with other law enforcement agencies on mutual traffic problems

500.1.5: TRAFFIC OFFICER

The duties of the Traffic Officer include, but are not limited to, the following:

- Technical accident investigation, including diagramming, skid-speed analysis, reconstruction, and follow-up as a part of the Major Accident Investigation Team (MAIT)
- Analysis of accident reports and records, when assigned
- Selective traffic enforcement, including D.U.I. enforcement
- Operation of speed measuring devices
- Traffic safety education and public information
- Supervision of adult school crossing guards
- Taxi permits and inspections
- Traffic direction and control
- Special events planning, coordination, and control
- Commercial vehicle enforcement and oversize load permits
- Hazardous materials enforcement and investigation
- Other duties as assigned
- Child seat inspections and installations
- Administration of the Neighborhood Speed Watch Program
- M.T.Z. deployment for speed complaints

500.1.6: TRAFFIC TECHNICIAN

Traffic Technicians are assigned to the Traffic Section, and perform duties which include the following:

- Parking enforcement
- Abandoned vehicle abatement
- Traffic direction and control
- Other duties as assigned

500.2: TRAFFIC [Officer_Deputy] DEPLOYMENT

Several factors are considered in the development of deployment schedules for [officers](#) of the [Alameda Police Department](#). Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore [officer](#) deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All **officers** assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All **officers** will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All **officers** shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3: ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any **officer** shall not be used as the sole criterion for evaluating **officer** overall performance (Vehicle Code § 41603). The visibility and quality of **an officer**'s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1: WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2: CITATIONS

Citations may be issued when **an officer** believes it is appropriate. It is essential that **officers** fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. **Officers** should provide the following information at a minimum:

- a. Explanation of the violation or charge
- b. Court appearance procedure including the optional or mandatory appearance by the motorist
- c. Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3: PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- a. Vehicular manslaughter
- b. Felony and misdemeanor driving under the influence of alcohol/drugs
- c. Felony or misdemeanor hit-and-run
- d. Refusal to sign notice to appear

- e. Any other misdemeanor at the discretion of the **officer**, such as reckless driving with extenuating circumstances

500.4: SUSPENDED OR REVOKED DRIVERS LICENSES

If **an officer** contacts a traffic violator for driving on a suspended or revoked license, the **officer** may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the **officer**. The **officer** shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The **officer** will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.4.1: TRAFFIC SECTION MANUAL

The Traffic Section Manual describes the Department's Traffic Services Program administration and operational policies and procedures. It will be maintained by the Traffic Sergeant, available as a resource for all personnel, and will be reviewed and updated annually.

500.5: HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1: REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, **officers** should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes [officer](#) might benefit from being readily identified as a member of law enforcement.

500.5.2: CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each [police](#) motorcycle and in the saddlebag or gear bag of each [police](#) bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The [Training Sergeant](#) should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

504: Impaired Driving

504.1: PURPOSE AND SCOPE

This policy provides guidance to those [department](#) members who play a role in the detection and investigation of driving under the influence (DUI).

504.1.1: Accreditation Standards

This policy pertains to the following CALEA Standards: 61.1.10

504.2: POLICY

The [Alameda Police Department](#) is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3: INVESTIGATIONS

[Officers](#) should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All [officers](#) are expected to enforce these laws with due diligence.

The [Traffic Lieutenant](#) will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating [officers](#) in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- a. The field sobriety tests (FSTs) administered and the results.
- b. The [officer](#)'s observations that indicate impairment on the part of the individual, and the [officer](#)'s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- c. Sources of additional information (e.g., reporting party, witnesses) and their observations.
- d. Information about any audio and/or video recording of the individual's driving or subsequent actions.
- e. The location and time frame of the individual's vehicle operation and how this was determined.
- f. Any prior related convictions in California or another jurisdiction.

504.4: FIELD TESTS

The [Traffic Lieutenant](#) should identify standardized FSTs and any approved alternate tests for [officers](#) to use when investigating violations of DUI laws.

STATE

504.5: CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- a. The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- b. The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- c. The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- d. The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1: CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2: BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling [officer](#) shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The [officer](#) should also require the person to submit to a blood test if the [officer](#) has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the [officer](#)'s belief shall be included in the [officer](#)'s report (Vehicle Code § 23612(a)(2)(C)).

504.5.3: BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned [officer](#). No [officer](#), even if properly certified, should perform this task.

[Officers](#) should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4: URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The [officer](#) shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by [an officer](#) or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5.5: STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6: PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The **officer** shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The **officer** shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.7: PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If **an officer** lawfully detains a person under 21 years of age who is driving a motor vehicle and the **officer** has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the **officer** shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the **officer** may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the **officer** shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6: REFUSALS

When an arrestee refuses to provide a viable chemical sample, **officers** should:

- a. Advise the person of the requirement to provide a sample (Vehicle Code § 23612).
- b. Audio- and/or video-record the admonishment when it is practicable.
- c. Notify a supervisor to respond to the scene.
- d. Advise the person a search warrant will be obtained to collect a sample.
- e. Document the refusal in the appropriate report. If a "DUI Blood Draw" E-warrant was not obtained, document the reason in the report.

Upon refusal to submit to a chemical test as required by law, **officers** shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.1: BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- a. A search warrant has been obtained (Penal Code § 1524).
- b. The **officer** can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2: FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the **officer** should request a supervisor to respond.

The responding supervisor should:

- a. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- b. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- c. Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another **officer**) and attempt to persuade the individual to submit to such a sample without physical resistance.
 1. This dialogue should be recorded on audio and/or video if practicable.
- d. Ensure that the blood sample is taken in a medically approved manner.
- e. Ensure the forced blood draw is recorded on audio and/or video when practicable.
- f. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- g. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, **officers** are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3: STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, **officers** shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued

license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7: [recordsBureau] RESPONSIBILITIES

The [Records Supervisor] will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.8: ADMINISTRATIVE HEARINGS

The [Records Supervisor] will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any [officer] who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

[An officer] called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9: ARREST AND INVESTIGATION

504.9.1: WARRANTLESS ARREST

In addition to the arrest authority granted to [officers] pursuant to Penal Code § 836, [an officer] may make a warrantless arrest of a person that the [officer] has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- a. The person is involved in a traffic crash.
- b. The person is observed in or about a vehicle that is obstructing the roadway.
- c. The person will not be apprehended unless immediately arrested.
- d. The person may cause injury to themselves or damage property unless immediately arrested.
- e. The person may destroy or conceal evidence of a crime unless immediately arrested.

504.9.2: [Officer_Deputy] RESPONSIBILITIES

The [officer] serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- a. Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

- b. Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- c. Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

509: Traffic Stop Guidelines

509.1: PURPOSE AND SCOPE

Officers make vehicle stops for a variety of reasons to include issuing warnings or citations, identify occupants, and/or detain criminal suspects. Officers should pre-plan every vehicle stop. Although it is impossible to predict the actions of the vehicle's driver or passenger(s), officers should consider the potential risks and develop a tactical plan for every stop.

509.1.1: Accreditation Standards

This policy pertains to the following CALEA Standards: 61.1.7

509.2: UNKNOWN RISK GUIDELINES

An officer should consider the following guidelines when conducting traffic stops:

- Choose a stop location with tactical advantages. Consider traffic flow, lighting, and terrain.
- Prior to all stops, notify the dispatcher of your intended stop location, the vehicle's license number, and the vehicle's color and make.
- Utilize the appropriate overhead emergency and cautionary traffic-directing equipment. At night, utilize the appropriate vehicle-illuminating equipment.
- Consider parking the patrol vehicle offset from the violator vehicle and within an appropriate distance based the information known about the occupant(s).
- Determine the safest approach procedure taking into consideration traffic, visibility into the vehicle compartment, the number of occupants, the availability of other officers, and terrain. Officers should not pass between vehicles.
- If the violator exits the vehicle or makes any unusual movements, immediately give verbal commands. If the violator fails to heed the commands, request an additional officer.
- Maintain a position of advantage when making contact with the occupant(s).
- While determining the appropriate course of action, officers should be aware of the violator's location and the surroundings. Consider conducting all actions from the rear of the patrol vehicle. Always remain in a position that allows you to monitor the actions of the occupants and your surroundings.
- Notify dispatch of the disposition of the stop.

509.3: HIGH RISK GUIDELINES

There are situations that warrant a higher level response to traffic stops. Officers should consider the following:

- Seriousness of the crime(s)
- Availability of officers
- Location and terrain
- Number of occupants

When conducting a high risk stop, officers should follow POST approved standards.

510: LAW ENFORCEMENT ESCORTS

510.1: PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for law enforcement escorts in emergency and non-emergency situations.

Except as authorized by the Chief of Police, this Department shall not provide escorts to civilian vehicles.

510.1.1: Accreditation Standards

This policy pertains to the following CALEA standards: 61.3.3

510.2: Emergency Law Enforcement Escort Services

Emergency law enforcement escorts may include medical transports. However, during medical emergencies, patients should be transported by ambulance unless no alternative exists.

Escorting privately-owned vehicles under emergency situations is extremely dangerous and should be avoided.

510.2.1: Authorization

When feasible, officers should obtain supervisory approval when conducting emergency law enforcement escorts.

510.3: NON-EMERGENCY LAW ENFORCEMENT ESCORT SERVICES

Non-emergency escorts for special events may be provided with the approval of the Chief of Police. These include escorts of:

- Public officials
- Dignitaries
- Emergency vehicles
- Funerals
- Oversized vehicles
- Hazardous or unusual cargo

Persons or organizations requesting an escort must possess the appropriate permits and authorizations required by the City of Alameda before this Department will review the request.

The controlling employee sets the pace of the escort and should never allow the escort to continue in a way that would create a risk to public safety.

510.3.1: Authorization

The Bureau of Support Services Commander or designee shall review all requests for pre-planned traffic escorts. All requests for pre-planned escorts shall include:

- Route and maximum speeds to be reached for each segment of the route;
- Appropriate traffic control at locations along the route that are sufficient to ensure safe passage; and
- Appropriate monitoring and tactical control of the escort.

The Bureau of Field Services Commander or designee shall review all requests for non-planned traffic escorts. When reviewing requests, the Bureau of Field Services shall consider:

- Vehicle and cargo types;
- Necessity to hasten travel;
- Availability of personnel; and
- Ability to assure basic law enforcement standards.

The safety of the public and employees during escorts shall always be paramount in consideration of approval.

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

600.2: PURPOSE AND SCOPE

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

600.3: INVESTIGATIONS DIVISION ORGANIZATION

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

600.4: SCHEDULING

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

Investigations Division personnel shall normally work the hours ~~of the Second platoon~~ 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 ~~of Operations~~ Commander, the Investigations Division Commander, and the ~~Violent Crimes~~ Unit supervisor shall be notified immediately, whether on or off duty:
- c.
 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
7.
 - a. If an arson involving major property damage occurs, the Investigations Division Commander and the ~~Property Crimes~~Unit supervisor shall be notified immediately, whether on or off duty.
- d. 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.
- e. 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.
- f. During normal business hours, requests from outside agencies for felony investigations assistance involving local residents will be referred to the ~~appropriate Section~~Unit supervisor. Otherwise, patrol officers shall be directed to render the necessary assistance.
- g. It is the responsibility of the Division Commander to review and assign each case received in the Division to the appropriate Investigative Unit.
- h. Unit Supervisors shall re-assign cases to their respective personnel for investigative follow-up and update the Case Management File appropriately.
- i. Although assigned to a specific unit, officers may be assigned to other units if deemed necessary by the Division Commander.
- j. Unit supervisors shall ensure their personnel submit initial follow-up reports on all assigned cases in a timely manner.
- k. Unit supervisors will ensure their personnel maintain an accurate monthly case assignment/status record using the Department's Case Management System.
- l. Unit supervisors shall submit to the Division Commander a monthly summary of their unit's activities.
- m. The Division Commander shall ensure that personnel within the Division meet regularly for case briefings and information sharing.
- n. All Investigations Division personnel will, as often as possible, attend association meetings pertaining to their specific assignments.
- o. At the conclusion of their work day, personnel assigned to the Investigations Division shall clear their desks of assigned cases and other paraphernalia.
- p. 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:
- c.
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- d. If information indicates a crime has occurred, the ~~officer~~officer shall:
- e.
 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.
- f. 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.an officer

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).

601: Sexual Assault Investigations

601.1: PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1: DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2: POLICY

It is the policy of the [Alameda Police Department](#) that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3: QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- a. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- b. Conduct follow-up interviews and investigation.
- c. Present appropriate cases of alleged sexual assault to the prosecutor for review.
- d. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- e. Provide referrals to therapy services, victim advocates and support for the victim.
- f. Participate in or coordinate with SART.

601.4: REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5: RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The [Investigations Division](#) supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6: TRAINING

Subject to available resources, periodic training should be provided to:

- a. Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- b. Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

601.7: VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to [the Communications Center](#), should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met.

(e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1: VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned **officer** shall accomplish the following:

- a. Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- b. If the victim is transported to a hospital for any medical evidentiary or physical examination, the **officer** shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The **officer** shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the **officer** or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2: VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting **officer** shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this **department** shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8: COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.8.1: COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned [officer](#) shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned [officer](#) determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the [officer](#) shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned [officer](#) shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the

assigned [officer](#) shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2: COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.8.3: DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- a. Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 1. Although [such](#) information may be communicated orally, the assigned [officer](#) should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. Absent a written request, no member of this [department](#) is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- b. Sexual assault victims shall further have the following rights (Penal Code § 680):
 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

- c. Provided that the sexual assault victim or the victim's authorized designee has kept the assigned [officer](#) informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned [officer](#) should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No [officer](#) shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.8.4: STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The [Property and Evidence Unit](#) supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.8.5: NON-TESTING OF SAFE KITS

Sexual assault survivors 18 years or older may be undecided at the time of the medical examination whether to report the sexual assault to law enforcement and may request that any collected medical evidence not be tested. If such a request is made, the medical facility is responsible for the transfer of the SAFE kit to the [Alameda Police Department](#), if the [Alameda Police Department](#) is the investigating agency. The [Alameda Police Department](#) shall retain the SAFE kit until the sexual assault survivor requests testing (Penal Code § 680).

If the [Alameda Police Department](#) receives a request for non-testing after the examination and the SAFE kit has not already been submitted to a crime lab, the SAFE kit shall be retained by the [Alameda Police Department](#). If the SAFE kit has been submitted to the crime lab, but DNA testing has not yet begun, the assigned [officer](#) shall notify the crime lab of the request, and the untested SAFE kit shall be returned to the [Alameda Police Department](#) and retained pursuant to [department](#) protocols (Penal Code § 680).

A sexual assault survivor who initially requested that their SAFE kit not be tested may later request testing, regardless of whether they decide to make a report to law enforcement. The [Investigations Division](#) supervisor should ensure the SAFE kit is sent to the crime lab for testing (Penal Code § 680).

601.9: DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the [Investigations Division](#) supervisor.

Classification of a sexual assault case as unfounded requires the [Investigations Division](#) supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10: CASE REVIEW

The [Investigations Division](#) supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the [Chief of Police](#)

603: Informants

603.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1: ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 42.2.6](#)

603.1.2: DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the [Alameda Police Department](#) for law enforcement purposes. This also includes a person agreeing to supply information to the [Alameda Police Department](#) for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2: POLICY

The [Alameda Police Department](#) recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this [department](#) that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3: USE OF INFORMANTS

603.3.1: INITIAL APPROVAL

Before using an individual as an informant, [an officer](#) must receive approval from his/her supervisor. The [officer](#) shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this [department](#) should not guarantee absolute safety or confidentiality to an informant.

603.3.2: JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- a. The juvenile's parents or legal guardians
- b. The juvenile's attorney, if any
- c. The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- d. The [Chief of Police](#) or the authorized designee

603.3.3: INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated [department](#) informant agreement. The [officer](#) using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4: INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- a. The identity of an informant acting in a confidential capacity shall not be withheld from the [Chief of Police](#), [Bureau Commander](#), [Investigations](#) supervisor or their authorized designees.
- b.
 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- c. Criminal activity by informants shall not be condoned.
- d. Care should be given not to expose informants to unnecessary safety risks.
- e. Informants shall be told they are not acting as [police officers](#), employees or agents of the [Alameda Police Department](#), and that they shall not represent themselves as such.
- f. The relationship between [department](#) members and informants shall always be ethical and professional.
- g.
 1. Members shall not become intimately involved with an informant.
 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the [Investigations](#) supervisor.
 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- h. [Officers](#) shall not meet with informants in a private place unless accompanied by at least one additional [officer](#) or with prior approval of the [Investigations](#) supervisor.
- i.

1. **Officers** may meet informants alone in an occupied public place, such as a restaurant.
- j. When contacting informants for the purpose of making payments, **officers** shall arrange for the presence of another **officer**.
- k. In all instances when **department** funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- l. Since the decision rests with the appropriate prosecutor, **officers** shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1: UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the **Alameda Police Department** and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- a. The informant has provided untruthful or unreliable information in the past.
- b. The informant behaves in a way that may endanger the safety of **an officer**.
- c. The informant reveals to suspects the identity of **an officer** or the existence of an investigation.
- d. The informant appears to be using his/her affiliation with this **department** to further criminal objectives.
- e. The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- f. The informant engages in any other behavior that could jeopardize the safety of **officers** or the integrity of a criminal investigation.
- g. The informant commits criminal acts subsequent to entering into an informant agreement.

603.5: INFORMANT FILES

A master file shall be maintained of the Department's informants. The master file shall include the names of all informants, the identification number assigned to the informant, the name of the informant's managing employee, and the status of the informant (i.e., active, inactive, unreliable).

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the ~~Special Investigations Unit~~ Investigations Division. The ~~Special Investigations~~ Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commander, ~~Special Investigations~~ Unit supervisor or their authorized designees.

The Criminal Investigations Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the ~~Special Investigations~~ Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1: FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- a. Name and aliases
- b. Date of birth
- c. Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- d. Photograph
- e. Current home address and telephone numbers
- f. Current employers, positions, addresses and telephone numbers
- g. Vehicles owned and registration information
- h. Places frequented
- i. Briefs of information provided by the informant and his/her subsequent reliability
- j.
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- k. Name of the officer initiating use of the informant
- l. Signed informant agreement
- m. Update on active or inactive status of informant
- n. Criminal history record, if any
- o. Information on how they can be located

603.6: INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Unit supervisor will discuss the above factors with the Investigations Division Lieutenant and recommend the type and level of payment subject to approval by the Chief of Police.

~~The Investigations supervisor will discuss the above factors with the Field Services Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Police.~~

603.6.1: PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- a. Payments of \$500 and under may be paid in cash from a ~~Special Investigations~~ Unit buy/expense fund.
- b.
 - a. The ~~Special Investigations~~ Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- c. Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
- d.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- e. To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
- f.
 1. The cash transfer form shall include the following:
 - 2.

- a. Date
 - b. Payment amount
 - c. Alameda Police Department case number
 - d. A statement that the informant is receiving funds in payment for information voluntarily rendered.
3. The cash transfer form shall be signed by the informant.
 4. The cash transfer form will be kept in the informant's file.

603.6.2: REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3: AUDIT OF PAYMENTS

The ~~Special Investigations~~ Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least ~~once every six months~~ annually, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

606: Brady Material Disclosure

606.1: PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

606.1.1: ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 42.1.6](#)

606.1.2: DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the [Alameda Police Department](#) that is both favorable and material to the current prosecution or defense of a criminal defendant.

606.2: POLICY

The [Alameda Police Department](#) will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the [Alameda Police Department](#) will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The [Alameda Police Department](#) will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

606.3: DISCLOSURE OF INVESTIGATIVE INFORMATION

[Officers](#) must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If [an officer](#) learns of potentially incriminating or exculpatory information any time after submission of a case, the [officer](#) or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the [officer](#) should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence

or facts are material often requires legal or even judicial review. If [an officer](#) is unsure whether evidence or facts are material, the [officer](#) should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the [Alameda Police Department](#) case file.

[This policy shall apply to pre- and post-conviction investigations.](#)

606.4: DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this [department](#) who is a material witness in a criminal case, the following procedure shall apply:

- a. In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the [officer](#)'s personnel file.
- b. The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- c. Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- d. The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- e. If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

606.5: INVESTIGATING BRADY ISSUES

If the [Alameda Police Department](#) receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

606.6: TRAINING

Alameda Police Department members should receive periodic training on the requirements of this policy.

610: Vice, Drugs, and Organized Crime

610.1: PURPOSE AND SCOPE

The investigation of vice, drugs, and organized crime activities can involve large expenditures of time, money, and effort. This policy will help to evaluate the accuracy and credibility of initial information and determine the scope and relative importance of the problem.

610.1.1: Accreditation Standards

This policy pertains to the following CALEA Standards: 43.1.1, 43.1.5

610.2: COMPLAINT HANDLING

When alleged vice, drugs, or organized crime activity information is received, the following details shall be documented:

1. Source
2. Activity
3. Pertinent dates and times
4. Name of the member receiving the information
5. Any other pertinent information

Documentation may be by official police report, memorandum, or CAD incident entry.

Reports regarding vice, drugs, or organized crime activity shall be routed to the Bureau of Support Services. The case may be assigned for follow-up or routed to the appropriate jurisdiction. If the case is routed to another agency, such routing shall be documented in a report or CAD. The Bureau of Support Services shall notify the Chief of Police of any high-profile vice, drugs, or organized crime cases or arrests.

610.3: OPERATIONS

When any surveillance, undercover, or decoy operation is planned, the member in charge of the operation shall prepare an operations plan in accordance with existing procedures prior to engaging in the operation. The member shall also ensure that personnel engaged in the operation are briefed. Members shall not participate in any surveillance, undercover, or decoy operation with outside agencies that do not meet the requirements of this policy.

610.3.1: Operations Plans

The written operations plan will address the needs of each specific situation and will include:

- Analysis of a particular crime, victim, and suspects
- A determination of the legal ramifications of the operation
- Familiarization of the involved officers with the objectives and details of the operation and the geographical area of the operation
- Pre-determined operational procedures for observation, arrests, surveillance, and high-risk entries
- Established means of routine and emergency communication
- Selection of all necessary equipment and vehicles
- Procedures for supplying officers with false identity, disguises, and necessary credentials
- Maintenance of overall confidentiality and cover
- Designation of a single person as supervisor and coordinator
- Plans for making contact with suspects
- Provisions covering the search and seizure of evidence and contraband
- Provisions for providing relief, backup security, and perimeter protection personnel for officers
- Provisions for obtaining coordination and assistance from others

Upon conclusion of an operation, the Commander overseeing the incident shall complete an After Action Report.

802: Property & Evidence Unit

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: 83.3.2, [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: 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.

802.3: 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.

802.3.1: PROPERTY BOOKING PROCEDURE

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

- a. Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- b. Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- c. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- d. 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.

802.3.2: NARCOTICS AND DANGEROUS DRUGS

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

The [officer](#) seizing the narcotics and dangerous drugs shall place them in the designated locker.

802.3.3: EXPLOSIVES

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

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

802.3.4: EXCEPTIONAL HANDLING

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

- a. Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- b. License plates found not to be stolen or connected with a known crime, should be released directly to the [Property and Evidence Technician](#), or placed in the designated 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.

802.3.5: RELINQUISHED FIREARMS

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

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

- a. A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- b. The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- c. The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the [Alameda Police Department](#) has complied with the requirements of Penal Code § 33850 et seq.

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

802.4: PACKAGING OF PROPERTY

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

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

802.4.1: PACKAGING CONTAINER

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

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

802.4.2: PACKAGING NARCOTICS

The [officer](#) seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. 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.

802.5: RECORDING OF PROPERTY

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

802.6: PROPERTY CONTROL

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

802.6.1: RESPONSIBILITY OF OTHER PERSONNEL

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

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.

802.6.2: TRANSFER OF EVIDENCE TO CRIME LABORATORY

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

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

802.6.3: SUBMISSION OF EVIDENCE FOR LABORATORY ANALYSIS

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

802.6.4: STATUS OF PROPERTY

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

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

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

802.6.5: 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](#).

802.6.6: 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).

802.6.7: DISPUTED CLAIMS TO PROPERTY

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

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

802.6.8: CONTROL OF NARCOTICS AND DANGEROUS DRUGS

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

802.6.9: RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

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

802.6.10: RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

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

- a. If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- b. If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the [Alameda Police Department](#) shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- c. Unless the person contacts the [Alameda Police Department](#) to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.6.11: RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person

upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

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

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

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

802.6.12: RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

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

802.7: DISPOSITION OF PROPERTY

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

802.7.1: EXCEPTIONAL DISPOSITIONS

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

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- 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)

802.7.2: UNCLAIMED MONEY

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

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

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

802.7.3: RETENTION OF BIOLOGICAL EVIDENCE

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

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

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

file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Bureau supervisor.

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).

802.7.4: DESTRUCTION OF FIREARMS AND OTHER WEAPONS

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

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

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

802.8: INSPECTIONS OF THE EVIDENCE ROOM

- a. On a ~~regular~~semi-annual basis, the supervisor of the evidence custodian shall ~~make~~conduct an inspection of the evidence storage facilities and practices to ~~ensure~~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 whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function~~ 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 ~~all evidence property is accounted for~~ property annotated.

802.9: PROPERTY AND EVIDENCE MANUAL

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

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

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

1000: Recruitment and Selection

1000.1: PURPOSE AND SCOPE

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

1000.1.1: ACCREDITATION STANDARDS

[This policy pertains to the following CALEA Standards: 31.4.1](#)

1000.2: APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.2.1: VETERAN'S PREFERENCE

Qualifying veterans of the United States armed forces shall receive a veteran's preference after receiving a passing score on an entrance exam (Government Code § 18973.1). This provision includes widows and widowers of veterans, and spouses of veterans who are 100 percent disabled.

1000.3: POLICY

In accordance with applicable federal, state, and local law, the [Alameda Police Department](#) provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The [Alameda Police Department](#) does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

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

1000.4: STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The [Alameda Department of Human Resources](#) maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the [Alameda](#) or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.4.1: OPERATION OF A MOTOR VEHICLE

- a. The ability to possess a valid California driver's license
- b. The ability to drive safely
- c. The ability to control a motor vehicle at high speeds
- d. The ability to operate a motor vehicle in all types of weather conditions
- e. The following shall be disqualifying:
 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.4.2: INTEGRITY

- a. Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- b. Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- c. Showing strong moral character and integrity in dealing with the public
- d. Being honest in dealing with the public
- e. The following shall be disqualifying:
 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including

inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.4.3: CREDIBILITY AS A WITNESS IN A COURT OF LAW

- a. The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- b. The following shall be disqualifying:
 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
 2. Conviction for two or more misdemeanor offenses under California law as an adult
 3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
 4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
 5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
 6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
 7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
 8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.4.4: DEPENDABILITY

- a. Having a record of submitting reports on time and not malingering on calls, etc.
- b. A record of being motivated to perform well
- c. A record of dependability and follow through on assignments
- d. A history of taking the extra effort required for complete accuracy in all details of work
- e. A willingness to work the hours needed to complete a job
- f. The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.4.5: LEARNING ABILITY

- a. The ability to comprehend and retain information
- b. The ability to recall information pertaining to laws, statutes, codes, etc.
- c. The ability to learn and to apply what is learned
- d. The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- e. The following shall be disqualifying:
 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

1000.4.6: PERSONAL SENSITIVITY

- a. The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- b. Empathy
- c. Discretion, not enforcing the law blindly
- d. Effectiveness in dealing with people without arousing antagonism
- e. The ability to understand the motives of people and how they will react and interact
- f. The following shall be disqualifying:
 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.4.7: JUDGMENT UNDER PRESSURE

- a. The ability to apply common sense during pressure situations
- b. The ability to make sound decisions on the spot
- c. The ability to use good judgment in dealing with potentially explosive situations
- d. The ability to make effective, logical decisions under pressure
- e. The following shall be disqualifying:
 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.4.8: ILLEGAL USE OR POSSESSION OF DRUGS

- a. The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
 2. Any adult use or possession of marijuana within one year prior to application for employment
 3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
 4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
 5. Any adult manufacture or cultivation of a drug or illegal substance
 6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
 7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- b. The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use or possession of a drug as a juvenile
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
 3. Any illegal or unauthorized use of prescription medications

1000.5: RECRUITMENT

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

The strategy shall include:

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

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

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

1000.6: SELECTION PROCESS

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

- a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency

- and reviewed prior to extending an offer of employment (Penal Code § 832.12).
2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- b. Driving record
 - c. Personal and professional reference checks
 - d. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
 - e. Information obtained from public internet sites
 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
 - f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
 - g. Local, state, and federal criminal history record checks ([Government Code § 1030](#); [Penal Code § 11105.002](#); [Penal Code § 11105.05](#))
 - h. Lie detector test (when legally permissible) (Labor Code § 432.2)
 - i. Medical and psychological examination (may only be given after a conditional offer of employment)
 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
 - j. Review board or selection committee assessment
 - k. Relevant national and state decertification records, if available, including the National Decertification Index

1000.6.1: VETERAN'S PREFERENCE

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

1000.7: BACKGROUND INVESTIGATION

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

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

1000.7.1: NOTICES

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

1000.7.2: STATE NOTICES

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

1000.7.3: REVIEW OF SOCIAL MEDIA SITES

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

Due to the potential for accessing unsubstantiated, private, or protected information, the [Administration](#) [Bureau Commander](#) should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

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

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

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

1000.7.4: DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any

findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

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

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

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

1000.7.5: RECORDS RETENTION

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

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

1000.7.6: BACKGROUND INVESTIGATION UPDATE

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

1000.7.7: INVESTIGATOR TRAINING

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

1000.7.8: CONFIDENTIAL POST RECORDS

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

1000.8: DISQUALIFICATION GUIDELINES

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

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

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

1000.9: EMPLOYMENT STANDARDS

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

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

1000.9.1: STANDARDS FOR [dispatcher]

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

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

1000.9.2: STANDARDS FOR [Officers_Deputies]

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

- a. Free of any felony convictions
- b. Be legally authorized to work in the United States under federal law
- c. At least 21 years of age except as provided by Government Code § 1031.4
- d. Fingerprinted for local, state, and national fingerprint check ([Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05](#))
- e. Good moral character as determined by a thorough background investigation (11 CCR 1953)
- f. High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- g. Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- h. Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- i. Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- j. POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- k. Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

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

1023: Occupational Disease and Work-Related Injury Reporting

1023.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1023.1.1: ON-DUTY INJURY PROCEDURES

Employees incurring a personal injury, suspected exposure to an infectious disease, or illness, while on-duty, shall report the incident to their immediate supervisor as soon as possible.

Exposure to infectious disease is not covered by Workers' Compensation. Workers' Compensation benefits apply only upon verification of an employee's contraction of the disease.

In addition to following the procedures outlined in this order, Employees shall refer to the "City of Alameda Workers' Compensation Benefits and Employee Injury Reporting Procedure" document produced by the City's Risk Management Office, to insure compliance with City procedures.

1023.1.2: GENERAL PROVISIONS

An employee shall not be absent from duty on account of any sickness, disability, or injury which is simulated. An employee shall not attempt to mislead or deceive any treating physician, or superior officer assigned to investigate the circumstances of the injury or illness.

An employee shall strictly comply with the instructions of the attending physician and a command officer. The employee shall fully discuss all activities they plan to engage in with the treating physician to determine whether the activities may be likely to aggravate the employee's injury/illness or retard their convalescence. The employee's supervisor shall include this information in their investigative report. Employees shall not engage in any activity which may be detrimental to their recovery.

Employees that are unable to work in any capacity due to an injury or illness shall not be absent from their residence in excess of 24 hours without the expressed permission of the treating physician. Any employee away from their residence during their normally scheduled shift shall personally notify their Division/Watch Commander of the address and phone number where they can be contacted.

No employee shall engage in any outside business or employment while they are on injury or sick leave from the Department unless specific written permission has been previously received from the Chief of Police.

If necessary, the on-duty physician may refer the employee to any locally listed medical doctor or specialist for further treatment, or a referral may be made by the City's Workers Compensation Program Administrator.

An injured employee shall not seek an initial examination or medical treatment from a private physician not listed as the employee's "pre-designated physician" for any job-related injury or illness. If, however, the injury is of a serious nature, the employee shall obtain the required medical treatment from the most available source. Employees shall adhere to all rules regarding medical treatment as set forth in the State of California workers compensation laws, City Personnel Department Procedures, and Department Orders.

Fatal or serious injuries occurring as a result of on-the-job activities require that the City Manager, City Council, and police executive command officers be notified in accordance with protocols governing Significant Incidents. In addition, the City Risk Manager shall be notified immediately of any severe or fatal injury. (A severe injury is anytime an employee has been admitted to the hospital).

When an employee is off-duty and becomes aware of an injury, illness, or exposure believed related to on-duty activities, the employee shall immediately notify an on-duty supervisor and arrange for an appropriate medical examination/treatment as soon as possible thereafter.

Any employee injured while outside the city limits and engaged in on-duty activities shall:

Obtain the required medical treatment from the most available source if the injury is of a serious nature, or if the injury is not serious, defer medical treatment until returning to the City.

Employees sustaining an industrial illness or injury will be placed on sick leave if in the opinion of their physician they are unable to report to work. Upon a determination by the City's third party administrator that the employee was injured within the course and scope of their employment, sick leave will be reinstated.

Due to the nature of workers compensation and City procedures, it is important that employees adhere strictly to these provisions. Failure to do so may cause unnecessary delays in benefits being received by the employee.

1023.1.3: LIGHT DUTY

It is the policy of the Department to reasonably accommodate injured employees by assignment to a limited duty position when feasible.

To reasonably accommodate injured personnel unable to perform the full range of normal duties, the Department will take into consideration the following factors:

The type of medical restriction an employee has incurred and the ability of the employee to perform duties in a manner which will not endanger their safety or health, or that of others.

The personnel needs of the Department and the employee's particular skills in relation to such needs.

Due to Department staffing levels and the unique nature of police work, it is not normally feasible to provide permanent limited duty positions. Also, the Department may not provide for assignments which are expected to be for an extended duration unless a prognosis includes a likelihood of a return to full duty. Periods in excess of three months are presumptively an "extended duration".

An employee unable to perform the full range of their normal duties due to pregnancy will be allowed to work in a limited duty assignment. These employees will be treated in accordance with the provisions outlined in the Memorandum of Understanding between the City and the Police Association, and any other Department regulations governing maternity policies.

Because of the operational hardship placed on the Department it will not provide part-time limited duty positions. Personnel must be able to complete a full duty shift which includes reasonable accommodations for necessary rest periods.

The employee's schedule while working light duty shall be based on departmental needs and not the schedule the employee worked prior to modified duty. Seniority will be considered when a schedule is implemented while two or more employees are on light duty status.

It is the employee's responsibility to read and understand the temporary work restrictions. It is also the responsibility of the employee to not violate these restrictions. If these work restrictions should change, it is the employees responsibility to inform his or her supervisor of these changes.

Time away from work to attend doctor appointments, medical appointments, and physical thereapy appointments is not compensable through Workers' Compensation; sick time or existing accruals may be requested.

Refer to [the Uniform Regulations and Civilian Attire Policy](#)~~Lexipol Policy 1046.5, Civilian Attire~~, regarding proper attire during light duty status. Police uniforms while working light duty are generally prohibited unless permission is granted by the Bureau Commander. While on light duty status your sidearm shall not be visible to the public.

1023.1.4: RETURN TO WORK

An employee returning to limited duty following an absence exceeding one week will adhere to the following procedures:

The employee shall have their physician complete the "Medical Status Report" outlining their present physical condition and any restrictions, and forward it to their Division/Watch Commander immediately. The original shall be sent to the Department secretary and a copy made for the supervisor's investigative report. The secretary will be responsible for forwarding all Medical Status Reports to Human Resources.

Upon conference with the appropriate Bureau Commander, it will be determined if there is a position available and when the employee is to return to work. Specific directions will be given to the employee by the Division/Watch Commander.

When an employee is examined and determined able to immediately, or within one week, resume work in a limited capacity, the supervisor shall record that information in the investigative memorandum. The supervisor shall also note any restricted activities imposed by the treating physician and the estimated duration of the restrictions.

Upon return to limited duty, an employee's immediate supervisor shall complete and forward the "City of Alameda Department Personnel Report" to the Department secretary. Upon release for full duty another report shall be completed and forwarded to the Department secretary. The secretary shall forward copies of these reports to the City Department of Human Resources. Attire to be worn by an employee assigned to a limited duty position will depend on the particular assignment. Generally, attire will consist of a uniform or appropriate business attire as determined by the Bureau Commander where the employee is assigned.

1023.1.5: DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1023.2: POLICY

The [Alameda Police Department](#) will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1023.3: RESPONSIBILITIES

1023.3.1: [agencyHead] RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Alameda Police Department shall be filed in the member's confidential medical file.

1023.3.2: [DivisionCommander] RESPONSIBILITIES

The Bureau Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Bureau Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1023.3.3: SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related [CityCounty]wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

Depending upon the situation, the supervisor shall proceed as follows:

Administer or have administered, appropriate first aid for injuries. For non-emergency injuries incurred during normal business hours, contact should be made with the City's industrial medical care provider, Kaiser On-the-Job Occupational Center, or if applicable, the employee's pre-designated physician, to obtain appropriate medical care. If the injury is an emergency or occurs after hours, the employee can be referred directly to the emergency room at the hospital for treatment.

Provide employee with a DWC-1 Employee's Claim Form. If the injury/illness is minor and treated as an in-house first aid, or an employee declines medical attention at the time of injury, the employee does not need to complete and submit the DWC-1 form. A casualty report (APD 226) shall be completed and maintained in the event that the injury should later need to be activated as a claim. Upon completion of the DWC-1 form by the employee, the supervisor shall complete the Employer's section of the form.

The supervisor is required to give the injured employee a DWC-1 form within 24 hours of the Department's first knowledge of the injury or illness. If it is anticipated that the employee will not be returning to work within this time period, the form must be mailed to the employee and documented.

By law, and regardless of whether or not the supervisor receives a DWC-1 form from an injured employee, the supervisor is required to fill out the DWC Form 5020 and return same to the City's Risk Manager within five (5) calendar days of the Department's first knowledge of the injury or illness.

The supervisor will remain with the employee during the medical examination and determine the extent and expected duration of the employee's incapacitation (if any). Asking an employee or their treating physician about the specific nature or medical diagnosis of an employee is strictly prohibited by both State and Federal law. The supervisor may only ask the injured employee or their treating physician whether or not the injury occurred within the course and scope of their employment, and whether or not the employee can immediately return to their usual and customary duties. If the employee cannot return to their assigned duty, the supervisor will make an effort to determine if the employee is released to work light or modified duty. Additionally, when the employee is released and what restrictions may exist will be determined by the supervisor. If the employee cannot return to work, an anticipated return date should be requested.

Subsequent to the examination and treatment of the employee, and after gathering sufficient information, the supervisor shall complete a "Casualty-Police Personnel" (APD-226) report which includes the details of the incident, the nature of the injury and the doctor's diagnosis and prognosis. This report includes a Forms Control section. The supervisor should clearly mark the appropriate boxes to verify the required distribution of forms has been completed.

Additionally, the supervisor shall be responsible for acquiring memorandums from all personnel involved in the incident and forwarding a completed internal investigation to the Division/Watch Commander.

It shall be the responsibility of the Division/Watch Commander to personally review each incident to ensure compliance with Department policies and to complete the Accident/Injury Summary Review upon review of the incident.

The completed report, investigation, and accident review will be permanently filed in the employee's personnel file.

1023.3.4: MEMBER RESPONSIBILITIES

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor, but within 24 hours.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Department policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1023.4: OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate [Bureau Commander](#) through the chain of command and a copy sent to the [Administration Bureau Commander](#).

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1023.5: SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1023.5.1: NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the [Chief of Police](#) with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the [Chief of Police](#). The purpose of such notice is to permit the [City](#) to determine whether the offered settlement will affect any claim the [City](#) may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the

disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1026: ~~Uniform Regulations~~ Uniforms and Civilian Attire

1026.1: POLICY

The Alameda Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's memorandum of understanding. The Alameda Police Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Alameda Police Department upon termination or resignation.

1026.2: PURPOSE AND SCOPE

~~The uniform policy of the Alameda Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:~~

~~Alameda Police Department Owned and Personal Property~~

~~Body Armor~~

~~Personal Appearance Standards~~

This policy provides guidelines for Alameda Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Alameda Police Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Alameda Police Department.

Other related topics are addressed in the Alameda Police Department-Owned and Personal Property, Personal Appearance Standards, Visible Display of Identification, and Facial Coverings policies.

The Uniform and Equipment Specifications Manual is maintained and periodically updated by the Chief of Police or ~~his/her~~ the authorized designee. ~~That~~ The manual should be consulted regarding authorized equipment and uniform specifications.

~~The Alameda Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.~~

1026.2.1: ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 22.1.8

1026.3: ~~WEARING AND CONDITION OF UNIFORM AND EQUIPMENT~~ UNIFORMS

~~Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.~~

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- a. Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- b. ~~All peace officers of this department~~ Officers ~~in a non-uniformed assignment~~ shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- c. Uniforms shall be worn in compliance with any applicable department specifications.
- d. ~~Personnel~~ Members shall wear only the uniform specified for their ranks and assignments (Penal Code § 13655).
- e. ~~The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.~~
- f. All supervisors will perform periodic inspections of their ~~personnel~~ members under their commands to ensure conformance to these regulations.
- g. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- h. Uniforms are only to be worn while on-duty, ~~while in transit to or from work~~, for court, or at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

1. ~~If~~When the uniform is worn while in transit, ~~an~~a non-uniform outer garment shall be worn over the uniform shirt ~~so as not to~~avoid bringing attention to the ~~employee~~member while ~~he/she~~they is/are off-duty.
- i. ~~Employees~~Members are not to purchase or drink alcoholic beverages while wearing any part of the department-issued uniform, including the uniform pants.
- j. ~~Mirror sunglasses will not be worn with any Department uniform.~~
- k. ~~Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designess.~~
 1. ~~Wrist watch~~
 2. ~~Wedding ring, classing ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand~~
 3. ~~Medical alert bracelet~~

1026.3.1: ~~DEPARTMENT ISSUED~~IDENTIFICATION CARDS

The Alameda Police Department issues each member an official department identification card bearing the ~~employee's~~member's name, ~~identifying information~~full-face photograph, member identification number, member's signature, and signature of the Chief of Police or the official seal of the Alameda Police Department, and photo likeness. All ~~employees~~members shall be in possession of their department-issued identification cards at all times while on-duty or ~~when carrying a concealed weapon in~~ department facilities.

- a. Whenever on duty or acting in an official capacity representing the Alameda Police Department, ~~employees~~members shall display their department-issued identification in a courteous manner to any person upon request and as soon as practical.
- b. Whenever on duty or acting in an official capacity representing the Alameda Police Department, ~~employees~~members shall verbally identify themselves over the phone in a courteous manner to any person upon request and as soon as practical.
- c. Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commanders.

1026.3.2: ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- a. Mirrored sunglasses will not be worn.
- b. Jewelry shall be in accordance with the specifications in Personal Appearance Standards Policy.

1026.3.3: INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- a. Shoulder patch - The authorized shoulder patch supplied by the Alameda Police Department shall be machine stitched to the sleeves of all uniform shirts and jackets; ~~three-quarters of an inch below the should seam of the shirt and be bisected by the crease in the sleeve.~~
- ~~b. Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes swen on the dress of the sleeve. The stripes are to be worn on the left sleeve only.~~
- ~~c. The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.~~
- ~~d. When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.~~
- ~~e. Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designed by the Chief of Police.~~
- ~~f. Flag Pin - A flag pin may be worn, centered above the nameplate.~~
- g. Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- h. Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform (Penal Code § 830.10).
 - 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- i. Rank insignia - The designated insignia indicating the ~~employee's~~member's rank must be worn at all times while in uniform. The Chief of Police may authorized exceptions.
- j. Service insignia - The designated insignia indicating the member's length of service may be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of the uniform.
- k. Assignment insignias - Assignment insignias (e.g., Critical Incident Response Team (CIRT), Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- l. American flag pin - An American flag pin may be worn, centered above the nameplate.
- m. Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If

more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1026.3.4: MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- a. ~~An officer of this department~~ Alameda Police Department officer - From the time of death until midnight on the 14th day after the death.
- b. An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- c. Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- d. National Peace Officers' Memorial Day (May 15~~th~~) - From 0001 hours until 2359 hours.
- e. As directed by the Chief of Police.

1026.4: UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

- a. Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- b. Class B - Standard issue uniform to be worn daily by designated department members.
- c. Class C - General utility uniform to be worn by designated department members.
- d. Specialized assignment - Specific uniforms to be worn by members in special assignments or bureaus.

1026.4.1: CLASS A UNIFORM

~~The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:~~

- ~~— Long sleeve shirt with tie~~
- ~~— Polished shoes~~

~~Boots with pointed toes are not permitted.~~

The Class A uniform consists of the following:

- a. Dress hat
- b. Long-sleeve shirt
- c. Tie
- d. Tie tack or tie bar
- e. Trousers or skirt
- f. Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- g. Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.
- h. Black polished dress shoes
 - 1. Boots with pointed toes are not permitted.
- i. White gloves

1026.4.2: CLASS B UNIFORM

~~All officers will possession and maintain a serviceable Class B uniform at all times.~~

~~The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:~~

- ~~— The long or short sleeve shift may be worn with the collar open. No tie is required~~
- ~~— A black crew neck t-shirt must be worn with the uniform~~
- ~~— All shirt buttons must remain buttoned except for the last button at the neck~~
- ~~— Shoes for the Class B uniform may be described in the Class A uniform~~
- ~~— Approved all black unpolished shoes may be worn~~
- ~~— Boots with pointed toes are not permitted~~

The Class B uniform consists of the following:

- a. Long- or short-sleeve shirt with the collar open and no tie
 - 1. A crew neck t-shirt must be worn under the uniform shirt.
 - 2. All shirt buttons must remain buttoned except for the top button at the neck.
 - 3. Long sleeves must be buttoned at the cuff.
- b. Trousers or skirt
- c. Black belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- d. Dark blue or black socks
 - 1. Natural colored hose must be worn with the skirt.
- e. Black polished dress shoes
 - 1. Approved black unpolished shoes may be worn.
 - 2. Boots with pointed toes are not permitted.

3. Decorative stitching or adornment is not permitted.
- f. Weather-appropriate items
 1. Hat
 2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt
 3. Jacket
 4. Rain gear

1026.4.3: SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, CIRT, Bicycle Patrol, Motor Officers and other specialized assignments.

The Chief of Police or his designee, (The Uniform and Equipment Committee), will establish the regulations, specifications, and conditions for wearing the Specialized Unit uniform. These will be available through the Personnel and Training Section.

~~1026.4.4: INCLEMENT WEATHER GEAR (UTILITY UNIFORM)~~

~~The Uniform and Equipment Specifications lists the authorized Utility uniform, rain jacket, and rain gear. These specifications are available through the Personnel and Training Section.~~

1026.5: CIVILIAN ATTIRE

There are assignments within the Alameda Police Department that do not require the wearing of a uniform because recognition and authority are not essential to their functions. There are also assignments in which the wearing of civilian attire is necessary.

- ~~a. All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.~~
- ~~b. All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.~~
- ~~c. All female administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.~~
- ~~d. The following items shall not be worn on duty:~~
 - ~~1. T-shirt alone~~
 - ~~2. Open toed sandals or thongs~~
 - ~~3. Swimsuit, tube tops, or halter-tops~~
 - ~~4. Spandex type pants or see-through clothing~~
 - ~~5. Distasteful printed slogans, buttons or pins~~

- e. ~~Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.~~
- f. ~~No item of civilian attire may be worn on duty that would adversely affect the reputation of the Alameda Police Department or the morale of the employees.~~
- g. Civilian attire shall fit properly, be clean and free of stains, and not damaged or excessively worn.
- h. Members assigned to administrative, investigative, and support positions shall wear business-appropriate clothing that is conservative in style.
- i. Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- j. No item of civilian attire that would adversely affect the reputation of the Alameda Police Department or the morale of the members may be worn while on-duty.
- k. The following items shall not be worn while on-duty or when representing the Alameda Police Department in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 - 2. T-shirt alone or exposed undergarments
 - 3. Swimsuits, tank tops, tube tops, or halter tops
 - 4. Sweatshirts, sweatpants, or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Denim pants of any color
 - 7. Open-toed shoes
 - 8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

~~1026.6: POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS~~

~~Unless specifically authorized by the Chief of Police, Alameda Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Alameda Police Department to do any of the following (Government Code §§ 3206 and 3302):~~

- ~~—Endorse, support, oppose, or contradict any political campaign or initiative.~~
- ~~—Endorse, support, oppose, or contradict any social issue, cause, or religion.~~
- ~~—Endorse, support, or oppose, any product, service, company or other commercial entity.~~
- ~~—Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.~~

1026.6: OPTIONAL EQUIPMENT - ~~MAINTENANCE, AND REPLACEMENT~~

Any ~~of the~~ items listed in the Uniform and Equipment Specifications that are allowed by the Alameda Police Department but that have been identified as optional shall be purchased

~~totally~~entirely at the expense of the member. No part of the purchase cost shall be offset by the Alameda Police Department ~~for the cost of providing the Department issued item.~~

Maintenance of optional items shall be the financial responsibility of the purchasing ~~employee~~member. ~~For example, repairs due to normal wear and tear (e.g. repairs due to normal wear and tear).~~

Replacement of items listed in this policy as optional shall be done as follows:

- a. When the item is no longer functional because of normal wear and tear, the ~~employee~~member bears the full cost of replacement.
- b. When the item is no longer functional because of damage in the course of the ~~employee's~~member's duties, it shall be replaced ~~following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy)~~ in accordance with the Alameda Police Department-Owned and Personal Property Policy.

1026.6.1: RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states the person has honorably retired from the Alameda Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the ~~Retired Officer CCW Endorsement~~Retiree Concealed Firearms Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Alameda Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1026.6.2: FIREARMS

The specifications for firearms and related accessories are outlined in section 312 of this manual. The Department Rangemaster shall maintain a list of authorized weapons, ammunition, holsters, and related equipment as authorized by the Chief of Police.

1026.7: UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Alameda Police Department ~~employees~~members may not wear any uniform item, accessory, or attachment unless specifically authorized in the Uniform and Equipment Specifications Manual ~~or~~, by the Chief of Police, or the authorized designee.

Alameda Police Department members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Manual ~~or~~, by the Chief of Police, or the authorized designee.