



# OAKLAND POLICE COMMISSION

## MEETING AGENDA

October 10, 2019

6:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

- I. **Call to Order**  
Chair Regina Jackson
- II. **Roll Call and Determination of Quorum**  
Chair Regina Jackson
- III. **Welcome, Purpose, and Open Forum** (2 minutes per speaker)  
Chair Regina Jackson will welcome and call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.
- IV. **Bey Case Review**  
The Commission will discuss a proposal from the Knox & Ross Law Group for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147, and may determine a not-to-exceed contract award amount, proposed scope of work, and direct staff to begin working with Knox & Ross Law Group on a professional services agreement and companion Resolution for Commission approval. ***This was discussed on 9.13.18, 10.11.18, 3.14.19, 4.11.19, 5.9.19, 6.13.19, 6.27.19, 7.25.19, 8.22.19 and 9.12.19. (Attachment 4).***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- V. **Raheem: A Proposal to Gather Community Feedback to Inform Use of Force Policy**  
Brandon Anderson, Founder of Raheem, will share the organization's proposal on working with the Commission to gather community feedback regarding a revised OPD Use of Force policy. The Commission may vote to proceed with the proposal. ***This is a new item. (Attachment 5).***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VI. **OPD Update on Missing Person Jonathan Bandabaila and Department Policy on Social Media Policy for Missing/Abducted Persons**  
OPD will provide an update on their efforts to find Jonathan Bandabaila and will discuss the Department's use of social media regarding missing/abducted persons. ***This is a new item. (Attachment 6)***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any

- VII. Final Draft of OPD SO 9196 Documentation of the Use of Force Timeline on Use of Force Curriculum Development**  
OPD will present the final draft of SO 9196 Documentation of the Use of Force along with information and timeline for use of force curriculum development. ***This is a new item.*** ([Attachment 7](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- VIII. Draft Ordinance on Militarized Police Equipment**  
The Coalition for Police Accountability will present a draft ordinance for review. ***This is a new item.*** ([Attachment 8](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- IX. Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing and Recent Activities**  
To the extent permitted by state and local law, Executive Director John Alden will report on the Agency’s pending cases, completed investigations, staffing and recent activities. ***This is a recurring item.*** ([Attachment 9](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- X. OPD Towing Policy**  
Discussion of OPD’s automobile towing policy towards victims of suspicious circumstances or victims of crime and low-income persons and the effect of those policies on those communities. ***This was discussed on 9.12.19.*** ([Attachment 10](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- XI. OBOA Investigation Update**  
Chief Kirkpatrick will provide information on this investigation. ***This was discussed on 4.11.19, 4.25.19, 5.9.19, and 8.22.19.***
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- XII. Report on Lost Guns**  
OPD will provide a specific report covering 2016-2019. ***This is a new item.*** ([Attachment 12](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any

**XIII. Hiring Process Data for People of Color**

Hiring data request by Commissioner in May 2019, on August 22, 2019, and September 4, 2019 specifically on the 400 applicants who were passed over and the 40 applications who were allegedly brought back by Virginia Gleason, per Chief Kirkpatrick and Ms. Gleason. Chief Kirkpatrick will give her five priorities on the hiring plan as stated on the May 23, 2019 transcript and an update on how long the plan has been in place, which was requested on May 23, 2019. ***This is a new item.*** ([Attachment 13](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

**XIV. Police Commission Counsel Update**

The Commission will discuss the current status of obtaining outside counsel. ***This was discussed on 1.24.19, 4.25.19, and 6.13.19.***

- a. Discussion
- b. Public Comment
- c. Action, if any

**XV. Committee/Liaison/Other Commissioner Reports**

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a recurring item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

**XVI. Meeting Minutes Approval**

The Commission will vote to approve minutes from May 23, June 13, and June 27, 2019. ***This is a recurring item.*** ([Attachment 16](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

**XVII. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachment 17](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

**XVIII. Adjournment**



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail [jrus@oaklandca.gov](mailto:jrus@oaklandca.gov) or call 510-238-3325 or 711 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonés, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [jrus@oaklandca.gov](mailto:jrus@oaklandca.gov) o llame al 510-238-3325 o 711 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 [jrus@oaklandca.gov](mailto:jrus@oaklandca.gov) 或致電 510-238-3325 或 711。請避免塗搽香氛產品。參加者可能對化學成分敏感。

**Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.**





# OAKLAND POLICE COMMISSION

## Agenda Report

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<b>Subject:</b>	<b>Bey Case Review</b>
Date:	October 3, 2019
Requested by:	Police Commission Vice Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

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### Action Requested:

That the Police Commission review a proposal from the Knox & Ross Law Group for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147, and may determine a not-to-exceed contract award amount, proposed scope of work, and direct staff to begin working with Knox & Ross Law Group on a professional services agreement and companion Resolution for Commission approval.

### Executive Summary:

Per Municipal Code Section 2.04.022, the CPRA Executive Director has the authority, on behalf of the City of Oakland, to enter into professional services agreements approved by the Police Commission via Resolution. The Knox & Ross Law Group has submitted a letter of interest for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147, collectively referred to as the Bey Case Review.

Staff seeks guidance from the Police Commission on a contract award amount and a proposed scope of services. After discussion, staff can begin working with the Knox & Ross Law Group to ensure the firm can meet the City's contracting requirements. Staff will also work with the City Attorney's Office on a proposed Resolution for approval by the Police Commission.

### Background:

Staff compiled the following timeline of events related to the Bey Case Review.

- On September 13, 2018, the Commission approved a motion to direct counsel to research whether the Commission has jurisdiction to reopen CPRB case 13-1062.
- On October 11, 2018, the Commission approved a motion to ask the Policies and Procedures Ad Hoc Committee to examine options for an appellate process to re-examine issues on complaints which come before the Commission.
- On March 14, 2019, the Commission approved a motion to send a letter to Robert Warshaw to provide notice of the Bey's complaint and request that the Independent Monitor investigate the substance of the complaint.

Oakland Police Commission  
Subject: Bey Case Review  
Date: October 3, 2019

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- On April 11, 2019, the Commission approved a motion to request the advice of outside counsel on the appellate process.
- On June 13, 2019, the Commission approved a motion to accept bids for investigative services on the Bey case at its next meeting.
- On June 27, 2019, the Commission approved a motion to hire an independent investigator to review CPRA cases 07-0538, 13-1062, and 16-0147 for violations related to complaints of racial and religious profiling.
- On July 16, 2019, the Oakland City Council granted the Commission contracting authority through adoption of Ordinance No. 13547 C.M.S.
- On July 25, 2019, the bids for services from Henry Gage, III and the Law Offices of Amy Oppenheimer were withdrawn.

The remaining bid from Knox & Ross Law Group is included with this report for review by the Police Commission.

**Enclosures:**

Knox & Ross Law Group proposal



3661 Grand Avenue, Suite 205  
Oakland, CA 94610-2025

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September 30, 2019

*Via email*

Commissioner Ginale Harris  
Oakland Police Commission

Re: Investigation and Review of Bey Case

Dear Commissioner Harris:

Per our telephone conversation, I am submitting the following proposal regarding the investigation of the Bey Case. Knox & Ross Law Group has the capability to undertake this investigation and provide detailed analysis of our findings.

The strategy and scope of this effort will depend on what has been done and what access we will have to previous investigative reports, witness lists and statements, surveillance footage, dispatch and radio transcripts, and any other relevant materials.

Our firm would approach the case using the following methodology:

- I. Review initial materials provided by the Commission to develop a draft of our investigative plan and timeline for completing the scope of work. As we progress in the project, we will collaborate periodically with the Commission to fine-tune our plan.
- II. Examine physical evidence related to the Bey Case.
- III. Locate and interview witnesses identified in reports from prior investigations.
- IV. Identify, contact and endeavor to interview witnesses from the Oakland Police Department, Community Police Review Agency, and members of any other agency or department with potentially relevant input, as appropriate.

- V. Contact and interview sources and witnesses whose names we develop in the course of our work.
- VI. We will incorporate all relevant input into a report of investigation. This report will cover our protocols and methodology, and the responses of knowledgeable parties, whether they consented to an interview or declined. Our report will note where statements have materially changed, or where relevant contradictions arise among the key witnesses, or if witnesses believe their prior input was misconstrued or misreported. We will also opine as to the credibility of all witnesses interviewed.
- VII. We will compare witness statements and evidentiary materials that bear on whether there is enough evidence to re-open the Bey Case based on findings of Racial and/or Religious profiling. We will provide our findings, using a preponderance of the evidence standard, as to whether relevant policies and procedures were followed or violated.

We propose to undertake this investigation at a blended rate of \$350 per hour across the team members involved. If you have any questions or concerns regarding this proposal, please feel free to contact me directly at (510) 240-5278.

Respectfully,



Jason J.M. Ross, Esq.

**A proposal to gather  
community feedback  
to inform Use Of Force policy**

**Brandon Anderson, Founder**  
**[brandon@raheem.org](mailto:brandon@raheem.org)**



# Getting killed by police is a leading cause of death for young black men in America



An image taken from video shows Walter Scott shortly before he was shot dead by North Charleston, S.C., Police Officer Michael Slager in 2015. (Associated Press )



**Oakland residents have**

**250,000**

**interactions with police in a year**



PLEASANT HILL

ELEMENTARY

2097

**I fell in love for the first time when I was 15 years old...to this tall, skinny, big-headed black boy who I first met in 3rd grade English class.**

—Brandon Anderson, Founder of Raheem

NO LOITERING  
ON OR ABOUT SCHOOL GROUNDS  
AT ANYTIME, DURING ANY SCHOOL  
HOUR, ACTIVITY OR EVENT.



**Our love carried us through just about everything from high school to homelessness. A few years passed and he proposed to me.**





**In 2007, a year after he proposed, I lost my life partner to police violence during a routine traffic stop. His love was radical, unapologetic, and it changed my life.**





**At the time, I was an engineer in the army collecting data so that commanders could understand the conflict. Afterward, my research at Georgetown examined how cities can use community feedback to drive decision-making about public safety.**

**The officer who killed my partner had a history of being physically abusive, particularly during traffic stops. No one ever reported him.**



**90% of people who experience police violence never report it.\***

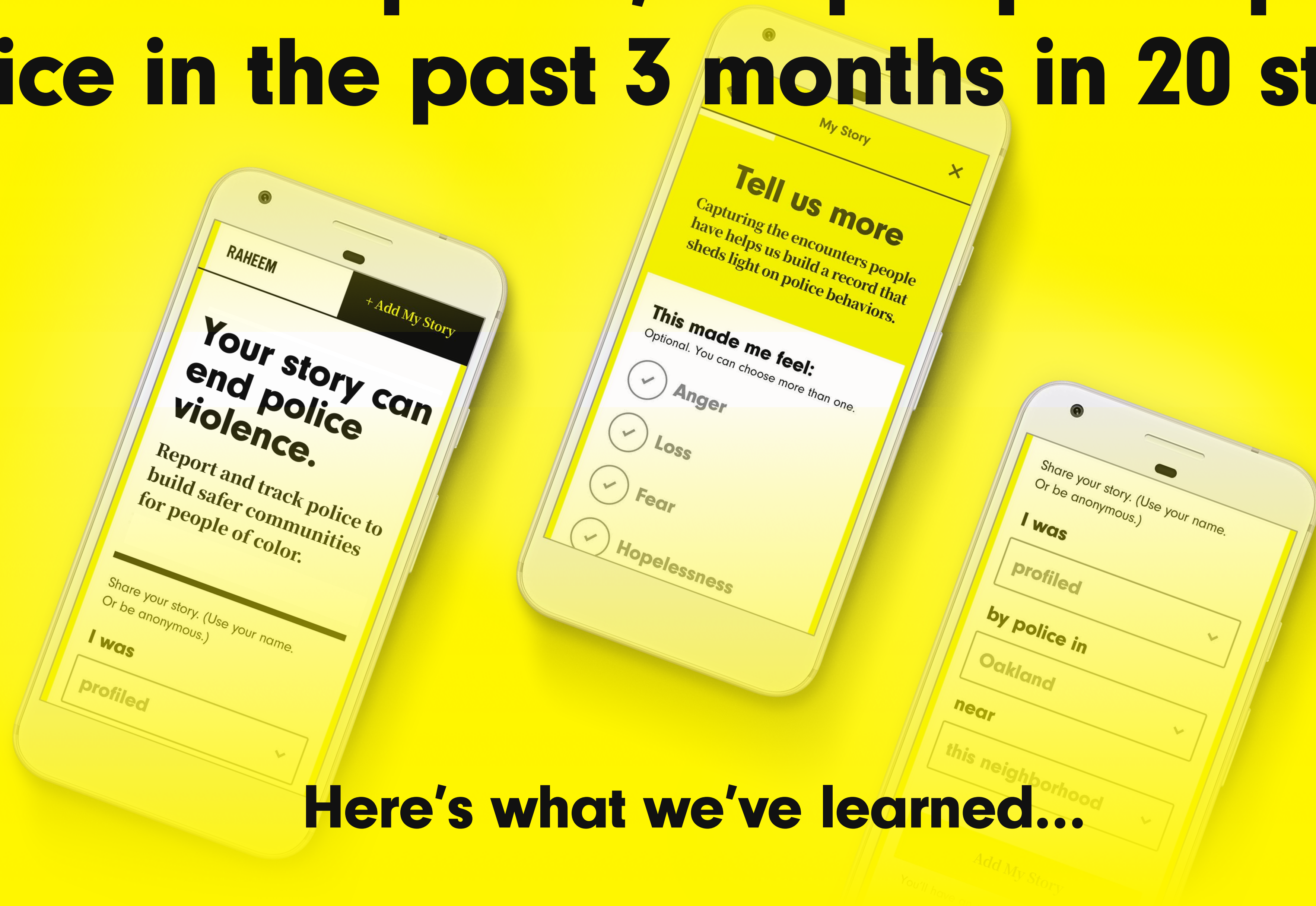
\* Police Behavior during Traffic and Street Stops, US DoJ

# Reasons people don't file complaints

- "I don't know how. It seems complicated."
- "I'm afraid the officer will retaliate."
- "I don't have confidence in either the process or the outcome."
- "I'm not sure my experience is important enough. This happens every day."



# We've helped 2,378 people report police in the past 3 months in 20 states.



## Here's what we've learned...



# Police violence takes many forms

**Physical  
Abuse**

**Economic  
Exploitation**

**Psychological  
Abuse**

**Neglect**



# Physical abuse



## Physical abuse

**They start beating me, hitting me in my head. Then the motherfuckers had the nerve to hogtie me with my hands and feet together.**

— Linda / Mother of 6 and Business Owner in East Oakland





# Economic Exploitation



## Economic exploitation

**The guy gave me the ticket, and he was just like, "You can try to fight it if you want to, but this is a \$200 ticket."**

— Makala / Beauty influencer in East Oakland





# Psychological abuse



## Psychological abuse

**I was gonna complain but the other officer was like “you better not ... or your ass gonna be in here too.”**

— Trevor / Activist in West Oakland





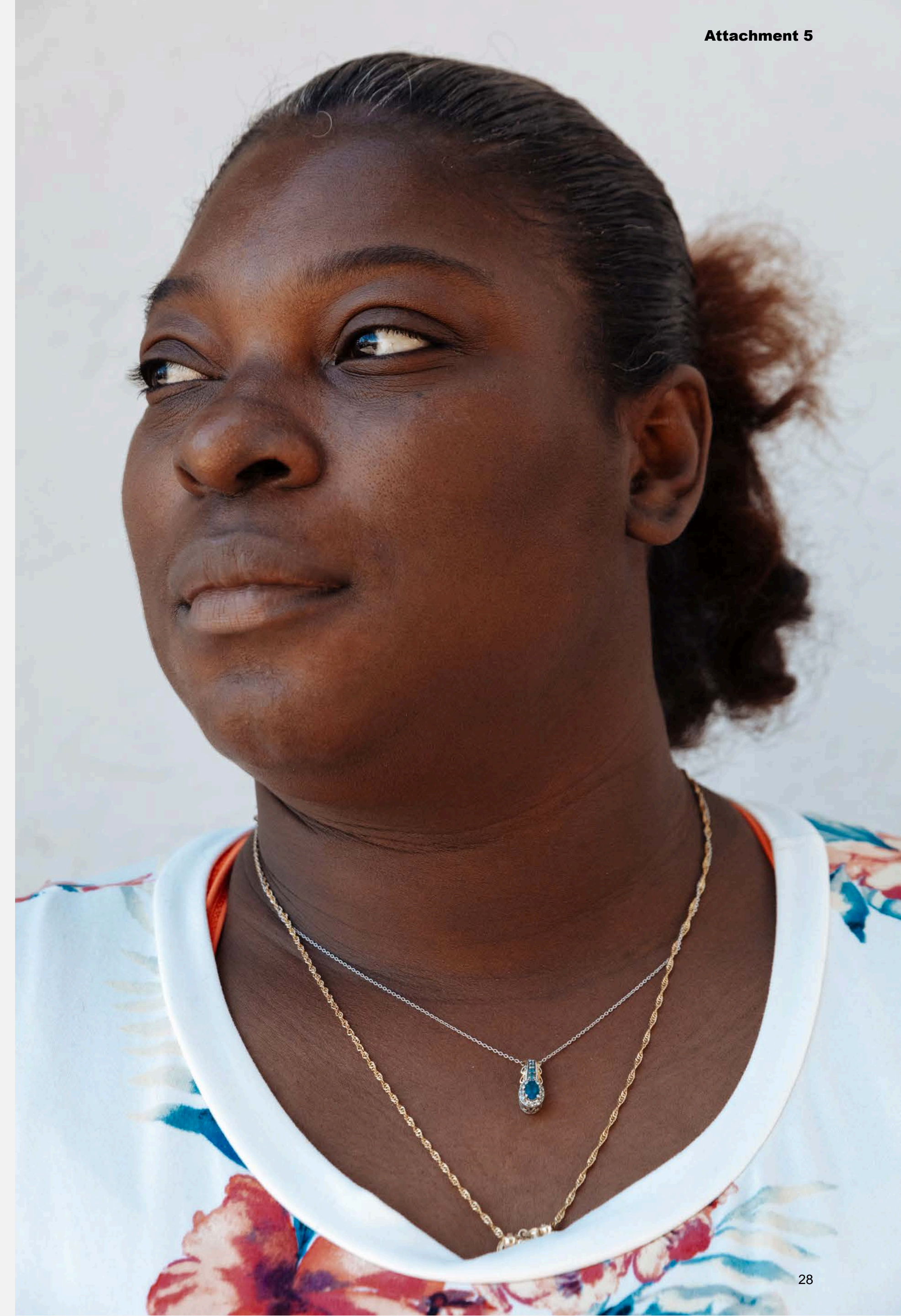
# Neglect



## Neglect

**My husband was shot. Instead of her doing stuff, asking legitimate questions, she was like, "There's always some black person doing shit."**

— Geneva / Mother in West Oakland





# Police violence takes many forms

## Physical Abuse

**Physical abuse** is any act that causes injury or trauma to another person or animal by way of bodily contact or some other use of force. Some examples are punching, using a taser, applying handcuffs too tightly, spitting, or unwanted sexually suggestive actions. The reports below describe police having caused physical or sexual harm to another person or animal.

## Economic Exploitation

**Economic exploitation** is the act of organizing policing around the collection of fees and fines to fund government as well as stealing or destroying items of value, often by way of civil asset forfeiture, laws that allow police to seize – and then keep or sell – any property they allege is involved in a crime. Some examples include taking your cash, property, or other items of value, pouring out all your beer at a BBQ, or breaking your car window to pull you out of a car.

## Psychological Abuse

**Psychological abuse** is any act that harms a person's emotional well-being, mental health, or sense of security. This abuse often stems from the unchecked power police have over the bodies of the rest of us. Some examples include sexually suggestive language, using racial epithets, pulling you over because you "fit the description," or threatening to tase or shoot you.

## Neglect

**Neglect** by police involves the failure to act rather than the commission of a harmful act. Some examples include refusing to file a missing person report for a family member or a complaint against another officer, taking an unreasonable amount of time to respond to a 911 call for help, or failing to give medical aid to someone who has been harmed.

**We need the full  
range of our  
experiences to  
inform policies.**



**Raheem is an independent service for reporting police conduct with the goal of advancing policies that reflect the whole community, to end all forms of police violence.**

# Raheem's approach

**Proactive:** Targeted digital marketing, street-level canvassing, and online surveys.

**Accessible:** mobile-optimized, online reporting.

**Open:** reports are public, giving reporters an immediate reason to share, and encouraging others.

**Inclusive:** the full range of police violence, including underreported yet traumatic experiences.

## Example report:

I am a **30** year old **woman** who was **harrassed** by **Oakland Police Department** on **October 1, 2018** in **Oakland, CA.**

I was in my car. Parked on the wrong side of the street and the police came up as I was leaving they were harassing me from their loudspeaker. They were calling me by name. It felt intimidating

This made me feel **threatened** and **intimidated.**

Anthony harvin  
Arnold p grassi  
binder  
Boatwright  
C. Auten  
Carrie Lee  
Chief mangum  
D. Leos  
Dereck Coomer  
Detective Michael Miceli  
Elissa Torres  
Fernandez  
Fitchhorn, Harshaw  
Garrigan

Officer Pippin  
Officer Polk  
Officer Price  
Officer Russell  
Officer Ryan Owens  
Officer Samarcco  
Officer Sandles, Officer Shuler  
Officer Smith  
Officer Smith  
Officer Stuart, Officer Uolla  
Officer Taylor  
Officer Thil  
Officer Travis  
Officer Van Dyke

Lang  
Larry Roberts  
Last name - Pearce  
Last name Miller.  
Let Logan Riley Null  
Lopez  
Lt. Dab  
Mario pereira  
Mark Lee  
Martinez  
Michael Hicks  
Minesaki  
ofc shapiro hollywood wilton station  
Officer Castro

SGT JOESEPH RUVIDO  
Sgt. Cordoza  
Sgt. Cordoza  
Shawn McMillan  
Smith  
Captain Holmes  
Chief Ron Tyler  
Susan Doyle DA  
Terrill  
Tibbit (I believe)  
Trooper Casey  
Vuu  
Wall  
Walsh

Martin Simmerman  
Martinez #42439  
Matthews  
Maximo Hernandez  
Mckinley  
Meadows  
Michael Holley  
Minter  
Murray  
Nelson  
Novello  
Nua  
Office Pineda  
Officer Bartel

Hall  
Hernandez  
James Ingram  
Jatindera Singh  
John graffit  
Johnson  
Johnson  
Officer Wiener  
Officer Williams  
Officer Wilson  
Officer V...  
Oxendine  
Patrice

**11% of reports include officer names.**

Officer Conrad and Newcomer  
Officer Delva (81st Precinct); Officer Yeungblood and reid  
(Brooklyn Central Booking)  
Officer...  
Officer...  
Officer taylor  
Officer White

Watson or Wilson  
Youngblood and reid  
Officer Edwards  
Officer...  
Officer Felan  
Officer Flores

Officer Book, Officer Roark  
Officer Brown, Officer Reyes  
Officer Brown, Officer Thomas  
Officer...  
Officer Cole  
Officer Cole

Johnson  
Joshua nemetha  
Kaina at Sunnyvale CA Police Dept  
Kavoch  
Kenny heck  
Kent wensted  
Officer Hernandez  
Officer Herrera  
Officer Jackson  
S. Uolla  
Samdolar  
Sanchez  
Sandavol  
Sergeant Davaila  
Tyler  
Walls

Patrolman Matthew Sheridan  
Peregrina, Paniagua  
Piper  
Pittman  
Police Chief Minch, Officer Bean  
Pravatt  
Quint Tucker, Virgil Carter  
R.L. Moore  
Ralph Maherer  
Randy Peck  
RM Morgan, Trevor Wood  
Roger  
Rupe  
Rusty Redcap  
Terrie Lyn  
Tommy Burks

Officer Whitley  
Ortiz  
Polk  
R. Garcia and L. Garcia  
Rivera  
S. Bang , Denoso, pachelli  
Officer Johnson  
Officer Jones  
Officer K. Farini  
Sergeant Jay  
Sergeant Russell  
Sergeant Strobridge, Officer Nation  
Shane Leach  
Shane Thompson  
Officer nolan  
Trooper Adams

Officer Fryer  
Officer Garrett  
Officer Guitierez  
Officer Harrell  
Officer Hatcher  
Officer Haywood  
Officer Key  
Officer Kmeic  
Officer Langley  
Officer Lopez  
Officer Luis Rodriguez  
Officer Magana  
Officer Maston  
Officer Mineweaser  
Officer Nicarelli  
Spencer

Officer Conrad  
Officer Newcomer  
Officer Corn  
Officer Couch  
Officer David Ruffalo  
Officer Dawn Harris  
Officer Devoe  
Officer Hedges  
Officer Henderson  
Officer Hendron  
Shawn McDonald  
Shelton  
Sheriff Pendergraph  
Shradre  
Simmons, Lauderdale  
Smith

# Proposal



# Why this collaboration makes sense

- It's critical for policies to be informed by community insight.
- The Police Commission is understaffed and underfunded. Members have limited available time and resources to gather information citywide.
- Raheem can extend the Commission's reach beyond the current biweekly forum so that policy is informed by a larger group of Oakland residents.



# 3 month pilot

## **Raheem delivers**

Monthly progress reports

Help residents in filing formal complaints where appropriate

Final report

- Analysis and detailed findings
- Policy recommendations based directly on input from residents

Access to raw data

## **Commission provides**

Assist in getting arrest & stop data from OPD

Input on key data to capture

- Locations
- Demographics
- Specific questions

Collaboration on analysis (led by Raheem)

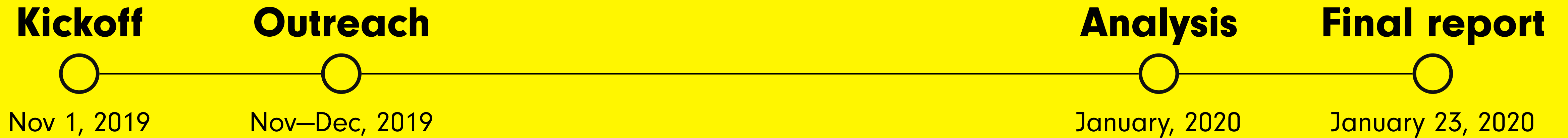
# Data collected

**Reports come from residents who have had a recent encounter with police.**

**Each report will include:**

- Information needed to submit a formal complaint with Oakland's Community Police Review Agency (CPRA)
- Sentiment of people who have had direct experiences with police
- Reporters' desired outcomes
- Reporters' opinions about use of force policies

# Timeline and cost



## Cost

Canvassing & digital outreach

Filing formal complaints

Analysis and final reporting

Project management

**Total: \$40k**



# Team



**Brandon Anderson**  
Founder

Brandon D. Anderson, Founder & CEO, founded Raheem after police killed his partner during a routine traffic stop. He is a U.S. army veteran, 2019 TED Fellow, and Smithsonian Ingenuity Award Nominee. Brandon graduated from Georgetown University in 2015.



**Ellie Dehghan**  
Programs & Legal

Ellie Dehghan has worked with communities surviving violence and seeking justice through a variety of pathways. She's currently the Sr. Director of Legal at Callisto, a nonprofit utilizing tech to combat sexual assault & advance justice. Raised in the East Bay by Mexican and Iranian immigrants, Ellie is graduate of Stanford Law School, and UC Berkeley.



**Samuel Sinyangwe**  
Data & Policy

Samuel Sinyangwe, Data Strategist at Raheem, is a policy analyst who founded Mapping Police Violence, the first national database of police killings in the U.S. Samuel graduated from Stanford University in 2012.



**Ariel Matos**  
Marketing

Ariel Matos, Growth Strategist at Raheem, ran content strategy for FADER and Refinery29 (where she increased revenue over \$100 million). Ariel graduated from University of San Francisco in 2013.



**Nadav Savio**  
Product

Nadav Savio, Head of Product at Raheem, has over 20 years of experience including leading product design for Google Search and user experience for Google.org. He previously ran his own design firm.

**“Not everything that is faced can be changed, but nothing can be changed until it is faced.”**

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**James Baldwin**

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**We cannot fix what we cannot see.**

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**RAHEEM**

**A proposal to gather  
community feedback  
to inform Use Of Force policy**

**Brandon Anderson, Founder**  
**[brandon@raheem.org](mailto:brandon@raheem.org)**





DEPARTMENTAL  
GENERAL  
ORDER

Effective Date:  
15 Dec 09

O-6

Evaluation Coordinator:  
YFSD Commander

Index as:

Evaluation Due Date:  
15 Jun 10

Missing and Abducted Persons

Automatic Revision Cycle:  
3 Years

**MISSING AND ABDUCTED PERSONS**

The purpose of this order is to establish Departmental policy and procedures regarding missing person incidents and to set forth search procedures.

**I. DEPARTMENTAL POLICY**

Penal Code Section 14295(a) states, all local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports related to crimes involving property. Reporting officers shall complete the missing person/runaway report in accordance with the provisions of Part VI of this order.

**NOTE:** Concerned individuals who are interested in locating uprooted friends or relatives who have lost contact with each other should be referred to employ public and private resources other than OPD.

**II. DEFINITIONS**

A. A missing person is any juvenile or adult who is missing voluntarily or involuntarily under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance. Included in the definition are:

1. Juveniles who are taken away, detained, concealed, enticed away or retained by a parent in violation of Penal Code Sections 277, 278, and 278.5 [PC Section 14213(a)].
2. Other persons who are abducted or kidnapped by family members, suspects known to them, or strangers.

3. Abducted or kidnapped persons who are subjected to additional crimes, including sexual exploitation.
  4. Runaway juveniles.
  5. Dependent adults, who are defined as persons between the age of 18 and 64 who have physical or mental limitations which restrict their ability to carry out normal activities. Persons between the age of 18 and 64 who have been admitted as inpatients to a 24-hour health facility as defined in Health and Safety Code Sections 1250, 1250.2 and 1250.3 are also defined as dependent adults [PC Section 368(h)].
  6. Lost persons.
  7. Persons missing after catastrophes, such as airplane accidents, fires, floods, etc.
- B. Persons in some of the above categories are regarded as being “at risk” and in need of special attention. PC Section 14213(b) defines those “at risk” to include missing adults or juveniles who are thought to:
1. Be victims of crime or foul play [PC Section 14213(b)(1)].
  2. Be in need of medical attention [PC Section 14213(b)(2)].
  3. Have no pattern of running away or disappearing [PC Section 14213(b)(3)].
  4. Be the victim of parental abduction [PC Section 14213(b)(4)].
  5. Be mentally impaired [PC Section 14213(b)(5)].

### **III. RECEIVING A REPORT OF A MISSING PERSON**

#### **A. Communications Section Responsibilities**

1. Communications Section personnel shall obtain the following from the reporting party:
  - a. The name, address, telephone number and date of birth of the missing person;

- b. The time the reporting party called, the name, address and telephone number of the reporting person; and
  - c. Any pertinent physical descriptors of the missing person.
  - d. Information regarding the potential whereabouts of the missing person.
- 2. Assign a dispatch priority higher than that which would be assigned to a crime involving property.
- B. When a private person comes to a Police Administration Building or Eastmont Substation to report a missing person, the Patrol Desk Officer shall complete a Missing Person/Runaway Report and, if appropriate, the Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile on the back of the form.
- C. In the event an organizational unit receives a telephone call to report a missing person, the telephone call shall be transferred immediately to the Communications Section.

**IV. REPORTING OFFICER RESPONSIBILITIES**

The reporting officer shall:

- A. Determine whether or not the subject meets the definition of a missing person and conduct a preliminary investigation which includes a follow-up on all reasonable leads in an attempt to locate the missing person.

In the event, the report is being received at the PAB or Eastmont Substation, the desk officer shall advise the Communications Section if an officer needs to be dispatched to the scene to complete the preliminary investigation. The dispatched officer is now the reporting officer and a supplemental shall be prepared by the desk officer.

**NOTE:** The desk officer shall request an officer to be dispatched to all cases involving an “at risk” missing person.

- B. Request/obtain a recent photograph of the missing person, if available.

- C. Conduct a reasonable search of the area and known locations for the missing person. If the missing person is **under 16 years of age or “at-risk” and is not located, an extensive search may be necessary (see section V. Extensive Search/ Call-Out Processes)**.
- D. Call the YFSD Intake officer and request that the person be entered on the Missing Person Log.
- E. Advise YFSD of the outcome of the preliminary investigation and give a complete description of the missing person and any vehicles involved within 30 minutes of arriving at the scene.<sup>1</sup>
- F. Ensure the following tasks are completed if the missing person is less than 16 years old or “at risk”:
  - 1. Request that the Communications Section broadcast a “be on the lookout” bulletin (Communications Order - TF-339).
  - 2. Hand carry the report to YFSD.
- G. Advise the reporting party to notify the YFSD Intake Desk (510-238-3641) if the missing person returns or is located.
- H. Advise the Communications Section immediately if the missing person is found or the initial incident information is unfounded or inaccurate.
- I. Complete all required report documentation in accordance with the provisions of Part VI of this order.

**V. EXTENSIVE SEARCH/ CALL-OUT PROCESSES**

- A. If the missing person is under 16 years of age or “at-risk” and is not located, the reporting officer shall notify and advise his/her supervisor.
  - 1. The supervisor shall evaluate the circumstances and formulate a plan of action, to include additional resources.
  - 2. The supervisor shall determine whether to conduct a more extensive search and deploy the additional resources as needed.

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<sup>1</sup> The 30 minute reporting requirement is mandated pursuant to 14205 PC and 14206 PC.



3. Refer to General Order O-6.1, *California Child Safety AMBER Network* in applicable child abduction cases.
4. If the missing person is still not located, the supervisor shall evaluate the circumstance and confer with the on-duty Area Lieutenant to determine whether an investigative call-out is necessary.
5. In the event the on-duty Area Lieutenant concurs, he/she shall authorize a call to the YFSD investigative call-out team.
6. **The supervisor shall establish a command post and continue the search efforts as authorized by the on-duty Area Lieutenant.**
  - a. The reporting officer documents the search activity on the appropriate report in chronological order and includes all pertinent data, such as areas searched, equipment used, personnel assigned, and contacts with the public.
  - b. Officers assisting in the search shall complete an Additional Information Report (536-937), documenting starting and ending times, areas searched, and results. Submit completed Additional Information to the reporting officer.
7. The reporting officer shall consolidate all related reports and submit to his/her field supervisor for review.
8. The on-duty Area Lieutenant or Public Information Officer shall ensure that information requests from the press and public are handled.
9. The field supervisor shall review and ensure a copy of all report documentation is forwarded to the on-duty Area Lieutenant.
10. The on-duty Area Lieutenant shall forward a copy of the report documentation to the Bureau of Field Operations Deputy Chief within 48 hours.

**VI. REPORT DOCUMENTATION**

A. Missing Person/Runaway Report (TF-974)

The reporting officer shall complete a Missing Person/Runaway Report as a paper report (and not electronically in field base reporting) and the Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile or Adult (on the back) in accordance with the provisions of Report Writing Manual Insert G-1 under the following circumstances:

1. Whenever an Oakland or non-Oakland resident was last seen in Oakland, and there is no indication that he or she is the victim of a crime.
2. Whenever an Oakland resident was last seen or heard from outside Oakland and does not appear to be the victim of a crime.
3. Whenever a non-Oakland resident was not last seen or heard from in Oakland, but the reporting party contacts the Oakland Police Department.

B. Crime Report (536-933), Suspect Report (536-934) and Additional Information Report (536-937)

1. A Crime Report shall be completed whenever an Oakland or non-Oakland resident missing person may be the victim of Kidnapping (207 PC), Child Abduction (278 PC) or similar crimes in Oakland.
2. Suspect Reports and Additional Information Reports shall be completed, if required.

C. Outside Agency Report (TF-757)

An Outside Agency Report shall be completed whenever a resident or nonresident missing person may be the victim of a crime outside Oakland.

**VII. YOUTH AND FAMILY SERVICES DIVISION**

A. Intake Desk Officer shall:

1. Maintain a Missing Persons Log of all persons reported missing and the disposition of each incident.

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2. Notify the Department of Justice (DOJ) through the National Crime Information Center (NCIC) computer system within four (4) hours [14205(b) PC].
  3. In the event a missing person is under the age of 16 and “at risk,” the YFSD Intake Officer shall notify the appropriate outside agency(ies) that persons residing in **and** last seen in their jurisdictions have been reported to this Department as missing. Fax the report to the outside agency [14205(c) PC].
  4. Check with the Coroners Office for missing persons less than 16 years of age within 24 hours [14206(a)(2) PC].
  5. Fax the Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile to DOJ for missing persons less than 16 years of age within 24 hrs [14206(a)(2) PC].
  6. If the missing person is a runaway and has two (2) previously reported runaway incidents within the current school year, the Intake Officer shall complete a High Risk Victim Referral form (YFSD Form-04) and submit to YFSD-SVU.
- B. The assigned YFSD investigating officer shall follow up on all additional leads in an attempt to locate the missing person to include, but not limited to the following:
1. Prepare a Critical Reach (TRAK) flier and send to appropriate outside agency.
  2. Ensure a copy of the Critical Reach flier is placed in the MDT Critical Reach folder.
  3. Provide a copy of the Critical Reach flier to the Oakland Unified School District (OUSD) for missing juveniles within 10 days during the school year (Education Code 49068.6).
  4. Submit an Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile for “at risk” adults and missing persons less than 18 who are not “at risk” to DOJ within 14 days and missing persons over 16 years of age who are not “at risk” within 45 days [14206(a)(2) and 14206(b) PC].

5. Provide the DOJ and outside agencies with copies of Departmental reports, as required.
6. Check with the Coroner’s Office, within 14 days, for missing persons less than 16 years of age and those deemed “at risk” and within 45 days for missing persons older than 16 years of age not “at risk” [14206(b) PC].
7. Advise missing person’s next of kin they may provide a DNA sample within 30 days [14250(c)(2) PC].
8. Advise DOJ via NCIC when missing persons are found (removal from MUPS). DOJ notification shall be made within 24 hours for a missing person less than 12 years of age or “at risk” when found [14207(a) and 14207(b) PC].
9. Remove the Critical Reach flier from the MDT Critical Reach folder when missing person is found.
10. If the missing person is a runaway and has two (2) previous runaway incidents within the current school year, the Intake Officer shall complete a High Risk Referral form and submit to YFSD-SVU.

C. The chart below facilitates missing persons investigators to determine the appropriate law enforcement agency responsible for conducting the follow-up investigation.

Residential Status	Responsible Agency
Missing person resides in Oakland, was last seen in Oakland, and reported to Oakland	Oakland
Missing person resides in Oakland, was last seen outside Oakland, and reported to Oakland	Oakland
Missing person resides in Oakland, was last seen outside Oakland, but reported to agency outside Oakland	Oakland
Missing person does not reside in Oakland, was last seen in Oakland, and reported to Oakland	Jurisdiction where missing person resides
Missing person does not reside in Oakland, was not seen in Oakland, but was reported to Oakland	Jurisdiction where missing person resides

**VIII. OTHER INVESTIGATING UNITS**

- A. Organizational units assigned to investigate crimes in which victims are abducted or kidnapped shall provide YFSD with information required to complete their responsibilities in Part III, A, 1, a-d.
- B. Investigating units shall comply with deadlines in Part XII for abduction and kidnap cases assigned to them.

**IX. RECORDS DIVISION**

- A. Reports involving kidnappings and abductions (except child abductions 278 PC) shall be detailed to the Criminal Investigation Division (CID).
- B. All other reports shall be detailed to YFSD, including:
  - 1. Reports of child abductions (278 PC).
  - 2. Missing Persons/Runaway Reports.
  - 3. Outside Agency Reports involving missing persons.
- C. Copies of all kidnapping and abduction reports detailed to CID shall be forwarded to YFSD.

**X. SUMMARY OF DEPARTMENTAL RESPONSIBILITIES UNDER PENAL CODE SECTION 14200 et. Seq.**

Persons At Risk	Persons Under 16	Other MP's	Departmental Responsibilities/Tasks	Responsible Unit
X	X	X	Immediately accept and record information, including telephone information	Communications Section or Patrol Desk Officer
X	X	X	Assign dispatch priority higher than priority for property crimes.	Communications Section
X	X	X	Notify YFSD Intake Officer for inclusion on the Missing person log	Reporting officer
X	X		Immediately broadcast a "be on the lookout bulletin."	Communications Section, as requested by responding or desk officer



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Persons At Risk	Persons Under 16	Other MP's	Departmental Responsibilities/Tasks	Responsible Unit
X	X		Notify the DOJ via NCIC electronically within four (4) hrs.	YFSD: Upon receiving telephone information from responding or desk officer.
X	X		Within 24 hrs., notify agencies with jurisdictions over MP's residence and place last seen, if different from OPD, and forward copies of written reports to the agencies.	YFSD: Notification/ Investigating Unit and send copies of report.
		X	As soon as possible, same as step 5.	Same as above
X			For juveniles at risk, obtain dental / skeletal / X-rays, if any, and photograph, confer with coroner and send X-rays, photo, and report to DOJ within 24 hrs. of conferring with the coroner.  Adults obtain within 14 days	Investigating Unit
	X		If juvenile under 12 has been missing for 14 days, same as step 7.	Same as above.
		X	If MP is missing for 30 days, obtain dental/skeletal X-rays, if any. If still missing after 45 days, confer with coroner and send X-rays, photos and report to DOJ.	Investigating Unit
X	X		When MP is found, report to DOJ within 24 hrs.	Investigating Unit
		X	When MP is found, report to DOJ immediately (as close to 24 hrs. as possible).	Investigating Unit

By order of

Anthony W. Batts  
Chief of Police

Date Signed: \_\_\_\_\_

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 12 Dec 11

SUBJECT: Revision of Departmental General Order H-3,  
DEPOSITING PROPERTY AND EVIDENCE (Rev. 7 Nov 86)

The subject order has been revised to update Departmental policy and procedures for depositing property and evidence into Departmental custody with the Property & Evidence Unit (PEU) and the Criminalistics Division.

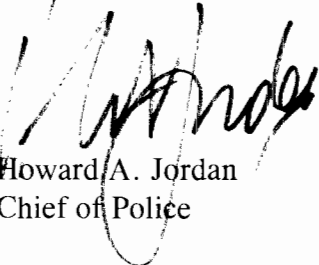
The Evaluation Coordinator for this order shall be the Bureau of Field Operations 1 Deputy Chief, who, without further notice, shall forward the required report to the Chief of Police on or by 12 Jun 12.

The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the six-month evaluation report, along with the comments/recommendations received, to the Research and Planning Division, Policy and Publication Development Unit to be maintained in the appropriate Departmental General Order archive folder.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of



Howard A. Jordan  
Chief of Police

Date Signed: 12/13/11



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12 Dec 11

Evaluation Coordinator:  
BFO 1 Deputy Chief

Evaluation Due Date:  
12 Jun 12

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## DEPOSITING PROPERTY AND EVIDENCE

The purpose of this order is to set forth Department policy and procedures for depositing property and evidence into Departmental custody with the Property & Evidence Unit (PEU) and the Criminalistics Division.

### I. PROPERTY CLASSIFICATIONS

- A. **Evidence:** Property pertaining to a particular crime or suspected offense.
- B. **Lost/Found/Abandoned Property:** Property which has been lost or abandoned and is not connected with any known or suspected crime.
- C. **Property Held for Safekeeping:** Non-evidentiary property (e.g., weapon), which could be the means to commit an offense, is an object of an offense (i.e., suspected stolen property or recovered loss), or is personal property from a person temporarily in-custody.

### II. BICYCLES AND VEHICLES

Procedures regarding the recovery and deposit of bicycles are set forth in Departmental General Order J-1, RECOVERED BICYCLES; those regarding vehicles are set forth in Departmental General Order J-3, TOWING PROCEDURES.

### III. SEALING PROPERTY AND EVIDENCE

Property and evidence that is placed in the Property & Evidence Unit (PEU) shall be deposited in a sealed condition, when practical, in order to preserve its integrity, and it shall be the general policy and practice of the PEU to not open property and evidence in its custody.

- A. Members/employees shall ensure evidence and/or property is properly packaged and labeled prior to depositing with the PEU or placing in a PEU evidence locker prior to end of tour of duty.
- B. Evidence Technicians may deposit evidence and/or property in the designated secure area at the Technician Detail office when required.
- C. Members/employees shall ensure all paperwork [i.e., all copies of the Property Record, Evidence Tag(s), Firearm Referral Slip(s), Property Releases, etc.] have an RD Number and accompany the property/evidence when it is submitted to PEU or deposited in the evidence locker.

**NOTE:** Obtain an RD # for evidence collected when issuing a citation. The PEU will not accept evidence based solely on a Field Interview/Contact Report. An offense report will need to be prepared.

- D. It is incumbent upon PEU personnel to ensure that items are submitted for deposit in proper packaging, bearing proper labels and seals, when required, along with correctly prepared documentation.
- E. It is the responsibility of the member/employee to submit the items sealed in appropriate packaging (See TB IV-A.1, PACKAGING GUIDANCE MANUAL).
- F. Seals shall be attached so that the packaging cannot be opened without breaking the seal. To seal a package correctly, members/employees shall place an OPD seal or transparent tape over the length of the packaging opening and write his/her name or initials, and serial number (or agency and title/position if no serial number) and date across the OPD seal or tape.
- G. Sealed property and evidence items may be opened by PEU personnel when an instance arises requiring items in the custody of the PEU to be inspected to ensure integrity, for personnel safety, or for investigative processing. In such events, PEU staff shall wear gloves to prevent contamination. Opening of evidence shall be accomplished in the following manner:
  - 1. The specific reason for the opening of sealed property or evidence shall be verified and agreed to by the PEU Supervisor (or, in the absence of the PEU Supervisor, the Acting Supervisor of the PEU).



2. After the PEU Supervisor verifies and agrees that a package must be opened, the PEU Supervisor shall assign PEU personnel to open said property or evidence.
  3. The PEU personnel shall be responsible for recording, in a contemporaneous manner, the opening of the sealed package(s) on the Property Record (336-804) by using the issued Property & Evidence Stamp and legibly writing the date opened, his/her name and serial number, the reason for opening the package(s) (i.e., request for inventory by the assigned investigator, packaged improperly, commingled dry and frozen items, etc.), and any additional steps taken or information concerning the opening of the package(s).
  4. Upon completion, PEU personnel shall reseal the package(s) in accordance with the provisions of Part III, E, and legibly write the date of the reseal and write his/her name or initials, serial number and date on the Property & Evidence Stamp on the Property Record.
  5. If others are officially present during the opening process or present for any reason prior to the resealing, their names shall be reflected in the comments section of the Property & Evidence Stamp on the Property Record.
- H. PEU personnel are authorized to refuse receipt of improperly packaged or labeled, or unsafe materials and to direct the member/employee who is submitting items to repackage, correctly label, or make other arrangements for the unsafe material prior to submitting them to the PEU.

**NOTE:** Evidence, property, and/or unsafe material placed in a PEU evidence locker shall remain in the evidence locker until the deficiency is corrected or resolved.

- I. PEU personnel shall not accept “new” property or evidence submitted by an outside agency<sup>1</sup>. Outside agency personnel shall be referred to the appropriate investigative unit.

“New” property or evidence from an outside agency must be submitted to PEU by a member/employee of OPD or one of the exempt agencies.

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<sup>1</sup> The term “outside agency” does not include investigators or attorneys from the Alameda County District Attorney’s Office, Oakland City Attorney’s Office, Oakland Fire Department, Oakland Housing Authority personnel, or Oakland Public Schools Police personnel.

- J. Bulky items of property and evidence, such as exceptionally large and/or heavy items, may not be sealed when deposited, if it is impractical to do so. In such cases, the items may be marked by the member/employee who is depositing the item(s) with his/her name and serial number, or an OPD Police Seal (536-204) may be used directly on the item, if practical to do so.
- K. Items of property and evidence that cannot be rendered safe by the member/employee before depositing shall be brought to the PEU in an unpackaged condition so that PEU personnel can attempt to render the item(s) safe. (See Part V, B regarding deposit of malfunctioning firearms.) PEU personnel will then package and seal the item(s) once rendered safe.

PEU personnel shall direct the member/employee when items cannot be rendered safe and/or accepted by the PEU.

#### **IV. NARCOTICS AND DRUGS**

- A. Members/employees shall complete a Crime Report (536-933) whenever narcotics and drugs are confiscated. Completed Crime Reports shall be deposited in the appropriate report writing receptacle except for those reports submitted electronically. Crime Reports involving a juvenile in-custody shall accompany a juvenile to the Juvenile Intake Desk.
- B. Members/employees shall place confiscated narcotics and drugs in a Narcotics Evidence Envelope (216-336-331) and seal it prior to delivering it to the Criminalistics Division or depositing it in the 6<sup>th</sup> floor wall receptacle outside the Criminalistics Division at the Police Administration Building (PAB). Narcotics evidence envelopes (216-336-331) are considered sealed if both metal fasteners are irreversibly clasped.
- C. During hours when the Criminalistics Division is closed, bulk narcotics and drug evidence that is too large to be deposited in the wall receptacle shall be deposited in the PEU.
  - 1. The member/employee submitting bulk narcotics and drug evidence for deposit in the PEU shall fill out an individual (i.e., separate) Property Record for the narcotics and drugs that are being submitted and shall not list any other property or evidence on the Property Record.

2. With the exception of wet marijuana, bulk narcotics and drug evidence shall be placed in a plastic or brown paper bag, box or other container as appropriate, and sealed before submitting it to the PEU.
  3. The member/employee shall place an OPD Police Seal or transparent tape over the length of the packaging opening and write his/her name or initials and, serial number, and date on the seal or across the seal or tape.
  4. The member/employee shall complete and attach a Narcotics Evidence Envelope which shall describe the total number of packages in the submission (e.g., "six plastic garbage bags containing green plants") to one of the packages. Each additional bag shall be clearly and individually numbered (1 of 6; 2 of 6; etc.) and labeled with the RD#. The suspected marijuana shall be removed from any planter; roots, soil and planting media shall be discarded before packaging.
  5. The PEU shall request that the Criminalistics Division pick up the bulk narcotics and drug evidence at the start of the next business day.
  6. Bulk wet marijuana plants are the only exception to the requirement that drug evidence submitted to PEU or Criminalistics Division be in a sealed condition. In order to prevent rotting of the material that is associated with well-documented health concerns, bulk marijuana plants may be accepted in an unsealed condition.
- D. Members/employees shall deliver non-narcotics evidence (i.e., needles, syringes, cultivation equipment, paraphernalia, etc.) to the PEU, with a completed Property Record and Evidence Tag(s) (536-802). Per OSHA requirements, needles must be packaged in protective sheathing to protect personnel from injury and infection.
- E. The Narcotics Charging Unit (NCU) shall contact the Criminalistics Division and assign a Drug Inventory (D) number to evidence that has been delivered to or received by the Criminalistics Division.



- F. The Criminalistics Division shall retain custody of drug evidence in its possession pending presentation in court or until such time when it can be destroyed pursuant to court order.

**Exception:** The Criminalistics Division shall dispose of large seizures of controlled substances (in excess of 10 lbs.) in accordance with the Health & Safety Code Section 11479.

**V. FIREARMS AND OTHER WEAPONS**

**A. Recovery and Deposit**

- 1. Members/employees shall complete a Lost or Found Property Report (TF-995) regarding firearms and other weapons which are lost, found, abandoned, or turned in for destruction. Private persons are required to sign this report.

**NOTE:** Civil Code Section 2080.1 requires a signature from a person submitting lost or found property. Therefore, members/employees shall use the paper report and not use the Lost or Found Property Report in Field Based Reporting.

- 2. Members/employees shall complete a Property Record, Property Receipt and Release (TF-1084) and a Crime Report whenever any firearm is taken into temporary custody (safekeeping) at the scene of a domestic violence incident. (See Part X regarding the issuance of receipts.)
- 3. Members/employees shall complete a Crime Report regarding firearms and other weapons that are taken into custody as evidence.
- 4. Members/employees shall attempt to unload a firearm seized as evidence, found property, or for safekeeping at a designated safe area prior to delivery to the PEU. Malfunctioning/loaded firearms shall be processed in accordance with the provisions of Part V, B.
- 5. Members/employees shall deliver such firearms and other weapons to the PEU, with the appropriate paperwork (Property Record, Evidence Tag, etc.) completed. A Firearm Referral Slip (TF-654) shall be completed for each firearm.

6. PEU personnel shall not accept firearms and other weapons until the member/employee completes all of the appropriate Departmental paperwork. The PEU shall forward a copy of the Firearm Referral Slip to the investigative unit pursuant to LRMS and retain the original.
7. The PEU shall not accept firearms and other weapons seized by other agencies until all appropriate Departmental paperwork has been completed.

**B. Malfunctioning/Loaded Firearms**

1. If a firearm cannot be safely unloaded because of a malfunction or because the member/employee is unfamiliar with its operation, the officer/technician shall initially seek assistance from a Department Rangemaster. If a Rangemaster is unavailable, the firearm shall be taken to the PEU via the tunnel under 6<sup>th</sup> Street, and the Police Property Specialist shall be advised that the firearm is loaded.
2. A member/employee who deposits a loaded firearm in the PEU or in a PEU evidence locker shall describe the problem on the Property Record and the Firearm Referral Slip.
3. During PEU non-business hours, the member/employee shall utilize the PEU evidence lockers.
  - a. Place the unpackaged firearm, with the muzzle facing in the safest possible direction in the locker so that the firearm will be visible to PEU personnel when the locker is opened.
  - b. Place a written warning with the words, "CAUTION: LOADED FIREARM" in large letters, near the firearm, inside the locker AND on the outside of the locker door.

**C. Responsibilities of the PEU and the Rangemaster/Criminalist Regarding Loaded Firearms**

1. PEU personnel shall not retrieve a firearm from a locker with a "CAUTION LOADED FIREARM" sign. Immediately notify a Rangemaster or a Criminalistics Division Firearms Examiner.

2. PEU personnel shall secure a loaded firearm in the designated area in the armory and place a written warning with the words, "CAUTION: LOADED FIREARM" in large letters, near the firearm. Immediately notify the Rangemaster or, if unavailable, a Criminalistics Division Firearms Examiner or other qualified alternate, to assist whenever a loaded firearm is deposited into the PEU armory or evidence locker.
3. If after retrieving a firearm from an evidence locker, PEU personnel discover a firearm has not been rendered safe, he/she shall secure the firearm and immediately notify a Rangemaster or a Criminalistics Division Firearms Examiner.
4. Upon notification, the Rangemaster or alternate shall sign the firearm out of the PEU, render it safe, remove the "CAUTION - Live Round in Chamber" card, and return it to the PEU.
  - a. The Rangemaster, Criminalistics Division Firearms Examiner, or alternate shall complete a Supplemental Report via Field Based Reporting or on a paper report (536-937) for each firearm re-deposited to PEU describing the condition of the firearm prior to and after any changes made to the firearm or ammunition to include:
    - 1) The solution to the unloading problem;
    - 2) Damage caused in unloading;
    - 3) If the firearm is fired, the reason why;
    - 4) The ammunition used; and
    - 5) Any other appropriate data.
5. Unloading firearms shall take priority over the Rangemaster's other assignments and shall be accomplished as soon as possible.

**VI. COUNTERFEIT MONEY, CREDIT CARDS, AND OTHER WORTHLESS DOCUMENTS DEPOSITED AS EVIDENCE**

- A. Members/employees shall complete the appropriate offense reports, to include the Worthless Document Continuation Report (TF-3167) regarding counterfeit money, credit cards, travelers' checks, money orders, bank checks, and other worthless documents taken into custody as evidence.



- B. Counterfeit money shall be deposited into a Worthless Document Envelope (TF-1085) and deposited into the worthless document receptacle labeled "Checks and Credit Cards," located in the basement of the PAB, for delivery to the Theft Unit.
- C. All other worthless documents taken into custody as evidence shall be extracted from wallets, purses or other containers and placed into a Worthless Document Envelope. The Worthless Document Envelope shall be deposited into the worthless document receptacle labeled "Checks and Credit Cards."
- D. In the event that other offenses besides forgery or fraud are involved, an Offense Report rather than a Worthless Document Continuation Report shall be completed if other offenses predominate. In such a case, the forgery or fraud offense shall be listed as an additional crime on the Offense Report. All evidence shall be deposited in the PEU.

**VII. CREDIT CARDS, CHECKS, AND OTHER WORTHLESS DOCUMENTS DEPOSITED AS FOUND PROPERTY**

- A. Members/employees shall complete a Lost or Found Property Report (TF-995) whenever worthless documents are taken into custody as found property or for safekeeping.
- B. Members/employees shall deliver the worthless documents, along with any wallets, purses or other containers, to the PEU with a completed Property Record and Evidence Tag(s).
- C. PEU personnel shall attempt to ascertain whether the found worthless documents are connected with a crime. If the items appear to be connected to a crime, PEU personnel shall notify the appropriate investigative unit to receive direction as to the disposition of the items.
- D. The PEU cannot release found credit cards to owners or finders. Other worthless documents can only be released to owners.
- E. Unclaimed worthless documents shall be destroyed by the PEU at the end of the 90-day retention period.

**VIII. DEPOSITING CASH**

- A. Cash is defined as United States currency in the form of printed bills, minted coins or bullion.
  
- B. Members/employees shall count and list all cash before it is submitted for deposit into the PEU.
  - 1. The member/employee shall have another member/employee also count the cash to verify the amount before depositing into the PEU.
  
  - 2. The member/employee shall prepare a Property Record and Money Envelope (536-010).
    - a. The member/employee shall list all counted cash, by denomination, on each Money Envelope and in the Crime Report or Lost or Found Property Report.
  
    - b. All money count totals shall be written in both numbers and words on the Property Record and in the Crime Report or Lost or Found Property Report.
  
    - c. The member/employee and the confirming member/employee shall sign and enter their serial numbers on each Money Envelope.
  
    - d. The member/employee shall record the cash totals in ink, moisten the gummed flap to close, and complete the Evidence Tag information that is affixed to each Money Envelope and submit to the PEU along with the completed Property Record.
  
  - 3. The Money Envelope shall ONLY contain counted cash.
  
  - 4. The member/employee shall use additional Money Envelopes, as necessary, whenever the number of bills or coins exceeds the capacity of a single Money Envelope.

5. In cases where multiple suspects are involved, additional Money Envelopes shall be completed for each suspect.

**Exceptions:** Money with biological evidence on it or a large quantity of miscellaneous coins held in a container shall be deposited into the PEU intact and uncounted in a sealed condition.

6. Photocopies of money, jewelry, or non-monetary items shall be submitted as separate items in separate containers.

C. The Police Property Specialist shall:

1. Verify the amount listed on the Money Envelope with the Property Record.
2. Ensure that money counts are written in both numbers and words on the Property Record.
3. Affix the money seal (control sticker) over the flap of the Money Envelope in the presence of the officer if the Money Envelope and Property Record have been properly prepared or upon removal from the money drop box.
4. Place the Money Envelope into the locked money receptacle immediately after affixing the money seal over the flap of the Money Envelope until the money can be processed.
5. Report any unresolved discrepancies in the amounts reported on the Money Envelope and Property Record to the PEU Supervisor.
6. Record the date of cash receipt and the money seal number on the Money Envelope, Property Record, and in the PEU Safe Log.
7. Ensure that the RD number is recorded on the Money Envelope, Property Record, and in the PEU Safe Log.
8. Record the money count total in the PEU Safe Log.

- D. Whenever money evidence that has been withdrawn (i.e., for court, criminalistics processing, etc.) from the PEU is returned with a Money Envelope that has been opened, the Police Property Specialist and the person returning the money evidence shall recount the money and verify the amount.



1. The Police Property Specialist shall apply a new money seal to the Money Envelope and record the seal number on the Money Envelope, Property Record, and PEU Safe Log before returning the money to the safe.
2. Whenever there is an unresolved difference between the amount of cash recorded on the Money Envelope and the actual amount of cash contained in the Money Envelope, the PEU Supervisor shall notify all persons involved and direct them to prepare a Report of Difference in Property Cash memorandum to include a detailed description of the differences found and the circumstances surrounding the cash recount.
  - a. The original memorandum shall be filed with the Property Record.
  - b. Copies of the memorandum shall be forwarded as follows:
    - 1) Through the chain of command up to the appropriate Deputy Chief;
    - 2) Internal Affairs Division Commander; and
    - 3) Deputy Director of the Personnel and Fiscal Services Division.

**IX. DEPOSITING OTHER TYPES OF PROPERTY**

- A. Members/employees shall complete an offense report, or a Lost or Found Property Report, as appropriate, regarding other property and evidence that is taken into custody. Such reports shall be deposited in the appropriate report writing receptacle, except reports submitted electronically.
- B. Members/employees shall deliver the articles to the PEU with a completed Property Record and Evidence Tag(s).

**X. RECEIPTS FOR PROPERTY TAKEN**

A. Suspected Stolen Property - No Arrest

Members/employees who have reason to confiscate suspected stolen property shall complete a Property Record, Property Receipt and Release form (TF-1084) and provide the receipt (pink copy) to the person from whom the property is taken.

B. Firearms Taken into Custody at the Scene of a Domestic Violence Incident

1. The member/employee taking temporary custody of any firearm pursuant to Penal Code Section 12028.5 shall prepare a Property Record, Property Receipt and Release form and provide the receipt (pink copy) to the owner or person who possessed the firearm.

Advise the owner or person who possessed the firearm to follow the instructions on the back of the receipt to recover the confiscated firearm.

2. The member/employee shall submit the white and yellow copy of the form, along with the property to the PEU.

**XI. GIFTS**

A private person who wishes to donate a gift(s) to the Department or to its personnel shall be referred to the Office of Chief of Police (OCOP) in accordance with the provisions of *Manual of Rules* Section 314.69.

**XII. PROPERTY TURNED IN FOR DESTRUCTION**

- A. Members/employees shall complete a "Suspicious Circumstances (S/C)" Crime Report instead of a Lost or Found Property Report for any narcotics or drugs turned in for destruction.

A "Suspicious Circumstances (S/C)" Crime Report shall be completed for other property turned in for destruction if there is any reason to believe such property may be connected with a crime.

- B. Members/employees shall complete a Lost or Found Property Report regarding a firearm, dangerous weapon, or an empty syringe with or without a hypodermic needle that a private person turns into the Department for destruction.
- C. All other items for destruction shall be referred to the appropriate agency. Assistance can be found at <http://www.stopwaste.org> for disposal of common household waste.

**XIII. FOUND PROPERTY**

Civil Code Section 2080 and succeeding subsections govern the deposit of found property. Items that have been intentionally abandoned by their owners do not fall within the Civil Code definitions of found property, and the following procedures therefore do not apply to recovered abandoned property.

Private persons are required by Civil Code Section 2080.1 to turn in found property worth \$100 or more to a police or sheriff's department and to make a declaration stating where and how they found the property, whether they know the owner, and whether they are submitting everything they found.

- A. Members/employees shall complete a Lost or Found Property Report whenever a private person turns in found property and have him/her sign the declaration printed on the form. The report shall be deposited in the appropriate report writing receptacle.

**NOTE:** Civil Code Section 2080.1 requires a signature from a person submitting lost or found property. For that reason, members/employees shall not use the Lost or Found Property Report in Field Based Reporting.

- B. Depreciation shall be taken into account in estimating the value of the found property.
- C. Members/employees shall deliver found articles to the PEU and complete a Property Record and Evidence Tag(s).
- D. Members/employees shall complete a Crime Report and mark it "S/C" for found narcotics or drugs or any property suspected of being connected with a crime.



- E. In the case of S/C reports, if the assigned investigator subsequently determines that the articles are, in fact, found, he/she shall forward a copy of the offense report and the Follow-up Investigation Report (336-201) to the PEU, so that the finder's claims to non-contraband items may be reinstated.
- F. Members/employees shall advise eligible identified finders that the PEU will contact them to explain the procedures regarding his/her potential claim upon the property after the notified owner has failed to claim the property within the allowed retention period.

**XIV. PROPERTY IN JUVENILE CASES**

- A. In juvenile cases, evidence shall be seized and processed only if the juvenile is taken into temporary custody or given a Notice to Appear (Probation Department form 240-40).
- B. Property and evidence in juvenile cases shall be deposited according to the applicable procedures set forth in this order except in the following two (2) situations:
  - 1. Merchants shall retain evidence in all (adult or juvenile) shoplifting cases.
  - 2. Except when taken as evidence, property that is illegal for a juvenile to possess (i.e., alcoholic beverages, BB guns, etc.) shall be released to a parent, guardian or responsible adult as soon as practicable at the scene, at home or at a police facility.

**XV. PROPERTY OF PRISONERS HELD FOR SAFEKEEPING**

Prisoner property that is too large for a jail to accept shall be deposited at the PEU in the following manner:

- A. Members/employees shall submit only the items that are too large for a jail to accept (i.e., large backpacks, sleeping bags, etc.).
- B. Members/employees shall remove small personal items (i.e., prescription medication, wallet, identification, cash, cell phone, keys, etc.) from backpacks, suitcases, etc. and submit them to the jail for inventory by jail staff so that the items will remain at the facility with the prisoner.

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- C. Members/employees shall remove and discard all perishable food items. The PEU will not accept perishable items for safekeeping. Document "Perishable Food Item(s) Discarded," on the Property Record, Property Receipt and Release form.
- D. Members/employees shall remove all narcotics and drugs. Submit narcotics and drugs to the Criminalistics Division. (Part IV)
- E. Members/employees shall complete a Property Record, Property Receipt and Release form and evidence tag(s) for deposit with the property at the PEU.
- F. If U.S. currency is deposited in the PEU for safekeeping, it shall be listed on a Property Record, Property Receipt and Release form. All procedures for depositing money apply. (Part VIII)
- G. Members/employees shall indicate the RD #, prisoner's name and address, description of the items, member/employee's name and serial number, and the date and time on the form.
- H. Members/employees shall notify the prisoner of the 60 day safekeeping property retention period. The member/employee shall leave the receipt (pink copy) of the completed form with the prisoner or at the jail.

#### **XVI. LATENT PRINT EVIDENCE**

Latent print evidence is processed through the Criminalistics Division in accordance with the following procedures:

- A. Evidence Technicians shall deposit the latent print evidence in a locked box located outside of the PEU.
- B. Criminalists and Fingerprint Examiners called to a crime scene to lift latent print evidence shall return the prints directly to the Criminalistics Division for analysis.
- C. All other members/employees shall deposit latent print evidence in the basement locked box marked "FINGERPRINT CARDS ONLY."

**XVII. DEPOSITING PROPERTY AND EVIDENCE INTO THE EVIDENCE LOCKERS**

- A. The evidence lockers are located in the basement along the wall opposite the PEU. Property and evidence shall be deposited in these lockers when the PEU is closed.
- B. Only PEU personnel shall have access to the key to open the lockers once the lockers have been closed.
- C. Request approval from a commander for a PEU call-out for evidence locker assistance or for depositing bulk evidence,

Upon approval, contact the PEU Supervisor or designated Police Property Specialist from the call out list on the PEU entry door for assistance.

- D. Evidence previously withdrawn from the PEU shall not be deposited in an evidence locker. Evidence shall be returned directly to the PEU during normal business hours.
- E. Empty evidence lockers are to remain open for property and evidence to be deposited.
  - 1. In order to maintain the chain of custody, members/employees shall:
    - a. Indicate the date, time, and location of deposited property/evidence in the space labeled "Evidence Locker No.;" and
    - b. Secure the evidence locker door.
  - 2. Members/employees shall ensure Money Envelopes are sealed and deposited in the money "drop-box" (located outside the PEU) along with the required Property Record(s).
  - 3. When depositing evidence or property, members/employees shall complete the appropriate Crime Reports, Technician Reports, Lost or Found Property Reports, Arrest Reports, and/or Citations, before the completion of his/her shift.



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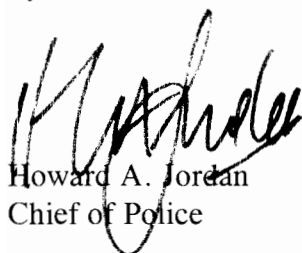
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4. All Crime Reports, Technician Reports, Lost or Found Property Reports, Arrest Reports, and/or Citations shall be deposited in the appropriate report writing receptacle except for reports completed on FBR.
5. Evidence lockers are available in various sizes. Property/evidence shall be placed into the lockers by its appropriate size: small, medium, and large.
6. **DO NOT** place drugs or worthless documentation evidence into the evidence lockers. The only *exception* to this would be items too large to fit into their appropriate depositories.
7. Firearms shall be handled in accordance with the provisions of Part V, A, 4.
8. **DO NOT** place auto batteries, chemicals, explosives, fireworks, and gasoline into the evidence lockers.
  - a. Auto batteries shall be left next to the PEU storage cage in Transportation (corner of 5<sup>th</sup> St. and Broadway) with an Evidence Tag attached. Submit the Property Record to the PEU or, if after hours, in an evidence locker.
  - b. Chemicals, explosives, fireworks, and items containing gasoline or other fuel shall be taken to the Technician Detail or bomb shed by an Evidence Technician or arson investigator.

**NOTE:** An arson and/or hazardous materials investigator shall confer with the PEU Supervisor to determine if evidence of an unknown nature may be submitted.

By order of



Howard A. Jordan  
Chief of Police

Date Signed: 12/13/11



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Police Property Supervisor

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### **PROPERTY CLEARANCE AND DISPOSAL**

The purpose of this order is to set forth Departmental policy and procedures for the release and disposal of physical evidence, currency, and other property that comes into the custody of the Department during an investigation or at the request of a private person.

#### **I. PROPERTY INCLUDED IN THIS ORDER**

The Property and Evidence Unit shall retain custody of evidence or property until one of the following dispositions occurs:

A. Evidence

1. Adjudicated;
2. Presented to the DA and not charged;
3. Statute of limitations has been reached;
4. It is determined that no crime has been committed; or
5. Cases not presented to the DA and filed.

Evidence may be disposed of sooner than the statute of limitations in accordance with the provisions of "Administrative Kill" protocols in Part IV, I of this order.

- B. Found/Lost/Abandoned Property - Items classified on the Property Record as found property (e.g., items which have been lost or abandoned and are not connected with any known or suspected offense).
- C. Safekeeping - Items identified on the Property Record as having been taken into custody for safekeeping (e.g., property that is connected with a known

or suspected offense but will not be used as evidence).

- D. Items submitted for destruction at the request of a private person.

**II. PROPERTY EXCLUDED FROM THIS ORDER**

- A. The disposition of evidence and/or property for the following items shall be excluded from the provisions of this order:
  - 1. All evidence and/or property related to a homicide shall be retained until released by court order, District Attorney or Major Crimes Unit investigator.
  - 2. Firearms and other weapons (See DGO H-4 and H-9); and
  - 3. Any evidence or property not in the custody of the PEU (e.g., narcotics and drugs, worthless documents and latent print lift cards, vehicles, and bicycles).
  - 4. Evidence subject to court jurisdiction shall only be released or disposed of pursuant to a Court Order to include the following:
    - a. Property obtained by search warrant (Part III, B);
    - b. Property allegedly stolen or embezzled and the defendant claims to own it (Penal Code Section 1413); or
    - c. Property brought for presentation in court and subsequently released to the custody of the court.

**III. INVESTIGATOR'S RESPONSIBILITIES**

- A. When property is obtained pursuant to a search warrant, the assigned investigator shall prepare and submit a Request and Order for Release of Property to the court to release the evidence back to the Department.



- B. The investigator shall prepare and forward a Property Release (TF-1008) AND a Property Release Notice postcard (TF-787) to the PEU with instructions regarding when the property may be released or disposed.

Form Instructions	When to forward forms to PEU
<ul style="list-style-type: none"> <li>• Check Release upon adjudication</li> <li>• Check Destroy upon adjudication</li> </ul>	After the case is presented to the DA and charged
For future disposition <ul style="list-style-type: none"> <li>• Enter Future Process Date</li> </ul>	<ul style="list-style-type: none"> <li>• Upon determining not to present to the DA for charging; or</li> <li>• After the case is presented to the DA and charged; or</li> <li>• When the statute of limitations has been reached; or</li> <li>• Future date when statute of limitations expires.</li> </ul>
For immediate disposition <ul style="list-style-type: none"> <li>• Check Auction</li> <li>• Check Destroy</li> </ul>	<ul style="list-style-type: none"> <li>• No evidentiary value</li> <li>• Contraband</li> <li>• No known owner or finder</li> <li>• Abandoned</li> </ul>
<ul style="list-style-type: none"> <li>• Check Release to owner or other</li> </ul>	<ul style="list-style-type: none"> <li>• Known owner or finder</li> </ul>
<ul style="list-style-type: none"> <li>• Check Forward to City Treasurer</li> </ul>	<ul style="list-style-type: none"> <li>• Currency with no known owner or finder</li> <li>• Abandoned</li> <li>• Negotiable instruments</li> </ul>

- C. The investigator shall be responsible for notifying the PEU of any change of instructions regarding the disposition of the property.
- D. The investigator shall retain a copy of the Property Release form, and the Request and Order for Release of Property (if applicable) in the case file.
- E. Investigators shall ensure that evidence and/or property is photographed, as necessary, before being released.

**IV. PROPERTY & EVIDENCE UNIT RESPONSIBILITIES**

- A. Evidence
1. Items described on the Property Record as prospective evidence shall be released to the rightful owner if:
    - a. The person presents a Property Release form endorsed by the investigator or the PEU has the Property Release on file, and the person presents valid personal identification.

- b. In the case of stolen or embezzled property, the owner must also present the investigator with satisfactory proof of ownership.
- 2. PEU personnel shall contact the authorizing investigator to verify the release of property when the Property Release is not brought to the PEU by OPD personnel, or in the event the release instructions are inconsistent, illegible, or otherwise confusing.
- 3. PEU personnel shall ensure the investigator obtains a Request and Order for Release of Property from the court to release the evidence back to the Department for property obtained pursuant to a search warrant.

**B. Property Held for Safekeeping**

Items described on the Property Record deposited for safekeeping shall be released to the rightful owner if the investigator has authorized such release on a Property Release and the person presents valid personal identification.

**NOTE:** Firearms Held for Safekeeping (See Property Record, Property Receipt and Release form – TF-1084 for instructions)

**C. Found Property**

Items described on the Property Record as found property include both abandoned and lost articles. If the owners of found property can be identified, the PEU personnel shall mail the owner a Property Release Notice to inform them how to claim their property. Property shall be released to owner with reasonable proof of ownership.

Notices shall be mailed to the finder<sup>1</sup> in cases where the owner is not identified and the property found is eligible for release.

The dollar value of the found property increased to over \$100 before there is any obligation of the finder to report the found property to law enforcement pursuant to Civil Code Section 2080.1.

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<sup>1</sup> Pursuant to Civil Code Section 2080.3, property not claimed by the owner may not be claimed by the finder if the property was found in the course of public agency employment.

D. Contraband

Property that is illegal to possess shall be released only for use in court. Upon adjudication, contraband that remains in Departmental custody may be released for law enforcement purposes to the Training Section, or other unit or outside agency with the approval of the Chief of Police. Otherwise, contraband shall be destroyed.

E. Money/Currency and Negotiable Instruments

Money/currency and other negotiable instruments described on the Property Record as evidence, in safekeeping, or found, shall be returned to the rightful owner (or finder) in accordance with procedures set forth in Part IV, (A, 1), B-C above, as appropriate.

F. Biological Evidence

1. In unsolved/unadjudicated homicide cases, designated sexual assault cases, and cases involving the death penalty, biological evidence shall be stored in a frozen state for as long as practical.
2. Evidence shall remain stored in a frozen state (for as long as practical) upon request by the assigned OPD investigator, DAI, DDA, or Criminalist:
  - a. For unsolved/unadjudicated cases beyond the statute of limitations; or
  - b. For solved/adjudicated cases.

G. Property Not Claimed by the Owner or Finder

1. Property (except for money and negotiable instruments) that is not claimed by the owner or finder shall be released from Departmental custody for sale by the appropriate agency if it has market value, or destroyed if it does not.
  - a. Unclaimed cash and negotiable instruments shall be deposited in the City Treasury.
  - b. Unclaimed foreign cash shall be exchanged for United States currency and deposited in the City Treasury.

2. It shall be the responsibility of the PEU to release unclaimed property in accordance with current state statutes, municipal ordinances, and Department policy.

H. Timeliness

In all cases, final disposition of found, recovered, and evidentiary property shall be accomplished within six (6) months after all legal requirements have been satisfied.

I. "Administrative Kill" Criteria

The Police Property Supervisor shall ensure that all items to be disposed meet the criteria prior to disposal. The Police Property Supervisor shall not interpret this order to mean that all items that fit these criteria must be destroyed and shall use his/her discretion when determining what items may be destroyed.

Evidence and property may be disposed of when associated with a case that fits one (1) of the two (2) following criteria:

1. Any case that is not charged or being actively investigated and meets one (1) of the following criteria:
  - a. Misdemeanor/infracton case one (1) year old or older whose statute of limitations is one (1) year as defined by California Penal Code section 802, except for firearm related cases;
  - b. Felony property crime two (2) years or older whose statute of limitations is three (3) years as defined by California Penal Code Section 801;
  - c. Felony property crime two (2) years or older whose statute of limitations is four (4) years as defined by California Penal Code Section 801;
  - d. Health and Safety Code case two (2) years or older whose statute of limitation is three (3) years as defined by California Penal Code Section 800;
  - e. Health and Safety Code case two (2) years or older whose statute of limitation is six (6) years as defined by California Penal Code Section 800.



**OR**

2. Any case that has been adjudicated that is **not** a sex crime, firearm related case, kidnapping (207-209 PC), first degree burglary (459 PC), robbery (211 PC), assault with a deadly weapon (245 PC), shooting at a dwelling or vehicle (246 PC), or attempted murder or murder (664/187 PC or 187 PC) **and** meets one (1) of the following criteria:
  - a. Misdemeanor/infracton case whose statue of limitation is one (1) year as defined by California Penal Code section 802.
  - b. Felony case whose statue of limitations is three (3) years as defined by California Penal Code Section 801.
  - c. Felony case whose statute of limitations is four (4) years as defined by California Penal Code Section 801.
  - d. Health and Safety Code whose statute of limitation is six (6) years as defined by California Penal Code Section 800.

**V. DIVERSION OF UNCLAIMED PROPERTY**

- A. Unclaimed property designated for auction/sale or destruction shall not be diverted for use by Departmental personnel, an outside agency, or a private person without the written approval of the Chief of Police.
- B. When a case disposition is determined to be one of the classifications enumerated in Part I, A-D, the following types of property, when there is no owner or finder, may be released or diverted to the Training Section, other unit or outside agency at the discretion of the PEU Supervisor without the written approval of the Chief of Police:
  1. **Ammunition** – (e.g., Rangemaster, Criminalistics Division, Alameda County Bomb Disposal Unit);
  2. **Sports equipment** – (e.g., POA, Police Athletics League);
  3. **Hand tools and tool boxes** – (e.g., Personnel requiring such items in the performance of their duties);
  4. **Clothing, luggage/backpacks, walking aids** – (e.g., Donate to charitable organizations authorized by the Chief of Police. When

counterfeit apparel is donated, the items shall only be distributed to charitable organizations not reselling donated items); and

5. **Prohibited weapons (12020 PC)** – (e.g., Training Section or other unit authorized by the Chief of Police).
  
- C. Unit Commanders/managers may forward descriptions of items suitable for Departmental use to the PEU where they shall be filed until unclaimed property that fits the description becomes available for sale or destruction.
  
- D. The PEU Supervisor shall notify the Unit Commander/manager when such unclaimed property becomes available.
  
- E. If the item is suitable for Departmental use, the Unit Commander/manager shall contact the Criminal Investigation Division (CID) to determine whether a CLETS and LRMS inquiry was performed to ensure the property to be diverted is not stolen.
  
- F. If the item is clear for release, the Unit Commander/manager shall forward a memorandum through the chain-of-command to the Chief of Police requesting that the article be diverted from sale or destruction and assigned to his/her organizational unit.
  
- G. Upon COP approval, the original memorandum shall be forwarded to the PEU.
  
- H. PEU Supervisor shall verify the property information, release only the property on the request memorandum, and document the release on the Property Record.

Verify:

1. The correct RD number;
  2. The description and serial number of the item(s) being released;
  3. The name and serial number of the member/employee to whom the property is released; and
  4. The date, time, and serial number of the Police Property Specialist releasing the item(s).
- 
- I. The person receiving the property shall sign the Property Record and memorandum;

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- J. The PEU Supervisor shall attach a copy of the memorandum to the Property Record and file the original memorandum.
- K. The receiving person shall deliver the property and copy of the memorandum to the requesting Unit Commander/manager.

By order of

Howard A. Jordan  
Chief of Police

Date Signed: \_\_\_\_\_



# California Commission on Peace Officer Standards and Training

## Management Counseling Services

Attachment 6



**LAW ENFORCEMENT**

**EVIDENCE & PROPERTY**

**MANAGEMENT GUIDE**



**Third Edition**



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LAW ENFORCEMENT

# **EVIDENCE & PROPERTY MANAGEMENT GUIDE**

**Third Edition 2013**

Produced by

**POST** Management Counseling Services Bureau

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

## **Law Enforcement Evidence & Property Management Guide**

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**T**HE MISSION of the Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.



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FOREWORD

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The law enforcement evidence/property function is vital to the criminal justice process. Its effective and efficient operation is integral to an agency's quality of service to the community and the criminal justice system. The management of this function has become increasingly complex due, in part, to factors related to legislative mandates, hazardous material storage, the protection and preservation of biological/DNA-related material, security and chain of custody, and the training of evidence/property personnel. The failure to manage the evidence and property function can affect the successful prosecution of criminal violators, resulting in agency liability or loss of public confidence.

Effective policies and procedures must be established in order to efficiently submit and retrieve items of evidence and property. To support the evidence and property function, managerial and executive personnel must ensure that essential training, both initial and ongoing, is identified and provided, with an adequate budget for sustained effective operation. Staff safety, storage facility security, and the ability to accurately catalog and track evidence and property are paramount to reducing liability exposure, thus increasing the credibility and defensibility of the agency.

The purpose of the POST *Law Enforcement Evidence & Property Management Guide* is to provide standardized recommended guidelines for the management of the evidence and property function, detailing best practices for the submission, receipt, storage, and disposition of evidence and property items in the agency's care and control. Agencies should use this guide to create or amend policies and procedures to ensure the integrity of the evidence and property process, protect the evidentiary value of property, and restore property to its owners in a timely fashion.

It is the intention of the Commission on Peace Officer Standards and Training that this guide will lead to improved management of the evidence and property function. POST envisions that this guide will serve as a comprehensive resource to aid evidence and property staff, field personnel, supervisors, managers, and executives in understanding the critical role of the evidence and property function to the agency, the criminal justice system, and the community.

The Commission appreciates the contributions of an ad-hoc advisory committee of evidence and property personnel from agencies throughout California.

Comments or questions related to information contained in this guide should be directed to the [Management Counseling Services Bureau](#) at (916) 227-4800.

**ROBERT A. STRESAK**  
Executive Director



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**ACKNOWLEDGMENTS**

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## EXPLANATION AND USE OF THIS GUIDE

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### RELEVANCE OF THE EVIDENCE/PROPERTY FUNCTION

The *POST Law Enforcement Evidence & Property Management Guide* was developed as a resource for law enforcement agencies and personnel, noting best practices and providing standardized guidelines for the various aspects of the evidence and property function. The importance of this function in a law enforcement agency cannot be overstated. The agency has a fiduciary and legal obligation to store and protect items of evidence and property in its custody, and equally important, an obligation to legally restore property to the rightful owner as soon as practical or dispose of the property in a legal manner.

Law enforcement executives, managers, supervisors, peace officers, and professional staff members often fail to understand or appreciate the necessity and nature of the evidence and property function's existence, and its contribution to the success of the agency. Essentially, the evidence/property function's purpose can be summarized in the following basic mission statement:

*The law enforcement evidence/property function exists in order for an agency to receive, catalog, safely store, and maintain the integrity of evidence, found property, and property for safekeeping. The function allows for the effective prosecution of criminal offenders while confirming innocence; and victims may find truth and closure as justice is served. Lastly, law enforcement agencies have the legal obligation to restore evidence/property to rightful owners or facilitate the legal disposition of evidence/property in agency possession.*

### NAVIGATING THE GUIDE

This guide is divided into chapters, with each chapter pertaining to one of the six primary categories of the evidence and property function:

1. Organizational Considerations (organization, personnel, training, policy/procedure)
2. Documentation and Forms
3. Safety, Security, and Storage
4. Evidence and Property Handling Procedures
5. Audits, Inventories, and Inspections
6. Evidence and Property Disposition and Purging

Each chapter begins with a purpose, introducing the chapter material and supporting its relevance. The chapter purpose is followed by POST guidelines, based on state law and national best practices, corresponding to the chapter material. National best practices were determined through a review of Commission on Accreditation for Law Enforcement Agencies (CALEA) standards; a comparison of POST guidelines to the National Institute of Justice (NIJ) document, [The Biological Evidence Preservation Handbook](#); a consultation with the Federal Bureau of Investigation; and an evaluation of past practices. The POST guidelines were created to standardize the processes and security related to the evidence and property function. Following each guideline is an in-depth commentary explaining and supporting the specified guideline criteria.

The guide includes six appendices containing: [A](#)) Glossary of Terms, [B](#)) Legal and Regulatory References and Issues, [C](#)) Sample Forms, [D](#)) Evidence/Property Retention Policy, [E](#)) *The Biological Evidence Preservation Handbook* provided by the National Institute of Justice, and [F](#)) Examples of

Commercially Available Evidence/Property Equipment. These appendices have been provided as an additional reference for evidence and property personnel, and agency supervisors and managers, to assist in policy development and legal compliance.

### **INCORPORATING THE GUIDE INTO AGENCY DIRECTIVES TO MEET BEST PRACTICES**

The guidelines and supporting commentary contained in this guide are provided to use as a framework to assist agencies in the development of written directives created to document and standardize the processes related to the evidence/property function. The written directives should incorporate contemporary law enforcement best practices pertaining to the physical design and security of the evidence/property function. Comprehensive written directives, standardized practices, and heightened security can fortify an agency's position, if the agency must defend its evidence/property function, while reducing agency exposure to unwanted scrutiny and liability.

Although a number of guidelines are driven by statute, none of the guidelines are subject to POST compliance or regulation; but all of the guidelines are based on national law enforcement best practices. POST recommends that agencies desiring to be in compliance with California statutes and national best practices in the evidence/property function arena adhere to these guidelines in their entirety. If an agency is unable to adhere to a particular guideline, or portion of a guideline, due to fiscal or facility limitations, the agency should consider including any unmet best practice guidelines into a strategic plan which allows the agency to track this unmet goal and objective until the agency can bring itself into accordance with the guideline or guideline portion in question.

Agency heads are ultimately responsible for all items of evidence/property maintained in their facilities, and must make executive decisions to standardize processes, ensure security, and minimize risk. To assist in policy development and standardization, POST has provided this guide for use as a resource for facilitating the overall management of an efficient and effective evidence/property function.

Agencies are encouraged to annually review their directives for relevance, as well as ensure the necessary initial and ongoing training for evidence and property staff, supervisors, and managers is occurring. Agencies should stay current on evolving trends, and keep abreast of legal and regulatory issues related to the evidence/property function.

POST intends the *POST Law Enforcement Evidence/Property Management Guide* be maintained as a living document subject to annual reviews of the guidelines.

## ORGANIZATIONAL CONSIDERATIONS (Organization, Personnel, Training, Policy/Procedure)

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### PURPOSE

An agency relies on the Evidence/Property Manager (EPM) and the Evidence/Property Technicians (EPT) to correctly maintain security and control in the evidence/property unit. Each agency has the weighty responsibility for the receipt, storage, safekeeping, release, and disposal of all evidence/property items in its control. Evidence/property personnel ensure that evidence items are correctly tracked and monitored for court exhibits, discovery, and prosecution/defense evidence viewing. Proper management, an adequate budget, and initial and ongoing training will enhance the efficiency and knowledge of evidence/property personnel. A well-organized storage facility and evidence/property cataloging system, in conjunction with well-designed policies and procedures, will enhance the success and facilitate the effective operation of the evidence/property function.

This chapter addresses the organization, management, and direction of an evidence/property unit, providing guidelines in the following areas:

- 1.1 Organizational Structure
- 1.2 Personnel Assignment, Staffing, and Training
- 1.3 Facility Access/Hours of Operation
- 1.4 Emergency and Disaster Planning
- 1.5 Budget Allocation
- 1.6 Policy and Procedure Development
- 1.7 Identifying and Mitigating Problems

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#### **GUIDELINE 1.1** **Organizational Structure**

Create or amend a written directive outlining the organizational structure of the evidence/property function to include, at a minimum, the following:

- Clearly define the chain of command from the agency head down (e.g., Chief, Sheriff, Director, Commissioner)
- Include the evidence/property function in the agency organizational chart depicting the evidence/property function outside of operational units

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#### **Commentary**

The directive should clearly identify the chain of command, from the Evidence/Property Technician to the Agency Head. Whenever possible, the chain of command should be shortened or flattened allowing the agency head to have the most direct access to the evidence and property function.

The directive should identify the evidence/property function in the organizational chart. The evidence/property function should be separated from operational units. This separation eliminates the potential conflict of interest between the personnel who collect evidence or property and those who are charged with the responsibility of storing the evidence and property.



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The agency will reduce its exposure by assigning the evidence and property function to an administrative or support unit which provides a definitive separation from operational units such as patrol or investigations.

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**GUIDELINE 1.2**  
**Personnel Assignment,  
Staffing, and Training**

Create or amend a written directive addressing personnel assigned to the evidence/property function to include, at a minimum, the following:

- Identify the Evidence/Property Manager (EPM)
- Identify the EPM position as a specialized mid-management position
- Outline the desired qualifications, applicable certifications, skills, and duties of the EPM and EPT
- Establish assignment transfer policies associated with the evidence/property function
- Establish adequate staffing which will allow all of the duties of the evidence/property function to be accomplished
- Identify initial and an ongoing training plan for all personnel assigned to the evidence/property function ensuring they remain current in best practices, statutes, and regulations
- Provide evidence/property personnel with uniforms for both daily/utility use and for court appearances

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**Commentary**

Because the evidence/property function is critical to law enforcement, personnel assigned to this function should be clearly identified by job classification. It is suggested the EPM be a specialized, mid-management position.

The selection of an EPM and/or EPT should be based on stated directive qualifications, applicable certificates, skills, and duties. A background investigation should be completed on personnel having direct access to the evidence/property facility.

Due to the technical expertise required within the evidence/property function, the routine transfer of evidence/property personnel should NOT occur and be avoided whenever possible. Any time there is a change of assigned personnel within the evidence/property unit; consideration should be given regarding facility security. It is strongly recommended that access keys/cards/codes be changed, and a complete inventory of currency/high-value items, narcotics and dangerous drugs, and firearms, at a minimum, be conducted.

Agencies should ensure adequate staffing of the evidence/property function which allows all of the duties and responsibilities to be carried out in an efficient and uninterrupted manner (e.g., audits, inventories, purging, and other staff-intensive functions).

To better manage agency risk and reduce liability, all evidence/property personnel should complete the POST Evidence and Property Management

course as well as continuing education and training through organizations such as the California Association for Property and Evidence (CAPE) and International Association for Property and Evidence (IAPE) .

POST encourages networking with regional and county agencies (e.g., local law enforcement agencies, district attorney offices, crime labs, courts, county coroner/medical examiners, and probation departments) to make consistent inter-agency policies, forms, and procedures to facilitate communication and to ensure court compliance. This networking provides a legal basis and a framework for managing evidence and property in law enforcement agencies.

For safety purposes, and to prevent contamination, evidence/property personnel should be provided with both daily/utility uniforms, as well as “Class A” uniforms for court appearances. A cleaning service should be utilized so that potentially contaminated uniforms DO NOT have to be transported to a staff member’s residence for cleaning; and work shoes should remain at the agency.

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**GUIDELINE 1.3**  
**Facility Access/  
Hours of Operation**

Create or amend a written directive addressing facility access procedures, staff call-out procedures, and hours of operation to include, at a minimum, the following:

- Identify the key control process for tracking and restricting access to the evidence/property facility
- Establish a call-out procedure
- Establish/publish public hours of operation
- Establish regular internal hours of operation

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**Commentary**

To ensure security and integrity, agencies need a written directive defining facility access. Access to the evidence/property facility must be limited to essential evidence/property personnel only. Electronic and back-up manual keys should be assigned to the EPM’s immediate supervisor (maintained on the supervisor’s person, NOT in a drawer, envelope, lock box, etc). Qualified alternate personnel need to be identified and trained to function in the evidence/property room, in the event of an absence of the EPM and EPTs.

It is important a call-out procedure be established for the EPM and EPT to provide after-hours access (e.g., nights, holidays, and weekends).

Public hours of operation should be established and published within the agency and on the agency website. It is recommended that evidence/property release to the public be carried out by appointment only, depending on agency circumstances. Using an appointment schedule will allow evidence/property staff to appropriately plan and manage work responsibilities.

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It is recommended that the evidence/property function remain open to agency staff on all but one day of the work week. During this day (preferably an evidence/property staff overlap day) the evidence/property function should close to both agency staff (except for subpoenas) and the public, but remain in operation, creating an uninterrupted opportunity for purging and other ancillary responsibilities.

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**GUIDELINE 1.4**  
**Emergency and Disaster Planning**

Create or amend a written directive addressing procedures to ensure the continuation of the evidence/property function in the event of an emergency or a disaster to include, at a minimum, the following:

- Equip evidence/property personnel with personal duress alarms for use in the event of an emergency
- Develop procedures to address the removal, transportation, and relocation of personnel and all evidence/property items in the event of evacuation, including a method for tracking each item
- Identify an appropriate alternate evidence/property storage facility in the event evacuation is necessary
- Supply evidence/property personnel with radios to ensure contact with Communications unit staff and supervisors in the event of an emergency

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**Commentary**

The directive should include identification of a temporary alternate site to be used if evidence/property must be moved from the existing facility. The organization's policy and/or emergency operations plan should designate an alternate evidence/property site that includes ample room and security to accommodate the evidence/property function for an extended period of time. A tracking system should be in place to ensure all evidence/property is accounted for during removal, transportation, and relocation. Security measures should be considered during the transport to alternate sites.

To enhance the safety of evidence/property personnel as well as provide immediate notification during emergency situations, evidence/property personnel should have radio contact with a 24/7 communications center. Evidence/property personnel should be equipped with personal duress alarms or accompanied by appropriate staff during property release.

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**GUIDELINE 1.5**  
**Budget Allocation**

Create a written directive establishing the budgeting process related to the evidence/property function to include, at a minimum, the following:

- The evidence/property function should be supported by a stand-alone, line-item budget

**Commentary**

The evidence/property function is a critical part of any law enforcement organization; it must be fully funded to meet the needs of the organization and the community. The organization's budget should identify the evidence/property function separately from other functions/units, with a stand-alone, line-item budget. The EPM should have some input into budget considerations regarding the evidence/property function.

**GUIDELINE 1.6**  
**Policy and Procedure**  
**Development**

Create or amend a written directive establishing an operational manual outlining the agency policies and procedures regarding the evidence/property function to address, at a minimum, the following:

**Organizational Considerations**  
**(Organization, Personnel, Training, Policy/Procedure)**

- a) Organizational Structure
- b) Personnel Assignment, Staffing, and Training
- c) Facility Access/Hours of Operation
- d) Emergency and Disaster Planning
- e) Budget Allocation
- f) Policy and Procedure Development
- g) Identifying and Mitigating Problems

**Documentation and Forms**

- a) Property Receipts
- b) Establishing and Maintaining Chain of Custody
- c) Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages
- d) Firearms Documentation/Forms
- e) Property Release
- f) Annual forms/Procedure Review
- g) Visitors' Log
- h) Automated Property Management

**Safety, Security, and Storage**

- a) Facility Design and Storage Areas
- b) Temporary Storage: Lockers and Refrigeration
- c) Receiving and Processing Areas
- d) Special Storage Concerns
- e) Safety Policies/Procedures for Hazardous and Biohazardous Materials
- f) Security Policies/Procedures



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**Evidence and Property Handling Procedures**

- a) General Handling Procedures
- b) Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures
- c) Firearms Handling Procedures
- d) Narcotics/Controlled Substances Handling Procedure
- e) Currency/High-Value Items Handling Procedures
- f) Electronic Media/Photos/Digital Storage Handling Procedures
- g) Biological/DNA Handling Procedures
- h) Blood Drying and Wet Evidence Drying Equipment

**Audits, Inventories, and Inspections**

- a) Audits
- b) Inventories
- c) Inspections

**Evidence and Property Disposition and Purging**

- a) Considerations for Disposal
- b) Methods of Disposal and Classifications of Property
- c) Firearms: Special Procedures for Disposition/Purging
- d) Narcotics: Special Procedures for Disposition/Purging
- e) Currency/High-Value Items: Special Procedures for Disposition/Purging
- f) Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging (including explosives, ammunition, flammables, and pyrotechnics)

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**Commentary**

Incorporate into policy the requirement for an annual review of all agency policies and procedures related to the evidence/property function, with the results of the review forwarded in a report to the agency head and EPM.

Comprehensive evidence/property policy and procedure manuals ensure consistency in the process of managing the evidence/property function, and allow for the organization to comply with all associated statutes and best practices.

It is recommended that these manuals provide standards for the training of newly appointed evidence/property personnel and identify the responsibilities of the staff regarding the various evidence/property functions. Compliance with this guideline can reduce agency liability.

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**GUIDELINE 1.7**  
**Identifying and Mitigating Problems**

Create or amend a written directive addressing the procedure for identifying, documenting, mitigating, and resolving problems or issues that may arise in the course of daily operations of the evidence/property

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function to include, at a minimum, the following:

- Establish procedures for reporting/correcting operations or systems problems, or safety issues, related to the evidence/property function

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***Commentary***

Agency personnel should be directed to mitigate or resolve any problems or issues that arise in the daily operations of the evidence and property function. Staff should be encouraged to take immediate steps to notify appropriate personnel and rectify problems with the evidence/property facilities, security, equipment, documentation/tracking, or operations. Any identified problem or issue should be rectified and mitigated as soon as practical, and documentation of the issue or problem, and its resolution, should be forwarded to the agency head and the EPM.

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**PURPOSE**

The collection of evidence and property taken into agency custody must be documented pursuant to a variety of state statutes. Agency policy must require specific information be completed to establish a tracking record as items are received, stored, released, or otherwise purged.

This chapter provides guidelines for documentation and form development (both hardcopy and digital formats) related to the intake, storage, and disposal of evidence and property in the following areas:

- 2.1 Property Receipts
- 2.2 Establishing and Maintaining Chain of Custody
- 2.3 Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages
- 2.4 Firearms Documentation/Forms
- 2.5 Property Release
- 2.6 Annual Forms/Procedures Review
- 2.7 Visitors' Log
- 2.8 Automated Property Management

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**GUIDELINE 2.1**  
**Property Receipts**

Create or amend a written directive addressing the use of a property receipt to include, at a minimum, the following:

- Reference number(s) (e.g., report number/case number/ CAD number) and/or item number or control number
- Classification or type of crime (e.g., [PC 211](#), [PC 459](#))
- Date/time collected/submitted
- Reporting or submitting peace officer/employee
- Involved party's name
- Designated relationship (e.g., suspect, victim, owner, finder)
- Type of evidence and property (e.g., recovered, found, safekeeping, seized by search warrant)
- Description of item (e.g., serial number)
- Location where evidence/property was found and by whom
- Storage location
- Chain of custody signature box
- Release information
- Declaration of ownership
- Receipt requirements pursuant to [PC 1412](#), [1413](#), [1535](#), [18250](#), [CC 2080.10](#), [WI 8102](#) and [8103](#)



**Commentary**

The purpose of a property receipt is to establish a record of the evidence/property collected and submitted. When necessary, a receipt with instructions explaining the process for retrieval should be provided to the person from whom the evidence and property was collected.

Samples of property receipt forms and other evidence/property related forms may be accessed through [www.cape-inc.us](http://www.cape-inc.us) and found in [Appendix C](#).

**GUIDELINE 2.2**  
**Establishing**  
**and Maintaining**  
**Chain of Custody**

Create or amend a written directive addressing the procedure for maintaining and tracking the chain of custody to include, at a minimum, the following:

- Establishing the chain of custody for documenting the collection of evidence or property (in the field or in an in-custody setting), including the date and time, where the item was found, and the employee collecting the evidence/property
- Requiring an agency case number or Computer-Aided Dispatch (CAD) number be linked to all evidence/property items collected
- Items should be processed, packaged, and submitted prior to the end of shift
- In the event evidence/property processing cannot be completed prior to shift end, temporarily store items in a secure location with supervisor approval and appropriate notice to the EPM
- Requiring a chain of custody log with signature blocks printed on the packaging in addition to any supplemental computerized tracking or hardcopy forms
- Establish a process to document items released to the public, crime lab, court, agency, or other agencies
- Establish a procedure for items released pursuant to a subpoena or court orders

**Commentary**

When establishing the chain of custody, it is important to document evidence and property collected by including the date and time, where the item was found, and the employee who recovered the item.

To ensure an accurate chain of custody, all evidence and property collected should minimally include a unique report/case number or CAD-generated incident number. This number must be obtained to document the collection of evidence/property. This unique number associated with the items recovered is critical to the successful cataloging and tracking of evidence and property items.

The report/case file number and the collector's identification (badge number or equivalent) need to be listed on the packaging. The collection of evidence/property should be documented in an agency report, cross-referenced to a property receipt form when required. The property receipt form is NOT to be used as a substitute for documenting evidence/property on the agency original

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report form. The property receipt form should describe each item collected and corresponding item number(s) as appropriate (see [Guideline 2.1](#)).

Agencies should require all evidence/property items to be processed, packaged, and submitted prior to the end of shift. Adhering to this practice will reduce agency exposure and undesirable attention. When it cannot be done, field personnel must obtain supervisor authorization, use an acceptable designated secure temporary location, and notify the evidence/property room of submission delays.

When evidence/property is received, the evidence/property personnel should ensure the chain of custody is maintained on all items collected, including items for temporary or permanent storage. Chain of custody is NOT the same process as the cataloging/tracking system for the item found in either a manual or electronic tracking system (bar-coding system). In order to maintain chain of custody on items, a chain of custody log is required with signature lines printed directly on the packaging containing the evidence. Printing a form from the tracking/cataloging system and attaching the form to the item's envelope does NOT satisfy the best practice.

When evidence/property is released, evidence/property personnel should document this action on appropriate property records forms.

For an internal transfer due to the need for further forensic review (e.g., an item will be forensically processed by the in-house crime lab), the evidence/property personnel should attach a copy of the written request or directive for processing to the permanent record for that item.

For a transfer to an outside entity (e.g., court or county crime lab), an evidence transfer form should accompany the employee and evidence to its destination. A subpoena or other court order should be required prior to the transfer of evidence to court. A written request or directive for processing should be attached to the evidence/property room record of the item in question if it is being sent to a crime lab.

The employee transporting the evidence to an outside entity will be designated as the custodian and will be responsible for obtaining a release signature for items retained by the outside entity. The transfer form should be returned to the evidence/property unit within 24 hours for update of custody status. If the transfer form or evidence is NOT returned within 24 hours, proper notification should be made to the EPM and the appropriate supervisor. Original paperwork should always remain in the custody of the agency.

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**GUIDELINE 2.3**  
**Chain of Custody**  
**Stamps, Labels/**  
**Property Tags, and**  
**Sealing Packages**

Create or amend a written directive addressing the procedure for appropriately labeling/noting the chain of custody on all evidence/property to include, at a minimum, the following:

- Use pre-printed or stamped labels or tags to properly identify an item of evidence or property, associated serial numbers, and agency report numbers and/or internal tracking numbers

- Adhere the chain of custody log to packaging or actual evidence/property items to record handling and transfers
- Require employees sealing any evidence packages to put their initials across the package flap, and place clear tape (or a premade seal tape) across the flap, over the initials

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**Commentary**

Evidence/property labels or tags, along with a chain of custody log, are necessary to identify, track, and match information on the property record with the item of evidence/property in question.

An evidence/property label or tag should be permanently adhered to any evidence or property package submitted to the evidence/property storage unit. The label or tag should identify the package by contents, serial number, agency report number and/or internal tracking number, date, reporting peace officer/employee name, classification/charge, and type of evidence or property (e.g., recovered, safekeeping, found, or booked for destruction). The collection of all items of evidence/property should be recorded in proper agency reports.

A chain of custody log should be stamped, affixed, or pre-printed on all packaging, or otherwise attached to all items of evidence/property and should contain the date, time, and signature blocks for both the person releasing the item and the person taking receipt of it. This log should note the description of the item, and agency report number and/or internal tracking number. For each incident, the information should be reconciled among the respective agency reports, property receipts, evidence and property labels or tags, and the chain of custody logs.

When an item is first collected and submitted, and whenever the item is removed from its packaging, evidence/property personnel should re-seal the item inside the packaging with a designated seal over the initials of employee responsible for the packaging. The seal information must correspond to the chain of custody log affixed elsewhere on the item/package. This process will assist in quality control for outside entities (e.g., forensic lab).

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**GUIDELINE 2.4**  
**Firearms**  
**Documentation/**  
**Forms**

Create or amend a list detailing the forms used by the agency to track firearms from intake through final disposition to include, at a minimum, the following:

- All agency and State forms related to the intake, tracking, release, disposition/purging of firearms

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**Commentary**

Firearms present special circumstances because of their unique legal requirements. It is important to both follow legal statutes and maintain up-to-date forms to satisfy those legal requirements.

Following case disposition, numerous documents and forms are necessary for the release and/or destruction of firearms. *(Refer to the California Department of Justice ([DOJ](#)) website for these legally mandated forms.)*

*Refer to the DOJ form, Agency Checklist for Confiscated Firearms/Other Deadly Weapons, for guidance on procedures for intake, storage, and final disposition of firearms.*

Agencies should confer with the local district attorney's office and crime lab to determine when firearms will be submitted for ballistics testing.

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**GUIDELINE 2.5**  
**Property Release**

Create or amend a written directive addressing the release or destruction of property to include, at a minimum, the following categories:

- Return to owner
- Diversion for official use
- Auction
- Destruction

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**Commentary**

Property disposition release forms, both written and digital, reflect chain of custody as well as release information as it relates to owner information, official use, diversion, auction, and destruction.

The receipt and retention of appropriate documentation (including court orders) related to the final disposition of firearms and narcotics are critical. Obtaining a written signature for the release or disposal of property completes the final disposition of the chain of custody.

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**GUIDELINE 2.6**  
**Annual Forms/  
Procedures Review**

Create or amend a written directive addressing the process for an annual review of forms and documents to determine necessity and relevance, to include, at a minimum, the following:

- The EPM should conduct an annual review of all evidence/property forms, ensuring procedural changes or statutes have been incorporated appropriately
- The EPM should act as the forms custodian, logging any changes to forms
- The EPM should ensure the newest version of each form is in circulation, destroying all previous versions or refusing any use of older forms

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**Commentary**

To ensure the relevancy of its documentation, the agency should annually review its evidence/property forms and documents. A representative from every section that uses a particular form should participate in the review process. Considerations include:



- Is the form still being used and by whom?
- Are there revisions to be made?
- Can two or more forms be consolidated?
- Do new forms need to be created?
- Is there efficiency to be gained in automating forms?

The EPM should be the final voice on form revisions and should identify new form iterations with a date stamp and version number to ensure the most current form is in circulation. The EPM should have the authority to refuse any use of older forms.

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**GUIDELINE 2.7**  
**Visitors' Log**

Create or amend a written directive addressing the use of a visitors' log in the evidence/property storage facility(ies), to include, at a minimum, the following:

- Require ANY person (other than assigned evidence/property personnel) entering and departing any agency evidence/property storage area to sign an established visitors' log which identifies the individual, date and time of entry/exit, and purpose for entering the storage area
- Ensure that all visitors be in the immediate physical presence of agency evidence and property personnel

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**Commentary**

The use of an established visitors' log will add credence to an agency's security commitment, and demonstrate that control of outside access is regulated and maintained in the evidence and property storage areas.

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**GUIDELINE 2.8**  
**Automated Property Management**

Where feasible or applicable, create or amend a written directive addressing the use of automated property management systems, to include, at a minimum, the following:

- Integration of an electronic property management system with the agency's Computer-Aided Dispatch (CAD) and Records Management Systems (RMS)
- Establishment of appropriate security measures and redundancies related to information storage and back-up procedures when automated property management systems are employed
- Ability to account for the chain of custody of evidence/property
- Ability to track and identify the location of all items of evidence/property within the custody of the organization (e.g., electronic bar coding system)
- Reporting capabilities, including statistics (e.g., workload studies, evidence and property ingress/egress) and inventories
- Alert mechanisms (e.g., tickler file) for notification of property purging/disposition

**Commentary**

An automated property management system facilitates a streamlined and efficient process for the generation and retention of critical documentation related to the collection, retention, and final disposition of evidence/property. If an automated property management system is employed, it should have integrated features that can match and cross-reference information from CAD incidents, report numbers, CAD incident numbers, and electronic bar coding systems.

Appropriately supported computer security and back-up systems should be established to reduce the risk of information loss or degradation due to system interruption or failure. In some situations, it may be appropriate to employ hardcopy back-up of critical actions.

When utilized, automated systems, such as bar coding, must account for the chain of custody of evidence/property. Security measures and back-up functions should be established to ensure system integrity, including the following:

- Procedures for both electronic tracking and hardcopy documentation of the chain of custody of evidence and property
- Procedures for manual data entry of evidence and property when appropriate or necessary
- Procedures for manual documentation of intake of cash or other valuables
- Management of “special” or “sensitive” items
- Bar coding, which should include information related to the item, its container, and storage location

An efficient automated system would facilitate the creation of reports encompassing inventory, evidence cataloging, item status, currency management, and location.

The system should include automatic notifications based on property classification to prompt review, purging, or other pre-determined actions.

To minimize redundant data entry, the system should be capable of interfacing with state databases to fulfill statutory requirements for entering evidentiary items (e.g., crime guns, serialized property).

**Back-up Processes**

Automated back-up processes should include a continuous Uninterruptible Power Supply (UPS); a routine back-up of system files; appropriate, secure housing of system files; and a procedure for the manual operation of the evidence/property function in the event of total electrical or system failure.

**System Access/Security**

To ensure system integrity, authorized users should have permission-based access. The following levels are suggested:

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- High access levels for the system administrator and/or system alternate. The system administrator, in conjunction with the EPM, should determine subsequent levels for all users
  - Medium access levels to allow users, such as evidence and property personnel and supporting clerical personnel, to view, enter data, modify records, run reports, and perform basic database maintenance
  - Low access levels to allow the users to view records for official use only with selected reporting functions

**Information Reporting, Tracking, and Inquiries**

System access should be electronically tracked in order to maintain the evidence chain from collection through disposition/disposal. This should include the name of the user, date, and any additions or modifications made to the original entry. Failsafe procedures should be developed to ensure records are not inappropriately modified or deleted. Historical data should be retained as per the agency's records retention schedule. The system should have the ability to search by key word for accessing data.

**PURPOSE**

One of the most important aspects of the evidence/property function is the safety of the employees and the security and storage of evidence and property. The size and layout of the evidence facility is dependant on the size of the agency and the type and volume of property to be stored.

This chapter addresses the following guidelines for the main property facility, and any other facilities used for the storage of evidence/property. Additional security measures must be taken for high-risk items such as firearms, narcotics and other dangerous drugs, and currency/high-value items.

- 3.1 Facility Design and Storage Areas
- 3.2 Temporary Storage: Lockers and Refrigeration
- 3.3 Receiving and Processing Areas
- 3.4 Special Storage Concerns
- 3.5 Safety Policies/Procedures for Hazardous and Biohazardous Materials
- 3.6 Security Policies/Procedures

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**GUIDELINE 3.1**  
**Facility Design and Storage Areas**

Create or amend a written directive addressing the placement, design, and construction of the evidence/property facilities. Consideration should be given to the location of the evidence/property storage area(s), offices/work stations, and the construction materials used, to include, at a minimum, the following:

- Use concrete block with filled cells or similar material for all construction (walls, floors, and ceilings must be impervious to intrusion)
- Use only metal doors
- Back any drywall with sheet metal or plywood
- Extend walls from floor to ceiling
- When possible, design the evidence/property room without windows
- Locate EPM's office and staff work areas adjacent to or near the evidence/property storage area
- Separate the evidence/property work area from the main evidence/property storage area
- Heating, ventilation, and air conditioning (HVAC) systems should be stand-alone systems, constructed to prevent entry. DO NOT comingle the HVAC system for the evidence/property storage area with the general air ducts. DO NOT comingle the narcotics storage area HVAC system with other air ducts in the evidence/property storage area
- High-risk items, such as firearms, narcotics, currency/high-value items, and jewelry require extra protection, security, and handling precautions



- Segregate high risk items from other property
- Equip the evidence/property room with a release counter for release of evidence and property to staff
- Establish a separate, secure area with a duress alarm for release to the public

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**Commentary**

The evidence/property storage facility should be designed and constructed with security and safety in mind. Staff safety, air quality, security, and integrity of evidence/property, and the prevention of unauthorized entry must be considered.

It is recommended that the EPM be in close proximity to the evidence/property storage area. A barrier (e.g., fence and gate, wall and door) should exist between evidence/property staff work areas and the actual storage area.

Co-locating office space for the EPM, as well as evidence and property staff, adjacent to the evidence and property storage area facilitates appropriate access and enhances security measures.

High-Efficiency Particulate Air (HEPA) filters should be used in the venting of the narcotics storage area (consult OSHA as necessary).

A service counter or window should be provided for internal transactions. A separate, secure counter or area for public interaction should be provided. As security is of utmost importance at the public window, bullet-resistant glass is strongly recommended, along with the installation of a duress alarm.

Consideration should be given to providing a controlled area for the viewing of evidence by the district attorney, investigator, and the public.

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**GUIDELINE 3.2**  
**Temporary Storage:**  
**Lockers and**  
**Refrigeration**

Create or amend a written directive addressing the use of temporary storage lockers and temporary refrigeration to include, at a minimum, the following:

- The procedures for the use of temporary storage lockers and refrigeration units
- Self-locking or manual locking temporary storage lockers and temporary refrigeration
- Requiring varying sized temporary storage lockers
- A “drop box” for small items
- Individual, locked storage compartments inside the temporary refrigeration units

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**Commentary**

Temporary storage lockers are meant to hold items for a short period of time and are NOT intended to serve as permanent storage. Ideally, these units should have pass-through doors and be self-locking. The rear doors of the

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lockers can then be accessed from the security of the evidence/property room where authorized staff can securely remove items booked in the lockers. If a temporary locker is damaged or improperly functioning, that unit should be removed from use until the issue is resolved.

Ideally, self-locking, pass-through refrigeration units should be utilized for temporary storage of incoming evidence/property requiring a refrigerated environment.

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**GUIDELINE 3.3**  
**Receiving and Processing Areas**

Create or amend a written directive establishing a segregated evidence/property processing and packaging area to include, at a minimum, the following:

- An area used solely for the initial processing and packaging of evidence/property
- To ensure employee safety, DO NOT use report-writing areas for packaging evidence/property

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**Commentary**

The area should be stocked with the necessary packaging materials and personal protective equipment (PPE), (e.g., gloves, goggles, particulate masks), with access to water and an eye wash station in the event decontamination is needed.

Report writing areas should be separated from the evidence/property processing or receiving areas. While workspace and building design do not always conform to this recommendation, every effort should be made to ensure these areas are separated to reduce health risks and the possibility of the contamination of evidence/property.

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**GUIDELINE 3.4**  
**Special Storage Concerns**

Create or amend a written directive outlining special requirements or considerations for unique storage needs and areas (e.g., shelving, cages, connex boxes, vaults) to include, at a minimum, the following:

- General evidence (e.g., envelopes and bags stored on specified shelves)
- Homicide evidence
- Bicycles
- Bulk items
- Electronic/digital media
- Smart phones
- Found and safekeeping items
- Hazardous materials
- Biological items and DNA

- Vehicles
- Sensitive items (e.g., firearms, narcotics, currency/high-value items)

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**Commentary**

It is recommended that evidence/property facilities be equipped with high-density mobile shelving whenever possible in order to facilitate the best utilization of space. Shelving should accommodate the storage of the various sizes of envelopes, bags, and boxes in use by the agency. A high-density mobile filing system with adjustable shelving can significantly increase available storage and floor space. Stand-alone shelving should be bolted and secured to the floor and braced at the top to prevent tipping. Shelves should be numbered or lettered so that stored evidence can be readily located.

A separate storage location should be designated for the long-term storage of homicide evidence.

Bicycles and bulk items can be stored in a separate area to accommodate their size. Bicycles should be in a secured and locked area, preferably with both entry and perimeter alarms.

Due to the sensitivity of electronic/digital media/smart phones, they should be stored separately from other items.

Found and safekeeping items should be stored separately for the easy retrieval, release, and disposal of these items.

Due to health, safety, and contamination issues, hazardous materials should be stored separately from other evidence, preferably in an open-air environment or secured in a fireproof, ventilated cabinet located outside of the evidence/property storage area.

A refrigerator/freezer should be available for the storage of biological evidence. The unit can be a walk-in type or stand alone, depending on agency needs. A temperature alarm should be used to ensure proper temperature is maintained. It is recommended that refrigeration units be equipped with temperature sensors/alarms, and should have an automatic source of back-up power.

Secured, temperature-controlled (i.e., “cool room”) storage areas may be created to store biological/DNA evidence in replacement of or to supplement refrigeration units, and should be maintained between 60° and 75°F with less than 60% humidity. (See [Chapter 4](#) for specific details — and consult with county crime lab.)

A separate area should be provided for the processing and storage of evidentiary vehicles. The vehicles should be protected from the elements for evidentiary purposes. The vehicle storage area should be video monitored and should have entry and perimeter alarms.

Additional security is required for storage of firearms, narcotics, currency/high-value items, and other valuables. Items belonging to these categories should be stored separately in secured, alarmed areas monitored by video

surveillance. The narcotics storage area should be ventilated to the outside with an air exchange that meets OSHA requirements.

**GUIDELINE 3.5**  
**Safety Policies/  
 Procedures for  
 Hazardous and  
 Biohazardous  
 Materials**

Create or amend a written directive addressing safety policies, protocols, requirements, and procedures related to the management, receipt, storage, and disposal of hazardous and biohazardous materials to include, at a minimum, the following:

- Issuing personal protective equipment to comply with [OSHA](#) standards for safety (e.g., head, eyes, ears, hands, and feet should be protected while performing potentially harmful tasks)
- Exposure/decontamination issues include notification of emergency medical personnel
- Eye wash, hand wash, and shower facilities for decontamination
- Transportation of hazardous and biohazardous materials and their associated containers, including appropriate labeling requirements
- Syringe storage/disposal containers
- Biohazardous materials bins for discarding contaminated material
- Handling of evidence containing blood
- Use of appropriate filtering systems to be present in the evidence/property facility (and the forensics unit if hazardous/biohazardous materials are introduced there)
- Handling of narcotics

**Commentary**

The safety of evidence/property and agency staff is of primary consideration when addressing hazardous/biohazardous material handling and storage. In addition, appropriate safety practices should be designed to prevent the contamination of evidence. Packaging material should be a consideration when submitting biohazardous materials. OSHA outlines specific areas of interest regarding occupational safety and workplace hazards. It is recommended that all procedures meet or exceed these OSHA standards.

Unless required for evidentiary purposes, syringes should NOT be booked into evidence. Sharps containers should be provided for disposal. To enhance staff safety, an agency may enter into a “photo/photocopy and disposal” agreement with the local district attorney’s office. Ensure compliance with all state laws and county regulations in the disposal of syringes and sharps containers through an approved disposal company.

Appropriate hazardous material handling and decontamination procedures should be established and practiced. OSHA-approved personal protective equipment and eye wash, hand wash, and showering facilities should be made available. Biohazardous materials bins and containers should be established for the appropriate discarding of contaminated material.

**GUIDELINE 3.6****Security Policies/  
Procedures**

Create or amend a written directive establishing a comprehensive security policy for the evidence/property function to include, at a minimum, the following:

- Facility access
- Ingress/egress tracking systems
- Video surveillance system
- Store internal video surveillance recordings for one year (Government Code, [GC 34090.6](#))
- Duress alarms
- Perimeter alarms and motion sensors
- Fire detectors
- Carbon monoxide alarm
- Require staff to engage the alarm in the evidence/property facilities during off-duty hours
- All evidence/property facilities' access doors must be locked at all times to prevent unauthorized entry

**Commentary**

Security for the evidence/property facility is critical and essential to limit agency liability and ensure appropriate chain of custody and successful case prosecution. It is recommended that access be key or electronically restricted to designated evidence/property personnel only, and that all ingress/egress be tracked.

A video surveillance system should be installed and positioned to record and store surveillance of perimeter doors and interior doors where weapons, narcotics, drugs, cash, or other high-value items are stored. Internal surveillance recordings must be stored for a minimum of one year in accordance with time requirements established in Government Code, GC 34090.6. However, internal surveillance recordings may be stored longer at the discretion of the agency head after consultation with city/county counsel.

Alarm systems should be integrated within the property area to allow evidence/property staff to carry a personal alarm activation device. Monitored perimeter alarms should be used that include fire, carbon monoxide, and motion detection.



## EVIDENCE AND PROPERTY HANDLING PROCEDURES

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### PURPOSE

Agencies must develop specific guidelines detailing the acceptable methods for the receipt, packaging, and storing of evidence and property that meet both agency needs and judicial standards (e.g., local crime lab, district attorney's office, Department of Justice, etc.). Handling procedures within the agency must be consistent for all evidence and property received. (See [Chapter 2](#) for recommendations on documentation procedures.)

This chapter provides guidance on evidence/property handling procedures, which includes:

- 4.1 General Handling Procedures
- 4.2 Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures
- 4.3 Firearms Handling Procedures
- 4.4 Narcotics/Controlled Substances Handling Procedures
- 4.5 Currency/High-Value Items Handling Procedures
- 4.6 Electronic Media/Photos/Digital Storage Handling Procedures
- 4.7 Biological/DNA Handling Procedures
- 4.8 Blood Drying and Wet Evidence Drying Equipment

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#### **GUIDELINE 4.1** **General Handling** **Procedures**

Create or amend a written directive addressing procedures for evidence/property intake, documentation, logging, processing, packaging, labeling, tracking, storage, and release to include, at a minimum, the following:

##### **Evidence/Property Intake**

- a) Chain of custody
- b) Establishing a dedicated area to be used solely for field personnel to process and package evidence/property, and preferably equipping this area with water access and an eye wash station for emergency decontamination
- c) Processing and entry of serialized property
- d) "Two-person" rule for documenting currency/high-value items
- e) Packaging, labeling, and sealing
- f) Right of Refusal/Correction notices
- g) Notifications to property owners
- h) Receipt to person from whom property was taken

##### **Evidence/Property Storage**

- a) Evidence and property storage and tracking
- b) Separate storage locations for short-term and long-term property
- c) Evidence and property release
- d) Identify a secure location
- e) Release by appointment only

**Commentary**

Specific processes should be established for evidence/property intake, logging, booking, initial processing, and labeling, including the completion of all required accompanying documentation. Field personnel should have a room designated solely for the initial processing and packaging of evidence/property. This room should be in close proximity to the evidence and property temporary storage lockers, and should be equipped with access to water and an eye wash station for use in emergency decontamination.

Adhering to protocols for ensuring an uninterrupted chain of custody assists in facilitating successful criminal prosecutions. Regardless of the packaging method used, every package containing evidence or property should be marked with an identifier (e.g., case number, control number, item number) which corresponds to the item description noted on the evidence/property report (e.g., evidence tag, property sheet, property receipt, property invoice). Each package submitted should be sealed with clear tape, or premade seal tape, across the evidence/property package flap, over the initials of the field personnel responsible for the packaging.

Wet/blood items need to be dried prior to packaging and submission, to reduce the chance of mildew. Agencies should consider using either a commercial drying locker (with appropriate venting and HEPA-filter system) or a simple isolated/secure area such as a locker or shower stall. (See commentary in [Guideline 4.7](#) regarding the drying of items containing wet biological evidence.)

In the event the item booked is not properly packaged or documented, the agency should utilize a “Right of Refusal” or “Correction Notice” document. The “Right of Refusal” or “Correction Notice” is a notification to correct an error in the submission of evidence or property. The staff responsible for originally booking the item should be notified of the deficiency and a timeline for correction. Additionally, that staff member’s supervisor and the executive overseeing the evidence/property function for the agency should be notified.

One option is the item in question be returned to an identified locker secured with a changeable combination lock. That combination should be released only to the responsible staff member for correction and can be changed after each use.

Evidence/property should never be stored in an employee’s desk, locker, vehicle, home, or any other location that would potentially interrupt the chain of custody. Personal use of any property should be strictly prohibited.

When evidence/property has been placed under the agency’s control, a procedure should be established for removing the property for further investigation, court, release to an owner or other custodian, or any other official purpose. An uninterrupted chain of custody can be further assured with appropriate logging and recording of property status.

Agencies should develop a protocol for standardizing evidence packaging materials and customizing shelving to allow for more efficient retrieval of evidence/property.

In dealing with currency/high-value items, field personnel should document all amounts and descriptions using the two-person rule. The two-person rule is a system whereby two agency employees, other than evidence/property personnel, verify currency/high value items noting amounts, denominations, or description to ensure accurate documentation.

Evidence/property storage location should be based on item size and classification. Whenever possible, consideration should be given to storing like-sized items in a specific storage location using a pre-identified indexing system (e.g., case number order). Packaging may include boxes, bags, envelopes, or boxes sized to the dimensions of the storage shelf. Large, bulky items should be stored in a location that will support their size and weight.

A storage location should be identified for items collected for safekeeping or found property. Consideration should be given to separating these property classifications from general evidence and property. [*Refer to [CC 2080](#) (Civil Code), et al.*]

Tracking methods should be established that support the appropriate documentation of the chain of custody, as well as allowing for timely retrieval of evidence or property. This can be accomplished through the use of an electronic or manual tracking system. (See [Chapter 2](#) for additional information regarding automation.)

Methods should be established for notifying property owners regarding the release and/or status of their property. Following case adjudication or other disposition, reasonable, timely attempts should be made to return property to rightful owners. Release of property should occur in a secure area and be scheduled by appointment.

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**GUIDELINE 4.2**  
**Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures**

Create or amend a written directive addressing procedures for the handling of hazardous or dangerous evidence/property to include, at a minimum, the following:

- Explosives
- Pyrotechnics
- Ammunition
- Flammables
- Hazardous materials
- Hazardous material spills/exposures within the property facility
- Disposal of hazardous materials

**Commentary**

Flammables, explosives, pyrotechnics, and ammunition should be handled and stored in a manner approved by the fire department, bomb squad, and agency rangemaster.

Explosives, flammables, or hazardous materials should NOT be housed within the evidence/property facility. In the event these or other potentially dangerous items or substances are submitted, they should be stored separately in an appropriately secured, vented, grounded, and fireproof storage location outside the main facility. Ammunition must be removed from firearms and stored separately in a fireproof locker.

Agencies should consult with the local fire department, bomb squad, and/or the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) when determining department policy as it pertains to explosives, ammunition, flammables, and hazardous materials. Additional resources include county environmental health agencies, hazardous material teams, and the California Emergency Management Agency ([Cal-EMA](#)).

Agencies should work with their local fire departments in the development of protocols for reporting and responding to hazardous material spills and exposures inside the evidence and property facility. Disposal of hazardous materials should be in accordance with local and state environmental health and [OSHA](#) regulations.

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**GUIDELINE 4.3**  
**Firearms Handling**  
**Procedures**

Create or amend a written directive addressing procedures for the handling of firearms to include, at a minimum, the following:

**Firearms Intake**

- a) Chain of custody
- b) Requiring proper packaging using gun boxes
- c) Photographs of serial numbers and packaged condition of the firearm (unloaded, rendered safe, secured properly in package)
- d) Verification of completed data entries
- e) Notifications to property owners
- f) Receipt to person from whom property was taken

**Firearms Processing, Storage, and Release**

- a) Firearms processing ([NIBIN/IBIS](#), and processing for DNA/biological evidence)
- b) Separate, secure storage locations for firearms (video monitored/alarmed)
- c) Special handling procedures (e.g., firearms that cannot be immediately unloaded, firearms held for fingerprints, firearms contaminated with biological material, etc.)
- d) Firearms release procedures (e.g., Law Enforcement Gun Release and criminal history inquiry)

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**Commentary**

As with the intake of all evidence/property, firearms handling requires that specific intake, processing, and storage methods are followed to ensure the chain of custody. Prior to submission by field personnel, a firearm must be rendered unloaded and safe with the action open, and placed in a specifically designed firearms storage container (e.g., cardboard gun box or similar container), and secured to the container using nylon ties. (Refer to [Guideline 4.1](#) regarding the “Right of Refusal.”)

- ▶ **Evidence/property personnel MUST NOT be allowed, under any circumstances, to open sealed gun boxes to check firearms for safety or to confirm condition or serial numbers.**
- ▶ **Digital photographs of the firearm should be taken by field personnel prior to sealing the firearm in a gun box.** The photos will depict the firearm serial number and the fact that the firearm has been packaged in a safe condition (unloaded with action open). Copies of these photographs will accompany the evidence/property paperwork, and be placed in an envelope secured to the firearms box.
- ▶ **Firearms should NOT be packaged in a loaded condition.** However, in the unlikely event where firearms cannot be immediately unloaded (due to mechanical or evidentiary reasons), they **MUST** be packaged with caution in firearms boxes. The boxes **MUST** be labeled with warnings that the firearms are loaded and they must be temporarily stored in a separate section of the temporary storage area. These firearms **MUST** then be inspected by agency armorers/firearms specialists in a safe environment and rendered safe. A report is required specifying who rendered the firearms safe, and what measures were taken to do so. Agencies may consult their respective crime labs to set up procedures in which the loaded firearms can be boxed, identified as loaded, and sent directly to the crime labs to be unloaded and processed.

All firearms require entry into the Automated Firearms System (AFS) via the firearms module of the California Law Enforcement Telecommunications System ([CLETS](#)). **Entering firearms into AFS is not the duty or responsibility of the Evidence/Property Unit. This duty should be assigned to field, records, or dispatch personnel.**

Agencies, in consultation with their local crime labs and district attorney’s offices, should create a protocol for determining under what circumstances firearms will be submitted to the crime lab for forensic/biological evidence and ballistics testing and input into the National Integrated Ballistics Information Network ([NIBIN](#)) or the Integrated Ballistics Identification System ([IBIS](#)).

Firearms should be stored separately from other evidence/property, preferably in a card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to authorized personnel. Firearms identified for destruction are to be stored in the same location (gun vault/storage room) as other firearms.



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In order to ensure firearms are only released to those who are legally eligible to possess them, and as per [PC 33855](#), owners must complete and submit the Law Enforcement Gun Release ([LEGR](#)) Application through the Department of Justice. A record of ownership must be recorded in AFS for the person claiming ownership.

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**GUIDELINE 4.4**  
**Narcotics/Controlled  
Substances Handling  
Procedures**

Create or amend a written directive addressing procedures for the handling of narcotics and other controlled substances to include, at a minimum, the following:

- Narcotics and dangerous drugs intake and storage
- Chain of custody
- Presumptive testing and weighing — must be conducted solely by field personnel (ventilation, personal protective equipment, and decontamination area is recommended)
- Packaging and labeling (heat-sealed vs. breathable packaging)
- Drying and packaging of green, wet, or fresh plant material
- Separate, secure, ventilated, monitored, and alarmed storage location (check [OSHA](#) recommendations)

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**Commentary**

As with the intake of all evidence/property, narcotics and controlled substance handling requires that specific intake, processing, and storage methods are followed to ensure the chain of custody. Because of the hazards associated with narcotics and controlled substances, additional special handling is required.

Prior to packaging narcotics and/or controlled substances, presumptive testing and weighing by field personnel should be required. Caution should be taken whenever conducting such testing. Many vendors offer self-contained presumptive testing kits to avoid the hazards associated with open-liquid testing kits. In addition, field personnel should be required to wear protective gear (e.g., eye protection and gloves) when conducting the testing process. As a precaution, the testing should be conducted in an area with access to water or some type of hazardous spill clean-up equipment. If testing is conducted indoors, proper ventilation (e.g., fuming hood) should be used. All testing, equipment, and safety measures should minimally conform to OSHA standards (consult OSHA for recommendations).

Narcotics and/or controlled substances should be packaged in tamper-proof protective packaging and clearly labeled to eliminate the need for content verification during exchanges of custody. Proper sealing of narcotics and/or controlled substances includes a heat-sealed plastic bag, 4 mm or greater in thickness (e.g., KPAK-style packaging). All containers and packages should be inspected for tampering as a safeguard against evidence removal/substitution. All narcotics and/or controlled substances procedures should minimally conform to OSHA standards.

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Green, wet, or fresh plant material should be dried prior to packaging. A secured, well-ventilated area should be provided for drying. Breathable material should be used for packaging.

As part of the packaging process, agencies may consider requiring two people to verify the weight of the substance prior to sealing.

Narcotics and/or controlled substances should be stored separately from other evidence and property in a secure, card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to specified/authorized personnel.

The ventilation system in the narcotics/controlled substances storage area should be separate from other facility HVAC systems. Consult [OSHA](#) recommendations for guidelines on air exchange related to the narcotics/controlled substances storage area (**OSHA recommends a complete air exchange of five times per hour**).

Agencies should be aware that due to the potential health hazards associated with the storage of narcotics/controlled substances, as well as hazardous/biohazardous material, complaints to OSHA could result in OSHA inspections and fines.

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**GUIDELINE 4.5**  
**Currency/High-Value**  
**Items Handling**  
**Procedures**

Create or amend a written directive addressing procedures for the handling of currency/high-value items to include, at a minimum, the following:

- Intake and packaging (two-person rule)
- Detailed descriptions (using generic terms) of valuables
- Chain of custody
- Packaging and labeling (e.g., currency envelopes and generic descriptions)
- Separate, secure storage location (safe/vault)
- Access/use of the safe/vault
- Alarm and video surveillance of the safe/vault
- Deposit policy, monetary threshold, and deposit procedure
- Maintaining a running balance of cash stored in the safe/vault
- Maintaining a current inventory of valuables stored in the safe/vault

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**Commentary**

As with the intake of all evidence/property, the handling of currency/high-value items (e.g., travelers' checks, negotiable bonds, jewelry, collectors' items) requires that specific intake, processing, and storage methods are followed to ensure security and the maintenance of the chain of custody. Because of the liability associated with currency and valuables, additional special handling is required.

Specific procedures should be established that include the use of the two-person rule in the inventory and counting system. To assist in eliminating counting errors, currency should be identified by denomination and placed in specially designed cash envelopes.

In order to avoid potential liability or questions of impropriety, valuables should be individually itemized and carefully (but generically) described and documented (e.g., yellow metal ring with clear stone) prior to packaging.

A monetary threshold and deposit procedure should be established in coordination with local prosecutors and city/county attorneys. If currency has unique evidentiary value, it should NOT be deposited, but kept in a secured storage area. If the practice of depositing such funds is not feasible on an individual basis, an agency may consider establishing a threshold for the depositing of multiple cases in one transaction.

Currency/high-value items must be stored separately in a safe or vault, and should NOT be mixed with general items of evidence/property. The entry to the safe/vault should be alarmed and monitored by video surveillance.

Procedures should be established regarding the access and use of the safe/vault. A running balance of the cash total in the safe should be maintained, as well as a current inventory of valuables stored in the safe.

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**GUIDELINE 4.6****Electronic Media/  
Photos/Digital Storage  
Handling Procedures**

Create or amend a written directive addressing procedures for the packaging and storage of digital or electronic media to include, at a minimum, the following:

- Anti-static bubble wrap bags
- Anti-static heat-sealed bags (e.g., KPAK)
- Faraday packaging for mobile/smart phones
- Shared systems for storing digital evidence (e.g., dash-camera videos, digital interviews/interrogations, digital photos)
- Separate storage location for digital media
- Video, audio, digital files or tapes
- Data storage devices (e.g., desktop/laptop/tablet computer)
- Proper e-waste disposal

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**Commentary**

Law enforcement agencies should consider contacting the local crime lab to develop guidelines for packaging standards and destruction of electronic evidence (e.g., smart phones, hard drives). Faraday pouches can allow mobile phones/smart phones to be stored while being switched on, in order to verify time and date stamps on information contained in the phones. The protective material on the pouches prohibits the phones from receiving any further outside signals/information, and protects the data stored in the phones from remote wiping.

Agencies using a shared system for downloading and storing digital information such as dash-camera videos, interrogations, etc., should ensure the system is secure from unauthorized users and is backed up appropriately to prevent the potential loss of evidence. Written directives should specify what information is to be stored in these shared systems, when the information is to be placed in the system, and how and when it is to be retrieved. Retrieval or review of this data should NOT be a collateral duty of evidence/property personnel.

All digital media should be stored separately from other evidence to prevent possible loss of information due to magnetic influences (e.g., static electricity, magnet, or electromagnetic pulse).

Disposal of e-waste should be done in accordance with county environmental health and [OSHA](#) regulations.

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**GUIDELINE 4.7**  
**Biological/DNA**  
**Handling Procedures**

Create or amend a written directive addressing procedures for the handling and disposal of biological/DNA evidence to include, at a minimum, the following:

**Biological Material Intake**

- a) Safety equipment and exposure plan
- b) Packaging and labels
- c) Temporary storage/secure drying area

**Evidence and Property Storage and Disposal**

- a) Packaging condition upon receipt to evidence storage
- b) Controlled environment storage room (i.e., cool room), refrigerator, or freezer
- c) Statutory requirements (e.g., [PC 680](#) - Sexual Assault Victims' DNA Bill of Rights, [PC 803](#) - Tolling or Extension of Time Periods, [PC 1417.9](#) - Retention of Biological Material)
- d) Safe disposal of biohazardous materials pursuant to statutory requirements

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**Commentary**

Items of biological/DNA evidence should be clearly marked and labeled as biohazard by field personnel prior to submission to evidence and property.

To reduce the risk of evidence contamination and to ensure personal safety, evidence/property personnel should utilize personal protective equipment (PPE), including goggles, gloves, and masks. The agency should have a plan to address occupational exposure to potentially infectious materials.

**Packaging**

Packaging requirements must account for the condition of the evidence at time of collection. Biological/DNA evidence exists in several different

forms, each of which must be packaged, handled, and stored uniquely. Biological/DNA evidence comes in two physical states: wet or dry. Items typically found in wet form include blood or urine vials. Items requiring drying must be dried prior to packaging and submission. Agencies are encouraged to use a commercially manufactured drying cabinet. The following information is an excerpt from the [\*NIJ Biological Evidence Preservation Handbook\*](#).

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### **Packaging Best Practices Summary**

Agencies should encourage the following best practices in biological evidence packaging:

#### ***Containers***

- ✓ Use paper bags, manila envelopes, cardboard boxes, and similar porous materials for all biological evidence
- ✓ Use butcher or art paper for wrapping evidence, for padding in the evidence container, and/or as a general drop cloth to collect trace evidence.
- ✓ Package evidence and seal the container to protect it from loss, cross-transfer, contamination, and/or deleterious change.
- ✓ Seal the package in such a manner that opening it causes obvious damage or alteration to the container or its seal, for security purposes.

#### ***Item Packaging***

- ✓ Package each item separately; avoid comingling items to prevent cross-contamination.
- ✓ Use a biohazard label to indicate that a potential biohazard is present.
- ✓ Plastic bags are NOT preferred for storage due to the possibility of bacterial growth or mold.
- ✓ If drying wet evidence is not possible, place the evidence in an impermeable and nonporous container and place the container in a refrigerator that maintains a temperature of 2°–8°C (approximately 35°–46°F) and is located away from direct sunlight until it can be air dried or until it can be submitted to the lab.
- ✓ Seal each package with evidence tape or other seals, such as heat seals and gum seals (avoid staples if possible). All seals should be marked to identify the person who sealed the package. Mark across the seal with the sealer's identification or initials and the date.
- ✓ All firearms submitted into evidence for biological testing should be unloaded, made safe, and placed into a new cardboard gun box. The submitting individual should seal the box and indicate on the exterior of the box that the weapon was unloaded, made safe, and may contain biological material.



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- ✓ Label items according to agency policy and procedures. At a minimum, mark each package with a unique identifier, the identification of the person who collected it, and the date of collection. The unique identifier should correspond to the item description noted on the property/evidence report (e.g., evidence tag, property sheet, property receipt, or property invoice).
  - ✓ Maintain the integrity of the item through the package documentation. Documentation includes all markings, seals, tags, and labels used by all of the involved agencies. Therefore, it is critical to preserve and document all packaging and labels received by or returned to the agency.
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### Storage

Storage equipment for biological evidence may include lockers, refrigerators/freezers, or evidence rooms which are secure. Breathable storage containers prevent condensation and evidence degradation.

According to the [\*NIJ Biological Evidence Preservation Handbook\*](#), biological evidence should be stored in one of the following environments depending on the type of evidence, and if known, the type of analysis that will be conducted:

- **Frozen:** Lab freezer storage temperatures at or below  $-10^{\circ}\text{C}$  ( $14^{\circ}\text{F}$ )
- **Refrigerated:** Stored between  $2^{\circ}\text{C}$  ( $35^{\circ}\text{F}$ ) and  $8^{\circ}\text{C}$  ( $46^{\circ}\text{F}$ ) with less than 25% humidity
- **Temperature Controlled:** Stored between  $15.5^{\circ}\text{C}$  ( $60^{\circ}\text{F}$ ) and  $24^{\circ}\text{C}$  ( $75^{\circ}\text{F}$ ) with less than 60% humidity (i.e., a cool room)
- **Room Temperature:** No temperature or humidity control guidelines

The creation of a temperature-controlled room (i.e., cool room) would allow agencies greater storage capacity and could reduce the need for acquiring additional refrigerators/freezers as the evidence inventory increases.

The choice of storage location for biological evidence depends upon how long the evidence is meant to be stored. The matrices on the following page identify both temporary ([Table 4.1](#)) and long-term ([Table 4.2](#)) storage conditions. The information shown is an excerpt from the *NIJ Biological Evidence Preservation Handbook*.

An agency should consult with the county crime lab and district attorney's office for input on preference for the storing of biological evidence.

Table 4.1 Temporary Storage Conditions Matrix

Type of Evidence	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best	Less than 24 Hours	–
Urine	Best	Less than 24 Hours	–	–
Dry Biological Stained Item <sup>1</sup>	–	–	Best	Acceptable
Wet Bloody Items (if cannot be dried)	Best	Acceptable	Less than 24 Hours	–
Bones	Acceptable	–	Acceptable	Acceptable
Hair	–	–	Best	Acceptable
Swabs with Biological Material	–	Best (Wet)	Best (Dried)	–
Vaginal Smears	–	–	Best	–
Feces	Best	–	–	–
Buccal Swabs	–	–	Best	Less than 24 Hours

Table 4.2 Long-Term Storage Conditions Matrix

Type of Evidence	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best	–	–
Urine	Best	–	–	–
Dry Biological Stained Item <sup>1</sup>	–	–	Best	–
Bones	–	–	Best	–
Hair	–	–	Best	Acceptable
Swabs with Biological Material	–	–	Best (Dried)	–
Vaginal Smears	–	–	Best	–
Feces	Best	–	–	–
Buccal Swabs	–	–	Best	–
DNA Extracts	Best (Liquid)	Acceptable (Liquid)	Acceptable (Dried)	–

<sup>1</sup>This category includes blood, semen, saliva, and vaginal swabs that are dry.

**Requirements of [PC 680](#) and [PC 803](#)**

- ***PC 680 – Sexual Assault Victims’ DNA Bill of Rights***

DOJ [Cal-DNA Databank](#) and the national database through the [Combined DNA Index System \(CODIS\)](#) make it possible for many sexual assault perpetrators to be identified after their first offense, provided that rape kit evidence is analyzed in a timely manner. Agencies are encouraged to work within the time limits imposed by subparagraphs (A) and (B) of paragraph (1) of subsection (i) of [PC 803](#).

If the law enforcement agency elects not to analyze DNA evidence within the time limits of PC 803, a victim of [PC 261](#), [261.5](#), [262](#), [286](#), [288a](#), or [289](#), where the identity of the perpetrator is in issue, shall be informed, either orally or in writing, of that fact by the law enforcement agency.

If the law enforcement agency intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case prior to the expiration of the statute of limitation as set forth in PC 803, the agency shall give written notification to the victim at least 60 days prior to the destruction or disposal of the rape kit evidence or other crime scene evidence.

- ***PC 803 – Tolling or Extension of Time Periods***

Notwithstanding any other limitation of time described, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing, if both the following conditions are met:

1. The crime is one that is described in [PC 290\(c\)](#) .
2. The offense was committed prior to January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type **no later** than January 1, 2004, **OR** the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type **no later** than two years from the date of the offense.

**Requirements of [Penal Code 1417.9](#)**

[PC 1417.9\(a\)](#) established the condition that the appropriate government agency shall retain all biological material that is secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. However, if certain conditions are met, as specified in [PC 1417.9\(b\)](#), the biological evidence may be disposed of prior to the period of time established in PC 1417.9(a).

Upon approval for biological evidence disposition, but prior to the final disposition of such evidence, refer to the legal requirements for notification per PC 1417.9, to ensure proper compliance. (Refer to the California Attorney General’s [Post-Conviction DNA Testing Report](#).)

**GUIDELINE 4.8****Blood Drying and Wet Evidence Drying Equipment**

Create or amend a written directive addressing procedures for the use, care, and cleaning of blood drying and wet evidence drying equipment, to include, at a minimum, the following:

- Protocols for when to use the equipment
- Instructions on how to use/secure the equipment
- Procedures for tracking items of evidence/property that are being dried but have not as yet been submitted to the evidence/property storage area
- Procedures for tracking the use and cleaning of the equipment
- Instructions for the care/maintenance of the equipment
- Instructions for the cleaning of the equipment (i.e., equipment must be cleaned after each use and the equipment must be identified as clean for the next user)
- Procedures for the packaging/submission of items after the drying process is complete

**Commentary**

Agencies must ensure that protocols are established for the use of commercial blood drying and wet evidence drying equipment (or lockers identified specifically for the drying of blood-soaked or wet items). The use of blood drying and wet evidence drying equipment should be standardized by agency policy dictating when and how the equipment is to be used, how items being dried are to be tracked prior to submission to the evidence/property storage area, and how the equipment is to be cared for, maintained, and cleaned.

The equipment must be located outside the main evidence/property storage area, accessible to field personnel. Agencies should avoid placing the equipment in areas where cross-contamination could occur due to external influences (e.g., vehicle sally port, firearms range, etc.). Once the equipment is in use, it should be locked or secured until the evidence is dry.

Records/logs must be maintained perpetually and indefinitely regarding the use and cleaning of the equipment. The equipment is to be cleaned in an approved manner after each use and identified as clean (e.g., with the use of colored tie or seal) for the next user. Directives must indicate how the items are to be packaged/submitted after the drying process.

## PURPOSE

In order to maintain a high degree of evidentiary integrity, ensure the safekeeping of all items, and preserve the chain of custody of evidence/property, regular audits, inventories, and inspections of the evidence/property facility are required and need to be conducted by qualified personnel and documented appropriately.

This chapter will define and discuss the pertinent elements of:

- 5.1 **Audits** – Audits focus on the systems in place to locate, track, and account for items of evidence/property in the custody of the agency.
- 5.2 **Inventories** – An inventory is an accounting of all items of evidence/property in the custody of the agency.
- 5.3 **Inspections** – Inspections deal with safety, cleanliness, functionality, and efficiency related to an agency's evidence/property facilities.

### GUIDELINE 5.1 Audits

Create or amend a written directive addressing procedures for conducting an audit to include, at a minimum, the following:

- Quarterly review of selected stored items and their corresponding completed property transactions, including special emphasis on sensitive items (e.g., firearms, narcotics, currency, jewelry, and other valuables)
- Review of packaged evidence seals for any evidence of tampering
- A requirement for audit results to be documented and directed to the agency head

### Commentary

Evidence/property facility audits should ensure the following:

- Standards and policies are routinely followed
- Evidence/property is protected from damage or deterioration
- Appropriate chain of custody processes are utilized
- Written documentation (e.g., flow charts, property reports, and logs) are appropriately maintained
- Notification and release authorizations have been obtained
- Evidence/property location and status are validated
- Evidence/property having no evidentiary value is being disposed of according to policy

In addition, evidence/property facility audits should identify the following:

- Who seized the item
- What was the date and time of the evidence/property seizure



- Who documented it
- Who packaged it
- Who placed it in a temporary storage locker
- Who retrieved it from a temporary locker and processed it into the evidence system
- Who stored the evidence/property and at what time and date
- Who signed the property out for court use, when, and what was the disposition
- Who signed it out for analysis, who transported it, who analyzed it and when and with what results, and who transported it back to the evidence room
- Who authorized release of the property
- Who notified the owner to retrieve the property and what date was the owner notified
- Who released the property and the date and time of release
- What identification was obtained from the owner prior to release
- Does the release paperwork show final release information including release signature and date
- Have CLETS entries been updated to show release information or destruction information

Audits not only verify compliance, but identify areas that may require review, and can facilitate appropriate processes for identifying and correcting procedural deficiencies. One of the following auditing methods should be utilized:

- Select and review a single case, reviewing the file from collection through disposition
- Randomly select an item of evidence/property for review, and backtrack the storage process and documentation of the item from its shelved location through its submission to the evidence/property storage area
- Randomly select an inactive case file for review. If purged, documentation should be reviewed to ensure compliance from collection through disposition

*(See further commentary below for considerations on ensuring the [“random selection process.”](#))*

Audits should be thoroughly documented to demonstrate compliance and/or rectification of non-compliance issues, and the results forwarded to the agency head. When validating items, focus attention first on narcotics/controlled substances, currency/high value items, and firearms. After random items from these areas are selected and validated, the audit can then focus on general items of evidence/property.

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Audits should be conducted on both a routine and random basis. Audits should be conducted when information is received that the integrity of the systems or facility is in question, when there is a change in the agency head, or when there is a change in evidence/property personnel.

An audit of evidence packaging and employee seals is critical to ensuring the safety and integrity of the evidence management system. Items should NOT be opened; however, if seals have been broken, the contents must be verified and documented prior to resealing. The replacement seal should be initialed, dated, and witnessed, updating the chain of custody as well. Special attention should be given to handling, packaging, and storing biological evidence to reduce the potential for cross-contamination. If a broken seal is identified during the audit, appropriate PPE should be utilized to safeguard both staff members and the integrity of the evidence.

Handling of biological evidence should be documented and appropriate decontamination procedures should be followed in the event biological evidence is unsealed.

#### **Random Selection Process**

In the case of random audits, the audit staff should ensure that items selected have been chosen randomly, without any personal bias. For example, an auditor checking the firearms vault might gravitate toward selecting a particular model of firearm of interest to the auditor. To minimize bias, a firearm could be selected randomly by placing all the case numbers of firearms located on a shelf into a hat, and blindly selecting a case number associated with one of the firearms. Programs and software for randomizing can be located on the Internet.

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#### **GUIDELINE 5.2** **Inventories**

Create or amend a written directive addressing procedures for conducting an inventory to include, at a minimum, the following:

- A process and timeline to ensure accountability of all evidence and property items, and the schedule for the inventory process
- Review of agency records
- Ensure integrity of specific storage locations or categories (narcotics, firearms, currency, etc.) and associated documentation.
- Shelf-to-file inventory process
- Routine inspection of “Unable to Locate” (UTL) files
- Procedures to follow if agencies employ RMS software with an inventory capability
- A requirement for inventory results to be documented and directed to the agency head

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**Commentary**

Conduct an inventory under the following conditions:

- When information is received suggesting a breach of system integrity
- When there is a change of the agency head
- When there is a change of evidence/property personnel
- On an **annual basis** where the inventory is started and completed in its entirety at the end of the calendar or fiscal year and all items in the evidence/property storage facility are accounted for and verified

**OR**

- On a **perpetual basis** where the evidence/property facility is sectioned off at the beginning of a calendar or fiscal year, and each section is inventoried throughout the year until the entire evidence/property facility and its contents are accounted for and verified by year's end. As with audits, during an inventory, seals should remain unopened; however, if seals have been broken, contents must be verified and documented in a written report prior to resealing. The replacement seal should be initialed, dated, and witnessed

When completed, the file(s) should be reviewed for any unaccounted items. Items unaccounted for are considered to be missing and should immediately be brought to management's attention. In this situation, a written report should be filed to explain the discrepancy and its resolution. The record should be maintained on file until final disposition is determined.

In the event items are found on the shelf without documentation, the items should be researched to connect them to a case, even if a complete inventory of all items of evidence and property must be conducted. If, after all practical research has been exhausted, the items still cannot be connected to a case, they should be listed on a "Found Property Report," held for the statutory period, and then disposed of according to existing statutes.

Some RMS/Bar Coding systems may be equipped with an inventory function. Agencies using this module need to establish written procedures specifying how to use the module in the inventory process.

Inventory results should be thoroughly documented, with the results forwarded to the agency head. In the case of a perpetual inventory, the agency head should receive a report of the inventory results as each section is completed.

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**GUIDELINE 5.3**  
**Inspections**

Create or amend a written directive addressing procedures for conducting an inspection to include, at a minimum, the following:

- Frequency of inspections (e.g., scheduled and random)
- Inspector(s)

- 
- Cleanliness, order, and functionality of storage facility
  - Health and safety
  - Quality assurance requirements
  - A requirement for inspection results to be documented and directed to the agency head
- 

***Commentary***

Periodic inspection of the evidence/property facility is important to ensure the security, integrity, and safety of the evidence/property facility.

Formal inspections should be documented, with the results forwarded to the agency head and the EPM. When specific issues are identified, a proposed resolution designed to ensure compliance with agency policy should be developed. All inspection records should be retained based on agency records retention schedules.

Routine, informal inspections of the evidence/property facility are recommended to ensure the facility is maintained in a safe, clean, functional, and organized manner.

Inspection results should be thoroughly documented, with the results forwarded to the agency head.

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## EVIDENCE AND PROPERTY DISPOSITION AND PURGING

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### PURPOSE

One of the critical functions of the evidence/property unit is ensuring the appropriate, timely, and lawful disposition of evidence/property.

This chapter provides guidance on the disposition and purging of evidence/property, with emphasis on the classifications of property, methods of disposal, and procedures for the disposition and purging of firearms, narcotics/controlled substances, currency/high-value items, and biohazardous materials. The following guidelines are addressed:

- 6.1 Considerations for Disposal
- 6.2 Methods of Disposal and Classifications of Property
- 6.3 Firearms: Special Procedures for Disposition/Purging
- 6.4 Narcotics: Special Procedures for Disposition/Purging
- 6.5 Currency/High-Value Items: Special Procedures for Disposition/Purging
- 6.6 Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging  
*(including explosives, ammunition, flammables, and pyrotechnics)*

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#### **GUIDELINE 6.1** **Considerations for Disposal**

Create or amend a written directive addressing the issues to consider in determining the disposition and purging of evidence/property to include, at a minimum, the following:

- Obtaining proper authorization for final disposition of evidence and property
- Returning items to identified owners
- Lawful disposal of evidence and property
- Disposal of items requiring special consideration
- Reconciling all computerized data systems and hard-copy paperwork to reflect the final disposition of evidence/property items, including who authorized and handled the release or destruction, and to whom items were released

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#### **Commentary**

When appropriate, district attorneys and investigating peace officers should be involved in decisions involving evidence/property disposition. This collaboration will aid in the prevention of erroneous disposal of evidence that may be classified as follows:

- Evidence and property associated with multiple cases
- Cases with multiple defendants
- Cases subject to DA refilling
- Evidence and property with questionable ownership

- Evidence and property subject to court order (e.g., search warrant, return of property order)
- Evidence and property associated with sexually violent predators [Refer to [WI 6600](#) (Welfare and Institutions Code)]
- Evidence and property associated with domestic violence incidents

### Disposal of Digital Media Storage Devices

Before a device (e.g., computer, smart phone, or tablet) can be auctioned, its hard drives or storage media should be removed and recycled by a bonded recycler. A computer hard drive cannot be completely erased, and if sold with sensitive material (e.g., financial records), significant penalties may be imposed on the releasing agency. Agencies are encouraged to contact the [Department of Justice](#) or a digital forensics expert regarding disposal criteria.

### Disposal of Serialized Property

Any person who knowingly buys, sells, receives, disposes of, or has in his or her possession any personal property from which the manufacturer's serial number, identification number, electronic serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, is guilty of a public offense (*refer to [PC 537e](#)*).

- When property comes into the custody of a peace officer, it becomes subject to the provision of [PC 1407–1411](#) relating to disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property and, prior to being disposed of, may have an identification mark imbedded or engraved in, or permanently affixed to it
- If serialized property is returned to the finder or auctioned, the appropriate disposition should be entered into the California Department of Justice Automated Property System. If the original serial number has been tampered with or destroyed, an attempt should be made to restore the serial number or a new serial number should be generated and affixed prior to release. A new number does NOT need to be generated if the property is to be destroyed (*refer to [PC 537e](#)*)
- Proper documentation of both the release and the newly generated serial number should be retained

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#### **GUIDELINE 6.2** **Methods of Disposal** **and Classifications** **of Property**

Create or amend a written directive addressing procedures for purging and disposing items of evidence/property to include, at a minimum, the following property classifications:

- Found property
- Property for safekeeping
- Evidence

- 
- Property for auction/donation
  - Property retained for agency use (must be secured separately and listed in the agency's general inventory)
  - Property for destruction
- 

**Commentary**

Agencies should determine the proper method of disposal associated with each classification of property. The primary methods used to dispose of items from the evidence/property facility are listed below.

- Returned to the owner or finder
- Sold at public auction
- Converted to agency use (includes asset-seizure items)
- Destroyed
- Other claims of ownership
- Donations

**Found Property**

Any property with no evidentiary value, and for which the owner may or may not be known, is defined as found property [*refer to [CC 2080–2080.9](#), (Civil Code)*].

Found property should be maintained separately from evidence. This separation ensures that found property is retained for the term prescribed by law.

Refer to the individual sections of this chapter for disposition of found weapons, narcotics, contraband, and valuables.

**Returning to Owner**

The agency is required to notify the owner, if known, that it possesses the property and where the property may be claimed. This notification should be made as soon as possible. The agency may require the property owner to make a “reasonable” payment to defray the costs of storage and care of the property. If the owner appears within 90 days after an agency receives the property, the owner proves his/her ownership of the property, and pays all reasonable charges, the agency will return the property (*refer to [CC 2080.2](#)*).

**Returning to Finder**

If the found property is valued at less than \$250 and no owner appears to claim the property within 90 days, the title shall vest in the person who found or saved the property without the requirement of published notification. (*Exception: If the property was found by a public employee in the course of employment, the employee will have no claim to the property and the said property will be sold at public auction, lawfully diverted to agency use, or destroyed.*)

If the property is valued at \$250 or more and the owner does NOT claim it, the law enforcement agency shall cause notice of the property to be

published at least once in a newspaper of general circulation. If after seven days, the owner fails to claim the property and the person who found or saved the property pays the costs of publication, the title shall vest in the person who found the property (*refer to [CC 2080.3](#)*). The agency may require the finder to pay the storage fees.

### **Adoption of Local Regulations**

Any public agency may elect to be governed by the provisions of [CC 2080–2080.10](#) with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale, or destruction of unclaimed property in its possession. The agency shall provide that such property will be held for a period of at least three months, that thereafter such property will be sold at public auction to the highest bidder, and that notice of the sale will be published at least five days prior to sale in a newspaper of general circulation published in the county in which such property was found (*refer to [CC 2080.6](#)*).

- With the concurrence of legal counsel, agencies may consider NOT returning found weapons or firearms to the finder. The weapons or firearms may be declared a nuisance and destroyed
- Agencies may adopt local legislation to allow the disposal of perishable foods and liquor at the time of intake to reduce health risks
- Agencies may consider procedures for the return or destruction of found prescription medications
- Any found item determined to be contraband should be processed for destruction

### **Abandoned Property**

There is no application of [CC 2080–2080.6](#) to items that have been abandoned intentionally by their owners (*refer to [CC 2080.7](#)*).

### **Other Claims of Ownership**

The agency should be mindful of other civil proceedings or claims against the held property. Pawn dealers and insurance companies may have a claim against the property.

### **Property for Safekeeping**

Property that has no evidentiary value, which is being held by a public agency for the purpose of temporary storage for the owner, is considered property for safekeeping (*refer to [CC 2080.10](#)*).

### **Agency Responsibilities**

When an agency takes property from an individual for safekeeping, the agency takes responsibility for the care, storage, documentation, and disposition of the property.

The agency must provide a receipt to the owner and provide instructions regarding the retrieval of the property. The receipt and instructions should either be given to the person from whom the property was taken at the time

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of collection, or be immediately mailed, by first-class mail, to the person from whom the property was taken. (Refer to [Appendix C](#) for a Sample Property Receipt.)

The receipt and instructions should notify the owner or person from whom the property was taken that the property must be claimed within 60 days after the public agency obtains possession. If the owner of the property does NOT respond to the written notification and the property is NOT claimed within 60 days, the property will be considered abandoned and will be disposed of. To retrieve the property, the owner should be required to do one or more of the following:

- Make an appointment to pick up the property. The person claiming the property must identify him/herself with acceptable identification (e.g., driver's license, California identification card, passport, military identification card, or booking photo). The identification information should be recorded on the appropriate property form
- Authorize, in writing, another person to retrieve the property
- Notify the public agency, in writing, that he/she is unable to retrieve the property because he/she is in custody, and request the agency to hold the property. If a person notifies the agency that he/she is unable to retrieve the property within 60 days, or has an authorized person retrieve the property, the agency should hold the property for no more than ten additional months. The agency may then dispose of the property according to [CC 2080.10](#).

### **Evidence**

Items taken, with or without a search warrant, in connection with the investigation of a crime, are considered evidence.

### **Authorization for Release or Destruction of Evidence**

Evidence/property personnel may receive notification and authorization for release or destruction in any of the following ways:

- The district attorney's office forwards a case disposition to close, suspend, or reject a case or return property
- The court sends disposition on completed cases
- The property owner inquires about the disposition of his/her property
- The investigating peace officer authorizes release or disposal
- A court order authorizes the release of the property
- The property, or an accumulation of property, poses a storage problem or hazard and disposal is ordered by the agency head
- Department policy allows for property personnel to purge old items according to the statute of limitations in the Penal Code (photograph and release prior to disposition based on established criteria)



### Appeals Period – Adjudicated Cases

Generally, evidence may NOT be released or disposed of prior to the adjudication of the case and the expiration of the appropriate appeals period following sentencing (30 days following sentencing on misdemeanors and 60 days on felony cases) in accordance with [CRC 8.320](#) and [CRC 8.782](#) (Rules of Court). It is advisable to wait an additional 30 days beyond these dates to verify that no appeal has been initiated.

### Maintaining Evidence from Adjudicated Cases

Evidence/property from capital crime homicides, embezzlement of public funds, or falsification of public documents cases should be retained indefinitely, except when disposal release is ordered by the investigating peace officer, district attorney's office, the court, or death of the defendant.

Biological material from convicted felons meeting the criteria of [PC 1405](#) must be maintained for the duration of the incarceration, or when notice of disposal is given to all appropriate parties, and no response is received within 90 days of notice being sent (*refer to [PC 1417.9](#)*).

### Statute of Limitations\* – Open Cases

- Misdemeanor Cases ..... 1 year  
*Exceptions:*
  - [PC 647.6](#) ..... 2+ years
  - [BPC 729, 7027–7189](#) ..... 2+ years  
 (Business and Professions Code)
- Felony Cases:
  - Felony sexual offenses ..... 10 years
  - Felonies punishable by 8 years or more ..... 6 years
  - [PC 368](#) felonies ..... 5 years  
*Exceptions: Theft or embezzlement*
  - [PC 803\(c\)](#) felonies ..... 4 years
  - All other felonies ..... 3 years
- Cases that Involve:
  - Property from homicide ..... Retain indefinitely
  - Embezzlement of public funds ..... Retain indefinitely
  - Falsification of public documents ..... Retain indefinitely

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\*Statute of limitations is only in effect when a suspect has NOT been established and there is no warrant issued.

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### **Cases with Special Circumstances**

When special circumstances exist, cases should be reviewed and agency policies established for each. Some agencies have special retention periods for the following:

- Suicides or unattended deaths (may vary based on age of decedent)
- Cases involving crimes against children
- Fatal accidents
- Cases involving city/county as a party to the case (civil lawsuits)
- Death penalty cases

### **Cases Involving Search Warrants**

Items taken pursuant to a search warrant must have a court order prior to release or destruction per [PC 1536](#). Be aware that this circumstance does NOT preclude the need for waiting the full appeals period, nor for those special cases, which may need the evidence to be held for a longer period of time. Anytime a court order is received, the investigating peace officer should be notified prior to taking action. Consider a procedure to include PC 1536 in the search warrant for judge's signature.

Some agencies have a clause included in the original search warrant which allows for disposal of evidence upon adjudication without the need of an additional court order.

### **Court Exhibits**

Items held by the court as exhibits need a court order for disposition, destruction, or diversion per [PC 1417](#), *et al.*

### **Property for Auction**

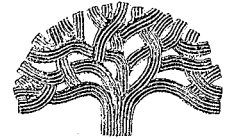
Upon adjudication of a criminal case, all unclaimed, found, safekeeping, evidence, and property items may be subject to sale at public auction.

### **Authorization to Sell or Auction Property**

The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale, or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county (*refer to* [CC 2080.4](#)). All provisions of [CC 2080.3](#) and [CC 2080.6](#) must be adhered to.

- The police or sheriff's department may sell such property by public auction, in the manner and upon the notice of sale of personal property under execution, if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or being found, refuses upon demand to pay the lawful charges provided by sections [CC 2080](#) and [CC 2080.1](#), or fails to respond to notifications and in the following cases (*refer to* [CC 2080.5](#)):

## CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985

Police Department

Telephone Device for the Deaf (510) 238-3227

**TO:** Regina Jackson  
Chair, Oakland Police Commission

**FROM:** Anne E. Kirkpatrick  
Chief of Police, Oakland Police Department

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Chair Jackson,

Pursuant to Oakland City Charter Section 604(b)(5), with this instrument the Oakland Police Department formally submits the attached Special Order, 9196, for the approval of the Oakland Police Commission within the 120-day timeline specified by law.

Special Order 9196 makes modifications to Department General Orders K-03, *Use of Force*, and K-04, *Reporting and Investigating the Use of Force*.

**BACKGROUND:**

At the July 11<sup>th</sup>, 2019 Police Commission regular meeting, the Oakland Police Commission submitted a draft of Special Order 9196 to the Commission pursuant to City Charter Section 604(b)(5). As allowed by Charter Section 604(b)(4), the Commission proposed modifications to the Department's proposed changes in Special Order 9196. These modifications included changing Section IV, A, 2 of DGO K-03 to categorize drawing or unholstering a firearm at another person as a reportable use of force.

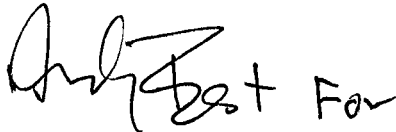
The Police Department reported these proposed modifications to the members of the Independent Monitoring Team (IMT) and, in collaboration with the IMT and members of the Police Commission, modified Special Order 9196 to the proposed version. The Department proposes these changes, and submits them for the approval pursuant to City Charter Section 604(b)(5).

**EXECUTIVE SUMMARY:**

Concerns regarding how to define drawing or unholstering a firearm "at a person" were raised after the July 11<sup>th</sup> Commission meeting. The compromise proposed by the Department, encapsulated in the attached draft of Special Order 9196, is that drawing, exhibiting, or

unholstering of a firearm is tracked by using a computer-aided dispatch (CAD) disposition code. The disposition code will allow the department to track incidents of officers drawing, exhibiting, or unholstering their firearms as part of completing the police function – regardless of whether others are present, or whether reportable force occurs – while simultaneously streamlining the force reporting process.

The Department respectfully requests that this item be added to the Commission's agenda for approval at the earliest convenience of the Commission.

A handwritten signature in black ink, appearing to read "Joseph Turner". The signature is stylized and cursive.

Sergeant Joseph Turner  
Oakland Police Department  
Training Division, Policy & Publications Unit

Attachment: Special Order 9196, *Documentation of the Use of Force*

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

SPECIAL ORDER 9196

TO: All Sworn Personnel

SUBJECT: Documentation of the Use of Force<sup>1</sup>

EFFECTIVE DATE: XX XX 19

TERMINATION: Upon revision of DGOs K-03, *Use of Force* and K-04, *Reporting and Investigating the Use of Force*

**Scope and Purpose**

Special Order 9196 immediately changes and supersedes sections of DGOs K-03, Use of Force and K-04, Reporting and Investigating the Use of Force. The major changes explained herein are limited in scope, exclusively covering the expansion of reportable conduct and methods for documenting reporting. SO 9196 furthers the Oakland Police Department's (the "Department") commitment to transparency and accountability.

**Major Change Explanation**

***Pointing of a Firearm***

All references to "intention" in reference to an officer pointing a firearm at a subject have been eliminated. Determining whether or not an officer intentionally or un-intentionally pointed a firearm at a person was unnecessarily subjective and did not capture the spirit of the policy: reporting every time that an officer points a firearm at a person.

Additionally, language about the "low-ready" position was deemed too subjective and potentially confusing, and was removed from the policy.

**As such, force categorized as Level 4, Type 22 will now be titled "Pointing a Firearm at a Person."** Pointing means any time that the line of the muzzle intersects with the body of the subject such that, if the firearm were to discharge, the round would strike that person.

***Tracking of Drawing, Exhibiting, or Unholstering a Firearm***

Even when officers do not point their firearm at a person (Level 4, Type 22, explained above), the drawing, exhibiting, or unholstering of a firearm by a police officer can be perceived by those involved in or witnessing an incident as threatening or intimidating.

To allow the Department to track these incidents, all members who draw, exhibit, or unholster any firearm during an incident, including when the firearm is pointed at a person (a reportable use of force under DGO K-04), shall use the CAD / radio disposition code "KDE."

The use of the disposition code covers one officer for the entire incident (example: a PRO deploys their rifle from the vehicle and, after a briefing, assists with a building search where no

<sup>1</sup> DGO K-03: II C Use of Force (p. 3): Any physical or mechanical intervention used by a member or employee to defend, control, overpower, restrain or overcome the resistance of an individual.



suspects are located. The “KDE” disposition code covers that officer’s actions). Each officer drawing, exhibiting, or unholstering a firearm during an incident shall separately report the “KDE” disposition code, except in the case of officers logged on together as one unit (e.g. an “Adam” two-officer car or a Tango Team) in which case one disposition code shall suffice to document the actions of that unit.

Drawing, exhibiting, or unholstering a firearm includes:

- Drawing the duty handgun in response to a hazardous situation (e.g. high-risk vehicle stop, building search, perimeter post for wanted subject) *whether or not the suspect or any other person is in the presence of the officer*; and
- Removing the duty shotgun or patrol rifle from the patrol vehicle in response to a hazardous situation *whether or not the suspect or any other person is in the presence of the officer*.

Drawing, exhibiting or unholstering a firearm does **not** include administrative or evidentiary possession or movement of firearms such as:

- bringing a duty shotgun from a police station to the police vehicle or vice-versa;
- bringing a patrol rifle from a police station to the police vehicle or vice-versa;
- drawing a firearm to perform an inspection of the firearm;
- drawing a firearm to perform a function check of the firearm;
- drawing a firearm to load a firearm;
- drawing a firearm to store it in a secure area prior to an interview of a suspect in an interview room;
- drawing a firearm to secure it in a patrol vehicle prior to booking a prisoner in a secure facility such as Santa Rita Jail, Juvenile Hall, or John George Pavilion;
- drawing a firearm to store it in a secure area prior to entering OPD YFSD;
- drawing a firearm to store it in a secure area prior to entering a secure area which bars firearms;
- drawing a backup firearm to reposition or better secure the firearm;
- drawing a firearm during training;
- displaying a firearm to a competent authority for inspection or repair;
- collecting a firearm from a citizen for safekeeping; or
- collecting a firearm from a crime scene as evidence.

### ***Redefinition of “Takedown”***

“Takedowns” were deemed to be insufficiently defined, leaving officers, supervisors, and use of force reviewers unsure of whether certain actions were reportable uses of force. To alleviate this problem, “takedown” was re-defined as: “Physical force used by a member to cause a person to go to the ground not under their own control.”

### ***Clarification on Injuries, Sustained During Force Incidents, and Their Effect on Reporting Levels***

Ensuring the proper documentation of injuries and the proper investigation of force resulting in injury to the force subject is essential to the accurate evaluation of officers and the Department.

The current standard of evaluating the seriousness of a resultant injury – whether the injury required “emergency medical treatment (beyond first aid) or hospital admittance” – is insufficiently clear. The competent evaluation of injuries is necessary when determining whether Level 3 or Level 4 force should be reported and investigated as Level 2 force (Type 13).

**To that end, Level 2, Type 13** will be amended to read “*Any use of force resulting in an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid.*”

- *Excludes Level 1 force types;*
- *Examples of basic first aid include evaluation by a medical professional to assess a complaint of injury, medical clearance before incarceration, removing Taser® or other ECW probes, bandaging, ice packs, over-the-counter pain medications, observation, or precautionary scans or evaluations (such as x-rays);*
- *Examples of treatments beyond basic first aid include stapling, suturing, setting broken bones, or re-locating dislocated appendages.”*

This **does not** change the requirement set out in DGO K-04 I, E, that “[p]ersonnel shall request medical service without delay when a [force] subject has visible injuries or the subject has a complaint of injury.”

#### ***Re-categorization of Certain Force and Force on Restrained Persons***

- **Level 2, Type 9** has been re-worded and will now say, “Personal weapon strikes to the head or to a restrained subject.”
- **Level 2, Type 30** has been added and will say, “Oleoresin Capsicum (OC / Pepper Spray) or other chemical agent applied to a restrained<sup>2</sup> subject.”
- **Level 2, Type 31** has been added and will say, “An Electronic Control Weapon (ECW) is used against a restrained subject.”
- **Level 3, Type 16** has been re-named to “All non-carotid takedowns on a restrained subject.” As a Level 3, a supervisor must respond to the scene and evaluate the force. Depending on the totality of the circumstances, this type of force may be lowered to a Level 4, elevated to a Level 2, or kept as a Level 3 investigation.
- **Level 3, Type 16a** has been added and will include “Personal weapon<sup>3</sup> strikes other than strikes to the head or to a restrained subject.”
- **Level 4, Type 29<sup>4</sup>** has been added and will say, “All non-carotid takedowns, except on a restrained subject.”

<sup>2</sup> As defined in DGO K-04 II, B, 7, a, “A restrained subject is a person who has been fully placed in a Department-authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble.”

<sup>3</sup> Training Bulletin III I.01 (p. 11): Personal weapons are your hands, knuckles, fingers, elbows, forearms, knees, and feet.

<sup>4</sup> Like all force, Type 29 force is still subject to policy regarding elevating the reporting of force to a higher level, to include:

- If the force subject incurs an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid (K-04 II, B, [Type 13]);
- If there is an indication that the force was unreasonable (K-04 I, C); or
- At the direction of a supervisor or commander.

- **Level 4, Type 32** has been added. Issues arose where officers were using “force” as defined in K-03 to overcome resistance, but this force was not adequately documented.

*This force included such things as:* lifting up and carrying people who had gone limp, holding people down on the ground, restraining people in restraint devices (such as the Hobble or WRAP), pulling people out of cars, pushing people into the back of police cars, removing people who were holding on to fixed objects, forcibly pulling people’s hands behind their back when they were resisting, etc.

**To that end**, one additional category of force was added to the Level 4 reporting scheme as Type 32 as follows:

Type 32: Any use of force, as defined in DGO K-03, used to

- Overcome resistance of a person during an arrest or a detention; or
- Defend oneself or another from combative action by another person.

And which is not categorized in reporting types 1-31.

### Details of Changes to Policies

#### **DGO K-03**

- Section IV, A, 1 will now read, “The pointing of a firearm at another person is a use of force.”
- Section IV, A, 2 will now read, “A member may point a firearm only when the member has reasonable cause to believe it may be reasonable for his/her safety or for the safety of others. The pointing of a firearm at another person is a use of force. The drawing, exhibiting or unholstering of a firearm by law enforcement officers can be perceived as threatening and intimidating and, when unwarranted, may cast a negative impression on members. Members may draw, exhibit, or unholster their firearms only when justified by appropriate circumstances, and the drawing, exhibiting, and unholstering of firearms will be tracked by the Department.”

#### **DGO K-04**

- Section II, A will now read as follows:

## **II. FORCE LEVELS**

Force options enumerated in DGO K-03 are grouped in the following force levels for reporting and investigating purposes only.

### **A. Level 1**

- ❖ [Type 1] A lethal firearm discharge at a person;
- ❖ [Type 2] Any force resulting in death;
- ❖ [Type 3] Any force creating a substantial risk of causing death;

- ❖ **[Type 4]** Intentional strikes to the head with an impact or impromptu impact weapon, regardless of injury;
- ❖ **[Type 5]** Any unintentional firearm discharge with injury or as directed by the CID Commander;
- ❖ **[Type 6]** Any force which results in Serious Bodily Injury (See DGO K-03 II, F) other than the Carotid Restraint;
- ❖ **[Type 7]** The use of the Carotid Restraint, including a Carotid Takedown, with loss of consciousness;
- ❖ **[Type 8]** Other. Used for non-enumerated lethal force such as intentionally striking a person with a vehicle, or to denote when Level 2-4 force has been elevated to Level 1 for purposes of investigation.
  - The use of a vehicle by a member to intentionally strike a suspect shall be considered deadly force, reported and investigated as a Level 1 UOF under this section. This includes at any vehicle speed, with or without injury, when the act was intentional, and contact was made.

#### B. Level 2

- ❖ **[Type 9]** Personal Weapon strikes to the head or to a **restrained** subject;
  - A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble;
  - A subject with one handcuff on is not considered restrained.
- ❖ **[Type 10]** Use of the Carotid Restraint, or Carotid Takedown, without loss of consciousness;
- ❖ **[Type 12]** Impact or impromptu impact weapon strike with contact, regardless of injury;
  - Includes Specialty Impact Munitions (SIM) or any other object;
  - Excludes intentional impact or impromptu impact weapon strikes to the head.
- ❖ **[Type 13]** Any use of force resulting in an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid.
  - Excludes Level 1 force types;
  - Examples of basic first aid include evaluation by a medical professional to assess a complaint of injury, medical clearance before incarceration, bandaging, ice packs, over-the-counter pain medications, observation, or precautionary scans or evaluations (such as x-rays).
  - Examples of treatments beyond basic first aid include stapling, suturing, setting broken bones, or re-locating dislocated appendages.

- ❖ [Type 14] Police canine bites a person's clothing or skin, or causes an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid;
- ❖ [Type 27] Any unintentional firearms discharge that does not result in injury;
- ❖ [Type 30] Oleoresin Capsicum (OC / Pepper Spray) or other chemical agent applied to a **restrained** subject;
  - A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble;
  - A subject with one handcuff on is not considered restrained.
- ❖ [Type 31] An Electronic Control Weapon (ECW) is used against a **restrained** subject;
  - Includes probe mode and drive-stun mode;
  - A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble;
  - A subject with one handcuff on is not considered restrained.
- ❖ [Type 15] Other. Used for non-enumerated less-lethal force investigated at a Level 2, or to denote when any Level 3-4 force has been raised to Level 2 for purpose of investigation.

### C. Level 3

- ❖ [Type 11] ECW probes impact a subject's clothing or penetrate the skin, or the ECW is used in drive-stun mode where the arc touches the subject's clothes or skin;
- ❖ [Type 18] ECW probes are fired at a subject but miss;
- ❖ [Type 16] All non-carotid takedowns on a **restrained** subject;
  - A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble;
  - A subject with one handcuff on is not considered restrained.
- ❖ [Type 16a] Personal Weapon strikes other than strikes to the head or to a restrained subject;
- ❖ [Type 17] OC is applied to an unrestrained person;
- ❖ [Type 17a] A chemical agent (other than OC) is deployed against or applied to an unrestrained person;
- ❖ [Type 19] Non-striking use of the baton against a person (e.g. prying limbs, moving or controlling a person);



- ❖ [Type 20] Attempted impact weapon strikes, including SIM, which miss where **no contact is made**;
- ❖ [Type 21] On-duty lethal firearm discharge at an animal, other than dispatching an injured animal.

D. **Level 4**

- ❖ [Type 22] Pointing a firearm at a person;
  - Includes pointing a firearm loaded with less-lethal ammunition at a person, except during Crowd Control Operations.
- ❖ [Type 23] Weaponless defense technique applied to a vulnerable area for the purpose of inducing pain, excluding strikes (e.g. hair grab, pressure to mastoid, trapezius grab);
- ❖ [Type 24] On-duty firearm discharge to dispatch an injured animal;
- ❖ [Type 25] A weaponless defense technique control hold is applied, for the purpose of inducing pain, including the Twist Lock, Arm-bar, Bent-wrist, or Arm-bar Hammerlock;
  - Handcuffing and escorting techniques which incorporate elements common to control holds and are not used to overcome resistance or inflict pain are **NOT** reportable uses of force<sup>5</sup>.
- ❖ [Type 26] Any Level 3 force incident meeting the criteria to be reported as a Level 4 AND reviewed and approved by a supervisor or commander;
- ❖ [Type 28] A canine deployment where the subject is located by the canine but no bite occurs OR the canine makes non-biting physical contact with the subject with no injury beyond basic first aid;
  - Includes alert or detaining behavior such as barking at, growling at, or circling the subject;
  - Excludes canine deployments where the subject is located by means other than the canine or if no subject is located during the search.
- ❖ [Type 29] All non-carotid takedowns, except on a restrained subject;
- ❖ [Type 32] Any use of force, as defined in DGO K-03, to
  - Overcome resistance of a person during an arrest or a detention; or
  - Defend any individual from combative action by another person;
 And which is not categorized in reporting types 1-31.

E. **Drawing, Exhibiting, or Unholstering a Firearm**

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<sup>5</sup> See e.g. "Applying Handcuffs in Standing Handcuffing", 302.14.3(a), OPD Procedure 302 *Handcuffing and Restraints* (p. 14) or "Raising the Subject to His or Her Feet for High-Risk Kneeling Position Handcuffing", 302.15.4(a), *ibid.* (p. 20).

OAKLAND POLICE DEPARTMENT  
Special Order 9196

XX XX 19

- ❖ All members who draw, exhibit, or unholster any firearm during an incident shall use the CAD and/or radio disposition code “KDE” to document such actions.
- Section VI, A, 4 is stricken from the policy. Sections VI, A, 5 and 6 will be re-numbered as 4 and 5, respectively.

The above changes go into effect immediately and this Special Order will stay in effect until cancelled or until the revision of DGOs K-03 and K-04.

By order of

Anne E. Kirkpatrick  
Chief of Police



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 JUN 27 PM 8:47

## AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne Kirkpatrick  
Chief of Police

**SUBJECT:** POST Use of Force Curriculum  
Development Grant

**DATE:** May 9, 2019

City Administrator Approval

Date: 6/27/19

### RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds To The Oakland Police Department (OPD) In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California Commission On Peace Officer Standards And Training (POST) For The Innovative Grant Program During The Grant Period Of April 1, 2019 Through March 31, 2021, To Fund The Development Of Use Of Force And De-Escalation Curricula And Delivery Of Training To OPD Sworn Staff, And To Authorize The General Purpose Services Fund To Contribute Twenty Seven Thousand Eight Hundred And Twenty Seven Dollars (\$27,827) To Cover The Central Services Overhead Charges.

### EXECUTIVE SUMMARY

The Oakland Police Department (OPD) was awarded a two-year grant of two hundred thousand dollars (\$200,000) from the State of California Commission on Peace Officer Standards and Training (POST) via its 2019 Innovative Grant Program (IGP). The grant is from April 1, 2019 – March 31, 2021. Funding will be invested in training OPD sworn staff on Use of Force (UOF) and De-Escalation, one of the five program topic areas identified by POST for IGP funding. Grant funds will cover curriculum and training development and related equipment purchases to deliver training to 475 OPD officers, sergeants, and commanders during the two-year grant. That said, OPD aims to present the training to all 688 sworn members of OPD during the grant award period.

### BACKGROUND / LEGISLATIVE HISTORY

POST was established by the California Legislature in 1959 to set minimum selection and training standards for the state's law enforcement agencies. POST participation is voluntary and incentive-based. More than 600 agencies (including OPD) are designated as POST-

Item: \_\_\_\_\_  
City Council  
July 9, 2019

Sabrina B. Landreth, City Administrator  
Subject: POST Use of Force Curriculum Development Grant  
Date: May 9, 2019

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participating and are eligible to receive the Commission's services and benefits. Pursuant to California Penal Code §13509, POST has developed the Innovations Grant Program (IGP), which is designed to grant funds on a competitive basis to qualified public and private entities for the purposes of fostering innovations in training and procedures for law enforcement officers; the goal of the program is to reduce the number of officer-involved shootings statewide. The IGP Program is supported through the California State General Fund, under the 2018 State Budget Act.

OPD values and prioritizes in-depth training, as reflected by the length of its Basic Academy that far exceeds the required hours. OPD officers often receive training in excess of POST requirements. OPD officers are provided access to specialized equipment such as rifles, 40mm launchers, and ballistic shields. This equipment can help officers to de-escalate critical incidents and resolve them without using force or with a level of force other than an officer-involved shooting. Officers may receive the minimally required training to be certified in the use of the equipment (e.g. range qualifications), but they can benefit from additional training to better optimize the use of such equipment.

### **ANALYSIS AND POLICY ALTERNATIVES**

The IGP grant will fund the formation of a 10-hour class where students will use equipment and scenarios to practice trouble-shooting and resolving critical incidents utilizing de-escalation techniques and creative problem solving. The training will better position officers to safely and strategically utilize de-escalation techniques with the aim of decreasing the prevalence of UOF and officer-involved shootings from OPD officers.

This added UOF and De-Escalation curricula will complement and expand upon training already provided to new and existing officers. The curriculum will be evidence-based and evidence-informed, drawing on extensive experience and training of the instructors, and will be developed by OPD's Tactics Training Coordinator and members of the Department's Range and Force Options staff, Crisis Intervention Training Coordinator, and Defensive Tactics staff. Most of the grant award will fund the actual instruction, and classes will be led by OPD's numerous instructors capable of teaching this class. OPD already has access to the proper facilities to conduct the training and the grant will pay for the fees for use of that facility. Likewise, while OPD has some of the necessary equipment to conduct this training, funds from this grant will be used to purchase the remaining required equipment.

OPD is committed to providing this UOF and de-escalation training to all sworn personnel. Numerous members of OPD's Tactical Team are POST-certified instructors and subject matter experts in the required fields. Instructors will draw upon existing training for the Tactical Operations Team and Patrol Rifle Officer Program, but the curriculum for the proposed training will be crafted to be accessible and useful for patrol officers as well – regardless of whether or not they have received specific training. Incidents such as armed and barricaded suspects, armed suspects in vehicles, and armed individuals with a mental disorder occur – all sworn personnel should be trained in the use of the specialized equipment that promotes both officer and public safety; specialized equipment can help responding officers to resolve or contain these types of incidents with zero or minimal UOF. The IGP grant for curricula

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development will allow OPD to train more officers to be prepared for these types of police situations.

Curriculum will be developed by OPD's Tactics Training Coordinator and members of the Department's Range and Force Options staff, Crisis Intervention Training Coordinator, and Defensive Tactics staff. Development and POST Course Certification of the proposed training is expected by September 2019. The objective of the proposed course is to train every OPD officer, sergeant and lieutenant during the grant period on UOF and de-escalation techniques and tactics. The training will occur during the 2020 calendar year with officers scheduled evenly throughout the year.

Training for all OPD officers will be provided at the Contra Costa County Sheriff's Office range located in Clayton, California. OPD utilizes this facility regularly and will have access to it for the duration of the grant performance period. It is one of the few ranges in the region large enough to accommodate the proposed training. Training will include classroom instruction, range qualifications, and reality-based scenarios. Learning objectives will include familiarity with the case law, legal statutes, and best practices regarding the UOF with a focus on the equipment covered in the training. Learning activities will allow students the opportunity to practice meeting the learning objectives and receive feedback regarding their performance. After completion of the learning activities, students will participate in evaluation activities such as reality-based scenarios that allow instructors to evaluate the decision making of the students, the results of those decisions, and whether students have achieved enough proficiency. A tracking system will be created and monitored by the project director.

### **FISCAL IMPACT**

POST will grant \$200,000 to OPD to develop UOF and De-Escalation curriculum and implement related training, during the grant period of April 1, 2019 to March 31, 2019. The budget allocates grant funds for development of the curriculum, attendance of the required POST project management workshops, purchase of equipment required for the training, course facility costs, and instructor costs and is outlined in the table below.

<b>Use of Funds</b>	<b>Amount</b>
Sergeant OT (80 hours) for Curriculum Development	\$8,232
Required POST travel and workshops	\$586
Equipment for reality-based training scenarios for 475 students	\$19,885
Delivery of 30 Training Courses of 16 students (total of 475 students @ \$360.62/student)	\$171,297
<b>TOTAL</b>	<b>\$200,000</b>

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Funds will be allocated in the in the State of California Grant Fund 2159, Training Division Org. 103430; Training Division Program PS09, in a Project to be determined. Based on the City's Central Services Overhead (CSO) rates, overhead charges associated with the grant's personnel costs will be approximately \$27,827. However, per the granting agency, indirect costs such as CSO charges are disallowed; staff therefore requests the City's General-Purpose Fund contribute \$27,827 to cover the CSO charges.

### **PUBLIC OUTREACH / INTEREST**

No public outreach was required in the development of this report and resolution.

### **COORDINATION**

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities identified in this report.

**Environmental:** There are no environmental opportunities identified in this report.

**Social Equity:** The activities completed under this grant will better position officers to safely and strategically utilize de-escalation techniques with the aim of decreasing the prevalence of officer-involved shootings within the City of Oakland, which will benefit Oakland residents.

Sabrina B. Landreth, City Administrator  
Subject: POST Use of Force Curriculum Development Grant  
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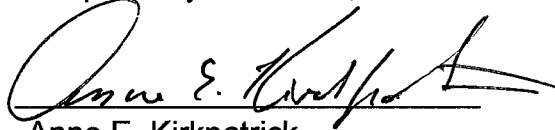
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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds To The Oakland Police Department (OPD) In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California Commission On Peace Officer Standards And Training (POST) For The Innovative Grant Program During The Grant Period Of April 1, 2019 Through March 31, 2021, To Fund The Development Of Use Of Force And De-Escalation Curricula And Delivery Of Training To OPD Sworn Staff, And To Authorize The General Purpose Services Fund To Contribute Twenty Seven Thousand Eight Hundred And Twenty Seven Dollars (\$27,827) To Cover The Central Services Overhead Charges.

For questions concerning this report, please contact Lieutenant Chris Shannon at 510-238-7339.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
D. Nell Wallington, Fiscal Services Manager  
OPD, Fiscal Services Division

Bruce Stoffmacher, Acting Police Services Manager,  
OPD, Training Division, Research and Planning

Prepared by:  
Molly Giesen-Fields, Grants Coordinator  
OPD, Fiscal Services Division

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FILED  
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OAKLAND

2019 JUN 27 PM 8:47

Approved as to Form and Legality

*Priscia Nynes*  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS TO THE OAKLAND POLICE DEPARTMENT (OPD) IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM THE STATE OF CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) FOR THE INNOVATIVE GRANT PROGRAM DURING THE GRANT PERIOD OF APRIL 1, 2019 THROUGH MARCH 31, 2021, TO FUND THE DEVELOPMENT OF USE OF FORCE AND DE-ESCALATION CURRICULA AND DELIVERY OF TRAINING TO OPD SWORN STAFF, AND TO AUTHORIZE THE GENERAL PURPOSE SERVICES FUND TO CONTRIBUTE TWENTY SEVEN THOUSAND EIGHT HUNDRED AND TWENTY SEVEN DOLLARS (\$27,827) TO COVER THE CENTRAL SERVICES OVERHEAD CHARGES.**

**WHEREAS**, the Innovative Grant Program (IGP), from the State of California, Commission on Peace Officers Standards and Training (POST), is designed to foster innovations in training and procedures for law enforcement officers, with the goal of reducing the number of officer-involved shootings statewide; and

**WHEREAS**, POST awarded grant funds of Two Hundred Thousand Dollars (\$200,000) to the Oakland Police Department (OPD) to develop Use of Force and De-Escalation curricula and deliver training to OPD sworn staff; and

**WHEREAS**, the 2019 IGP grant award period of performance is April 1, 2019 through March 31, 2021; and

**WHEREAS**, POST does not allow IGP grant awards to be used for indirect overhead costs, therefore, OPD requests that the general-purpose services fund contribute twenty-seven thousand eight hundred and twenty-seven dollars (\$27,827), based on a 15.5 percent Central Services Overhead (CSO) rate; now, therefore be it

**RESOLVED:** That the City Council does hereby authorize the City Administrator or designee to accept and appropriate a grant award in the amount of two hundred thousand dollars (\$200,000) from the State of California, POST; and be it

**FURTHER RESOLVED:** That the general-purpose services fund will contribute twenty seven thousand eight hundred twenty seven dollars (\$27,827) to cover the CSO costs; and be it

**FURTHER RESOLVED:** That the grant funds shall be maintained in the State of California Grant Fund: 2159, Training Division Org.: 103430; Training Division Program: PS09, in a Project to be determined; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or designee to act as an agent to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, AND  
PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California

**DRAFT ORDINANCE ON ACQUISITION AND USE OF MILITARY POLICE EQUIPMENT**

WHEREAS, the City Council finds that the acquisition of military equipment and its deployment in Oakland can adversely impact the public’s safety and welfare, including significant risks to civil rights, civil liberties, and physical and psychological well-being, and incur significant financial costs; and

WHEREAS, the Law Enforcement Equipment Acquisition Working Group created by President Obama in Executive Order 13688 (later rescinded by President Trump) recommended requiring “local civilian government (non-police) review of and authorization for law enforcement agencies’ request for or acquisition of controlled equipment,” and that such review included detailed justification for the acquisition and collecting information on and reporting on its use; and

WHEREAS, the City Council finds that the public has a right to know about any funding, acquisition, or use of military equipment by Oakland public officials, as well as a right to participate in any Oakland agency’s decision to fund, acquire, or use such equipment; and

WHEREAS, the City Council finds that decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public’s welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input; and

WHEREAS, several studies indicate that police departments in the United States that acquire military-grade equipment are more likely to use violence and are no more successful in reducing crime than those that acquire less such equipment;<sup>1</sup> and

WHEREAS, the City Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used; and

WHEREAS, the City Council finds that the lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service; and

WHEREAS, the City Council finds that if military equipment is acquired, reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights safeguards have been strictly adhere to.

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<sup>1</sup> Jonathan Mummolo, “Militarization fails to enhance police safety or reduce crime but may harm police reputation,” *Proceedings of the National Academy of Sciences*, September 11, 2018 (37) 9181-9186; Casey Delehanty, Jack Mewhirter, Ryan Welch and Jason Wilks, “Militarization and police violence: The case of the 1033 program,” *Research and Politics*, April-June 2017, 1-7; and Edward Lawson Jr., “Police Militarization and the Use of Lethal Force,” *Political Research Quarterly*, 2018, 1-13.



NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

**SECTION 1.** This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

**REGULATIONS ON CITY'S ACQUISITION OF MILITARY POLICE EQUIPMENT**

**SECTION 2. Definitions**

**1. "Military equipment"** means equipment that is militaristic in nature and includes, but is not limited to, all of the following:

- (A) Wheeled armored vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.
- (B) Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.
- (C) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (D) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (E) Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (F) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or that is explosive in nature.
- (G) Firearms of .50 caliber or greater.
- (H) Ammunition of .50 caliber or greater.
- (I) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30515 of the Penal Code, with the exception of other service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of the Oakland Police Department.
- (J) Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.
- (K) Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (L) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (M) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (N) Sonic weapons, including microwave weapons and the Long Range Acoustic Device sound cannon.
- (O) Any other equipment as determined by the City Council.

2. "City" means any department, agency, bureau, and/or subordinate division of the City of Oakland as provided by [Chapter 2.29](#) of the Oakland Municipal Code.
3. "City Staff" means City personnel authorized by the City Administrator or designee to seek City Council approval of the acquisition of or impact statement for military equipment in conformance with this Chapter.
4. "Military equipment impact statement" means a publicly released, legally enforceable written document that includes, at a minimum, all of the following:
  - (A) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the military equipment.
  - (B) The purposes and reasons for which the Police Department proposes to use each type of military equipment.
  - (C) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
  - (D) An assessment specifically identifying any potential impacts that the use of military equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
  - (E) Alternative method or methods by which the Police Department can accomplish the purposes for which the military equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.
5. "Military equipment use policy" means a publicly released, legally enforceable written document governing the use of military equipment by the Oakland Police Department that addresses, at a minimum, all of the following:
  - (A) The specific purpose or purposes that each type of military equipment is intended to achieve.
  - (B) The specific capabilities and authorized uses of military equipment, the legal and procedural rules that govern each authorized use, and the potential uses of the military equipment that are prohibited.
  - (C) The course of training that must be completed before any officer, agent, or employee of the Police Department is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
  - (D) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.
  - (E) The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the Police Department will ensure that each complaint, concern, or question receives a response in a timely manner.

6. "Police Area" refers to each of the geographic districts assigned to a police commander and as such districts are amended from time to time.

**SECTION 3. Approval of Military Equipment Acquisition.**

(a) (1) The Oakland Police Department shall submit to the Oakland Police Commission for review and possible recommendation to the City Council, by a majority vote at a regular meeting of the Police Commission, a military equipment impact statement and a military equipment use policy prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency, including commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of military equipment within Oakland.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved pursuant to this section.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(2) No later than May 1, 2020, if the Police Department seeks to continue the use of any military equipment that was acquired prior to January 1, 2020, it shall commence the review process in accordance with this section. If the Police Commission does not review the continuing use of military equipment, including by review pursuant to this subdivision of a military equipment impact statement and military equipment use policy submitted pursuant to Section 3, subdivision (b), within 180 days of submission of the proposed military equipment impact statement and military equipment use policy to the governing body, the Police Department shall cease its use of the military equipment until the Police Commission reviews the continued use of the military equipment in accordance with this section.

(b) In seeking the review and recommendation of the Police Commission pursuant to Section 3, subdivision (a), the Police Department shall submit to the Police Commission a proposed military equipment impact statement and military equipment use policy and make those documents available on the Department's Internet Web site at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The Police Commission shall consider a proposed military equipment impact statement and military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

- (d) (1) The Police Commission shall only recommend approval of a request to fund, acquire, or use military equipment pursuant to this chapter if it determines all of the following:
- (A) The military equipment is needed despite available alternatives.
  - (B) The proposed military equipment impact statement and military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
  - (C) The use of military equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.
  - (D) The use of military equipment is the most cost-effective option among all available alternatives.
- (2) In order to facilitate public participation, any proposed or final military equipment impact statement and military equipment use policy shall be made publicly available on the Internet Web site of the Police Department for as long as the military equipment is proposed or available for use.
- (3) If the military equipment impact statement identifies a risk of potential adverse impacts on the public's welfare, safety, civil rights, or civil liberties, the approval for the funding, acquisition, or use of military equipment by the Police Commission pursuant to this section shall not be deemed an acquiescence to those impacts, but instead an acknowledgment of the risk of those impacts and the need to avoid them proactively.

e. Police Commission Review Required for New Military Equipment Before City Council Approval.

A. The funding, acquisition, or use of military equipment by the Police Department shall not be permitted without the express review approval by the Police Commission of a military equipment impact statement and military equipment use policy submitted pursuant to Section 3, subdivision (b).

B. The Police Commission may make a recommendation to the City Council by voting its approval to proceed, object to the proposal, recommend that the Police Department modify the proposed military equipment use policy, or take no action. If the Police Commission proposes that the Military Equipment Policy be modified, the Police Commission shall propose such modifications to city staff. City staff shall present such modifications to City Council when seeking City Council approval under Section 3 (a).

C. Failure by the Police Commission to make its recommendation on the proposal within ninety (90) days of submission shall enable the Police Department to proceed to the City Council for approval of the proposal.

(f) (1) The Police Commission shall review any recommendation that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to recommend renewal of the ordinance at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(2) The Police Commission shall determine, based on the annual military equipment report submitted pursuant to Section 4, whether each type of military equipment identified in that report

has complied with the standards for approval set forth in Section 3, subdivision (d)(1). If the Police Commission determines that a piece of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in Section 3, subdivision (d)(1), the Police Commission shall either recommend disapproval of a renewal of the authorization for that piece of military equipment or recommend modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

**SECTION 4. Reports on Use of Military Equipment.**

(a) The Oakland Police Department shall submit to the City Council and Police Commission an annual military equipment report for each type of military equipment approved by the Police Commission within one year of approval, and annually thereafter for as long as the military equipment is available for use. The Police Department shall also make each annual military equipment report required by this section publicly available on its Internet Web site for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (1) Production descriptions for each type of military equipment and numbers of each product in Police Department's possession.
- (2) A summary of how the military equipment was used.
- (3) If applicable, a breakdown of where the military equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days the military equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- (4) A summary of any complaints or concerns received concerning the military equipment.
- (5) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (6) An analysis of any discriminatory, disparate, any other adverse impacts that the use of military equipment may have had on the public's safety, welfare, civil rights, and civil liberties and on any community or group, including, but not limited to, those protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution.
- (7) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(b) Within 30 days of the Police Department submitting and publicly releasing an annual military equipment report pursuant to this section, the Police Commission shall place the report as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

**SECTION 5. Enforcement.**



1. Violations of this Ordinance are subject to the following remedies:

A. Any violation of this Ordinance, or of a military equipment acquisition or use policy promulgated under this Ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this Ordinance. An action instituted under this paragraph shall be brought against the respective city department, and the City of Oakland, and, if necessary to effectuate compliance with this Ordinance or a military equipment acquisition or use policy, any other governmental agency with possession, custody, or control of data subject to this Ordinance, to the extent permitted by law.

B. Any person who has been subjected to the use of military equipment in violation of this Ordinance may institute proceedings in the Superior Court of the State of California against the City of Oakland and shall be entitled to recover actual damages (but not less than liquidated damages of one thousand dollars (\$1,000.00) or one hundred dollars (\$100.00) per day for each day of violation, whichever is greater).

C. A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under paragraphs A. or B.

D. Violations of this Ordinance by a city employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and in accordance with any memorandums of understanding with employee bargaining units.

**SECTION 6. Whistleblower protections.**

a. Neither the city nor anyone acting on behalf of the city may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:

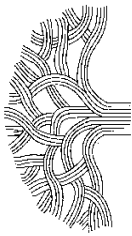
1. The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of military equipment based upon a good faith belief that the disclosure evidenced a violation of this Ordinance; or

2. The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this Ordinance.

3. It shall be grounds for disciplinary action for a city employee or anyone else acting on behalf of the city to retaliate against another city employee or applicant who makes a good-faith complaint that there has been a failure to comply with any military equipment use policy or administrative instruction promulgated under this Ordinance.

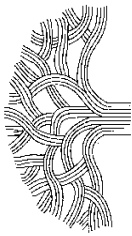
4. Any employee or applicant who is injured by a violation of this Section may institute a proceeding for monetary damages and injunctive relief against the city in any court of competent jurisdiction.

DRAFT



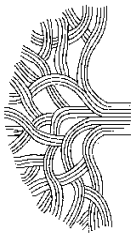
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by 3304)*

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0220	02/20/19	02/20/19	CD	08/28/19	02/19/20	1	Excessive Force
19-0230	02/17/19	02/22/19	CD	08/28/19	02/21/20	2+	Improper Search/Seizure/Arrest, Excessive Force
19-0235	02/24/19	02/24/19	CD	08/28/19	02/23/20	2	Harrasment, Sexual Misconduct, Insubordination
19-0257	01/04/19	02/27/19	CD	08/28/19	02/26/20	3	Excessive Force
19-0263	03/03/19	03/03/19	CD	09/11/19	03/01/20	N/A	Excessive Force
19-0289	03/07/19	03/07/19	CD	09/11/19	03/05/20	2	Unlawful Arrest, Excessive Force
19-0360	04/02/19	04/05/19	CD	10/08/19	04/03/20	2+	Profiling, Harrasment, Unlawful Arrest, Excessive Force
19-0365	04/06/19	04/06/19	CD	10/09/19	04/04/20	1	Profiling, Unlawful Detention
19-0399	01/11/19	04/15/19	CD	10/23/19	04/13/20	N/A	Improper Search
19-0452	05/01/19	05/01/19	CD	11/11/2019	04/29/20	2	Discrimination, Demeanor
19-0461	05/05/19	05/05/19	CD	11/11/2019	05/03/20	1	Use of Force - Taser
19-0489	05/12/19	05/12/19	CD	11/11/2019	05/10/20	1	Discrimination
19-0515	05/20/19	05/20/19	CD	11/16/2019	05/18/20	1	Use of Force
19-0512	04/28/19	05/20/19	RM	11/20/2019	05/18/20	N/A	False Arrest, Improper Search
19-0517	05/21/19	05/21/19	RM	11/26/2019	05/19/20	3	False Arrest, Failure to Act, Care of Property
19-0534	05/28/19	05/28/19	CD	11/26/2019	05/26/20	2	Discrimination, Excessive Force
19-0539	05/27/19	05/30/19	CD	12/2/2019	05/28/20	1	Improper Search, Excessive Force



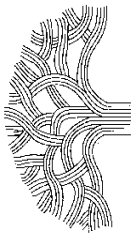
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by 3304)*

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0545	06/01/19	06/01/19	CD	12/4/2019	05/30/20	1	Harrasment, Discrimination
19-0569	03/09/19	06/06/19	CD	12/10/2019	06/04/20	1	Care of Property
19-0558	N/A	06/07/19	RM	12/4/2019	06/05/20	N/A	Excessive Force
19-0571	06/09/19	06/09/19	CD	12/10/2019	06/07/20	N/A	Improper Search/Seizure/Arrest
19-0577	06/01/19	06/10/19	RM	12/9/2019	06/08/20	N/A	Use of Force
19-0582	06/12/19	06/12/19	CD	12/14/2019	06/10/20	3	Excessive Force, False Arrest, Sexual Misconduct
19-0585	06/11/19	06/12/19	CD	12/17/2019	06/10/20	3	Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19	06/13/19	CD	12/17/2019	06/11/20	1	Discrimination, Failure to Take a Report, Failure to Act
19-0593	06/17/19	06/20/19	CD	12/17/2019	06/13/20	2	Excessive Force
19-0597	06/12/19	06/15/19	RM	12/17/2019	06/13/20	1	Improper Search, Excessive Force
19-0601	06/17/19	06/17/19	RM	12/17/2019	06/15/20	1	Excessive Force
19-0651	07/01/19	07/01/19	CD	1/4/2020	06/29/20	1	Improper Stop, Failure to Provide Serial Number
19-0598	06/16/19	07/02/19	CD	12/29/2019	06/30/20	1	Discrimination
19-0654	07/01/19	07/01/19	RM	12/28/2019	06/30/20	1	Discrimination
19-0660	07/04/19	07/12/19	MB	01/08/20	07/02/20	1	Excessive Force
19-0671	07/11/05	07/12/19	MB	01/08/20	07/04/20	N/A	Discrimination
19-0673	07/07/19	07/07/19	MB	01/08/20	07/05/20	3	Excessive Force



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by 3304)*

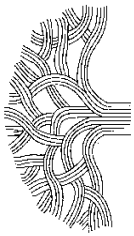
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0683	07/07/19	07/07/19	RM	1/8/2020	07/05/20	N/A	Excessive Force
19-0675	07/07/19	07/08/19	RM	1/8/2020	07/06/20	1	Excessive Force
19-0685	06/26/19	07/09/19	MB	01/08/20	07/07/20	2	Improper Stop
19-0688	07/10/19	07/10/19	CD	1/6/2020	07/08/20	1	Harassment, Improper Search/Seizure/Arrest
19-0686	07/10/19	07/10/19	MB	01/08/20	07/08/20	1	Excessive Force
19-0691	06/04/19	07/10/19	MB	01/08/20	07/08/20	1	Unlawful Arrest
19-0718	07/12/19	07/12/19	RM	1/8/2020	07/11/20	N/A	Harassment, 1st Amndmnt Assembly
19-0710	07/15/19	07/15/19	MB	01/11/20	07/13/20	1	Excessive Force
19-0619	06/24/19	07/18/19	CD	1/14/2020	07/17/20	N/A	Improper Search, Excessive Force, Sexual Misconduct
19-0737	07/21/19	07/23/19	MB	01/19/20	07/21/20	3	Discrimination
19-0777	01/27/19	08/01/19	MB	02/02/20	07/30/20	1	Failure to Accept/Refer Complaint
19-0785	08/01/19	08/02/19	MB	02/02/20	07/31/20	2	Unlawful Arrest, Excessive Force
19-0786	08/02/19	08/02/19	MB	02/02/20	07/31/20	2	Discrimination, Demeanor
19-0788	08/03/19	08/03/19	MB	02/02/20	08/01/20	3	Excessive Force
19-0809	08/06/19	08/08/19	MB	02/05/20	08/06/20	3+	Demeanor, Improper Search/Seizure/Arrest, Excessive Force
19-0827	N/A	08/10/19	CD	2/10/2020	08/08/20	N/A	Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0842	08/08/19	08/09/19	MB	02/05/20	08/08/20	N/A	Improper Search/Seizure/Arrest



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by 3304)*

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0825	08/10/19	08/10/19	RM	2/10/2020	08/08/20	1	Discrimination
19-0839	08/08/19	08/12/19	RM	2/12/2020	08/10/20	1	Failure to Act, Discrimination
19-0849	08/14/19	08/14/19	RM	2/12/2020	08/12/20	2	Improper pointing of Firearm, Handcuffs too tight
19-0858	08/16/19	08/16/19	MB	02/16/20	08/14/20	1	Unlawful Arrest, Excessive Force
19-0857	08/17/19	08/16/19	MB	02/16/20	08/15/20	N/A	Discrimination
19-0869	08/18/19	08/18/19	MB	02/17/20	08/16/20	2	Excessive Force
19-0875	08/19/19	08/19/19	CD	2/17/2020	08/17/20	1	Profiling
19-0878	06/27/19	08/20/19	RM	2/17/2020	08/18/20	N/A	False Arrest, Use of Force, Miranda Violation
19-0885	08/21/19	08/23/19	MB	02/19/20	08/22/20	1	Performance of Duty
19-0897	08/24/19	08/25/19	MB	02/23/20	08/23/20	1	Care of Property
19-0906	08/26/19	08/26/19	CD	2/24/2020	08/24/20	1	Excessive Force
19-0911	08/27/19	08/27/19	RM	2/25/2020	08/25/20	2	Excessive Force
19-0922	08/29/19	08/29/19	CD	3/1/2020	08/27/20	1	Excessive Force
19-0918	07/20/19	08/29/19	CD	3/1/2020	08/27/20	1	Unlawful Detention, Demeanor
19-0919	08/10/19	08/29/19	RM	3/1/2020	08/27/20	1	Excessive Force, Improper Arrest
19-0927	08/31/19	08/31/19	MB	03/03/20	08/29/20	1	Unlawful Arrest, Excessive Force
19-0993	09/14/19	09/14/19	RM	3/12/2020	09/13/20	2	Failure to Investigate

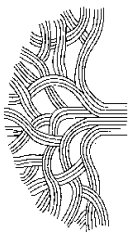




CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by 3304)*

9/6/2019  
 Page 5 of 5  
 (Total Pending = 69)

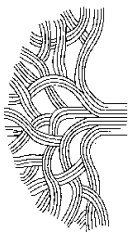
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-1039	09/24/19	09/25/19	RM	3/25/2020	09/23/20	N/A	Improper Search, Care of Property



**COMMUNITY POLICE REVIEW AGENCY**  
**Pending Cases assigned to Investigators (Sorted by 3304)**

Case #	Complainant	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-1143	Charles Woods	10/10/18	10/18/18	10/15/18	JS	04/16/19	10/14/19	Other	1	7	8	Harassment; racial discrimination; improper search.
18-1156	Alfonzo Herrera	10/16/18	10/30/18	10/16/18	AL	04/28/19	10/15/19	Use of Force	1	1	3	Excessive force (Taser); racial profiling; false arrest.
19-0541	OPD	09/23/18	06/07/19	03/25/19	ED	N/A	10/17/19	Other	2	2	2	Failure to accept or refer a complaint. (This case is a spinoff case, addressing allegations that the CPRA discovered in case 18-1049. 3/25/19 is the date the CPRA first notified IAD of the discovered allegations. 6/7/19 is the date IAD sent a CIR to the CPRA with the new case number.)
18-0302	Jane Doe	02/27/18	04/11/18	03/26/18	ED	10/09/18	10/28/19	Other	1	1	10	Inappropriate sexual contact.
18-1016	Peter Mwangi	09/14/18	09/17/18	9/15/2018	ED	03/18/19	10/29/19	Other	1	5	16	Racial bias; care of property.
18-1260	Meivin Deal	11/08/18	11/28/18	11/15/18	JS	05/27/19	11/14/19	Other	2	1	2	Demeanor, false arrest.
18-1282	Malaika Graves	10/16/18	11/28/18	11/27/18	ED	05/27/19	11/26/19	Other	1	2	8	Performance of duty; discrimination based on religion.
18-1305	Sharon Sullivan	12/01/18	12/07/18	12/03/18	AL	06/05/19	12/02/19	Other	2	2	6	Demeanor; performance of duty; PDRD violation.
17-1009	Shayne Dawkins	09/03/17	10/17/17	10/11/17	ED	03/12/18	12/07/19	Use of Force	1	2	4	Excessive force.
18-1331	Brian Garcia	12/10/18	12/17/18	12/10/18	ED	06/15/19	12/09/19	Other	2	1	1	Demeanor.
18-1349	G. Hazzard/OPD-OIG	04/02/18	09/25/19	12/14/18	KT	06/12/19	12/13/19	Use of Force	1	3	6	Excessive force; performance of duty.
18-1352	Michael Langston	12/09/18	12/27/18	12/14/18	AL	06/25/19	12/13/19	Use of Force	1	1	4	Excessive force; harassment; racial discrimination; improper search, seizure, or arrest; care of property.
18-1364	Terrance Brown	12/06/18	12/19/18	12/19/18	AL	06/17/19	12/18/19	Other	2	3	4	Wrongful detention; performance of duty; service complaint; failure to take a complaint.
18-1365	G. Hazzard/OPD-OIG	04/02/18	09/25/19	12/19/18	KT	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty.
18-1367	G. Hazzard/OPD-OIG	04/14/18	09/25/19	12/19/18	TBD	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
18-1368	G. Hazzard/OPD-OIG	04/07/18	09/25/19	12/19/18	TBD	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.

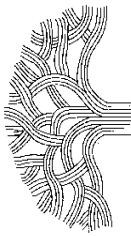
\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases assigned to Investigators (Sorted by 3304)*

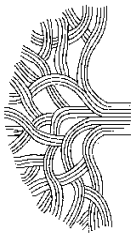
Case #	Complainant	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline (604(f)(1) or Other)	Type *	Class	Subject Officers	Allegation Count	Allegation(s)
19-0027	G. Hazzard/OPD-OIG	06/21/18	09/25/19	01/07/19	KT	07/06/19	01/06/20	Use of Force	1	2	4	Excessive force; performance of duty.
18-0524	Jane Doe	05/21/18	05/29/18	05/19/18	ED	07/07/19	01/07/20	Other	1	1	1	Unlawful activity.
19-0051	Adolfo Ledezmanunez	01/10/19	01/22/19	01/11/19	ED	07/21/19	01/10/20	Use of Force	1	2	2	Excessive force.
19-0077	G. Hazzard/OPD-OIG	05/16/19	09/25/19	01/16/19	KT	07/15/19	01/15/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0083	Donavan Vaughn	01/17/19	01/22/19	01/17/19	JS	07/21/19	01/16/20	Use of Force	1	1	2	Excessive force; harassment; discrimination.
19-0114	Michael McLaughlin	01/28/19	02/05/19	01/26/19	AL	08/04/19	01/25/20	Use of Force	1	2	4	Excessive force; demeanor; failure to provide name or serial number.
19-0123	Elita Johnson	01/29/19	02/06/19	01/28/19	AL	08/05/19	01/27/20	Use of Force	1	5	13	Excessive force; performance of duty.
19-0261	G. Hazzard/OPD-OIG	06/02/18	09/20/19	02/27/19	KT	08/26/19	02/26/20	Use of Force	1	1	2	Excessive force; performance of duty.
18-0214	Kamasa Palmer	02/24/18	02/27/18	02/24/18	JS	N/A	02/28/20	Use of Force	1	2	4	Improper pointing of firearm; false arrest.
19-0276	G. Hazzard/OPD-OIG	04/08/18	09/20/19	03/05/19	KT	09/01/19	03/03/20	Use of Force	1	2	3	Excessive force; performance of duty.
18-1241	Anita Tran	10/31/18	11/14/18	11/11/18	ED	05/10/19	03/14/20	Other	1	1	2	Improper dissemination of computer information; unauthorized use of electronic systems.
19-0416	OPD	04/17/19	04/19/19	04/17/19	TBD	10/16/19	04/15/20	Use of Force	1	7	8	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors).
19-0753	Ahmad Hadi	07/26/19	08/06/19	07/26/19	AL	02/02/20	07/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
18-0335	Maxwell Thomas	04/04/18	04/12/18	04/04/18	JS	N/A	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.

\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.



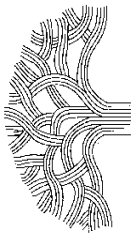
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by Assigned Staff)*

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0220	02/20/19	02/20/19	CD	08/28/19	02/19/20	1	Excessive Force
19-0230	02/17/19	02/22/19	CD	08/28/19	02/21/20	2+	Improper Search/Seizure/Arrest, Excessive Force
19-0235	02/24/19	02/24/19	CD	08/28/19	02/23/20	2	Harrasment, Sexual Misconduct, Insubordination
19-0257	01/04/19	02/27/19	CD	08/28/19	02/26/20	3	Excessive Force
19-0263	03/03/19	03/03/19	CD	09/11/19	03/01/20	N/A	Excessive Force
19-0289	03/07/19	03/07/19	CD	09/11/19	03/05/20	2	Unlawful Arrest, Excessive Force
19-0360	04/02/19	04/05/19	CD	10/08/19	04/03/20	2+	Profiling, Harrasment, Unlawful Arrest, Excessive Force
19-0365	04/06/19	04/06/19	CD	10/09/19	04/04/20	1	Profiling, Unlawful Detention
19-0399	01/11/19	04/15/19	CD	10/23/19	04/13/20	N/A	Improper Search
19-0452	05/01/19	05/01/19	CD	11/11/2019	04/29/20	2	Discrimination, Demeanor
19-0461	05/05/19	05/05/19	CD	11/11/2019	05/03/20	1	Use of Force - Taser
19-0489	05/12/19	05/12/19	CD	11/11/2019	05/10/20	1	Discrimination
19-0515	05/20/19	05/20/19	CD	11/16/2019	05/18/20	1	Use of Force
19-0534	05/28/19	05/28/19	CD	11/26/2019	05/26/20	2	Discrimination, Excessive Force
19-0539	05/27/19	05/30/19	CD	12/2/2019	05/28/20	1	Improper Search, Excessive Force
19-0545	06/01/19	06/01/19	CD	12/4/2019	05/30/20	1	Harrasment, Discrimination
19-0569	03/09/19	06/06/19	CD	12/10/2019	06/04/20	1	Care of Property



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by Assigned Staff)*

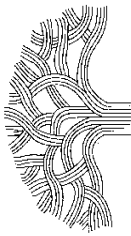
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0571	06/09/19	06/09/19	CD	12/10/2019	06/07/20	N/A	Improper Search/Seizure/Arrest
19-0582	06/12/19	06/12/19	CD	12/14/2019	06/10/20	3	Excessive Force, False Arrest, Sexual Misconduct
19-0585	06/11/19	06/12/19	CD	12/17/2019	06/10/20	3	Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19	06/13/19	CD	12/17/2019	06/11/20	1	Discrimination, Failure to Take a Report, Failure to Act
19-0593	06/17/19	06/20/19	CD	12/17/2019	06/13/20	2	Excessive Force
19-0651	07/01/19	07/01/19	CD	1/4/2020	06/29/20	1	Improper Stop, Failure to Provide Serial Number
19-0598	06/16/19	07/02/19	CD	12/29/2019	06/30/20	1	Discrimination
19-0688	07/10/19	07/10/19	CD	1/6/2020	07/08/20	1	Harassment, Improper Search/Seizure/Arrest
19-0619	06/24/19	07/18/19	CD	1/14/2020	07/17/20	N/A	Improper Search, Excessive Force, Sexual Misconduct
19-0827	N/A	08/10/19	CD	2/10/2020	08/08/20	N/A	Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0875	08/19/19	08/19/19	CD	2/17/2020	08/17/20	1	Profiling
19-0906	08/26/19	08/26/19	CD	2/24/2020	08/24/20	1	Excessive Force
19-0922	08/29/19	08/29/19	CD	3/1/2020	08/27/20	1	Excessive Force
19-0918	07/20/19	08/29/19	CD	3/1/2020	08/27/20	1	Unlawful Detention, Demeanor
19-0660	07/04/19	07/12/19	MB	01/08/20	07/02/20	1	Excessive Force
19-0671	07/11/05	07/12/19	MB	01/08/20	07/04/20	N/A	Discrimination
19-0673	07/07/19	07/07/19	MB	01/08/20	07/05/20	3	Excessive Force



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by Assigned Staff)*

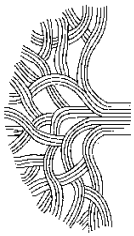
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0685	06/26/19	07/09/19	MB	01/08/20	07/07/20	2	Improper Stop
19-0686	07/10/19	07/10/19	MB	01/08/20	07/08/20	1	Excessive Force
19-0691	06/04/19	07/10/19	MB	01/08/20	07/08/20	1	Unlawful Arrest
19-0710	07/15/19	07/15/19	MB	01/11/20	07/13/20	1	Excessive Force
19-0737	07/21/19	07/23/19	MB	01/19/20	07/21/20	3	Discrimination
19-0777	01/27/19	08/01/19	MB	02/02/20	07/30/20	1	Failure to Accept/Refer Complaint
19-0785	08/01/19	08/02/19	MB	02/02/20	07/31/20	2	Unlawful Arrest, Excessive Force
19-0786	08/02/19	08/02/19	MB	02/02/20	07/31/20	2	Discrimination, Demeanor
19-0788	08/03/19	08/03/19	MB	02/02/20	08/01/20	3	Excessive Force
19-0809	08/06/19	08/08/19	MB	02/05/20	08/06/20	3+	Demeanor, Improper Search/Seizure/Arrest, Excessive Force
19-0842	08/08/19	08/09/19	MB	02/05/20	08/08/20	N/A	Improper Search/Seizure/Arrest
19-0858	08/16/19	08/16/19	MB	02/16/20	08/14/20	1	Unlawful Arrest, Excessive Force
19-0857	08/17/19	08/16/19	MB	02/16/20	08/15/20	N/A	Discrimination
19-0869	08/18/19	08/18/19	MB	02/17/20	08/16/20	2	Excessive Force
19-0885	08/21/19	08/23/19	MB	02/19/20	08/22/20	1	Performance of Duty
19-0897	08/24/19	08/25/19	MB	02/23/20	08/23/20	1	Care of Property
19-0927	08/31/19	08/31/19	MB	03/03/20	08/29/20	1	Unlawful Arrest, Excessive Force





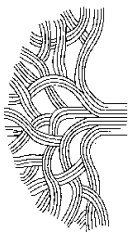
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by Assigned Staff)*

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0512	04/28/19	05/20/19	RM	11/20/2019	05/18/20	N/A	False Arrest, Improper Search
19-0517	05/21/19	05/21/19	RM	11/26/2019	05/19/20	3	False Arrest, Failure to Act, Care of Property
19-0558	N/A	06/07/19	RM	12/4/2019	06/05/20	N/A	Excessive Force
19-0577	06/01/19	06/10/19	RM	12/9/2019	06/08/20	N/A	Use of Force
19-0597	06/12/19	06/15/19	RM	12/17/2019	06/13/20	1	Improper Search, Excessive Force
19-0601	06/17/19	06/17/19	RM	12/17/2019	06/15/20	1	Excessive Force
19-0654	07/01/19	07/01/19	RM	12/28/2019	06/30/20	1	Discrimination
19-0683	07/07/19	07/07/19	RM	1/8/2020	07/05/20	N/A	Excessive Force
19-0675	07/07/19	07/08/19	RM	1/8/2020	07/06/20	1	Excessive Force
19-0718	07/12/19	07/12/19	RM	1/8/2020	07/11/20	N/A	Harassment, 1st Amndmnt Assembly
19-0825	08/10/19	08/10/19	RM	2/10/2020	08/08/20	1	Discrimination
19-0839	08/08/19	08/12/19	RM	2/12/2020	08/10/20	1	Failure to Act, Discrimination
19-0849	08/14/19	08/14/19	RM	2/12/2020	08/12/20	2	Improper pointing of Firearm, Handcuffs too tight
19-0878	06/27/19	08/20/19	RM	2/17/2020	08/18/20	N/A	False Arrest, Use of Force, Miranda Violation
19-0911	08/27/19	08/27/19	RM	2/25/2020	08/25/20	2	Excessive Force
19-0919	08/10/19	08/29/19	RM	3/1/2020	08/27/20	1	Excessive Force, Improper Arrest
19-0993	09/14/19	09/14/19	RM	3/12/2020	09/13/20	2	Failure to Investigate



**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases In Intake (Sorted by Assigned Staff)*

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-1039	09/24/19	09/25/19	RM	3/25/2020	09/23/20	N/A	Improper Search, Care of Property

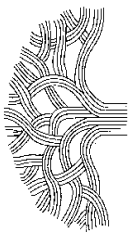


**CITY OF OAKLAND**  
**COMMUNITY POLICE REVIEW AGENCY**  
**Pending Cases Assigned to Investigators (Sorted by Assigned Staff)**

**10/4/2019**  
**Page 1 of 2**  
 (Total Pending = 30)

Case #	Complainant	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-1156	Alfonzo Herrera	10/16/18	10/30/18	10/16/18	AL	04/28/19	10/15/19	Use of Force	1	1	3	Excessive force (Taser); racial profiling; false arrest.
18-1305	Sharon Sullivan	12/01/18	12/07/18	12/03/18	AL	06/05/19	12/02/19	Other	2	2	6	Demeanor; performance of duty; PDRD violation.
18-1352	Michael Langston	12/09/18	12/27/18	12/14/18	AL	06/25/19	12/13/19	Use of Force	1	1	4	Excessive force; harassment; racial discrimination; improper search; seizure, or arrest; care of property.
18-1364	Terrance Brown	12/06/18	12/19/18	12/19/18	AL	06/17/19	12/18/19	Other	2	3	4	Wrongful detention; performance of duty; service complaint; failure to take a complaint.
19-0114	Michael McLaughlin	01/28/19	02/05/19	01/26/19	AL	08/04/19	01/25/20	Use of Force	1	2	4	Excessive force; demeanor; failure to provide name or serial number.
19-0123	Elita Johnson	01/29/19	02/06/19	01/28/19	AL	08/05/19	01/27/20	Use of Force	1	5	13	Excessive force; performance of duty.
19-0753	Ahmad Hadi	07/26/19	08/06/19	07/26/19	AL	02/02/20	07/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0541	OPD	09/23/18	06/07/19	03/25/19	ED	N/A	10/17/19	Other	2	2	2	I am not accepting to enter a complaint. (This case is a spinoff case, addressing allegations that the CPRA discovered in case 18-1049. 3/25/19 is the date the CPRA first notified IAD of the discovered allegations. 6/7/20 is the date IAD sent a CID to the complainant.)
18-0302	Jane Doe	02/27/18	04/11/18	03/26/18	ED	10/09/18	10/28/19	Other	1	1	10	Inappropriate sexual contact.
18-1016	Peter Mwangi	09/14/18	09/17/18	9/15/2018	ED	03/18/19	10/29/19	Other	1	5	16	Racial bias; care of property.
18-1282	Malaika Graves	10/16/18	11/28/18	11/27/18	ED	05/27/19	11/26/19	Other	1	2	8	Performance of duty; discrimination based on religion.
17-1009	Shayne Dawkins	09/03/17	10/17/17	10/11/17	ED	03/12/18	12/07/19	Use of Force	1	2	4	Excessive force.
18-1331	Brian Garcia	12/10/18	12/17/18	12/10/18	ED	06/15/19	12/09/19	Other	2	1	1	Demeanor.
18-0524	Jane Doe	05/21/18	05/29/18	05/19/18	ED	07/07/19	01/07/20	Other	1	1	1	Unlawful activity.
19-0051	Adolfo Ledezmanunez	01/10/19	01/22/19	01/11/19	ED	07/21/19	01/10/20	Use of Force	1	2	2	Excessive force.
18-1241	Anita Tran	10/31/18	11/14/18	11/11/18	ED	05/10/19	03/14/20	Other	1	1	2	Improper dissemination of computer information; unauthorized use of electronic systems.

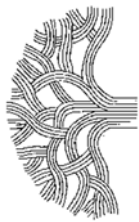
\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases Assigned to Investigators (Sorted by Assigned Staff)*

Case #	Complainant	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline (604(f)(1) or Other)	Type *	Class	Subject Officers	Allegation Count	Allegation(s)
18-1143	Charles Woods	10/10/18	10/18/18	10/15/18	JS	04/16/19	10/14/19	Other	1	7	8	Harassment; racial discrimination; improper search.
18-1260	Melvin Deal	11/08/18	11/28/18	11/15/18	JS	05/27/19	11/14/19	Other	2	1	2	Demeanor; false arrest.
19-0083	Donavan Vaughn	01/17/19	01/22/19	01/17/19	JS	07/21/19	01/16/20	Use of Force	1	1	2	Excessive force; harassment; discrimination.
18-0214	Kamasa Palmer	02/24/18	02/27/18	02/24/18	JS	N/A	02/28/20	Use of Force	1	2	4	Improper pointing of firearm; false arrest.
18-0335	Maxwell Thomas	04/04/18	04/12/18	04/04/18	JS	N/A	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.
18-1349	G. Hazzard/OPD-OIG	04/02/18	09/25/19	12/14/18	KT	06/12/19	12/13/19	Use of Force	1	3	6	Excessive force; performance of duty.
18-1365	G. Hazzard/OPD-OIG	04/02/18	09/25/19	12/19/18	KT	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty.
19-0027	G. Hazzard/OPD-OIG	06/21/18	09/25/19	01/07/19	KT	07/06/19	01/06/20	Use of Force	1	2	4	Excessive force; performance of duty.
19-0077	G. Hazzard/OPD-OIG	05/16/19	09/25/19	01/16/19	KT	07/15/19	01/15/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0261	G. Hazzard/OPD-OIG	06/02/18	09/20/19	02/27/19	KT	08/26/19	02/26/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0276	G. Hazzard/OPD-OIG	04/08/18	09/20/19	03/05/19	KT	09/01/19	03/03/20	Use of Force	1	2	3	Excessive force; performance of duty.
18-1367	G. Hazzard/OPD-OIG	04/14/18	09/25/19	12/19/18	TBD	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
18-1368	G. Hazzard/OPD-OIG	04/07/18	09/25/19	12/19/18	TBD	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
19-0416	OPD	04/17/19	04/19/19	04/17/19	TBD	10/16/19	04/15/20	Use of Force	1	7	8	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors)

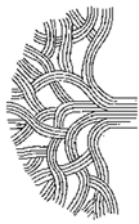
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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**

*Recently Completed Investigations  
 (Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
AL	18-1137	9/1/18	8/16/19	Subject Officer 1	1. Use of Force (Level 3)	Exonerated
AL	18-1030	9/16/18	9/11/19	Subject Officer 1	1. Use of Force (Level 4) 2. Use of Force (Level 4) 3. Performance of Duty – General 4. Refusal to Supply Name and Serial Number 5. Use of PDRD 6. Conduct	Exonerated Unfounded Unfounded Not Sustained No MOR Violation No MOR Violation
				Subject Officer 2	1. Use of force (Level 4) 2. Performance of Duty – General 3. Conduct Toward Others – Demeanor 4. Refusal to Supply Name and Serial Number	Unfounded Unfounded Unfounded Not Sustained
				Subject Officer 3	1. Conduct Toward Others – Demeanor	Unfounded
				Subject Officer 4	1. Refusal to Supply Name and Serial Number	Not Sustained

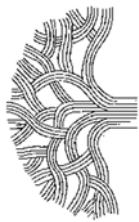


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**

*Recently Completed Investigations  
 (Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
ED	18-1049	9/23/18	9/13/19	Subject Officer 1	1. Conduct Toward Others – Demeanor	<i>Unfounded</i>
				Subject Officer 2	1. Conduct Toward Others – Demeanor	<i>Unfounded</i>
				Subject Officer 3	1. Performance of Duty – General	<i>Exonerated</i>
				Subject Officer 4	1. Performance of Duty – General	<i>Exonerated</i>
				Subject Officer 5	1. Performance of Duty – General	<i>Exonerated</i>
				Subject Officer 6	1. Use of Force	<i>Exonerated</i>
				Subject Officer 7	1. Use of Force	<i>Exonerated</i>
				Subject Officer 8	1. Use of Force	<i>Exonerated</i>



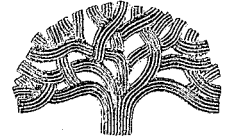


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**

*Recently Completed Investigations  
 (Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
JS	18-1095	10/3/18	9/30/19	Subject Officer 1	<b>1. Performance of Duty – Unintentional Improper Search, Seizure or Arrest</b>	<b>Sustained</b>
					2. Use of Force (Level 4)	Unfounded
				Subject Officer 2	1. Performance of Duty – Unintentional Improper Search, Seizure or Arrest	Exonerated
					<b>2. Performance of Duty – PDRD</b>	<b>Sustained</b>
					3. Use of Force (Level 4)	Not Sustained
				Subject Officer 3	1. Performance of Duty – Unintentional Improper Search, Seizure or Arrest	Exonerated
					2. Use of Force – Level 4	Unfounded
				Subject Officer 4	1. Performance of Duty – Unintentional Improper Search, Seizure or Arrest	Exonerated
					2. Use of Force – Level 4	Exonerated
				Subject Officer 5	1. Performance of Duty – Unintentional Improper Search, Seizure or Arrest	Exonerated
					2. Use of Force – Level 4	Unfounded
				Subject Officer 6	<b>1. Performance of Duty – Unintentional Improper Search, Seizure or Arrest</b>	<b>Sustained</b>
				Subject Officer 7	<b>1. Supervision – Enforcement of Rules</b>	<b>Sustained</b>

## CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985  
 Police Department Telephone Device for the Deaf (510) 238-3227

**TO:** Regina Jackson  
 Chair, Oakland Police Commission

**FROM:** Anne E. Kirkpatrick  
 Chief of Police, Oakland Police Department

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The purpose of this memorandum is to provide a response to the following question regarding the Department's tow policy:

**Q. What is the OPD vehicle towing policy towards the homeless?**

**OPD Towing Policies:**

Department General Order (DGO) J-3, *Towing Procedures*: The purpose of this order is to set forth Department policy and procedures for towing vehicles, as well as provide direction for completing reports and citations, *Attachment A*.

Information Bulletin, *Stored/Abandoned Vehicles on Public Property (905) and Private Property (318)*: The purpose of this bulletin is to provide guidance on dealing with stored/abandoned vehicles on public property and on private property. Oakland Municipal Code (OMC) Section 10.28.030 prohibits the use of streets for storage of vehicles and provides that no vehicle shall be parked upon any street or alley for a consecutive period exceeding 72 hours. Street or alley, as used in this section, is defined in Division I of the California Vehicle Code (CVC) 22852, *Attachment B*.

Additionally, the California Vehicle Code (CVC) provides guidelines, policies, and procedures, when vehicles can be towed and applies the guidance uniformly throughout the State.

Vehicles can be towed for the following reasons:

- The vehicle is left standing on the street exceeding 72 hours
- The vehicle has expired vehicle registration over six months
- The vehicle is missing parts
- The vehicle has five or more parking citations
- The vehicle is a hazard to traffic

- The vehicle is illegally parked or in prohibited parking
- The vehicle is blocking a driveway
- The vehicle is in a tow away zone

**OPD policy towards homeless:**

When OPD receives a citizen's complaint(s) regarding vehicles and occupancy, staff will investigate the circumstances. If someone is found living in a car or a Recreational Vehicle (RV), staff will refer the individual to the City of Oakland Human Services Department. Staff will provide information on relocation assistance, City sponsored RV lots, and available housing services. Staff will also advise the occupant(s) of the 72-hour time limit when their vehicle is left standing on the street and is required to move the vehicle to another location. OPD began this approach in late 2018 due to the rising number of people living in vehicles and RVs.

Further, OPD is part of the City's Encampment Management Team (EMT), which includes representatives from the City Administration, Human Services, Public Works, Fire Department, Department of Transportation, and County Vector Control. The EMT guides the implementation of interventions, including outreach to connect people with services. In addition, the EMT coordinates encampment cleanups, weekly garbage removal, health and safety interventions (portable toilets, etc.), and encampment closure if necessary based on identified factors (i.e. safety, health, size, and location).

**OPD efforts to avoid removing vehicles used to house unsheltered residents:**

The Department assigned a full-time supervisor and two full-time officers to collaborate with the EMT to ensure consistent application of strategies. Additionally, a Police Services Technician (PST) from the Abandoned Auto Detail attends the EMT bi-monthly meetings to inform the team of the status and observations in the community.

The Department also works in collaboration with the Interfaith Council of Alameda County (ICAC). When ICAC staff are informed of someone living in a vehicle, the organization will advise the EMT. The team will inform the patrol watch commander, so patrol personnel are aware of the situation and can assist as needed.

Respectfully submitted,



Anne E. Kirkpatrick

Chief of Police

Oakland Police Department

Attachments

- A DGO J-3, *Towing Procedure*
- B Information Bulletin, *Stored Abandoned Vehicles on Public (905) and Private Property (318)*



DEPARTMENTAL  
GENERAL  
ORDER

Rev.  
7 Apr 00

J-3

Ref: CALEA  
Standard 42.2.1;  
61.4.2-3

Index as:

Abandoned Vehicles  
Appraising Towed Vehicles  
Citations, Tow Related  
Disabled Motorists  
Evidence Holds  
Holds, Evidence  
Holds, Release  
Towing Procedures

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**TOWING PROCEDURES**

The purpose of this order is to set forth Departmental policy and procedures for towing vehicles. Procedures for completing reports and citations mentioned in this order are found in Departmental Report Writing Manual Insert T-19, TOWING PROCEDURES. The towing of Departmental vehicles is covered by Departmental General Order I-2, ASSIGNMENT, SERVICING, REPAIR OF POLICE VEHICLES. This order applies to motor vehicles including motor-driven cycles, motorized bicycles and "mopeds."

**I. TOW REQUESTS**

**A. Departmental Tows**

1. A Departmental tow may be ordered by a member or employee:
  - a) Pursuant to a Vehicle Code section.
  - b) For evidentiary purposes, upon supervisory approval.
  - c) Special tow projects require advance notification to the Communications and Records Divisions to ensure adequate staff is available to handle the increased work load.

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2. Procedures for towing vehicles from public and private property shall be made in accordance with the provisions of Departmental Report Writing Manual T-19, TOWING PROCEDURES.
  3. The following tows can be ordered through the Communications Division:
    - a) Requests for towing a single vehicle from one location or event.
    - b) Requests for multiple tows from one location or event under hazardous conditions.
  4. Abandoned auto tows and multiple tows under non-hazardous situations shall, to the extent practical, be ordered through the Records Division.
  5. The member or employee shall remain at the scene until the tow truck arrives, except for Abandoned Vehicle Unit tows.
  6. Towed vehicles shall be towed to the City tow contractor's garage. Private vehicles shall not be parked at the Transportation lot except for evidence processing in major cases at the direction of a command officer or the assigned investigator.
  7. A reasonable effort shall be made to locate a vehicle's owner to eliminate unnecessary tows.
  8. When the driver of a vehicle is arrested for driving under the influence or other charges, the vehicle shall be towed as a Departmental tow unless the owner gives informed consent to leave the vehicle parked at the scene.
- B. Owner/Operator Requested Tows
1. When a vehicle owner/operator requests a tow, the member or employee shall order the tow through the Communications Division.



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2. The owner/operator will be asked for his/her preference in tow companies and that preference honored when the tow is ordered. If the owner/ operator has no preference, a tow company under contract to the City will be dispatched.
  3. An owner/operator requested tow shall not be ordered unless the owner/operator, or other person designated by the operator, remains with the vehicle until the tow arrives.
- C. Abandoned Vehicle Tows on Public Property
1. Responsibility for Marking and Towing
    - a) Members and employees regularly assigned to the Abandoned Vehicle Unit shall mark and tow autos abandoned within City limits.
    - b) All other members shall mark and tow abandoned vehicles within their area of assignment as time allows.
  2. Towing Procedures
    - a) Members and employees shall:
      - (1) Attach a warning sticker securely on the windshield no less than 72 hours prior to the actual tow.
      - (2) Record mileage of the abandoned vehicle on the Assignment Report (236-253).
      - (3) Place an alignment mark on tire and pavement and indicate the marking on the Assignment Report.
    - b) Abandoned Vehicle Unit's members and employees shall also:

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- (1) Order tows directly from a City contracted tow company if the abandoned vehicle has not been moved 5 days after being marked.
- (2) Complete the necessary reports and/or citations.
- (3) Hand-carry completed reports to the Records Division at the end of the shift and deposit the citations at the proper location.

## 3. Appraisal Responsibilities

- a) The assigned member or employee towing the vehicle shall determine the estimated value of the vehicle.
- b) If the identifying numbers on the vehicle do not match those on the reports, the appraiser shall complete the proper reports with the corrected information.
- c) If the identifying numbers appear to have been tampered with, the appraiser shall notify the Auto Theft Unit and mark "Removed/Altered VIN (10751 VC)" on the Vehicle Report (536-254).

## D. Abandoned Vehicle Tows on Private Property

1. Sources of violations include but are not limited to citizen complaints, neighborhood organizations, city government agencies, members, and employees.
2. Field Personnel Responsibility
  - a) Members and authorized employees assigned to investigate a complaint shall complete a preliminary investigation in accordance with current Vehicle Abatement Unit procedures.
  - b) Members and/or authorized employees shall mark the vehicle by placing a Vehicle Abatement Warning Sticker

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(TF-3005) on the vehicle, and listing the removal date (10 days from the date marked).

- c) Only personnel assigned to the Vehicle Abatement Unit shall tow abandoned vehicles from private property in accordance with existing policies.

**II. VEHICLE HOLDS****A. Holds for Investigative Units**

1. No unnecessary holds shall be placed on towed vehicles.
2. No vehicle shall be towed with a hold for Vice/Narcotics Section without the specific approval of a Vice/Narcotics Section supervisor or investigator.
3. Separable evidence in the vehicle shall be removed and turned in to the Property Section.
4. Only one hold shall be placed on any vehicle. If another investigative unit has evidentiary interest in the vehicle, copies of the report shall be directed to the interested unit(s) and the reasons stated in the report narrative.
5. A hold shall be placed on a vehicle only where there is evidentiary value in the vehicle itself or for some other compelling reason (e.g., search warrant, disputed title, altered VIN plate or an investigator's prior request for a hold).
6. Members shall get the approval of a supervisory or command officer prior to placing a hold on a vehicle. This approval shall be documented in the report narrative.
7. If an unoccupied vehicle displaying false registration is to be towed, a Vehicle Report (536-254) shall be completed and the seized license plates (or other false evidence of registration) shall be turned in to the Property Section. No hold on the vehicle itself is necessary.

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## B. Holds for Evidence Technicians

1. Every effort shall be made to process vehicles at the scene to eliminate unnecessary tows and holds.
2. When a vehicle is held for processing by an evidence technician, the specific procedure(s) requested (e.g., prints, photos) shall be stated when placing the hold.
3. If processing by a technician is the only reason for a hold, a hold for an investigative unit shall not be placed on the vehicle.
4. A Technician Request (TF-753) shall be securely attached to the vehicle, police seals placed as needed, and the tow truck operator informed of any special handling required (e.g., inside storage).
5. When the work has been completed on a vehicle which has been held for technician processing, the Evidence Technician shall, at the end of their shifts, notify the Records Division that the hold has been released.

## III. RECORDS DIVISION RESPONSIBILITIES

- A. The Records Division shall maintain all documents concerning tows, holds, releases, and notifications.
- B. The Records Division shall make all SVS entries for abandoned auto tows and verify tow entries made by the Communications Division.
- C. Vehicle Holds
  1. VC 22651(i, j, p, o) holds shall remain permanent until released.
  2. 30 day holds for VC 22651(p) shall not be imposed if the reason for the suspension or revocation are outside of the justifying code.

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3. VC 22651(p) holds may or may not require a 30-day hold. The 30-day hold, if authorized by statute, must be placed by the towing officer. The name of the driver shall be documented on the report.
  4. Hit-and-run tows and 10851 tows for "prints only" shall expire 48 hours after the tow unless the vehicle is released sooner or the hold is extended by the investigator.
  5. All other holds shall expire 72 hours after the tow unless the vehicle is released sooner or the hold is extended by the investigator. All extensions shall include an estimated release date.
  6. Any request for a hold extension shall be confirmed in writing with the tow company within 48 hours of a telephonic request.
- D. Vehicles towed pursuant to 10.28.24 OMC may be released to the owner by the tow company without clearance from Records Division if the vehicle is claimed before midnight on the day it was towed.
- E. Records Division personnel shall release vehicles held only for technician processing when notified by the technician that the work has been completed.
- F. Records Division supervisors can release a technician hold on a recovered stolen vehicle if no other crimes are involved after confirming with the Communications Division that the technician call is not "stacked" on the Computer Assisted Dispatch System's (CAD) technician screen.
- G. Report Reproducing Unit Responsibilities
- Employees of the Report Reproducing Unit shall forward copies of all reports containing tow information to the Records Division Fleet/Tow Coordinator and any unit for which a hold was placed.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

J-3

Rev.  
7 Apr 00

- H. Refer to Records Division General Order T-2, RELEASE OF TOWED/STORED VEHICLES, for release procedures not discussed in this order.

**IV. COMMUNICATIONS DIVISION RESPONSIBILITIES**

- A. The Communications Division shall order all tows except abandoned autos or multiple tows under non-hazardous conditions.
- B. The Communications Division shall make SVS entries for tows ordered and send the information to the Records Division.

**V. INVESTIGATIVE UNIT RESPONSIBILITIES**

- A. The investigator shall notify any other Departmental units which may have an interest in a vehicle that has been held.
- B. The investigator shall use the Evidence Hold Extension form letter (TF-2056) to notify the Records Division if a hold is required beyond 72 hours or 48 hours in the case of hit-and-run and stolen vehicle holds.
- C. Vehicles towed to the Transportation Section for evidence shall be released to the registered owner only after all tow fees have been paid by the registered owner to the tow company. A payment receipt must be presented to the investigator to indicate payment has been made.
- D. In the event the investigator determines the Police Department should waive any tow/storage related fees, a memorandum shall be forwarded to the Fleet/Tow Coordinator requesting the waiver of such fees.
- E. To insure no excess storage fees are incurred by the registered owner or the Police Department, the investigator shall notify the registered owner immediately of the vehicle's availability after the vehicle serves no further evidentiary purpose.
- F. If a vehicle is transferred to the custody of the District Attorney's Office, the investigator shall notify the Records Division.



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OAKLAND POLICE DEPARTMENT

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7 Apr 00

**VI. ERROR TOWS**

- A. Vehicles erroneously towed or left in storage are charged to the City. Members and employees shall ensure that vehicles are towed under the proper authority.
- B. Allegations of improper tows shall be referred to the Fleet/Tow Coordinator.

**VII. LATE TOWS**

- A. Tow trucks are allotted 30 minutes to arrive at a tow site (45 minutes for big rigs) in accordance with the provisions of the current tow contract.
- B. Members and employees shall advise the Communications Division if there is any delay in excess of the allotted time.
- C. The Communications Division shall forward the CAD printout, as necessary, to the Records Division Fleet/Tow Coordinator and Records Division Manager advising them of any delay in response by the tow company.

**VIII. ASSISTANCE TO DISABLED MOTORISTS**

- A. Uniformed on-duty members and employees who observe disabled motorists within the City limits shall stop and render appropriate assistance. Such assistance may include, but is not limited to, placing flares, arranging for private transportation, and calling for road or tow service.
- B. If a uniformed member or employee observes a disabled motorist while enroute to an assignment that cannot be delayed, he/she shall advise the Communications Division on the service channel of the location of the incident so that another unit may be dispatched to provide appropriate assistance as soon as circumstances permit.
- C. On-duty plainclothes officers should stop and assist disabled motorists if doing so will not compromise their assignment and can be done with

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7 Apr 00

reasonable safety. If the plainclothes officer does not stop to render immediate assistance, he/she shall advise the Communications Division on the service channel so that another unit can be assigned.

By order of

Richard L. Word  
Chief of Police



# INFORMATION BULLETIN

## OAKLAND POLICE DEPARTMENT

Date: 26 Mar 19

"Information Bulletins shall be used to set forth information, notices, or announcements regarding topics of general interest. Such bulletins shall not constitute official policy. Information Bulletins expire two years from the date of publication unless revised, canceled, or superseded sooner. Members shall retain them until expiration."

### Stored/Abandoned Vehicles on Public (905) and Private Property (318)

The purpose of this bulletin is to provide guidance on dealing with stored/abandoned vehicles on public property and on private property.

#### Public Property

Oakland Municipal Code (OMC) Section 10.28.030 prohibits the use of streets for the storage of vehicles and provides that no vehicle shall be parked upon any street or alley for a consecutive period exceeding 72 hours. Street or alley, as used in this section, are defined in Division 1 of the California Vehicle Code (CVC). 10.28.030 OMC is only applicable on public streets or alleys and does not apply to private roadways or private property.

Generally, a vehicle being investigated for a violation of this section is referred to as an Abandoned Auto or 905. The 72 hours in this section, however, applies to all vehicles parked on a public street or alley regardless of the vehicle's condition or registered address.

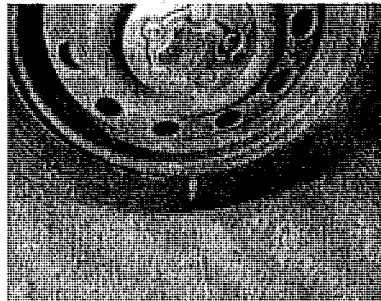
Both sworn and non-sworn OPD personnel may conduct an investigation to determine if a vehicle is in violation of this section. **Personnel who mark and tag an abandoned vehicle on public property are responsible for conducting the 72-hour follow up and tow, if applicable.**

#### Investigation and determining if a vehicle is eligible for towing

Personnel on-viewing, receiving a citizen complaint or being dispatched to a call regarding an abandoned vehicle on a public street, must first establish that the vehicle has been parked for 72 consecutive hours before the vehicle may be towed.

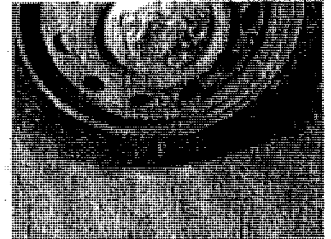
The following investigative steps must be completed to document and establish a violation:

1. Completely fill out an orange warning sticker, remove the backing and attach it to a window on the vehicle. It is recommended to **not** place the sticker on the driver's side of the front windshield as it may impair the driver's ability to safely move the vehicle.
2. Make an alignment mark on one or more of the tires and on the roadway with a lumber crayon.

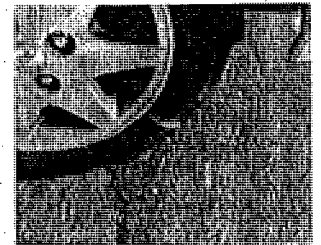


3. You must do one of the following to document the date and time the vehicle was marked and tagged:
- (Recommended)** Enter the necessary information (license plate, VIN#, vehicle description, date and time marked, any other relevant information) in CAD using the incident update screen. Entering the information in CAD is acceptable in place of an Assignment Report, prevents the possibility of lost paperwork, and automatically places a date and time stamp as you make an update. Make a note of the incident number so you can place yourself back on the call when conducting the follow-up inspection; OR
  - Complete an Assignment Report with the necessary information. *Keep the assignment card until you conduct your follow-up inspection.*
4. Return to the vehicle after 72 hours has passed, place yourself back on the original incident number and check the alignment mark.

- If the alignment mark is “in alignment” (photo to the right), then you can legally tow the vehicle under authority 22651 (k) CVC. Enter in CAD the date and time of the re-inspection and that the alignment marks were “**in alignment**” or enter that information on your Assignment Report (turn in after completion). The date and time a vehicle was marked and tagged, as well as the date and time it was re-inspected should also be documented on the tow report. You should also issue a parking citation for 10.28.030 OMC.

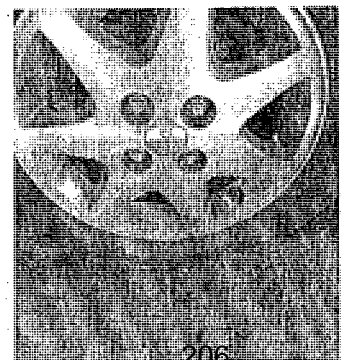


- If the alignment mark is “out of alignment” (photo to the right) then you cannot tow the vehicle under authority 22651 (k) CVC. Enter in CAD the date and time of the re-inspection and that the alignment marks were “**out of alignment**” or enter that information on your Assignment Report (turn in after completion). If the vehicle is no longer in the area, enter “vehicle GOA.”



**Note:** The “...must be driven at least one mile...” language on the orange warning sticker merely serves as **guidance** to the vehicle owner or person in control of the vehicle to ensure the vehicle is not improperly towed. The OMC **does not** specify a distance the vehicle must be moved. Per guidance from the Office of the City Attorney, if the alignment mark has been moved (“out of alignment”), the vehicle should be deemed **in compliance** with the OMC and cannot be towed. While the odometer reading can provide *additional* evidence that a vehicle has or has not moved, it cannot be relied upon as the sole reason for establishing a violation due to the law not specifying a movement distance. Additionally, an odometer may be inoperable, may not show 10ths of a mile or may not be visible (electronic) without the vehicle ignition being in the “on” position.

**(Recommended)** Additional markings (photo to the right) may be made around one or more tires, as shown, to provide additional evidence in determining if a vehicle has not been moved or not.



### Tips for thorough documentation

The towing of a vehicle is the seizure of property and may result in an Internal Investigation, a Tow Hearing and/or a Court action. The following are recommendations to help ensure the matter is thoroughly and properly documented.

- Legibly fill out the orange warning sticker. Adding the time next to the date in the “must be driven by” box is helpful (but not required) to let the citizen know exactly when the vehicle must be moved (72 hours after being marked.)
- The odometer is not a reliable way to make that determination, since no distance of movement is required by law, and should never be used as a sole reason for towing a vehicle. Placing an alignment mark on the tire and ground and/or other visible means need to be used to determine whether the vehicle was moved.
- Take pictures or a video of the vehicle when marked and tagged and again prior to towing to show whether it has moved or not. Pictures or videos should include the orange warning sticker (when applied), alignment markings (after applied and prior to tow) and different angles of vehicle (during initial and follow-up inspection).
- Document the date and time the vehicle was marked and tagged to ensure a full 72 hours has passed before the vehicle is towed. Traditionally this was done solely on an assignment report; however, assignment reports are easily lost or misplaced. **The best way** to document the date and time a vehicle was marked and tagged is to create a CAD incident, then type in an incident update. For example: “ABC123 marked and tagged on 01Feb17 at 1300 hours.” After 72 hours, place yourself back on the original incident number and document the follow up. Examples: “Markings are in alignment, vehicle in violation.” “Markings are out of alignment, vehicle not in violation.” The original CAD entry will be updated with the new date and time you arrived to conduct your follow up, as well as when you do an incident update.
- Document the date and time the vehicle was marked and tagged and the date and time the vehicle was re-checked in the comments section of the Stored Vehicle Report. The information on the Stored Vehicle Report should match the information in CAD or on the assignment report.

### Have you seen a vehicle like this?

A vehicle in this condition should not be marked & tagged as an abandoned vehicle. Vehicles in this condition should be towed immediately under authority 22669(d) VC-Missing parts needed to safely operate.



Vehicles such as this, when left on the street, often attract other quality of life issues, such as illegal dumping, to the area as well as present a safety issue for children. Refer to TB III-A.01, Beat Health.

Reporting abandoned vehicles on a Public Street

Citizens and City employees can report abandoned vehicles by downloading the OAK 311 mobile app or online at: https://www.oaklandca.gov/services/oak311

Citizens should not be referred to Communications to report abandoned vehicles on public property, as they will be referred to OAK311.

Oakland Municipal Code Reference

10.28.030 - Use of streets for storage of vehicles prohibited

- A. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.
B. In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any officer of the Police Department or any regularly employed and salaried civilian employee of the City who is engaged in the direction of traffic or enforcement of parking regulations when designated by the Chief of Police, may remove said vehicle from the street in the manner and subject to the requirements of Sections 22850 and 22856 inclusive of the Vehicle Code of the state of California.

Private Property

Abandoned or blighted vehicles that are on private property or on a private street are investigated and towed by the Vehicle Abatement Detail (VAD). The VAD is also known as the 318 detail. Only personnel assigned to, or at the direction of the VAD, are authorized to investigate and tow abandoned and blighted vehicle from private property or a private street as allowed under Chapter 10.64 of the Oakland Municipal Code (OMC).

Personnel on-viewing or receiving a complaint about an abandoned or blighted vehicle on private property or a private street shall send the appropriate information (location, vehicle plate/VIN#, make, model, color) or refer the citizen to the Vehicle Abatement Detail. The VAD can be contacted via email at vehicleabatement@oaklandnet.com or by phone at 510-777-8538.

Vehicles on private property or a private street are only to be tagged with a lime green warning sticker not an orange public property (905) warning sticker. The lime green warning stickers are restricted for use only by or at the direction of the VAD.

WARNING ADVERTENCIA Form with multiple columns of text in English, Spanish, and Chinese, including checkboxes and a table at the bottom.



## Information Bulletin – Abandoned Vehicles

Effective Date 25 Mar 19

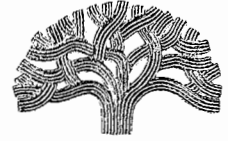
Vehicles towed by the VAD under Chapter 10.64 of the OMC may be reduced to scrap and the property owner may be subject to citation and fine. Abandoned or blighted vehicles on private property take a minimum of 10 days to remove; however often take longer.

**Note:** Apartment owners/mangers, businesses and property owners are responsible for the removal of abandoned or blighted vehicles on their property.

Vehicles abandoned in City parks or other City facilities (e.g. recreation center, library, City owned property) should be referred to the VAD.

Due to the complexity and civil liability involved in towing vehicles from private property, personnel not thoroughly familiar with applicable CVC sections should consult with the VAD prior to towing a vehicle from private property.

## CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985  
 Police Department Telephone Device for the Deaf (510) 238-3227

**TO:** Regina Jackson  
 Chair, Oakland Police Commission

**FROM:** Anne E. Kirkpatrick  
 Chief of Police, Oakland Police Department

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Chair Jackson,

Pursuant to an information request from the Police Commission, please find attached to this submission letter documents responsive to the following question:

**Q. Does OPD have a policy on lost / stolen police firearms? How many lost guns does the Oakland Police Department currently have?**

Department General Order (DGO) N-2.1, *Purchase and Inventory of Department Firearms*, requires that the Department conduct an audit of the department's firearms yearly, and report the findings to the Chief of Police. The report must be completed by the 10<sup>th</sup> day of December.

Additionally, DGO N-5, *Lost, Stolen, Damaged City Property*, requires that personnel report lost or stolen Department property, including firearms, immediately upon loss or theft of the equipment. DGO C-04, *Safety Equipment*, sets forth the types of firearms issued by the department for line officers.

The 2018 firearms audit report is attached. Regarding the above question, for the 2018 audit there was one (1) department-owned firearm unaccounted for, a Remington 870 pump-action shotgun. This firearm has been entered into the state's lost/stolen firearm database.

Respectfully submitted,

Sergeant Joseph Turner  
 Oakland Police Department  
 Training Division, Policy & Publications Unit

Attachments:

1. DGO N-2.1, *Purchase and Inventory of Department Firearms*
2. DGO N-5, *Lost, Stolen, Damaged City Property*
3. DGO C-04, *Safety Equipment*
4. 2018 Training Division Weapons Audit

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 27 Jan 11

SUBJECT: New Departmental General Order N-2.1, PURCHASE AND  
INVENTORY OF DEPARTMENT FIREARMS

The subject order has been published to set forth Departmental policy and procedures regarding the purchasing, inventory tracking, auditing, and disposal of Department-owned firearms.

The Evaluation Coordinator for this order shall be the Training Section Commander, who, without further notice, shall forward the required report to the Chief of Police on or by 27 Jul 11.

The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the six-month evaluation report, along with the comments/recommendations received, to the Office of Inspector General to be maintained in the appropriate Departmental General Order archive folder.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of

Anthony W. Batts  
Chief of Police

Date Signed: \_\_\_\_\_



DEPARTMENTAL  
GENERAL  
ORDER

Effective Date:  
27 Jan 11

Index as:

Evaluation Coordinator:  
Training Section Commander

N-2.1

Evaluation Due Date:  
27 Jul 11

Purchase and Inventory of  
Department Firearms

Automatic Revision Cycle:  
3 Years

### PURCHASE AND INVENTORY OF DEPARTMENT FIREARMS

The purpose of this order is to set forth Departmental policy and procedure regarding the purchasing, inventory tracking, auditing, and disposal of Department-owned firearms.

#### I. POLICY

- A. All firearm purchases shall be made through the Training Section and in full compliance of the City and Department's bidding and vender selection policy.
- B. Only Department authorized firearms shall be purchased.
- C. Funds for firearms purchases shall be the responsibility of the purchasing unit.
- D. The purchasing unit shall be responsible for reporting the disposition of firearms to the Training Section (e.g., destruction, lost, stolen, sold, returned, exchanged, transferred, or used for spare parts).
- E. The Training Section shall conduct an annual firearm audit, to be completed annually by the 10<sup>th</sup> of December, and report the findings to the Chief of Police.
- F. The issuance of temporary firearms (e.g., shotguns, and the subsequent return of same) shall be in accordance with the provisions of DGO C-4, SAFETY EQUIPMENT.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

N-2.1

Effective Date:  
27 Jan 11

**II. PURCHASING OF DEPARTMENT-OWNED FIREARMS**

The unit purchasing the firearms shall:

- A. Secure and transfer the appropriate funds into an account designated by the Training Section Commander. Consultation with the Fiscal Division is strongly recommended to ensure this process takes place.
- B. Confer with the Training Section / Range Staff to ensure the requested firearms are authorized by the Departmental.

**III. RECEIVING, LOGGING, AND TRACKING**

A. Receiving

All firearms purchased by the Department shall be received by the Training Section / Range Staff who shall inspect the items for quality and performance and to ensure the order is complete before invoices are approved.

B. Logging

Log the firearm into the Oakland Range Asset Tracking System (ORATS) database and include the following information:

- 1. Date of Purchase;
- 2. Name of Vender;
- 3. Type of Firearm, categorized by make, model, type and serial number; and
- 4. Where firearm assigned (i.e., unit and/or individual).

C. Tracking

Track firearms as follows:

- 1. Date firearm returned;
- 2. Date firearm removed from service; and
- 3. Date firearm disposed of and how.



DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

N-2.1

Effective Date:  
27 Jan 11

#### **IV. ANNUAL INVENTORY OF DEPARTMENT-OWNED FIREARMS**

The Training Section, in cooperation with division commanders, shall:

- A. Coordinate a Department-wide inventory of all firearms as follows:
1. The Training Section shall send out a reminder (via email) to each Division Commander by the 1<sup>st</sup> of November of each year to conduct an annual firearms inventory utilizing a Firearms Inventory Sheet (provided by the Training Section).
  2. Division commanders shall complete and electronically forward the Firearms Inventory Sheet by the 30<sup>th</sup> of November to Training Section Commander.
  3. Upon receipt of the Firearms Inventory Sheets, Training Staff shall review and follow-up on any discrepancies with the submitted inventories and update the ORATS database accordingly.
  4. Unresolved issues and/or corrections shall be brought to the attention of the Training Section Commander for further action.
  5. The Training Section Commander shall ensure a report is prepared and forwarded to the Chief of Police on the findings of the inventory and the status of all Department owned firearms by the 10<sup>th</sup> of December, to include:
    - a. Methodology of the inventory:
    - b. Breakdown of firearm assignments (e.g., Tactical Operation Team Elements, Patrol Rifle Officers, etc.); and
    - c. Quantity and nomenclature of firearms purchased, issued, returned, and removed from service and the subsequent disposition of same.
  6. Completed Firearms Inventory Sheets shall be retained by the Range Staff for a period no less than the normal life expectancy of the specific firearm in accordance with the provisions of DGO C-4, SAFETY EQUIPMENT.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

N-2.1

Effective Date:  
27 Jan 11

**V. RECORDS SECTION**

The Records Section shall be tasked with updating the Automated Firearms System (AFS) of all firearms destroyed by the Department. The update shall be performed as soon as possible after the destruction of the firearm(s).

Upon updating AFS, the Records Section shall notify the Range Staff, via written communication, of the destruction and AFS update so that ORATS can be revised to accurately reflect the Department's current firearm inventory.

By Order of

Anthony W. Batts  
Chief of Police

Date Signed: \_\_\_\_\_

DEPARTMENTAL GENERAL

N-5

OAKLAND POLICE

18 Sep 81

Index as:

Lost, Stolen, Damaged City Property  
 Prisoners, Damage to City Property  
 Property, Lost, Stolen, Damaged City

#### LOST, STOLEN, DAMAGED CITY PROPERTY

The purpose of this order is to set forth procedures for investigating and reporting the loss, theft, or damage of City property, except money and personal safety equipment. References concerning the excluded subjects are listed in Part V of this order. Covered are losses, thefts, or damage caused by Departmental personnel, prisoners, and citizens.

#### I. DAMAGE, LOSS, THEFT OF CITY PROPERTY BY DEPARTMENTAL PERSONNEL

A. Damage to police vehicles shall be reported in accordance with applicable Departmental directives. The damage or loss of other City property by Departmental personnel shall be reported in accordance with the procedures set forth below.

B. If a member or employee damages or loses property, he/she shall immediately advise his/her unit commander or independent section supervisor. Within 24 hours, the commander/supervisor shall submit an interoffice letter through channels to his/her bureau commander which sets forth the following information. A copy of the letter shall also be forwarded to the Planning Division.

1. The name and serial number of the member or employee responsible.
  2. The date and time of the damage or loss.
  3. The nature, cause, and extent of the damage or loss.
  4. A full description of the property, including serial and asset numbers.
  5. A statement as to whether or not the person responsible was careless or negligent.
- C. The bureau commander concerned shall circumstances surrounding the loss and as necessary, make appropriate recommendations to the Chief of

I. D. Members and employees may be held financially responsible for careless or negligent damage to, or loss of, City property.

E. In the event that theft of City property by Departmental personnel is suspected, procedures in Departmental General Order M-3, COMPLAINTS AGAINST DEPARTMENTAL PERSONNEL AND PROCEDURES, shall be followed.

II. DAMAGE, LOSS, THEFT OF CITY PROPERTY BY PRISONERS

A. If a prisoner damages a Departmental vehicle in a nontraffic incident, the reporting officer shall complete an offense report, which fully describes the damage, so that restitution can be requested. The report shall indicate that extra copies are to be forwarded to the City Attorney's Office and the Equipment Department. The reporting officer shall submit the report to his/her supervisor for approval prior to going off duty.

B. If a prisoner damages, loses, or steals City property in a nonvehicular incident, or damages facilities, the commander/supervisor of the unit responsible for property shall be notified immediately by the person who witnesses or discovers the incident.

1. The commander/supervisor shall cause an immediate investigation to be made, including photographs and statements when appropriate. If damage to the Police Administration Building is involved, the commander/supervisor shall ensure that the Building Engineer is notified at the earliest time.

2. Offense reports concerning such incidents shall be completed to indicate that three extra copies are to be forwarded to the City Attorney's Office.

a. Applicable serial and asset numbers shall be included in the report with a full description of any damage.

b. All pertinent information concerning the prisoner's residence and place of employment shall be completed as fully as possible, to facilitate the processing of claims by the City Attorney's Office.

## I. DAMAGE, LOSS, THEFT OF CITY PROPERTY BY CITIZENS

- A. If a citizen damages City property in a vehicular accident, the incident shall be reported and investigated in accordance with applicable Departmental directives. The Traffic Division shall forward copies of the reports to the City Attorney's Office and the Equipment Department.
- B. If a citizen damages, loses, or steals City property in a nonvehicular incident, the reporting officer shall complete the appropriate report and submit it to his/her supervisor for approval prior to going off duty.
  - 1. The report shall be completed to indicate that three extra copies are to be forwarded to the City Attorney's Office.
  - 2. If the property involved belongs to another City department, an extra copy shall also be indicated for that department unless an Outside Agency Report (536-261.) is completed.
- C. If the damaged City property poses a public hazard, the assigned member shall so advise the Communications Division and remain at the scene until properly relieved or until temporary barriers are erected. The assigned member shall advise the Communications Division as to the specific need for street barriers, temporary signs or other action.
- D. When damaged City equipment poses a public hazard, the Communications Division shall:
  - 1. Notify the Electrical Department regarding any damage to electrical equipment or property (3331).
  - 2. Contact the Traffic Engineering and Parking Division during regular business hours to request temporary traffic signs and barriers (3466).
  - 3. After regular business hours, contact Fire Alarm the security guard at the City Service Center to request assistance in obtaining temporary signs and barriers. A security guard is on duty 24 hours a day at the Service Center, and a recorder takes messages when the guard is away from the telephone. If it becomes necessary to assign a police unit to pick up temporary signs and barriers at the Service Center, such action shall be coordinated with the security guard at the front entrance.

## DAMAGE TO OR LOSS OF CITY PROPERTY BY PERSON(S)

- A. Whenever a member or employee discovers that City property has been damaged or lost and the person responsible

- IV. A. is not known, the member or employee shall report the discovery to the commander/supervisor of the unit which has sustained the damage or loss.  
(Cont'd)
- B. The unit commander/supervisor shall investigate for the purpose of determining, if possible, whether the damage or loss was caused by Departmental personnel, prisoners, or citizens.
  - 1. If the responsible person can be identified. the commander/supervisor shall follow procedures set forth in Part I, II, or III as appropriate.
  - 2. If the responsible person cannot be identified, the commander/supervisor shall forward a report to the appropriate bureau commander, describing the property and listing serial and asset numbers, if any. The commander/supervisor shall also forward a copy of the report directly to the Planning Division.
  - 3. The bureau commander shall review the report for accuracy and completeness and, as necessary, make recommendations to the Chief of Police.

V. PERSONAL SAFETY EQUIPMENT, MONEY

- A. Damage to personal safety equipment shall be reported in accordance with Departmental General Order C-2, UNIFORM AND EQUIPMENT DAMAGE CLAIM.
- B. Losses or theft of City funds and discrepancies in Departmental change accounts shall be reported in accordance with City Finance Procedure 3-2, "Reporting Losses Due to Defalcations, Thefts, Burglaries, or Robberies," and City Administration Instruction No. 1012, "Change Accounts."

By order of





DEPARTMENTAL  
GENERAL  
ORDER

C-4

Index as:

Safety Equipment

Effective Date:  
24 Apr 14

Evaluation Coordinator:  
Training Section Commander

Evaluation Due Date:  
24 Oct 14

Automatic Revision Cycle:  
3 Years

### SAFETY EQUIPMENT

The purpose of this order is to set forth Departmental policy and procedures for the specification, acquisition, repair, maintenance, and replacement of safety equipment for Department members, reserve officers and employees.

#### I. GENERAL PROVISIONS

This order regulates the use of Department-issued equipment issued by the Department and authorized privately-owned equipment that may be used or substituted for certain issued equipment. These items shall be referred to as "safety equipment." Members, reserve officers and employees shall use only safety equipment authorized for their classification when in on-duty status.

- A. Department-issued safety equipment shall be issued to authorized employees and to Police Officer Trainees before their graduation from the Basic Academy.
- B. Except for Police Officer Trainees, personnel may use Department-issued safety equipment or authorized privately-owned safety equipment.

Supervisors/Commanders shall conduct periodic inspections to ensure Department-issued and privately-owned safety equipment are in good working condition and comply with the specifications mandated by this order.

- C. Department-issued safety equipment in the possession of personnel who separate from the Department, are placed on administrative leave, ordered to extended military leave or are on medical or sick leave for more than two (2) months shall complete a Mandatory Equipment Turn-In Form (TF-3327) and return designated Department-issued safety equipment in their possession in accordance with the provisions of DGO B-2, VOLUNTARY TERMINATION, DISCHARGE, UNPAID LEAVE, MANDATORY LEAVE.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

C-4

Effective Date  
24 Apr 14

## **II. ISSUE OF DEPARTMENT-ISSUED SAFETY EQUIPMENT**

- A. The Training Section shall maintain a sufficient inventory of Department-issued safety equipment to equip all new members before their graduation from the Academy and to meet the needs of present members and employees.
- B. The Training Section shall issue all Department-issued safety equipment except duty Aerosol Oleoresin Capsicum (OC) and radio transceiver. OC shall be issued to members and eligible employees by the Property and Evidence Unit (PEU). Radio transceiver shall be issued to members and eligible employees by Communications.
- C. The Training Section shall maintain stored safety equipment in a state of operational readiness. All stored safety equipment shall be inventoried and inspected at regular intervals and cleaned and repaired when necessary.
- D. To the extent possible, the Training Section shall supply Department personnel with safety equipment that has been turned in by separated members or employees. When necessary, the Training Section Commander shall submit a supply order to requisition new equipment. All equipment ordered shall conform to the specifications in this order and DGO C-1, UNIFORMS AND EQUIPMENT, as applicable.
- E. The Training Section Commander shall require personnel who are issued Department-issued safety equipment to sign the appropriate block on an Equipment Control Card (536-804) for each item received.
  - 1. The Training Section shall ensure that the serial number, date of original purchase, remaining life and other required information is entered on the Card regarding each item issued, when the information is available.
  - 2. The Training Section shall keep the Card on file until the member or employee terminates employment, at which time the Training Section shall permanently retain the Card.
- F. The Training Section shall inspect Department-issued equipment that has attained its normal life expectancy and determine if the equipment is suitable for further use.

## **III. SAFETY EQUIPMENT - DESCRIPTION AND REGULATION**

All references to "chrome or nickel-plated" equipment applies only to officers and sergeants.

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Command officers shall substitute brass equipment in all cases in which chrome or nickel-plated equipment is referenced except for firearms, handcuffs and keys.

A. Authorized Firearm Specifications

Only firearms specified in this order, or specifically authorized in writing by the Chief of Police, shall be carried on-/off-duty.

1. Issued Firearms

a. Primary Sidearm - Pistol

Members who are on-duty in uniform or plainclothes shall carry a firearm listed in Table 1 or 2 of this order as a primary firearm.

**Table 1**

MAKE	MODEL
Glock®	Model 17, 9mm semi-automatic pistol, w/three magazines

Members may continue to carrying the Glock® Model 22, .40 cal semi-automatic pistol on-duty only until the transition to the Glock® Model 17 has been completed. Upon completion of the transition, no member may carry the Glock® Model 22 as an on-duty primary or secondary firearm.

b. Shotgun

**Table 2**

MAKE	MODEL
Remington®	Model 870 12 Gauge

c. AR Rifle- see DGO K-6, PATROL RIFLE PROGRAM.

2. Optional Privately-Owned Firearms

Any member who prefers to carry an authorized privately-owned firearm shall complete the following procedures before carrying the firearm on-duty:

a. Have the firearm inspected and registered by description and serial number through a memorandum with the Rangemaster;

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- b. Successfully complete transitional training<sup>1</sup>, as applicable, and qualify with the privately owned firearm prior to carrying on-duty; and
- c. If a Department-owned firearm is to be substituted with a privately-owned firearm, the member shall return the Department-owned firearm.
- d. Authorized Optional Pistols – On-Duty
  - 1) Privately-owned pistols shall have a factory firing pin safety/drop safety installed in order to meet the provisions of this order.
  - 2) No trigger pull measuring less than 4 pounds.
  - 3) The pistols shall be finished in blue, black or silver (stainless steel, nickel or chrome).
  - 4) The grips shall be standard black plastic, rubber or wood.

**Table 3**

MAKE	MODEL
Single action "1911" pistols are not authorized	
Beretta®	9mm or .40 cal except the "Cougar" model
Glock®	9mm, .40 cal*, .45 cal
Sig Sauer®	9mm, .40 cal, .45 cal
Smith and Wesson®	3 or 4 digit M and P models in 9mm, .40 cal, .45 cal

\* Excludes the Glock® Model 22

- e. Additional Secondary Firearms – On-Duty

Members may carry a secondary firearm while on-duty and are subject to the provisions regarding privately-owned firearms. The secondary firearm shall be carried in a concealed manner consistent with the provisions of this order.

<sup>1</sup> Transition training is required, starting the date of this policy, for primary firearms only. Consult with the rangemaster regarding required transition training. Typically transition training will only be required for primary firearms with a double action first trigger pull and/or with a manual safety feature.

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In addition to the firearms listed in Table 3, the Smith and Wesson two (2) inch "J" frame (hammer or hammerless) revolver models, in .38 caliber or .357 magnum, and handguns in Table 3, chambered in .380 Auto, are authorized for use as a secondary on-duty firearm.

f. Privately-owned Shotgun

Members may carry a privately-owned Remington® Model 870 – 12 Gauge shotgun for on-duty use and are subject to the provisions regarding privately-owned firearms.

g. Privately-owned Rifle AR/Bolt Gun

Members currently assigned to the entry or sniper teams may carry a privately-owned AR/Bolt gun for on-duty use and are subject to the provisions regarding privately-owned firearms.

3. Firearms Modifications<sup>2</sup>

Modification of Department-issued or privately-owned firearms for on-duty use shall only be performed by a member who has received manufacturer armorer certification on the specific firearm, is a department firearms instructor and has been approved by the Rangemaster. Firearms modified by a certified and licensed gunsmith shall be submitted to the Rangemaster for inspection to ensure conformity to Department regulations before on-duty use.

4. Authorized Modifications

a. Authorized modifications for Department-issued and privately-owned pistols for on-duty use:

- 1) Aftermarket grips, except Pachmayr® grips are not authorized on the Beretta®;
- 2) Self luminous sights (night sights); and
- 3) Weapon mounted light activated by a pressure switch, as denoted in Table 4.

<sup>2</sup> Designated members participating in firearms modifications testing through the Training Section are exempt from the provisions of the firearms modifications section (Part III.A. 3 only.)

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Members carrying a weapon mounted light shall have the light constantly mounted on the weapon while on-duty, wear an authorized holster to accommodate the light and successfully complete transitional holster training from the Rangemaster before carrying the firearm on-duty.

**Table 4**

MAKE	MODEL
Surefire®	X300
Streamlight®	TLR-1

- b. Authorized modifications for Department-issued or privately-owned shotguns for on-duty use:
    - 1) Fore-end flashlight attachment;
    - 2) Sling;
    - 3) Ammunition carrier/extended magazine tube;
    - 4) Self luminous sights (night sights);
    - 5) Shorter stock to allow proper length of pull for individual personal characteristics; and
    - 6) Optics
  - c. Any modifications to Department-issued or privately-owned AR/Bolt Guns shall be approved by the Rangemaster.
5. Off-Duty Firearms

Off-duty firearms are defined as any concealable handgun carried by the member when the member is not officially engaged in performing police duties.

- a. Carrying a firearm off-duty is optional;
- b. Any member carrying a firearm off-duty shall only carry a firearm having a factory firing pin safety/drop safety installed and having a trigger pull no less than four (4) pounds.



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- c. In the event an off-duty member places themselves in on-duty status, they are subject to DGO K-3, USE OF FORCE and DGO K-4, REPORTING AND INVESTIGATING THE USE OF FORCE.
  - d. Any member carrying a firearm off-duty shall have their police identification card in their possession.
6. As defined by Penal Code Sections 25400 and 25850, reserve officers are not authorized to carry a concealed or loaded firearm off-duty unless they have been issued a Concealed Weapons Permit by the Chief of Police in accordance with the provisions of DGO M-16, CONCEALED WEAPON PERMIT.
7. Members shall not carry a firearm when their normal reactions are impaired due to being under the influence of alcohol, medication or any other substance.

**B. Ammunition**

- 1. Members shall only load weapons and magazines carried on-duty with Department-issued duty ammunition.
- 2. Members shall replace their duty ammunition, for primary pistols, as deemed necessary by the Rangemaster or designee.
  - a. On-duty members (uniform or plainclothes) shall load weapons and magazines only with Department-issued ammunition. Members shall carry one (1) round in the chamber and one (1) fully loaded magazine in the pistol (i.e. duty load).
  - b. Uniformed members, assigned to field duties, shall carry a minimum of two (2) additional fully loaded magazines; or
  - c. Plainclothes and uniformed members, not assigned to field duties, shall carry a minimum of one (1) additional fully loaded magazine.
  - d. Issue Item:
    - 1) 9 mm;
    - 2) .40 caliber; and
    - 3) .45 caliber

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3. Members shall provide their own practice and qualification ammunition for revolvers and handguns chambered in .380 Auto.

After initial issue, the Department shall provide duty ammunition, for secondary handguns, as deemed necessary by the Rangemaster or designee.

- a. Members shall duty load handguns chambered in .380 Auto and fully load all cylinders of a revolver.
- b. When members carry spare ammunition it shall be in either a magazine, speed loader or speed strip.
- c. Issue Item:
- 1) .380 Auto
  - 2) .38 caliber; and
  - 3) .357 magnum

4. Shotgun

- a. Issue Item:
- 1) 12 Gauge shotgun 00 Buck (required).
  - 2) 12 Gauge, rifled slug (optional).

5. AR/Bolt Gun

- a. Issue Item:
- 1) .223 / 5.56 mm
  - 2) .308 WIN

C. Gunbelt

Members have the option of wearing either of the following gunbelts, except the nylon gun belt shall not be worn with the Class A uniform.

1. Issue Item: The gunbelt is 2-1/2" wide, plain, black, polished, top-grain cowhide fully lined with leather. The belt buckle and trimmings are flat colonial style. The belt buckle shall be chrome or nickel-plated; or

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2. Issue Item: Bianchi Accumold Ergo-Tek, 2½" nylon duty belt, Model 7225, black in color. The buckle must be equipped with a three-point safety release composed of molded, shatter-resistant polymer.

D. Holsters

1. Issue Item (Pistol):
  - a. Safariland® 070 or 0705 SS III (plain, black) constructed of leather-like material; or
  - b. Safariland® 6365 ALS III belt mounted holster constructed of plain black material.
    - 1) Members shall not wear the Safariland 6365 ALS holster until completing department training and qualification with the holster.
    - 2) The Rangemaster shall maintain a record of members who have successfully completed transitional training and qualified with the holster.
2. Privately-Owned Weapons Light Holster (Table 5)

Any member carrying a weapon light constantly mounted shall complete the following requirements prior to wearing a privately-owned holster on duty.

- a. Have the holster inspected by the Rangemaster; and
- b. Complete transitional training and qualify using the holster through the Rangemaster.
- c. The Rangemaster shall maintain a record of members who have successfully completed transitional training and qualified with the holster.

**Table 5**

MAKE	MODEL
Safariland®	6365 ALS Level III Duty Holster (to accommodate specific firearm) UBL (finish to match gunbelt)
Thigh / Leg firearms holsters are not authorized for field units, except for Tactical Operations Team (TOT) units (i.e. Entry, Sniper) during a TOT activation.	

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3. The on-duty uniform holster is worn on the gunbelt, the center of the holster positioned 1" to the front of the trouser stripe.
  4. All privately-owned holsters for all firearms, utilized during plainclothes duties, shall be approved by the Rangemaster. Members carrying an optional firearm may, at their own expense, carry a holster approved by the Rangemaster.
  5. All on-/off-duty and secondary firearms (pistols and revolvers) carried on the person shall be concealed from public view and shall be secured in a holster in a manner that accomplishes the following:
    - a. The firearm and holster are retained by a system, other than gravity, that will not cause either to fall to the ground unintentionally; and
    - b. The trigger is protected so as to prevent the member from inadvertent or unintentional contact which may cause a discharge.
- E. Magazine Pouch and Magazines
1. Issue Item: The magazine pouch is a plain, black, polished, leather-like material, designed to accommodate two magazines positioned side by side and aligned horizontally or vertically, and must have chrome or nickel snap closures (no Velcro®). This magazine pouch is authorized for on-duty uniform wear. The magazine pouch is worn on the gunbelt, centered over the front crease of either trouser leg.
  2. Issue Item: The magazine pouch is made of a black plastic designed to accommodate a single magazine and a single handcuff. Privately-owned magazine pouches made of similar materials may be authorized by the Rangemaster. These pouches are authorized for on-duty plainclothes assignments.
  3. Issued Item: Bianchi Accumold, Model 7302 (9mm/.40cal) or Model 7303 (.45 cal) nylon double magazine pouch, black in color. The magazine pouch is a trilaminate molded construction designed to accommodate two magazines positioned side by side and aligned horizontally or vertically and must have a hidden snap closure.
  4. Privately-Owned Item: Bianchi Accumold, Model 7302 or Model 7303 nylon single magazine pouch with a hidden snap closure can be worn in addition to the above issued item.

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5. Privately-Owned Magazine Pouches: Quad and extra capacity magazine pouches are authorized (must conform to Part III.D.1 specifications);
  6. Uniformed or plainclothes officers may carry standard capacity secondary magazines. Privately-owned magazines or speed loaders/speed strips for revolvers shall be approved by the Rangemaster before use on-duty.
  7. Privately-Owned Shotgun / Rifle Spare Ammunition Case (optional)  
  
Members may wear a plain, black, polished leather, nylon web, high impact plastic or metal, and spare ammunition case on the uniform belt that matches other equipment.
- F. Electronic Control Weapon and cartridges (see TB III-H.1, USE OF ELECTRONIC CONTROL WEAPON.)
1. Issue Item: Each officer issued an X26 TASER<sup>®</sup> receives the following equipment:
    - a. The TASER<sup>®</sup> unit;
    - b. Three unspent Air Cartridges
    - c. A Digital Power Magazine (DPM); and
    - d. A Departmentally approved holster.
  2. Privately owned holsters and spare Air Cartridge pouches or holders may be carried on-duty when authorized by the Electronic Control Weapons Coordinator.
  3. Authorized electronic control weapons shall be carried by certified members when assigned to field duties.
  4. Privately-owned cartridges are not authorized for use in Department-issued electronic control weapons.
  5. Supervisors/commanders who are certified, but not assigned to field duties, shall turn in their Department-issued electronic control weapon to the Electronic Control Weapons Coordinator.

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## G. Handcuffs and Keys

1. Issue Item: Peerless<sup>®</sup> Standard 10 oz. tempered steel, nickel or black finish, with connecting links.
2. Privately-owned Peerless<sup>®</sup> or Smith & Wesson<sup>®</sup> handcuffs meeting the above specifications, or Peerless<sup>®</sup> or Smith and Wesson<sup>®</sup> hinged, 10-12 oz. handcuffs are authorized.
3. Privately-owned keys: Members may obtain and use handcuff keys that have extended shanks. The keys must be chrome or black metal, have a double-locking tip, and be no longer than 4".

## H. Handcuff Case

1. Issue Item: The case is plain, black, polished leather with a chrome or nickel-plated snap. It is constructed to permit unhindered insertion and removal of one pair of Peerless<sup>®</sup> or Smith & Wesson<sup>®</sup> handcuffs in the closed position. For the Class "A" uniform, the case is worn on the gunbelt, centered over the hip pocket on the opposite side of the pistol. For all other uniform wear, the handcuff case may be placed anywhere on the gun belt. No more than two handcuff cases may be worn.
2. Issue Item: Bianchi Accumold, Model 7300 nylon handcuff case, black in color. The handcuff case is a trilaminate-molded material with hidden snap. It is constructed to permit unhindered insertion and removal of one pair of Peerless or Smith & Wesson handcuffs in the closed position.
3. Privately-Owned Leather Double Case: Members may wear a double handcuff case in lieu of the issue item described above. The specifications are the same as for the single case except that it has a black leather partition and will accommodate two pairs of handcuffs.
4. Privately-Owned Nylon Web Double Cases: Members may wear the Bianchi Accumold, Model 7317 nylon double handcuff case, black in color, in lieu of the issue item described above. The specifications are the same as prescribed for the single case except it has a black trilaminate partition and will accommodate two pair of handcuffs.
5. Members may obtain a handcuff pouch designed for plainclothes from the Rangemaster.



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6. Uniformed members shall not tuck handcuffs into their gunbelt or carry them in any other manner not specified in this order.
- I. Short Baton (required to be worn in the absence of an expandable baton)
    1. Issue Item: The baton is 12" to 14" long and made of wood shellacked and finished with a darkened stain. If made of plastic, it should be black in color. The baton must weigh 12-16 oz., be properly turned for a secure handgrip, have a diameter of not less than 1-7/16," and may have an optional leather thong securely attached to the grip.
    2. The short baton is carried on the same side as the pistol with the thong inside the baton pocket, if attached. A privately-owned wood baton of similar design and specifications may be substituted for the issued item. If of plastic construction, it must be black in color. No metal attachment, device, and/or inserts may be added to the short baton. Metal short batons are not authorized.
  - J. Long Baton
    1. Issue Item: The long baton is 26" to 29" long and made of high density, close and straight-grained wood shellacked and finished with a darkened stain. It weighs not less than 15 oz. or more than 22 oz. and is a cylinder turned to a diameter of 1-1/4" with both ends rounded. A snug fitting black neoprene rubber grommet is placed on the baton to permit carrying in the baton ring. The grommet is 1-5/8" long with an outside butt end diameter of 1-9/16," tapering evenly to 1-1/4".
    2. Unless otherwise directed, the long baton may be carried at the option of individual members; however, members assigned to the Patrol Division shall have the long baton in their police vehicles while on-duty.
    3. Privately-owned wood batons of similar design and specifications may be substituted for the issue item.
  - K. Baton Strap and Ring
    1. Issue Item: The strap is made of plain, black, top-grain cowhide 3/4" wide, approximately 10-3/4" long, with a loop at one end approximately 3-11/16" long. A chrome or nickel-plated steel ring 1/4" thick with a 1-1/2" inside diameter is permanently riveted inside the strap loop.

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2. Issue Item: Bianchi Accumold, Model 6404 nylon baton ring, black in color. The baton strap is constructed of a nylon material 1" wide and 3-1/4" long. The baton ring is injection molded 1/4" thick with a 1-1/2" inside diameter attached to the strap loop.
3. Even if the long baton is not carried, the baton strap and ring must be worn whenever the gun belt is worn. The ring shall be worn on the gunbelt on the side opposite the pistol.

L. Expandable Batons (optional)

Privately-owned Armament Systems and Procedures, Inc. (ASP®), F21B or F26B friction lock expandable batons with a closed length of 7.75" or 9.5" and an expanded length of 21" or 26" respectively are authorized for on-duty uniformed or plainclothes wear. Batons shall be finished in black chrome and shall have a black foamed vinyl grip.

1. A privately-owned ASP® Expandable Baton and Holster is authorized and shall be worn in the absence of a short baton.
2. Members shall successfully complete a Department training program before on-duty use of the expandable baton.

M. Expandable Baton Holders (optional-unless carrying an expandable baton)

1. Uniformed Members

Privately-owned ASP SideBreak® holder constructed of black, high-gloss, injection-molded plastic with permanently attached belt loop is authorized for on-duty uniformed or plainclothes wear. The holder shall have a retention shoe and shall retain the baton in retracted or expanded configuration.

2. Plainclothes Members

ASP BackPocket® holder constructed of black nylon webbing with a Velcro® snap closure.

3. No modifications are permitted.

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N. Duty Aerosol Oleoresin Capsicum (OC) and Holster

1. Issue Item:
  - a. Small - Defense Technology (DefTec), Mk VI OC Projector, Part No. 5069, .68 oz.; or
  - b. Large - Defense Technology (DefTec), Mk IV OC Projector, Part No. 5049, 3 oz.
2. The OC holster is worn anywhere on the gun belt:
  - a. Bianchi Accumold, Model 7307 (MK-6 OC canister) or the Model 7307S (MK-4 OC canister), nylon chemical agent carrier, black in color. The chemical agent carrier is constructed of a trilaminate-molded material with hidden snap.
  - b. Plainclothes option: Plainclothes members who opt to carry the canister need not carry it in a holster.
3. Employees who have completed a Department approved training course may carry the Department issued canister and holster on the equipment belt while on-duty.

O. Key Strap and Ring

Issue Item: The strap is made of plain, black, polished leather that matches the gunbelt. The strap is approximately 3/4" wide by 4-1/2" long with a chrome or nickel plated snap and a 1-1/2" chrome-plated, metal key ring.

1. Class "A" Uniform

The whistle, call box key, and handcuff key shall be carried on the ring and secured in the key strap. The key strap and ring shall be worn on the same side as the pistol in line with the front crease of the trousers.

2. Class "B" Uniform (Basic)

The call box key and whistle may be carried on the key ring or in the pants pockets. The handcuff key shall be carried on the key ring. The strap may be worn as described above or on the back of the belt so that the key ring can be inserted in a rear pocket.

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P. Call Box Key - Department issue.

Q. Whistle

Issue Item: The whistle is a nickel-plated American Classic<sup>®</sup> or similar type with a 1/2" wide mouthpiece and a removable metal key ring 5/8" in diameter.

R. Protective Vest and Carrier

1. Issue Item: Each vest shall meet the minimum body armor standard Level IIIA<sup>3</sup>.

Exceptions from this standard may be necessary to accommodate instances of concealment or individual physical characteristics. In these cases, vests shall meet a minimum body armor standard of Level II<sup>4</sup>.

2. Privately-Owned Item: The Rangemaster must approve privately-owned protective vests worn on-duty.

3. Regulations Regarding Protective Vests

a. Uniformed members shall wear protective vests whenever they are:

- 1) Assigned to field duties; or
- 2) Assigned to duties which involve the likelihood of a violent confrontation.

b. Plainclothes members shall wear a protective vest whenever they are assigned to duties that involve the likelihood of a violent confrontation.

c. Unit commanders have the authority to approve optional wearing of protective vests when unique duty assignment conditions exist and the likelihood of a violent confrontation is minimal.

<sup>3</sup> As specified in the National Institute of Justice (NIJ) Standard - 0101.06

<sup>4</sup> Ibid

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- d. Members working inside the Police Administration Building or any other police or City facility are not required to wear the protective vests unless there is a likelihood of a violent confrontation.
- e. Members assigned to the front desk of any police facility shall wear a protective vest.

S. Riot Helmet with Face Shield and Chemical Protective Mask

Issue Item: A riot helmet with face shield and a chemical protective mask are issued to and maintained by each member for use when needed. All helmets shall be clearly marked with the member's serial number on both sides of the riot helmet. Members of the rank of sergeant or higher shall have their respective rank insignia on the back of their riot helmet.

Privately-Owned Item: A ballistic helmet with face shield may be substituted for a Department-issued riot helmet. The ballistic helmet shall be approved by the Rangemaster. Privately-owned ballistic helmets shall be black in color and clearly marked with the member's serial number and rank insignia as specified above.

T. Flashlight

- 1. Privately-Owned Item: Members may carry any privately-owned black plastic or metal rechargeable or battery-operated flashlight which is not more than 13.2" long with a body diameter not more than 1-5/8" in diameter and not exceeding 1.7 pounds. No modification of the personally owned flashlight is permitted. The flashlight may be carried in either a black leather or nylon web holder attached to the gunbelt.

U. Knife, Multi-Tool and Holster (optional)

- 1. Privately-Owned Knife: Members may carry a folding blade knife, the blade of which shall be less than 4" in length. The knife shall not be a switchblade or butterfly knife as defined by Penal Code Section 653k or any of the prohibited knives defined in Penal Code Section 12020. The knife may be concealed on the person. If the knife is carried on the belt, it must be in a plain black leather, flap-covered holster with chrome plated snaps or flap covered nylon web holster.
- 2. Privately-Owned Multi-Tool: Members may carry a folding multi-tool. Members may choose a multi-tool that meets their individual needs, however the knife blade shall be less than 4" in length.

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The knife shall not be a switchblade or butterfly knife as defined by Penal Code Section 653k or any of the prohibited knives defined in Penal Code Section 12020. The multi-tool may be concealed on the person. If the multi-tool is carried on the belt, it must be in a plain black leather, flap-covered holster with chrome plated snaps or flap covered nylon web holster.

## V.      AIDS/CPR Mask

Issue Item: Resuscitation Mask consists of a mask and an airway, which allows CPR to be administered safely and without putting the officer at risk from contamination by infections, gases, and liquids. New units will be issued as replacements. Uniformed members in the field shall have the mask available while on-duty.

## W.      Helicopter Pilot Helmet

Issue Item: Gentex<sup>®</sup> SPH-5. The helmet has a composite shell made from graphite and ballistic nylon, lightweight impact-absorbing earcups, and a chinstrap. Members shall wear the helmet whenever they are airborne in the helicopter unless specifically exempted by the Commander of the Special Operations Section (i.e. training exercises.)

## X.      Bicycle Helmet

Issue Item: Black helmet is GIRO<sup>®</sup> (Hammerhead) or similar type approved by ANSI, SNELL, or ASTM. Helmets shall have reflective police decals on both sides of the outer shell. Members shall wear the helmet when riding the bicycle on-duty.

## Y.      Motorcycle Safety Helmet - Regulations

1.      Officers shall wear helmets while they are riding motorcycles. In addition, helmets shall be worn by motorcycle officers who are:
  - a.      Engaged in any police task during daylight hours when weather conditions permit reasonably comfortable wear for an extended period; or
  - b.      Engaged in any ceremonial event, including funerals, regardless of the time of day.
2.      When not on the motorcycle, officers may remove their helmets and substitute an approved utility cap during daylight hours when:

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- a. Weather conditions make continuous wearing of the helmet uncomfortable and inappropriate.
- b. The officers are assigned to traffic posts, investigating accidents, or engaged in other activities that remove them from their vehicles for an extended period of time.

**Z. Motorcycle Safety Helmet (Traffic/Dual Purpose) - Description**

1. The black and white helmet is Shoei® Model TJ-201V. It has a hard, scratch-resistant outer finish, a fiberglass shell with forehead intake vents, expanded polystyrene liner, removable liner cover, and a black visor. The black visor is attached with silver buttons and a silver band for police officers and gold buttons and gold band for command officers.
2. The helmet has a cap shield style decal on the front, centered above the visor. Rank insignia is applied to each side of the helmet as appropriate.

**AA. Motorcycle Safety Boots - Description**

Boots are black leather, plain-toe, English-type riding boots at least 14" tall.

**IV. EQUIPMENT****A. Members - Required Safety Equipment**

The following items of issued safety equipment shall be maintained in clean working condition and carried by all uniformed members when assigned to field duties:

1. Firearm;
2. Ammunition;
3. Baton Strap and Ring;
4. Flashlight;
5. Fully Loaded Magazines;
6. Gunbelt;
7. Handcuff(s) and Case;



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8. Handcuff Key;
  9. Firearm Holster;
  10. Key Strap and Ring;
  11. Magazine Pouch;
  12. Duty Aerosol OC Canister and Holster;
  13. Protective Vest and Cover;
  14. Short Baton (unless optional Asp is carried); and
  15. Whistle.
- B. Uniformed Members - Carrying the following issued items is optional unless otherwise directed:
1. Long Baton;
  2. Callbox Key;
  3. Gas Mask; and
  4. AIDS/CPR Mask.
- C. Basic Issue - Police Cadets
- Police Cadets shall be issued the leather equipment belt including handcuffs and case, key strap and ring with box key, handcuff key, and whistle.
- D. All members, except Police Officer Trainees, may elect to use privately-owned equipment approved in this order.
- E. Members assigned to plainclothes<sup>5</sup> duty or uniformed members not assigned to field duty shall wear or carry the following items when outside a police facility:
1. Electronic Key Card;
  2. Flashlight (as needed);

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<sup>5</sup> Undercover assignments are excluded, as necessary. Members working covert assignments shall wear or carry equipment, approved by the member's supervisor, appropriate to the circumstances of their assignment.

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3. Fully-Loaded Semi-Automatic Pistol;
  4. Handcuffs and Handcuff Key;
  5. Identification Card; and
  6. One Additional Fully-Loaded Magazine.
- F. Additional authorized equipment appropriate to an assignment shall be worn or carried, as permitted or required by the member's unit commander.

**V. MAINTENANCE OF DEPARTMENT-ISSUED PISTOLS****A. Member Responsibilities**

1. Members may at any time submit their Department-issued pistols to the Rangemaster for inspection or repair. Members shall not have repair work done elsewhere or attempt to repair Department-issued pistols themselves.
2. Whenever a Department-issued pistol is turned in for inspection or repair, the member submitting the firearm shall unload the firearm completely at a designated location (i.e., Range, sand barrel) and open the action, rendering it safe before relinquishing possession.

All magazines shall be unloaded. If, for any reason, the firearm is not able to be completely unloaded, the member shall so notify the Rangemaster accepting the firearm. The member shall retain all of the ammunition unless it has expired (i.e., six months has passed since it was issued).

3. Members may obtain an authorized replacement pistol from the Property and Evidence Unit (PEU) for use during their shift. The replacement pistol shall be returned to the PEU after the member's tour of duty. In the event the PEU is closed, contact a Rangemaster or range staff for temporary use of a pistol during the shift or service period.
4. Members shall record the serial number of the weapon they turn in and the replacement pistol, if any, on an Equipment Control Card, which the Training Section shall retain.
5. When the service is completed, the member shall reclaim the pistol from the Rangemaster and turn in the replacement pistol, if any.

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6. Members shall clean and lubricate their duty firearms at the factory recommended intervals or as needed to maintain the firearm in an optimum working condition.

**B. Rangemaster Responsibilities**

1. The Rangemaster shall maintain a permanent record of any modifications of Department-issued or privately-owned firearms.
2. Whenever a Department-issued pistol is turned in for inspection or repair, a Rangemaster shall ensure that the member completes an Equipment Control Card showing the following:
  - a. Member's name and serial number.
  - b. Date the pistol is turned in.
  - c. Description and serial number of the weapon turned in.
  - d. Description and serial number of replacement pistol, if any.
  - e. Any problem with the pistol shall be described on the back of the card or described to the Rangemaster in person.
3. The Rangemaster shall secure all firearms submitted for service in the designated rack and attach the corresponding Equipment Control Card. When service is completed, mark the Equipment Control Card indicating that the work is complete and return the weapon to the designated rack in the Range armory.
4. The Rangemaster shall inspect and perform routine maintenance on Department-issued firearms during qualifications or upon request.

**VI. REPLACEMENT OF DEPARTMENT-ISSUED SAFETY EQUIPMENT**

- A. The life expectancy of each new piece of safety equipment is set forth below. When the normal life expectancy of a piece of Department-issued safety equipment is reached, replacement shall be considered.

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25 Years	10 Years	5 Years	4 Years
Long & Short Baton	Pistol	Flashlight	CPR Mask *
	Holster	Whistle	Handcuffs and Key
20 Years	Gun Belt	Protective Vest/Cover	
Shotgun	Handcuff Case	Bicycle Helmet	
	Magazine Pouch	Electronic Weapon	6 Months
12 Years	Gas Mask	Motorcycle Helmet	Ammunition *
Patrol Rifle	Riot Helmet		Per Date on Can
	Helicopter Helmet		OC *†

\* Replace when used or expended

† Replacement as specified in DGO C-8, OLEORESIN CAPSICUM.

- B. Members shall present all Department-issued and privately-owned safety equipment carried on-duty to the Rangemaster or designee during annual Firearms Qualification for inspection to ensure conformity to Department regulations and serviceability. The Rangemaster shall maintain a record of safety equipment not conforming to regulations or serviceability standards as a result of the inspection.
- C. When a Department-issued item attains its normal life expectancy prior to the member's next annual Firearms Qualification, the member shall present it to the Rangemaster, who shall evaluate it and decide whether it should be replaced.
- D. If a Department-issued item wears out before the end of its normal life expectancy, the member shall submit it to the Rangemaster for inspection and replacement.

**VII. DAMAGED, LOST, OR STOLEN SAFETY EQUIPMENT****A. Privately-Owned Equipment**

1. Personnel may report damage to authorized privately-owned equipment in accordance with the provisions of DGO C-2, UNIFORM AND EQUIPMENT DAMAGE CLAIM.

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2. If the damage occurred in the performance of duty and did not result from carelessness or neglect, reimbursement for repair costs may be made pursuant to DGO C-2, UNIFORM AND EQUIPMENT DAMAGE CLAIM.

## B. Department-issued equipment

1. Personnel shall report damage, loss, or theft of Department-issued equipment in accordance with the provisions of DGO N-5, LOST, STOLEN, DAMAGED CITY PROPERTY.
2. If the Chief of Police determines that the damage or loss resulted from the member or employee's carelessness or neglect, the member or employee may be held financially responsible for the cost of repairing or replacing the item.
3. If it is determined that the damage or loss was not caused by carelessness or neglect, the Training Section Commander shall have the item repaired or destroyed, as appropriate, and shall issue replacement equipment to the member or employee without penalty.
4. Temporary replacement items may be obtained from the Rangemaster.

By order of

Sean Whent  
Interim Chief of PoliceDate Signed: 4-23-14

CITY OF OAKLAND

Memorandum

TO: Training Division  
ATTN: Lieutenant F. Shavies  
FROM: Range Staff  
DATE: 3 DEC 18

RE: 2018 Weapon Audit

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**SUMMARY**

The Range Staff was directed to conduct an audit of the Department's firearms for 2018. This was conducted by directing all units in the department to conduct their own audits and report the results to the range staff. That information was then compared to range records.

The results of the audit are as follows:

**BFO-PAB:**

All of the weapons assigned to this unit are accounted for.

**BFO-EASTMONT:**

All of the weapons assigned to this unit are accounted for.

**SOD:**

All of the weapons assigned to this unit are accounted for.

**RANGE:**

All of the weapons assigned to this unit are accounted for.

**PATROL RIFLE PROGRAM:**

All of the weapons assigned to this unit are accounted for.

**UNACCOUNTED FOR WEAPONS:**

**Ser# A341988M**

Shotgun has been entered into AFS and report has been completed.

**RECOVERED WEAPONS:**

5 Remington Shotguns that have been previously reported lost/stolen have been located.

**Ser# AB082008M**

**Ser# AB082047M**

**Ser# AB082513M**

**Ser# AB428421M**

**Ser# D234121M**

Respectfully submitted,

Ofc S. Olthoff 8246  
Oakland Police Dept.  
Training Division  
Range Staff  
(510) 238-3261





DEPARTMENTAL  
GENERAL  
ORDER

Effective Date:  
6 Oct 08

K-6

Evaluation Coordinator:  
Patrol Rifle Program Coordinator

Index as:

Evaluation Due Date:  
6 Apr 09

Patrol Rifle Program

Automatic Revision Cycle:  
3 Years

### PATROL RIFLE PROGRAM

The purpose of this order is to set forth Department policy and procedures regarding the Patrol Rifle Program (PRP), to regulate the use of the Department's patrol rifle, establish selection and certification procedures, and establish training protocols.

Recognizing that officers are not normally equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue police pistols and shotguns, the PRP has been implemented to address such threats and enhance police officer and public safety.

#### I. DEFINITIONS

##### A. Patrol Rifle

1. The Departmental patrol rifle shall be an AR-15 Semi-Automatic Carbine, utilizing .223 caliber/5.56 mm ammunition.<sup>1</sup>
2. Modifications to the patrol rifle are not authorized unless approved by the Patrol Rifle Program Coordinator and shall only be completed by a Department certified AR-15 armorer.

##### B. Patrol Rifle Officer (PRO)

A police officer shall be designated as a certified PRO when he/she has:

1. Successfully completed the selection and training process described in this order;

<sup>1</sup> Entry and Sniper Team members utilizing Department issued or privately owned AR-15 carbines are not subject to this order.

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2.      Been issued a patrol rifle; and
  3.      Is current on all training and qualification standards set by the Patrol Rifle Program Coordinator.
- C.      Patrol Rifle Program Coordinator (PRPC)

A member selected by the Bureau of Field Operations (BFO) Deputy Chief to coordinate and oversee the Patrol Rifle Program.

## **II.      POLICY**

- A.      Only members certified as PROs shall be authorized to deploy Departmental patrol rifles.
- B.      Discharge of the patrol rifle shall be in accordance with the provisions of Departmental General Order K-3, USE OF FORCE.
- C.      Discharge of the patrol rifle shall be reported in accordance with the provisions of Departmental General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE.
- D.      To ensure that members of the PRP maintain skill levels required by the Department, PRP members shall successfully complete an initial Departmental training course and additional training as determined by the PRPC.

## **III.     ORGANIZATION**

The PRP is designed to regulate the use of the patrol rifle, train PROs, and provide the Department with an additional tool to enhance officer and public safety. The PRP is not an organizational unit. PRP members are primarily assigned to the Patrol Division to ensure appropriate coverage of the City and shall report to their assigned supervisors within their normal chain-of-command.

## **IV.     RESPONSIBILITIES OF THE PRPC AND RANGE MASTER**

- A.      The PRPC shall report directly to the BFO Deputy Chief regarding all matters concerning the Patrol Rifle Program. The PRPC shall have the following responsibilities:
  1.      Coordinate the selection process of all PROs;

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2. Coordinate all PRO training; and
  3. Distribute and maintain Patrol Rifle Logs.
- B. The Range Master shall ensure the following provisions are met:
1. Issue and recover patrol rifles as necessary, and document the required information on a Departmental Equipment Control Card (TF 536-804).
  2. Ensure maintenance of the patrol rifle, beyond operator level maintenance and cleaning, is performed by a certified Department AR-15 armorer.
  3. Maintain replacement parts for the patrol rifle.

**V. PATROL RIFLE PROGRAM COORDINATOR SELECTION**

The PRPC shall be a member selected by the BFO Deputy Chief who meets the following criteria:

- A. Has successfully completed a POST certified Firearm Instructor School.
- B. Has successfully completed a manufacturer's or equivalent AR-15 armorer course.
- C. Meets the criteria established in Part VI, D of this order.

**VI. PATROL RIFLE OFFICER SELECTION**

- A. Officers requesting assignment as a PRO shall submit a memorandum through channels to the PRPC.
- B. The PRPC shall maintain submitted requests for use in the selection process.
- C. Responsibilities of requesting officer's supervisor:
  1. Supervisors reviewing PRO assignment request memoranda shall endorse the request based on the criteria set forth in Part VI, D of this order.

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2. Supervisors shall submit the memorandum for review and endorsement through the chain-of-command to the PRPC.
- D. All prospective PRO candidates shall meet the following minimum qualification criteria:
1. Full-time member (non-probationary), in a field-based uniformed assignment (excluding Canine Officers and Police Evidence Technicians), with a minimum of one (1) year of patrol duty experience, unless specifically exempted from this requirement by the BFO Deputy Chief;
  2. Exhibit the ability to work independently and with minimal supervision;
  3. Exhibit the ability to maintain a calm, professional demeanor while making sound decisions during stressful situations;
  4. Exhibit the ability to communicate professionally with the public;
  5. Exhibit an ability to render effective testimony in court; and
  6. Exhibit proficiency in report writing.
- E. All candidates meeting the criteria in Part VI, D, shall participate in the remaining selection process.
- F. The selection process for all PROs shall include:
1. Selection Panel
- The PRPC shall convene an oral board selection panel to personally interview each candidate. The interview shall address Departmental policies, tactics, and the candidate's motivation and judgment in hypothetical situations.

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## 2.      Physical Agility Test

The physical agility test consists of a series of events designed to test strength, agility, and endurance and must be successfully completed within a specified time. Criteria for successfully passing the test shall be determined by the PRPC.

## 3.      Rifle Marksmanship Test

Candidates must demonstrate accuracy in shooting the patrol rifle. Criteria for successfully passing the test shall be determined by the PRPC.

## 4.      Departmental Work History Evaluation (Matrix) prepared by the PRPC. The candidate shall be evaluated on the following criteria:

- a.      Performance Appraisals;
- b.      IAD complaints and sustained findings;
- c.      Preventable vehicle collisions;
- d.      Sick and injury record;
- e.      Documented use of force;
- f.      Disciplinary history;
- g.      Patrol duty experience; and
- h.      LRMS review.

## 5.      Other

Additional relevant information may also be considered (e.g., letters of appreciation, training, self-improvement, military experience, and firearm-related experience).

## G.      The PRPC shall prepare a list of candidates based on the following:

1.      Overall evaluation of "Pass."
2.      Ranking based on selection process scores.
3.      The Department's operational needs for PROs, based on patrol rifle availability, and geographic and temporal coverage throughout the City. Priority shall be given to PRO assignments in the Patrol Division.

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- H. The PRPC shall forward the list of candidates through channels to the Chief of Police who shall select which candidates attend the Departmental Patrol Rifle School.
- I. Officers who successfully complete the Patrol Rifle School and are issued a patrol rifle shall be certified as PROs.

**VII. PATROL RIFLE OFFICER ASSIGNMENT**

- A. The BFO Deputy Chief shall select which officers who have successfully completed the Departmental Patrol Rifle School are issued a patrol rifle based on Departmental needs.
- B. PROs assigned to the Patrol Division shall not select their Patrol Division assignments based on their PRO status.

**VIII. DEPLOYMENT**

The purpose of deploying the patrol rifle is to enhance officer and public safety.

- A. The following factors shall be considered prior to deploying the patrol rifle:
  - 1. A patrol rifle deployment provides a distinct tactical advantage for officers;
  - 2. The subject is known to possess or is suspected of possessing a deadly weapon or firearm;
  - 3. The subject is beyond the effective range of Departmental pistols or shotguns; or
  - 4. The subject is known to wear or is suspected of wearing body armor.
- B. When a PRO deploys the patrol rifle, the officer shall, as soon as practical, advise the Communications Division. Upon deployment, if applicable and practical, the PRO shall advise the Communications Division of tactical considerations to include:
  - 1. Safest route of approach;

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2. Location of the PRO;
  3. Location and description of the suspect; and
  4. Containment, and crossfire concerns.
- C. PROs shall not be deployed as a substitute for the Department Tactical Operations Team.<sup>2</sup>
- F. When a PRO is directed to deploy his/her rifle in an inappropriate circumstance, he/she shall advise the directing supervisor/commander prior to deploying the rifle.
- G. Patrol rifles shall be used to dispatch a wounded or dangerous animal only when a Departmental pistol is inappropriate.
- H. Patrol rifles shall only be discharged during actual duty deployment or at an authorized firearms range.

**IX. PATROL RIFLE LOG**

- A. A PRO who deploys a patrol rifle shall document the incident in the Patrol Rifle Log (TF-3118) assigned to that rifle.
- B. Each PRO shall submit his/her Patrol Rifle Log to the PRPC on a quarterly basis.
- C. The PRPC shall review Patrol Rifle Logs on a quarterly basis, and prepare and forward a quarterly report summarizing patrol rifle deployments documented in the logs to the BFO Deputy Chief.

**X. STORAGE/SECURITY**

- A. When on-duty, PROs shall store their patrol rifles in one (1) of two (2) conditions:
1. Rendered safe inside an approved hard gun case in the locked trunk of their assigned police vehicles; or

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<sup>2</sup> Refer to Departmental General Order K-5, TACTICAL OPERATIONS TEAM for Departmental policy and procedures.



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2. Locked in a designated rifle rack of a police vehicle in the following condition:
  - a. Weapon safety placed on "SAFE."
  - b. Bolt group closed/forward on an empty chamber.
  - c. Loaded magazine fully inserted in the magazine well.
- B. At the end of the PRO's shift, the patrol rifle shall be stored in a secure location with restricted access (e.g., locker, secured cabinet).
- C. PROs may take their patrol rifles home at the end of their shift, but only if they are secured at their residence.
- D. Patrol rifles shall not be stored in a privately-owned vehicle except when traveling between work and home, or to and from training.

#### **XI. TRAINING AND QUALIFICATIONS**

- A. PROs shall attend quarterly training and undergo physical fitness and shooting proficiency evaluations (qualifications).
- B. The PRPC shall document and maintain training and qualification records for all PROs.

#### **XII. DECERTIFICATION OF PATROL RIFLE OFFICERS**

- A. Removal from the program shall occur automatically when a member is promoted to a rank other than Police Officer or is permanently transferred to a non-field based assignment.
- B. A PRO may voluntarily resign from the program by submitting a memorandum through channels to the PRPC. The PRPC shall notify the BFO Deputy Chief of a PRO resignation.
- C. The PRPC may decertify a PRO for any of the following reasons:
  1. Substandard performance;
  2. Failure to successfully complete required training;
  3. Failure to progress in training;

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4. Any documented willful and deliberate mistreatment, neglect or improper use of the patrol rifle;
  5. Failure to satisfactorily complete a physical fitness or shooting proficiency evaluation and subsequent remediation;
  6. Exhibiting a pattern of unsafe tactics during actual patrol rifle deployments; or
  7. Failure to comply with the provisions of this order.
- D. Within 72 hours of a PRO's decertification, the PRPC shall submit a memorandum documenting the circumstances which led to the decertification to the BFO Deputy Chief, the decertified PRO's immediate supervisor, Shift Commander, and Area Commander.
- E. The PRPC shall consult with the BFO Deputy Chief to determine if remedial training would rectify the problem(s) or if the PRO is to be immediately removed from the program.
- F. Any PRO removed from the program shall immediately surrender his/her patrol rifle to the Range Master.
- G. Remedial Training
1. In the event remedial training is prescribed, the PRPC shall schedule the appropriate training with the subject PRO.
  2. The PRPC shall notify the BFO Deputy Chief of the satisfactory completion of the remedial training with a recommendation for recertification.
  3. Upon positive endorsement from the BFO Deputy Chief, the PRPC shall notify the subject PRO and his/her immediate supervisor of the recertification
  4. If remedial training has not been satisfactorily completed, the PRPC shall forward a memorandum through channels to the BFO Deputy Chief detailing the remedial training provided and the PRO's failure to satisfactorily complete the training, and shall recommend the removal of the PRO from the program.

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- 5.      Upon the negative endorsement from the BFO Deputy Chief, the PRPC shall notify the subject PRO and his/her immediate supervisor of the removal from the program.
  
- H.      A PRO who is decertified for unacceptable performance or conduct shall have the right to appeal that action in the same manner and within the same time frames as a member may appeal a Performance Appraisal Report within the Department, with the final determination made by the Chief of Police.

By Order of

Wayne G. Tucker  
Chief of Police

Date Signed: \_\_\_\_\_



CITY OF OAKLAND

## AGENDA REPORT

**TO:** Police Commission

**FROM:** Virginia Gleason  
Deputy Director

**SUBJECT:** Informational Report:  
Background and Recruiting

**DATE:** October 7, 2019

### Overview of Recent Recruiting Efforts:

In the past six months OPD has implemented a variety of recruiting tools and methods to attract candidates from the greater Oakland area. Recent recruiting initiatives include: Text option for OPD Job Information using "Interview Now", BART Advertising – West Oakland, Fruitvale, MacArthur and Lake Merritt stations, Clear Channel billboards in Oakland, and attendance at local events. Creating a variety of modes to get information out, apply and test should bring us a locally focused and diverse candidate pool.

### Text contact for OPD Job Information:

Mobile Campaign



Interview Now is an artificial intelligence (AI) recruitment technology company. Interview Now uses conversational AI and automation via text message to make it easier for job seekers to apply. It also measures return on investment from advertisements and referrals. These metrics help us prioritize and gauge effectiveness of recruitment efforts. The text dialogue is fully customizable and personalized to each candidate that interacts with the system.

Interview Now's handoff product connects candidates to the OPD recruitment team. Referred candidates will receive a personal contact from a member of the background and recruiting team. The tool also provides self-serve resource documents for oral, written, and physical tests, with the option to speak to a recruiter. This system reduces repetitive calls from potential officer trainees and schedules callbacks with candidates that need special attention.

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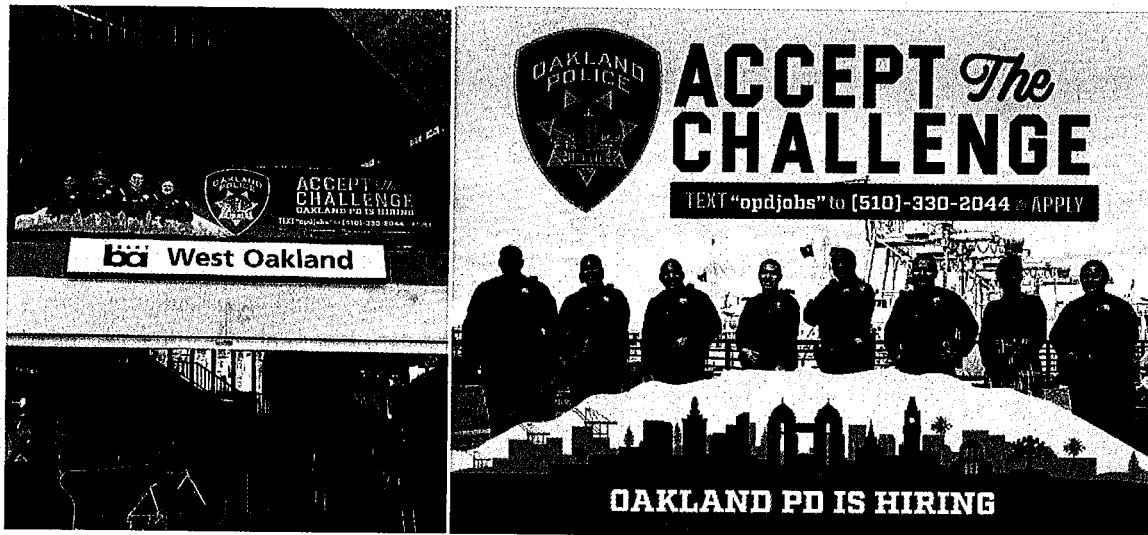
Oakland Police Commission  
Subject: Background and Recruiting  
Date: October 7, 2019

Interview Now also has dashboard that makes it easy to add notes and statuses for each candidate for easy organization and management. The dashboard makes filtering candidates through custom statuses, writing notes, assigning tasks, and communicating easy. Communication will include one-to-one phone calls, one-to-one SMS communication, and one-to-many SMS communication. Candidates that do not come through the Interview Now portal get added manually to the system so they can benefit from the modern communication options.

Interview Now also provides a base level of analytics to understand acquisition cost and referral data. In addition, Interview Now compiles custom reports to analyze data captured from the customized texting dialogue.

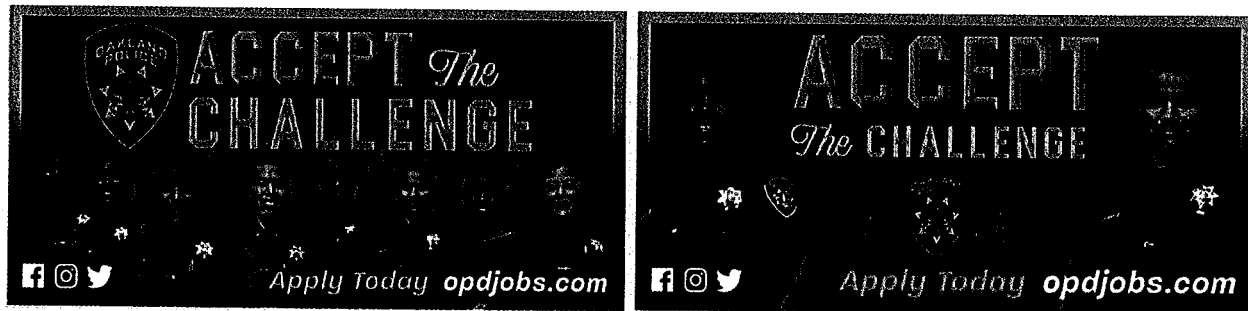
**Bay Area Rapid Transit (BART) Campaign:**

R&B partnered with BART and OutFront Media to advertise with a heavy presence in four Oakland BART stations (Lake Merritt, Fruitvale, Macarthur, and West Oakland). In addition, R&B will have ads within 100 BART cars through their transit lines along with a mobile proximate plan.



**Billboards in Oakland:**

R&B also partnered with Oakland base company Clear Channel to deploy billboards all across the seven council districts in Oakland to advertise and recruit Oaklanders.



**Upcoming Recruiting Plans:**

The Recruiting Unit plans to deploy a women recruitment campaign in fall of 2019 that lasts until June 2020 via AC Transit. The campaign will focus on visual representations of female Officers within OPD in various assignments and responsibilities. The message will show the wide variety of opportunities and assignments that OPD offers to everyone. There will be a heavy advertising presence in the following counties:

1. Alameda
2. Contra Costa
3. San Joaquin
4. Sacramento

We will continue the women’s recruitment campaign via billboards along with additional advertising in the City of Oakland and San Joaquin County.

We are continuing our Oakland focus. We plan to have a billboard in each Council district that includes a photo of that district’s Council Member (CM) and a beat officer who serves that area. The billboards will contain the motto “Accept the Challenge.”

We are also exploring the options to use WebChat, text reminders for exams and recruiting events, and two-way text communication. Text reminders for exams and recruiting events will help increase the show rate for important events. Two-way texting will speed up communication between the recruiting team and potential officers.

The Recruiting and Background team will continue to have a present at local events.



**Most recent Police Officer Trainee Class:**

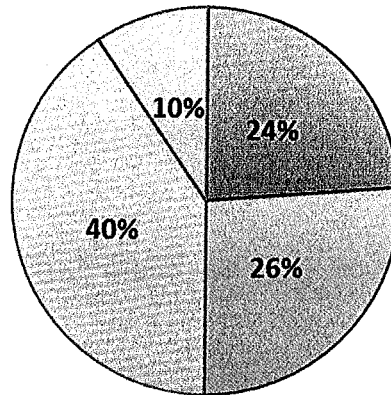
On August 26, 2019, OPD welcomed the 183<sup>rd</sup> academy class. The class consisted of 42 OPD recruits, 2 BART Police recruits and 1 City of Fremont Police Recruit. The breakdown of the 42 OPD recruits:

- |                    |          |            |          |
|--------------------|----------|------------|----------|
| • Male             | 36 (86%) | • Asian    | 11 (25%) |
| • Female           | 6 (14%)  | • Hispanic | 17 (40%) |
| • African American | 10 (24%) | • White    | 4 (10%)  |

Item: \_\_\_\_\_  
Public Safety Committee  
October 10, 2019

- Ages: 22 - 45
- Foreign languages spoken:
  - Spanish
  - Mandarin
  - Cantonese
  - Russian
  - Vietnamese
  - Farsi
  - Mien
  - Tigrinya
  - Hindi/Punjabi/Urdu

**183 Academy Demographics**



■ African American   ■ Asian   ■ Hispanic   ■ White

The process from recruiting, testing, background and hiring is very long. We are seeing the very beginning of positive results from the recent recruiting efforts. However, many of the candidates from the recent campaigns are still in process. We should have a better feel for which processes have the most success in the upcoming months. The one thing we do know for certain is that the key to a robust and diverse applicant pool relies heavily on current technology and social media outreach

**Background Screening Processes and Regulations:**

For Officer and Dispatcher positions, California Code of Regulations Sec. 1950 and California POST (Peace Officer Standards and Training) set forth Peace Officer Selection Requirements. (Attachment A) These regulations prescribe the background standards and processes that must be followed by all California Law Enforcement Agencies in hiring and conducting background investigations on officers and dispatchers. The processes include all phases of the background investigation including personal history, psychological and medical evaluations. POST publishes a comprehensive manual with processes, forms and guidance for applying the selection standards.<sup>1</sup> POST audits agencies to ensure they are following these regulations. In 2019 OPD successfully passed the POST background audit.

The Recruiting and Background unit has written procedures outlining OPD processes for administering backgrounds in accordance with POST standards. The background process starts when OPD is given a certified list from the City's Human Resource Management Division of

<sup>1</sup> <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>



applicants who have passed the written examination, the oral examination and the Physical Test Battery. Each of these applicants fills out a comprehensive Personal History Statement (PHS) and meets with a member of the OPD background staff. All candidates who pass the screening exams, these minimum requirements and complete a the PHS are assigned to a background investigator for processing.

OPD has intentionally set the initial bar to get into the background process relatively low<sup>2</sup>. The OPD philosophy is to evaluate each candidate individually using a "whole person standard." This process takes more effort and investigation than other processes that primarily "screen out" candidates. Troubling or risky behaviors are considered in the context of a candidate's entire life, including lessons and personal growth learned from mistakes. In addition, the background unit is learning from academic materials to help evaluate age-related decision making based on the maturation of the adolescent brain into young adulthood.

Each candidate is evaluated against the POST dimensions. Initially, applicants are screened for automatic disqualifiers. The only OPD automatic disqualifiers for employment are the statutory requirements: no felony convictions, at least a GED, age 20.5, US Citizenship or permanent resident alien eligible for employment and has applied for citizenship. POST requires agencies to screen candidates for "good moral character." POST gives the following guidelines for evaluating character:

California POST Background Investigation Dimensions:

1. Moral Character
  - a. Integrity
  - b. Impulse Control/Attention to Safety
  - c. Substance Abuse and Other Risk-Taking Behavior
2. Handling Stress and Adversity
  - a. Stress Tolerance
  - b. Confronting and Overcoming Problems, Obstacles and Adversity
3. Work Habits
  - a. Conscientiousness
4. Interactions with Others
  - a. Interpersonal Skills
5. Intellectually-Based Abilities
  - a. Decision-Making and Judgment
  - b. Learning Ability
  - c. Communication Skills

A more detailed description of these standards is included as Attachment B.

**OPD Background and Recruiting Unit:**

The background and recruiting unit is within the Bureau of Services. The Unit is commanded by Lieutenant Wilson Lau and includes the following personnel:

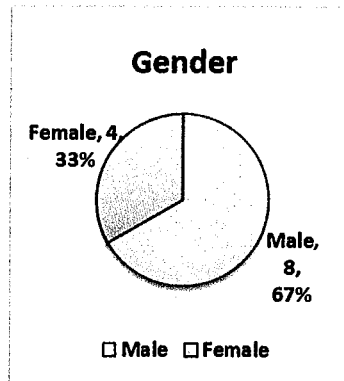
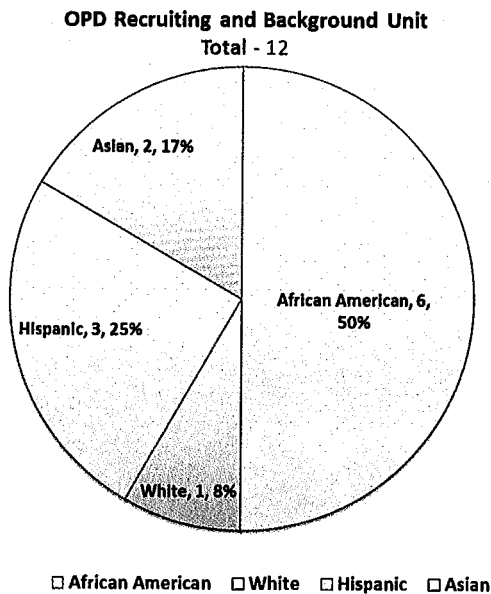
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<sup>2</sup> Many of our neighboring agencies have higher initial qualification standards. Although this streamlines the background process, OPD believes that viable candidates that could make quality employees are lost in the initial screening without taking into consideration compensating factors. For example, San Jose PD requires 40 semester or 60 quarter hours of college credit or four years of active duty military an a minimum requirement to apply.

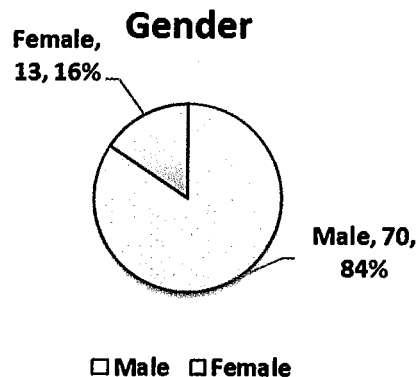
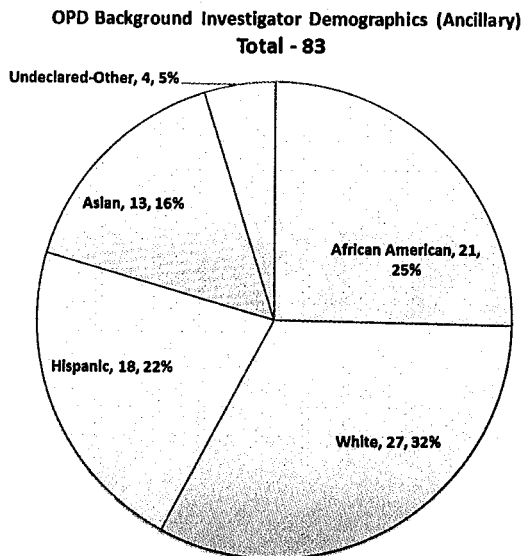
- 1 Lieutenant
- 1 Sergeant
- 8 Officers
- 1 Administrative Analyst
- 1 Police Records Specialist

In addition to these full-time employees, 83 OPD employees and annuitants who have taken the full POST background course conduct backgrounds as an ancillary duty to their regular assignment.

The demographic breakdown of the Recruiting and Background personnel:



**Annuitants/Ancillary Duty:**



Oakland Police Commission  
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- Electronic background management system. OPD is currently working with a vendor who can supply a system that will make the process for candidates to complete their background packets much more streamlined and reduce the amount of paperwork for the investigators. This system will also provide an audit trail of the background status.
- Options to allow candidates to apply via cell phone. OPD is exploring options to further expand the parts of the hiring process that can be completed using a smart phone or tablet instead of a computer. The results from the recent texting recruiting program are very promising and we will continue to look for options to leverage accessible technology to connect with applicants and move them through the process.
- Upcoming initiatives include WebChat, text reminders for exams and recruiting events, and two-way text communication. Text reminders for exams and recruiting events will help increase the attendance rate for important events. Two-way texting will speed up communication between the recruiting team and potential officers.

The Recruiting and Background Unit goals are to:

1. Add OPD's workforce diversity to build a police department that mirrors, respects, and serves the community.
2. To recruit Oaklanders and candidates with Oakland connections.
3. To reach full staffing.
4. Leverage technology to efficiently reach a large candidate pool.

**Hiring Priorities:**

The City's Human Resources Management (HRM) allows OPD to have five active hiring priorities plus Police Officer Trainee (POT) recruitment at any time. As of 10/4/19, the five non-POT priorities are:

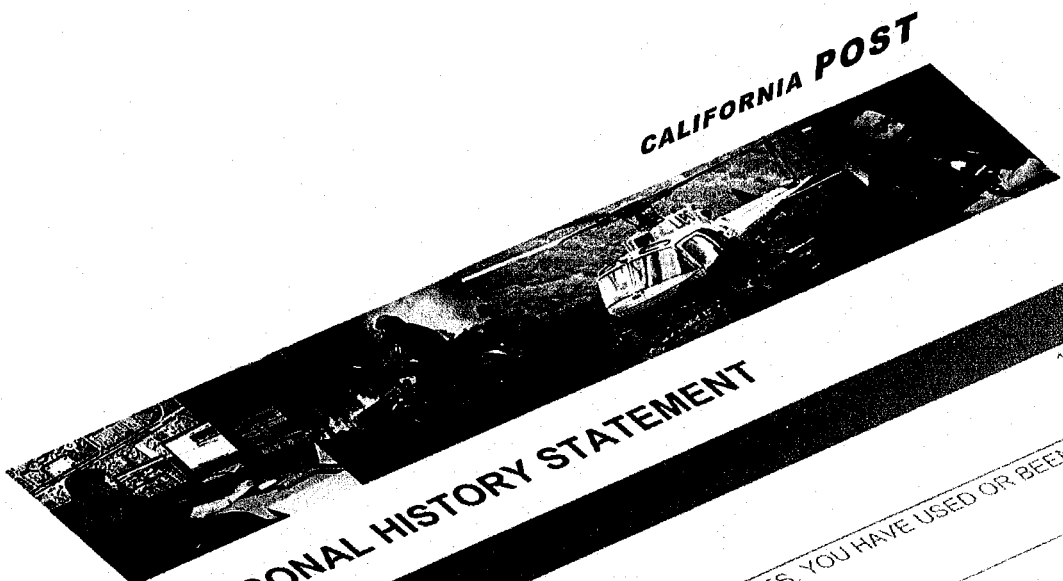
1. Lieutenant of Police Promotional Process
2. Latent Print Examiner
3. Police Service Manager 1
4. Intake Technician
5. Neighborhood Services Coordinator

Respectfully submitted,

  
 Virginia Gleason  
 Deputy Director  
 Oakland Police Department

Attachment A: POST Regulations  
 Attachment B: Background Investigation Dimensions

Item: \_\_\_\_\_  
 Public Safety Committee  
 October 10, 2019



# PERSONAL HISTORY STATEMENT

1. YOUR FULL NAME

LAST \_\_\_\_\_ FIRST \_\_\_\_\_

2. OTHER NAMES, INCLUDING NICKNAMES, YOU HAVE USED OR BEEN KNOWN BY \_\_\_\_\_

3. ADDRESS WHERE YOU RESIDE

NUMBER / STREET \_\_\_\_\_

CITY \_\_\_\_\_

4. MAILING ADDRESS, IF DIFFERENT FROM ABOVE \_\_\_\_\_

5. CONTACT NUMBERS

HOME ( ) \_\_\_\_\_ WORK ( ) \_\_\_\_\_

6. EMAIL ADDRESS \_\_\_\_\_

HOME \_\_\_\_\_

7. If you were born outside of the United States:  
If no, are you a resident alien who is eligi \_\_\_\_\_

8. BIRTH PLACE (CITY / COUNTY / STATE / CO \_\_\_\_\_

11. DRIVER'S LICENSE \_\_\_\_\_

NO. \_\_\_\_\_

# Background Investigation Manual

## Guidelines for the Investigator 2019

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# Chapter 1

## INTRODUCTION

The pre-employment background investigation satisfies two goals: 1) assuring compliance with all applicable minimum standards for appointment and 2) screening out candidates who, based on their past history or other relevant information, are found unsuitable for the positions in question. The express purpose of this manual is to assist background investigators — especially but not exclusively new investigators — in conducting investigations that satisfy both of these goals.

Backgrounds are among the most important investigations that a law enforcement agency will ever conduct. The manner in which a background investigation is conducted can make the difference between hiring an individual who will truly protect and serve versus someone who may cause harm to oneself, the agency, and society.

Background investigations are also among the most challenging investigations to conduct. They must be comprehensive if they are to lead to informed hiring decisions. Past misconduct and other signs of unsuitability must be uncovered so that dangerous or otherwise unfit candidates are screened out. At the same time, inquiries into past performance must stay within the tight parameters of fair employment practices. Furthermore, the areas investigated — and the evaluation of the resulting information — must be treated consistently across all candidates.

Background investigators must therefore be knowledgeable about all applicable local, state, and federal fair employment laws. They must be conversant in the legal requirements for appointment to the positions in question. They must heed all agency policies, practices, and operational limitations. They must base their inquiries and evaluations on candidate behaviors that have a direct relationship to the requirements and demands of the position, and they must do so with consistency and without bias. They must be able to articulate the information gathered from a wide variety of sources and how it is used in determining candidate suitability.

This manual is intended to assist background investigators in accomplishing this challenging task. The procedures and guidance presented here explain what information to gather, and how that information should be considered in determining candidate suitability.

### FOCUS OF THE MANUAL

#### 1. “Screen-out” vs. “Select-in” Orientation

POST has the responsibility for developing standards and assuring compliance with those standards for peace officers and public safety dispatchers. POST regulations mandate what must be done in order to satisfy the *minimum* standards for appointment. Therefore these guidelines are written from a “screen-out” rather than a “select-in” perspective; that is, they are designed to

## Background Investigation Manual

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assist in identifying and weeding out the unfit, rather than distinguishing excellent candidates from those who just meet minimum qualifications. Agencies have the right to increase these standards as well as require additional standards.

### 2. Target Readership: Background Investigators

This manual was written expressly for background investigators. Although it may prove useful to others besides investigators, it is not intended as a comprehensive resource document for administrators, legal counsel, or others who are not directly involved in conducting background investigations.

*Note: In California, third party background investigators (i.e., private contractors) must be Licensed Private Investigators<sup>1</sup> or attorneys. The actions of contract investigators are highly regulated by the Investigative Consumer Reporting Agencies Act (ICRAA), Civil Code §1786. Because of the complexity of this area of law, the special procedures and requirements for non-agency investigators are not the focus of this manual. Contract investigators are strongly advised to seek out competent and professional training on ICRAA.*

### 3. Target Jobs: Peace Officer and Public Safety Dispatcher

California law requires the completion of pre-employment background investigations for peace officers<sup>2</sup> and public safety dispatchers where the employing agency participates in the POST Public Safety Dispatcher Program.<sup>3</sup> As POST has been charged with the responsibility for developing selection standards for peace officers and public safety dispatchers, the focus of this manual is therefore limited to conducting background investigations on these two classifications. Local agency policy or regulation may require the completion of a pre-employment background on a host of other classifications of employment (e.g., secretarial support staff, records personnel, community service officers). Although some principles discussed here may be relevant regardless of classification, caution must be exercised when applying this guidance to classes of employment outside the mandate given POST. Agencies are urged to work in close consultation with their legal counsel.

### 4. Not a Substitute for Training

This manual is not intended to serve as a substitute for competent, professional training. Although there is no background investigator training requirement, the proper training of employees is an employer's legal responsibility; furthermore, effective training of background investigators can greatly improve the quality of an agency's candidates. Background investigator professional associations — such as the California Background Investigators Association (CBIA) and the California Association of Law Enforcement Background Investigators (CALEBI) — also offer training as well as networking and related benefits.

### 5. Not Legal Advice

Although the manual contains discussions of the many pertinent employment laws and their impact on background investigations, the information presented here should not be treated as legal research, legal opinion, or legal advice. Background investigators are strongly encouraged to consult, work closely with, and abide by the advice of their agency's legal counsel.

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<sup>1</sup> Cal. Bus & Prof Code §7520 et seq.

<sup>2</sup> Cal. Gov't Code §1031(d)

<sup>3</sup> Commission Regulation 1959

## THE ROLE OF POST

POST serves a variety of functions with respect to the background investigation process. These functions include establishing selection standards, certifying training, providing technical assistance, and conducting compliance inspections.

### 1. Selection Standards

In response to specific mandates from the State Legislature, POST has been charged with the responsibility to develop selection standards for peace officers and public safety dispatchers. California regulatory agencies, such as POST, establish regulations in accordance with the Administrative Procedures Act. Once properly adopted, these regulations appear in the California Code of Regulations (Title 11, Division 2, Article 3). As authorized by the State Legislature, these regulations carry the force of law and often seek to clarify or expand upon specific legislative enactments (laws), for example in the Penal or Government Codes.

Commission Regulations 1950-1955 contain the selection standards for peace officers. Commission Regulation 1953 includes the requirements for conducting peace officer background investigations. The peace officer medical and psychological evaluation requirements are outlined in Regulations 1954 and 1955.

Commission Regulations 1956-1960 contain the selection standards for public safety dispatchers. Commission Regulations 1959 and 1960 include the requirements for conducting the public safety dispatcher background investigation and the medical evaluation, respectively.

These standards are discussed in detail in **Chapter 3**, "Legal Qualifications and Statutory Framework." They are also located in the California Code of Regulations (Title 11, Division 2, Article 3).

### 2. Training Course Certification

POST certifies courses specific to background investigations, including:

- 1) *Background Investigation* – A basic level of instruction designed for persons newly assigned to background investigation (32–40 hours).
- 2) *Background Investigation Update* – A more advanced level of instruction designed for experienced investigators who have already undergone core training and require update training (variable length).
- 3) *Background Investigation: Commanding Officer Orientation* – A course designed for commanding officers of background investigation units. Generally presented on an annual basis, it provides an overview of state and federal employment law, POST requirements, and management considerations and responsibilities (8 hours).
- 4) *Training Seminars/Conferences* – Courses that are periodically certified or presented by POST to deal with unique circumstances or groups (variable length).

Other POST-certified courses, such as "Interview and Interrogation" may also prove helpful to background investigators.



## Background Investigation Manual

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### 3. Technical Assistance

POST professional support to the background investigation process includes:

- *Publications* – In addition to this manual, POST produces manuals on interviewing peace officer candidates, medical screening, and psychological screening. Some of these manuals are not specifically written for the background investigator; however, they can provide technical guidance to others involved in the hiring process.
- *Forms and Other Screening Documents* – Such as the Personal History Statements (POST 2-251–Peace Officer and 2-255–Public Safety Dispatcher<sup>4</sup>), Medical History Statements (POST 2-252–Peace Officer and 2-264–Public Safety Dispatcher), and Medical Examination Reports (POST 2-253–Peace Officer and 2-265–Public Safety Dispatcher).
- *Consultative Services* (through its own professional staff) – Investigators should feel free to contact their POST Regional Consultants.

### 4. Compliance Inspections

The Legislature has charged POST with the responsibility to conduct compliance inspections to verify that persons appointed as peace officers and public safety dispatchers were selected in accordance with the selection standards. POST Regional Consultants make regular visits to the agencies in their jurisdictions to inspect the background investigations completed on those who have been hired since the last site visit. If deficiencies are detected, they work with the agency by suggesting methods for correction and establishing a timetable for correction. A follow-up visit may be scheduled to assure that the deficiencies are corrected. Consequences may be invoked if agencies resist or fail to correct problems within a reasonable period of time. Chapter 6, “POST Compliance Inspections,” discusses the compliance inspection process.

## POST VS. AGENCY CANDIDATE SCREENING CRITERIA

The selection standards imposed by state statutes and POST regulations are *minimum standards*. Agencies are free to establish more rigorous selection criteria, as long as they are job-related and legally defensible. For example, agencies may choose to require peace officers to be at least 21 years of age, even though state law permits their appointment at age 18. It is also not uncommon for agencies to require peace officer candidates to have earned some college credits, although none is specified under the law.<sup>5</sup>

Verifying most of the statutory and regulatory minimum qualification standards, such as age, citizenship, and absence of felony convictions, is relatively clear-cut. However, California Government Code §1031(d) also requires all peace officer candidates to be screened for “good moral character.” What prior conduct constitutes good moral character (or, more importantly, the absence thereof)?

The POST background dimensions, presented in the next chapter, are intended to assist agencies and investigators in answering this question by identifying and detailing the attributes underlying moral character and other qualities essential to the jobs of peace officer and public safety dispatcher. Nevertheless, it is ultimately up to each agency to establish its own clearly articulated legally defensible standards of conduct.

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<sup>4</sup> Also refer to Appendix E.

<sup>5</sup> In the case of public safety dispatchers there is no educational minimum specified in state law for employment.

## **ORGANIZATION OF THE MANUAL**

The remainder of this manual is divided into five sections. The next chapter, "Peace Officer and Public Safety Dispatcher Background Dimensions," provides a common set of peace officer and dispatcher attributes that must be considered during the background investigation. Chapter 3, "Legal Qualifications and Statutory Framework," details the statutory and regulatory requirements surrounding background investigations. The next two chapters approach the background investigation from different perspectives: Chapter 4, "The Background Investigation Process," describes the chronology of the investigation; while Chapter 5, "Areas of Investigation and POST Personal History Statements," presents a topic-by-topic explanation of the process, using the Personal History Statement as its framework. Lastly, Chapter 6, "POST Compliance Inspections," is intended to clarify (as well as demystify) the procedure, expectations, and common problems detected during the annual POST site visit.

**Table 2.1**  
**SUMMARY OF POST BACKGROUND INVESTIGATION DIMENSIONS**  
**FOR PEACE OFFICERS AND PUBLIC SAFETY DISPATCHERS**

MORAL CHARACTER	<ol style="list-style-type: none"> <li>1. <b>Integrity</b> <ul style="list-style-type: none"> <li>• Honesty</li> <li>• Impartiality</li> <li>• Trustworthiness</li> <li>• Protection of Confidential Information</li> <li>• Moral/Ethical Behavior</li> </ul> </li> <li>2. <b>Impulse Control/Attention to Safety</b> <ul style="list-style-type: none"> <li>• Safe Driving Practices</li> <li>• Attention to Safety</li> <li>• Impulse/Anger Control</li> </ul> </li> <li>3. <b>Substance Abuse and Other Risk-Taking Behavior</b></li> </ol>
HANDLING STRESS AND ADVERSITY	<ol style="list-style-type: none"> <li>4. <b>Stress Tolerance</b> <ul style="list-style-type: none"> <li>• Positive Attitude and Even Temper</li> <li>• Stress Tolerance and Recovery</li> <li>• Accepting Responsibility for Mistakes</li> </ul> </li> <li>5. <b>Confronting and Overcoming Problems, Obstacles, and Adversity</b></li> </ol>
WORK HABITS	<ol style="list-style-type: none"> <li>6. <b>Conscientiousness</b> <ul style="list-style-type: none"> <li>• Dependability/Reliability</li> <li>• Personal Accountability and Responsibility</li> <li>• Safeguarding and Maintaining Property, Equipment, and Belongings</li> <li>• Orderliness, Thoroughness, and Attention to Detail</li> <li>• Initiative and Drive</li> <li>• General Conscientiousness</li> </ul> </li> </ol>
INTERACTIONS WITH OTHERS	<ol style="list-style-type: none"> <li>7. <b>Interpersonal Skills</b> <ul style="list-style-type: none"> <li>• Social Sensitivity</li> <li>• Social Interest and Concern</li> <li>• Tolerance</li> <li>• Social Self-Confidence/Persuasiveness</li> <li>• Teamwork</li> </ul> </li> </ol>
INTELLECTUALLY-BASED ABILITIES	<ol style="list-style-type: none"> <li>8. <b>Decision-Making and Judgment</b> <ul style="list-style-type: none"> <li>• Situation/Problem Analysis</li> <li>• Adherence to Policies and Regulations</li> <li>• Response Appropriateness</li> <li>• Response Assessment</li> </ul> </li> <li>9. <b>Learning Ability</b></li> <li>10. <b>Communication Skills</b> <ul style="list-style-type: none"> <li>• Oral Communication</li> <li>• Written Communication</li> </ul> </li> </ol>

## Background Investigation Manual

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### MORAL CHARACTER

1. **Integrity.** This involves maintaining high standards of personal conduct. It consists of attributes such as honesty, impartiality, trustworthiness, and abiding by laws, regulations, and procedures. It includes:
  - ✓ Not **abusing the system** nor using one's **position for personal gain**; not yielding to temptations of bribes, favors, gratuities, or payoffs
  - ✓ Not bending rules or otherwise trying to beat the system
  - ✓ Not sharing or releasing **confidential information**
  - ✓ Not engaging in **illegal or immoral activities** — either on or off the job
  - ✓ **Honest and impartial** in dealings with others both in and outside the agency
  - ✓ Not condoning or ignoring unethical/illegal conduct in others
  - ✓ **Truthful and honest** sworn testimony, affidavits, and in all dealings with others

#### INDICATORS:

- Dishonesty in the hiring process, including:
  - deliberately misstating or misrepresenting identifying information or qualifications, whether orally or in writing
  - misleading any person involved in the pre-employment screening process by misstating, misrepresenting, or failing to completely answer questions
  - inaccuracies or deliberate omissions in applications, Personal History Statements, or any other documentation required as part of the pre-employment process used to help determine the candidate's suitability for employment
  - any other act of deceit or deception
- Lying about past mistakes or oversights
- Fraudulently reporting or other abuses/misuses of employer leave policies (e.g., sick leave, vacation, bereavement leave)
- Abuses privileges and benefits of the job (e.g., overtime, use of supplies, equipment, internet access)
- Involved in the sale or distribution of illegal drugs
- Engages in inappropriate sexual activity (e.g., prostitutes, sex with minors, etc.)
- Evidence of perjury, signing of false affidavits in any criminal or civil proceeding, falsification of official reports including statements, narratives, property documents, evidentiary documents, giving incomplete or misleading information to supervisors
- Cheating, plagiarism, or other forms of academic dishonesty
- Attempting to induce others to give false information
- Association with those who commit crimes or otherwise demonstrate unethical/immoral behavior

- Commits illegal or immoral activities that would be offensive to contemporary community standards of propriety
- Commits crimes against employers – arson, burglary, stealing (goods, money, or services) – which would amount to a felony
- Conviction(s) of any criminal offense classified as a misdemeanor under California Law, especially as an adult
- Having an outstanding warrant of arrest at time of application for job or throughout the hiring process
- Admission of having committed any act amounting to a felony under California Law, as an adult
- Admission 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, indecent exposure (except acts of consensual unlawful intercourse accomplished between two minors, unless more than four years difference in age existed at the time of the acts)
- Actions resulting in civil lawsuits against the candidate or his/her employer
- Committing acts that, had they been detected, would have resulted in prosecution and conviction and would have automatically disqualified the candidate.

***While Employed in a Position of Public Trust:***

- Conviction of any offense classified as a misdemeanor under California Law while employed as a peace officer (including military police)
- Admission of administrative conviction of any act while employed as a peace officer, including military police, involving lying, falsification of any official report or document, or theft
- Admission of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer
- Accepting or soliciting any bribe or gratuity while in a position of public trust
- Embezzlement of money, goods or services while in a position of trust

- 2. Impulse Control/Attention to Safety.** Avoiding impulsive and/or unnecessarily risky behavior to ensure the safety of oneself and others. It includes thinking before acting, taking proper precautions, keeping one's impetuous, knee-jerk reactions in check, and behaving in conscious regard for the larger situation at hand.

**INDICATORS:**

***Safe Driving Practices***

- Receipt of multiple moving violations (especially for potential life-threatening acts such as reckless driving, speed contest, etc.)
- Driver in multiple chargeable collisions. Numerous moving and non-moving violations, at-fault accidents

## Background Investigation Manual

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- Instances of road rage, driving recklessly and/or at excessive speeds

### *Attention to Safety*

- Fails to take proper precautions to minimize risks associated with hazardous activities
- Takes unnecessary, foolish risks
- Disregards risk to self or others

### *Impulse/Anger Control*

- Overreacts when challenged or criticized
- Unnecessarily confrontational in interactions with others
- Reacts childishly or with anger to criticism or disappointment
- Disciplined by any employer as an adult for fighting in the workplace
- Admission of any act of domestic violence as an adult
- Use of verbal or physical abuse or violence toward others
- Violent assault upon another, including spousal battery, sexual battery, or other acts of violence
- Admission 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
- Instances of reprimands, counseling, terminations, suspensions for poor behavioral control at work

3. **Substance Abuse and Other Risk-Taking Behavior.** This involves engaging in behavior that is inappropriate, self-damaging, and with potential adverse impact on the agency, and includes alcohol and drug abuse, domestic violence, sale of drugs and gambling.

### INDICATORS:

- Illegal use or possession of a controlled substance while employed in any law enforcement capacity, including military police
- Drug test of the candidate, during the course of the hiring process, where illegal controlled substances are detected
- Illegal or unauthorized use of prescription medications
- Illegal use or possession of a controlled substance while a student enrolled in college-accredited courses related to the criminal justice field
- Manufacturing, cultivating, transporting, brokering, or selling any controlled substances

- Record of alcohol or drug-related incidents, including driving under the influence or such charge reduced to reckless driving, violation of open container laws or transporting open containers
- History of other problems associated with drug and/or alcohol use
- Perpetrator of domestic violence incidents
- Missed work due to alcohol use
- Alcohol use while on the job (where prohibited)
- Arriving at work intoxicated/smelling of alcohol or hung-over
- Gambling to the point of causing harm to oneself

## HANDLING STRESS AND ADVERSITY

4. **Stress Tolerance.** Maintaining composure, particularly during time-critical emergency events and other stressful situations, weathering negative events and circumstances and maintaining an even temperament and positive attitude. Accepting criticism without becoming overly defensive or allowing it to hamper behavior or job performance.

### INDICATORS:

#### *Attitude and Temperament*

- Worries excessively; enters into new situations with considerable apprehension
- Overly suspicious and distrusting in dealing with others
- Argumentative, antagonistic towards others, bully
- Commonly behaves with hostility and anger
- Behavior-impairing mood swings
- Badmouths employers and others
- Unnecessarily confrontational and aggressive
- Disrupts/undermines authority (fails to successfully carry out directives; shows signs of contempt by eye rolling, excessive exhaling, etc.)

#### *Stress Tolerance and Recovery*

- Comes “unglued,” freezes, or otherwise performs ineffectively when feeling overloaded or stressed
- Uncontrollable reaction to verbal abuse from others
- Reacts childishly or with anger to criticism or disappointment
- Allows personal problems and stressors to bleed into behavior on the job



## Background Investigation Manual

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### *Accepting Responsibility for Mistakes*

- Does not accept responsibility for actions and mistakes; routinely makes excuses or blames others for own shortcomings
- Becomes excessively defensive or otherwise overreacts when challenged or criticized
- Minimizes the importance of past mistakes or errors
- Refuses to accept responsibility for mistakes or improper actions

5. **Confronting and Overcoming Problems, Obstacles, and Adversity.** This involves willingness and persistence in confronting problems and personal adversity. It includes taking control of situations, as necessary and demonstrating hustle and drive in reaching goals.

### INDICATORS:

- Displays submissiveness and insecurity when confronted with challenges, threatening situations, or difficult problems
- Fails to take action or change behavior to resolve problems or mistakes
- Multiple personal bankruptcies, having current financial obligations for which legal obligations have not been satisfied; or any other flagrant history of financial instability
- Allows debts to mount; evades creditors, collection agencies, etc.
- Past due accounts, discharged debts, late payments, collection accounts, civil judgments, and/or bankruptcy
- Fails to meet obligations (for example, auto insurance, auto registration, selective service registration, IRS requirements, child support obligations)
- Fails to exercise fiscal responsibility commensurate with income

## WORK HABITS

6. **Conscientiousness.** Diligent, reliable, conscientious work patterns; performing in a timely, logical manner in accordance with rules, regulations, and organizational policies.

### INDICATORS:

#### *Dependability/Reliability*

- Fails to meet commitments to work, school, family, volunteer, or community activities
- Poor attendance; takes time off from work unnecessarily (e.g., on/near weekends)
- History of being late to work, meetings, appointments

- 
- Misses scheduled appointment during the process without prior permission
  - Excessively long breaks, returning from lunch late, leaving work early
  - Fails to comply with instructions or orders
  - Fails to properly prepare for meetings

***Personal Accountability and Responsibility***

- Is not accountable for his/her performance
- Blames others for improper actions
- Fails to analyze prior mistakes or problems to improve performance
- Disciplined by any employer (including military) for gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
- History of involuntary dismissal (for any reason other than lay-off)
- Conducts unauthorized personal business while on duty
- Failure to exercise fiscal responsibility commensurate with income
- Past due accounts, discharged debts, late payments, collection accounts, civil judgments, and/or bankruptcy
- History of flagrant financial instability, such as multiple personal bankruptcies, financial obligations for which legal judgments have not been satisfied, etc.
- Failure to meet obligations (for example, auto insurance, auto registration, selective service registration, IRS requirements, child support obligations)

***Safeguarding and Maintaining Property, Equipment, and Belongings***

- Fails to safeguard property entrusted to him/her
- Fails to maintain equipment
- Loses valuable information

***Orderliness, Thoroughness, and Attention to Detail***

- Pattern of disorganization in work, school, etc.
- Fails to attend to details (e.g., typos, missing/incorrect information)
- Fails to attend to all aspects of projects and activities to be sure they are completed
- Motor vehicle collisions due to inattentiveness
- Overlooks or misinterprets instructions on PHS and other documents
- Fails to properly recall instructions/directions provided previously
- Cannot properly recall pertinent/important details related to personal history
- Problems at school, work, driving due to poor attention/vigilance

## Background Investigation Manual

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### *Initiative and Drive*

- Gives up in the face of long hours or other difficult working conditions
- Fails to keep current on new rules, procedures, etc.
- Does not initiate proper action unless given explicit instructions
- Fails to ensure that the job is performed correctly
- Procrastinates
- Watches the clock rather than attending to task accomplishment
- Gives up or cuts corners when faced with obstacles
- Performs job duties in a perfunctory manner, expending minimum amount of effort

### *General Conscientiousness*

- Resigns without notice (except where the presence of a hostile work environment is alleged)
- Resigns in lieu of termination (except where a hostile work environment is alleged)
- Holds multiple paid positions with different employers within a relatively brief period of time (excluding military, and students who attend school away from their permanent legal residence)
- Reprimanded or counseled for poor work performance (including military service)
- Terminated or suspended from work (other than honorable discharge from military)
- Released from probationary employment status except for reduction in force
- Poor record of academic achievement

## INTERACTIONS WITH OTHERS

7. **Interpersonal Skills.** This involves interacting with others in a tactful and respectful manner, and showing sensitivity, concern, tolerance, and interpersonal effectiveness in one's daily interactions.

### INDICATORS:

*Social Sensitivity (the ability to "read" people and awareness of the impact of one's own words and behavior on others)*

- Provokes others by officious bearing, gratuitous verbal challenge, or through physical contact
- Antagonizes others
- Uses profanity and other inappropriate language

- Incidents of domestic violence, use of verbal or physical abuse, or violence toward others
- Use of physical force to resolve disputes
- Demonstrated overreaction to criticism

***Social Interest and Concern (interest and concern for others)***

- Baits people; takes personal offense at comments, insults, or criticism
- Evidence of inability to get along with others in work or personal life
- Makes rude and/or condescending remarks to or about others
- Source of customer/citizen complaints
- Argumentative, loner, bully
- Tolerance (lack of tact and impartiality in treating all members of society)
- Makes hasty, biased judgments based on physical appearance, race, gender, or other group membership characteristics
- Refuses to listen to explanations of others
- Inability to recognize how one's own emotions/behavior affect situations and others
- 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
- During the hiring/background process, uttering any epithet derogatory of another person's race, religion, gender, national origin, or sexual orientation
- Makes inappropriate comments to or about others regarding personal characteristics as well as derogatory comments about specific groups (racial, gender, sexual orientation, proficiency with the English language, immigrant status, HIV/AIDS infection, religion, transgender, social status)
- Evidence of the use of derogatory stereotypes in jokes or daily language
- Sexual harassment/hostile work environment incidents

***Social Self Confidence/Persuasiveness (inability and discomfort approaching individuals, and in confronting and reducing interpersonal conflict)***

- Avoids confrontations at all costs
- Intimidated by others
- Minimizes or avoids interactions with others
- Escalates situations by overreacting
- Fails to diplomatically offer ideas or persuade others to adopt desired course of action
- Disruptive/challenging to authority
- Use of harassment, threats, or intimidation to gain an advantage

## Background Investigation Manual

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- Succumbs to peer pressure

### *Teamwork (inability to work effectively as a member of a team)*

- Resents successes and accomplishments of team members
- Does not assist or request assistance from team members
- Alienates colleagues by dominating interactions and activities
- Gossips, criticizes, and backstabs colleagues and coworkers
- Fails to achieve or maintain trust with peers, supervisors, and clients

## INTELLECTUALLY-BASED ABILITIES

- 8. Decision-Making and Judgment.** The ability to make timely, sound decisions, especially in dangerous, pressure-filled situations, and/or where information is incomplete and/or conflicting. Able to size up situations quickly to determine appropriate action. It also involves the ability to sift through information to glean that which is important and, once identified, to use that information effectively.

### INDICATORS:

#### *Situation/Problem Analysis*

- Unable to step into a situation and figure out what probably led up to that point in time, as well as what is likely to happen as the situation unfolds
- Tunnel vision; does not see the big picture when analyzing information
- Fails to identify patterns and implications when analyzing information
- Failure to consider available information or appropriate options
- Naive, overly trusting, easily duped
- Spends too much time on minor issues; unable to set priorities

#### *Adherence to Policies and Regulations*

- Failure to consider organizational policies and regulations when making decisions
- Fails to use appropriate judgment and discretion in applying regulations and policies; cannot distinguish between the letter and the spirit of rules and laws
- Rigid adherence to rules without consideration of alternative information; needs directives to be in black and white

#### *Response Appropriateness*

- Poor judgment in knowing when to confront — and when to back away from — potentially volatile situations
- Overbearing approach to resolving problems
- Escalates problems by under or over-reacting

- Uses force when unnecessary or inappropriate
- Indecision or poor decisions when options are not clear-cut
- Paralyzed by uncertainty or ambiguity; insecure about making a decision

**Response Assessment**

- Unable or unwilling to make “midcourse corrections” on initial course of action when presented with new information or when circumstances change
- Fails to apply lessons learned from past mistakes

- 9. Learning Ability.** Ability to comprehend and retain a good deal of information, to recall factual information, and to apply what is learned.

**INDICATORS:**

- Dismissal or probation from school, or other indication(s) of poor academic performance
- Dismissal from a POST-certified Basic Academy, and no subsequent effort to improve in the deficient areas
- Pattern of making repeated mistakes when faced with similar problems and negative situations, in and outside of learning environments

- 10. Communication Skills.** Ability to make oneself understood, both orally and in writing.

**INDICATORS:**

**Oral Communication**

- Speech is difficult to understand
- Responses to questions are rambling, confused, and/or disorganized
- Expresses thoughts and emotions inappropriately through facial gesture and body language
- Discussions of topics are incomplete, inappropriate, and/or filled with a lot of unnecessary/irrelevant details
- Fails to understand both explicit and implied messages and responds accordingly
- Does not listen well, thereby missing the point of what others are saying

**Written Communication**

- Illegible handwriting
- Poor grammar, punctuation, and/or spelling
- Written communications are incomplete, disorganized, unclear, and/or inaccurate
- Written responses to Personal History Statement items are inappropriate, incomplete, or otherwise difficult to decipher

Police Chief: We have that. We have 67 open positions. Non-vacant positions in the professional staff. That's our non-sworn and then the balance is right at 40 for our sworn. But I want people to understand that when we hire you and you're in the academy, you do not count until you graduate. So we have recruit officers in training in the academy, but they are not counted in that vacancy until they are in the street as a full police officer. But this is where it gets complicated, but it's a good question and I do think it's good for the public to have an understanding. So when the officer graduates from the academy they have to ride with another officer. That's a field training time period. So that officer's not independent. So their still that two person car is really one officer in many ways. So there are long delays before you have fully functioning people.

Chris Brown: Thank you very much.

Regina Jackson: I have one more question and I'm not sure if Ms. Wallington you can answer it or if it's the Police Chief's question. She mentioned that they're working with HR, but I'd like to understand a plan. Because what I'm hearing is it's HR's slow response that is delaying, and I don't know if it's just one way. But I'd actually like to hear a plan or have you present us a plan next meeting. And I realize that things don't work exactly to clockwork, but it seems to me like it makes way more sense to have a goal of filling eight positions a month for a period of time so that you can actually see some reduction of the overtime immediately.

Police Chief: There is a plan. It's not that there's not a plan and we can come back and explain what that plan is. But for instance, because these are like civil service commission positions, they have to be tested for, that testing is basically over viewed and the oversight is from downtown HR. So HR doesn't just fill the Police Department. They've got vacancies in the entire city. So they give us five priorities. So they'll say, "What do you want to work on? You get to give us five priorities". And so I can come back with you with a more explanation but because I'm not prepared tonight and it would take a little time, I think it would be a good one to agendaize.

Regina Jackson: No, that that would be just fine because I'd like to know what the five priorities are-

Police Chief: And how that works.

Regina Jackson: And I'd like to see how we're working against those priorities. How long have you had a plan in place? Because then I would like to get us an update on the plan that you first set in place.

Police Chief: Oh, ever since I got here we rolled out what are we trying to do to get the corrections to facilitate, make the hiring process leaner, how we're doing hiring and even recruiting. All of those factors are one big plan and that has been, actually Virginia Gleason owns the oversight of that because that's under her unit, but of course I've been as the chief working as the overseer of that plan.



But this is not something that is just a last minute, oh, we need a plan. This is definitely been in place since I got here.

Regina Jackson: Okay. Well, whatever that update is for the next meeting, I'd like to have it in enough time to put it in the agenda so people can actually review it.

Police Chief: Absolutely.

Regina Jackson: Okay. Thank you. Commissioner Harris?

Ginale Harris: I have a question.

Regina Jackson: Oh, I'm sorry. Excuse me. Police chief, Commissioner Harris has a question, please.

Police Chief: Staying close then. Okay. All right. Yes, ma'am.

Ginale Harris: Thank you, Chief. I know that we have talked about this subject a few meetings ago in regards to the hiring process and since then we have received a letter of some racial discrimination allegations towards the hiring practices. Can you tell us if that has anything to do with the 106 vacancies we have right now in OPD?

Police Chief: That is a question I cannot tell you the response to that, the way you're asking the question, but what I can tell you is that we went back, Virginia Gleason went back, she's oversees the hiring, she works with a recruiting staff. She has a Lieutenant, she has a Sergeant and so forth. We did direct her to go back and look at the entire last year's, I think she went back for one year. She pulled every file, I believe it was 668 files of applicants who had applied that had been rejected. She went back and was looking for patterns for bias. I do know she also put back into the hiring process, I can't tell you the numbers and you know she's not here tonight, I'd have her speak to it. I just know she put people back into the hiring process and some of those people have been hired.

Police Chief: But again, as a part of the report you're requesting for, I think she would be the better person with detail that she could give you so we can include that for you.

Ginale Harris: Thank you, Chief. Could you actually get the actuals of how many people she brought back and actually hired? So the number brought back and actually hired.

Police Chief: We'll bring that back when we do the report. I don't know that number.

Ginale Harris: Thank you.

Police Chief: That's my understanding. We brought people back in.

Ginale Harris: Okay. Thank you.



# OAKLAND POLICE COMMISSION

## MEETING MINUTES - DRAFT

May 23, 2019

6:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

**I. Call to Order**

Chair Regina Jackson

The meeting started at 6:36 p.m.

**II. Roll Call and Determination of Quorum**

Chair Regina Jackson

Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Excused: Tara Anderson

Counsel for this meeting: Sergio Rudin

**III. Welcome, Purpose, and Open Forum**

Comments were provided by the following public speakers:

Bruce Schmiechen  
Henry Gage, III  
Saleem Bey  
Mary Vail  
Maureen Benson  
Lorelei Bosserman

**IV. Pawlik Investigation Update**

The Commission discussed CPRA's recently completed Pawlik investigation.

Comments were provided by the following public speakers:

Saleem Bey  
Rashidah Grinage  
Henry Gage, III  
Bruce Schmiechen  
Oscar Fuentes  
Mary Vail  
Maureen Benson

A motion was made by Edwin Prather, seconded by Ginale Harris, to accept the CPRA report on the Pawlik investigation. The motion failed by the following vote:

Aye: Jackson and Prather  
No: Dorado and Harris  
Abstained: Ahmad and Smith

**V. Review of CPRA and Commission Budgets**

The Commission reviewed the budgets for CPRA and the Police Commission and discussed the recent meeting with the Finance Department staff.

Comments were provided by the following public speakers:

Rashidah Grinage  
Mary Vail  
Henry Gage, III  
Bruce Schmiechen  
Saleem Bey

A motion was made by Edwin Prather, seconded by Regina Jackson, to submit a budget proposal of \$2,000,000 to the City Council. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, and Prather  
No: 0  
Abstained: Smith

**VI. Submission of Candidate for CPRA Interim Executive Director**

The Commission voted to approve submission of Mike Nisperos to the City Administrator for consideration to serve as Interim Executive Director of the Community Police Review Agency (CPRA).

Comments were provided by the following public speakers:

Henry Gage, III  
Saleem Bey

A motion was made by José Dorado, seconded by Ginale Harris, to approve the submission of Mike Nisperos to serve as Interim Executive Director of CPRA. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith  
No: 0

**IX. Crisis Assistance Helping Out on the Streets (CAHOOTS) of Oregon Presentation (*this item was taken out of order*)**

The Commission discussed exploring whether CAHOOTS, which is praised by the community, police, fire, and city administration as an effective, compassionate, and money saving program, would be beneficial in Oakland.

Comments were provided by the following public speakers:

Elise Bernstein  
Rashidah Grinage  
Reisa Jaffe  
Saleem Bey  
Bruce Schmiechen

A motion was made by Edwin Prather, seconded by Regina Jackson, to draft and send a letter to the City Council stating that the Commission endorses efforts within the Council to fund a study on how Oakland might implement and benefit from a program based on Eugene's (OR) CAHOOTS program. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith

No: 0

**VII. Public Hearing on OPD Budget**

OPD staff presented the Department's budget for the Commission to review. The Commission also conducted a public hearing on the budget per City Charter Section 604(b)(7).

Comments were provided by the following public speakers:

Reisa Jaffe  
Mary Vail  
Bruce Schmiechen  
Lorelei Bosserman  
Rashidah Grinage  
Maureen Benson  
Henry Gage, III  
Oscar Fuentes  
Cathy Leonard

**A motion was made by José Dorado, seconded by Regina Jackson, to extend the meeting for 30 minutes. The motion carried by the following vote:**

**Aye: Dorado, Harris, Jackson, and Prather**

**No: Smith**

No motion was made on this item.

**VIII. Rules of Order Addition – Rule 2.19**

The Commission discussed a potential amendment to the Rules of Order. New Rule 2.19 would create a procedure around the Commission's Chief of Police For Cause Assessment.

Comments were provided by the following public speakers:

Rashidah Grinage  
Saleem Bey

A motion was made by Edwin Prather, seconded by José Dorado, to adopt Rule 2.19 Chief of Police For Cause Assessment as drafted in Agenda attachment eight. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith  
No: 0

**X. Report from Ad Hoc Committee on CPRA Appellate Process**

The Ad Hoc Committee on CPRA Appellate Process presented its on-going analysis on a potential appellate process for closed CPRA and/or CPRB cases.

Commissioner Smith stepped out and during that time Chair Regina Jackson designated Alternate Commissioner Chris Brown as a voting member. Shortly thereafter, Commissioner Smith returned.

Comments were provided by the following public speakers:  
Saleem Bey  
Henry Gage, III

No motion was made on this item.

**A motion was made by Edwin Prather, seconded by Regina Jackson, to table items XII, XIII, XIV, XV, and XVI to the next agenda. The motion carried by the following vote:**

**Aye: Dorado, Harris, Jackson, Prather, and Smith  
No: 0**

- XI. Recess (*this item did not occur*)**
- XII. Pro Bono Legal Services Agreement (*this item was tabled to the next agenda*)**  
No public comments were provided on this item.
- XIII. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree (*this item was tabled to the next agenda*)**  
No public comments were provided on this item.
- XIV. Committee/Liaison/Other Commissioner Reports (*this item was tabled to the next agenda*)**  
No public comments were provided on this item.
- XV. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference (*this item was tabled to the next agenda*)**  
No public comments were provided on this item.
- XVI. Agenda Setting and Prioritization of Upcoming Agenda Items (*this item was tabled to the next agenda*)**  
No public comments were provided on this item.

**XVII. Adjournment**

A motion was made by Regina Jackson, seconded by Thomas Smith, to adjourn the meeting at 11:43 p.m. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith

No: 0



# OAKLAND POLICE COMMISSION

## MEETING MINUTES - DRAFT

June 13, 2019

6:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

### I. Call to Order

Chair Regina Jackson

The meeting started at 6:32 p.m.

### II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Ginale Harris, Regina Jackson, and Edwin Prather. Alternate Commissioner Chris Brown was designated as a voting member and quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Absent: Mubarak Ahmad and Thomas Smith

Commissioners Excused: Edwin Prather

Counsel for this meeting: Sergio Rudin

### III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Rashidah Grinage

Bruce Schmiechen

Henry Gage, III

Saleem Bey

John Bey

Assata Olugbala

Lorelei Bosserman

### IV. Pawlik Investigation Update

The Commission discussed CPRA's recently completed Pawlik investigation and the process for closing the case.

Comments were provided by the following public speakers:

John Bey

Rashidah Grinage

Michael Tigges



Saleem Bey  
Assata Olugbala

A motion was made by Regina Jackson, seconded by Ginale Harris, to close the Pawlik investigation, recognizing that by closing this investigation the Commission is not approving the already rejected CPRA report. In so doing, it is a decision of the Commission that the last recommendation from the Police Department, which is in this instance the findings and disciplinary determination of the Compliance Director, will stand. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson  
No: 0

**A motion was made by Regina Jackson, seconded by José Dorado, to designate the following agenda items to be tabled for the next meeting: V, VI, VII, VIII, XIII, and XV.**

**V. Commission Subpoenas Related to CPRA/Pawlik Investigation Communications (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

Michael Tigges  
Rashidah Grinage  
John Bey

**VI. OPD Budget Update (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

Rashidah Grinage  
Saleem Bey  
Assata Olugbala  
Oscar Fuentes

**VII. OPD's Policy on the Deployment of the BearCat and Other Militarized Weapons (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

John Bey  
Cathy Leonard  
Assata Olugbala  
Oscar Fuentes  
John Lindsay-Poland  
Rashidah Grinage  
Bruce Schmiechen  
Saleem Bey  
Nino Parker

**XI. Recess**

The commission took a recess starting at 7:55 pm and resumed the meeting at 8:02 pm.

**VIII. OPD Towing Policy Regarding Victims of Crime (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

John Bey  
Rashidah Grinage  
Nino Parker  
Saleem Bey

**XIII. Outside Counsel RFQ Update (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

Michael Tigges

**XV. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

Assata Olugbala

**A vote was taken on the motion to table items V, VI, VII, VIII, XIII, and XV. The motion carried by the following vote:**

**Aye: Anderson, Brown, Dorado, Harris, and Jackson**

**No: 0**

**At this time the previously heard motion on item IV was repeated as follows:**

**A motion was made by Regina Jackson, seconded by José Dorado, to close the Pawlik investigation, recognizing that by closing this investigation the Commission is not approving the already rejected CPRA report. In so doing, it is a decision of the Commission that the last recommendation from the Police Department, which is in this instance the findings and disciplinary determination of the Compliance Director, will stand. The motion carried by the following vote:**

**Aye: Anderson, Brown, Dorado, Harris, and Jackson**

**No: 0**

**IX. Report from Ad Hoc Committee on CPRA Appellate Process (*this item was tabled to the next agenda*)**

Comments were provided by the following public speakers:

Michael Tigges

A motion was made by Regina Jackson, seconded by José Dorado, to delay this item. A friendly amendment was made by Ginale Harris to remove the item from the agenda and put it on a prioritized list until the Commission obtains proper legal counsel. The amendment was accepted by Regina Jackson and José Dorado. The motion carried by the following vote:

**Aye: Anderson, Brown, Dorado, Harris, and Jackson**

**No: 0**

**X. Bey Case Review**

The Commission discussed engaging an investigator to review and consider the Bey case.

Comments were provided by the following public speakers:

Saleem Bey

John Bey

Henry Gage, III

Nino Parker

A motion was made by Ginale Harris, seconded by José Dorado, to follow the process of solicitation of services on Henry Gage, III, Amy Oppenheimer, and Michael Thompson and invite them to the next meeting on June 27<sup>th</sup> to present their scope of work, qualifications, and compensation. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

**XII. Audit of CPRA Investigations**

The Commission discussed the procedure for conducting an audit of the CPRA, including the breadth and scope of any such audit and whether the audit should be conducted by an independent third-party.

Comments were provided by the following public speakers:

Rashidah Grinage

Saleem Bey

Assata Olugbala

John Bey

A motion was made by Ginale Harris to hire an investigative body to audit the CPRA investigations and files. A friendly amendment was made by Tara Anderson to add that the investigations should focus on racial profiling and use of force. Both the initial motion and the amendment were seconded by José Dorado. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Brown

**XIV. Pro Bono Legal Services Agreement**

The Commission discussed and reviewed an agreement from Henry Gage, III for pro bono legal services that was approved by the Personnel Committee.

Comments were provided by the following public speakers:

Henry Gage, III

A motion was made by Regina Jackson, seconded by José Dorado, that the Pro Bono Legal Services Agreement item goes back on the pending list. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson  
No: 0

**XVI. Commission Letter to City Council Regarding CAHOOTS**

The Commission reviewed a letter to the City Council to support efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program to CAHOOTS. CAHOOTS is praised by the community, police, fire, and city administration as an effective, compassionate, and money saving program, and may be beneficial in Oakland.

Comments were provided by the following public speakers:

Rashidah Grinage  
John Lindsay-Poland  
Anne Janks  
Nino Parker  
John Bey

A motion was made by Regina Jackson, seconded by José Dorado, to accept the letter with the edits that were made on paper by Commissioner Anderson and Alternate Commissioner Brown and handed to the Chair, and to authorize the Chair to send it. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson  
No: 0

**XVII. Committee/Liaison/Other Commissioner Reports**

José Dorado presented a brief report on his activities on outreach and community policing. Regina Jackson spoke on behalf of the Personnel Committee that is meeting on June 26<sup>th</sup> to conduct interviews for the CPRA Executive Director position.

Comments were provided by the following public speakers:

Rashidah Grinage

No action was taken on this item.

**XVIII. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference**

The Commission discussed participation at the National Conference in Detroit September 22-26, 2019.

Comments were provided by the following public speakers:

Nino Parker

No action was taken on this item

**XIX. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission engaged in a working session and discussed agenda items for the upcoming Commission meeting: Commission letter to City Council regarding the Palmtree contract; Commission retreat: and budget projections to be included on a future agenda.

Comments were provided by the following public speakers:

There were no public speakers on this item

**XX. Adjournment**

A motion was made by José Dorado, seconded by Tara Anderson, to adjourn the meeting at 9:40 p.m. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0



# OAKLAND POLICE COMMISSION

## MEETING MINUTES - DRAFT

June 27, 2019

6:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

### I. Call to Order

Chair Regina Jackson

The meeting started at 6:36 p.m.

### II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Excused: Edwin Prather

Counsel for this meeting: Sergio Rudin

### III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Oscar Fuentes  
Michelle Lanzanea  
Saleem Bey  
Maureen Benson  
Nino Parker

### IV. Bey Case Review

The Commission presented and discussed bids received from Henry Gage, III and the Law Offices of Amy Oppenheimer for investigative services. The Commission voted to select the Law Offices of Amy Oppenheimer.

Comments were provided by the following public speakers:

Saleem Bey  
Nino Parker

A motion was made by Ginale Harris, seconded by José Dorado, to hire an independent investigator for the scope of work that entails potential new evidence of OPD Department General Order [DGO] violations that have been exposed by civil complaint Discovery, produced by the City of Oakland in Bey v. Oakland currently in San Francisco Northern

California District Federal Court [14-cv-01626-jsc] relating to OPD IAD and City Administration CPRB complaints 07-0538, 13-1062, and 16-0147 for violations related to complaints of racial and religious profiling. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Smith

A second motion was made by Ginale Harris, seconded by José Dorado, to enter into a contract with the Law Offices of Amy Oppenheimer, in an amount not to exceed \$50,000, to do an investigation on the Bey cases 07-0538, 13-1062, and 16-0147, with Ms. Seidel as the investigator. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Smith

**V. Oakland City Charter Revisions**

The Commission discussed the effort currently being undertaken by the Coalition for Police Accountability, in collaboration with City Council President Rebecca Kaplan, to submit a ballot measure for revisions to Measure LL.

Comments were provided by the following public speakers:

Mary Vail

Rashidah Grinage

Reisa Jaffe

Maureen Benson

Saleem Bey

No action was taken on this item.

**VI. CPRA Independent Audit Commissioned by the Oakland Police Commission**

The Commission discussed the scope of services from the Mason Investigative Group and voted to approve the revised scope.

Comments were provided by the following public speakers:

Saleem Bey

Mary Vail

A motion was made by Ginale Harris, seconded by José Dorado, to contract the services of Mason Investigative Group to do the independent audit of the CPRA, not to exceed \$50,000. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Ahmad and Smith



**VII. Pawlik Investigation Update**

Regina Jackson, in her role as Chair, called for the convening of a Discipline Committee comprised of Commissioners Dorado, Jackson, and Prather, to begin meeting starting July 1<sup>st</sup> in order to make recommendations that do not allow the 3304 deadline to expire.

Comments were provided by the following public speakers:

Rashidah Grinage

Saleem Bey

Jim Chanin

No action was taken on this item.

**VIII. Commission Subpoenas Related to CPRA**

The Commission discussed the subpoenas that were previously issued and how to work with attorney-client privileged information in procuring the materials received by CPRA Interim Executive Director.

Comments were provided by the following public speakers:

Oscar Fuentes

Jim Chanin

Mary Vail

Saleem Bey

No action was taken on this item.

**IX. CPRA Executive Director Candidates**

CPRA Executive Director finalists recommended by the Personnel Committee, John Alden and Sokhom Mao, offered brief biographical statements. The Commission voted to approve submission of the candidates to the City Administrator.

Comments were provided by the following public speakers:

Jack Bryson

Jim Chanin

Bruce Schmiechen

A motion was made by José Dorado, seconded by Thomas Smith, to move both candidates forward to the City Administrator for consideration. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, Jackson, and Smith

No: 0

**X. OPD Budget Update**

OPD Personnel Manager Kiona Suttle provided an update on the top five hiring priorities for the Department.

Comments were provided by the following public speakers:

Jim Chanin

Nino Parker

No action was taken on this item.

**XI. Review of CPRA Pending Cases and Completed Investigations**

Interim Executive Director Mike Nisperos reported on the Agency's pending cases and completed investigations.

Comments were provided by the following public speakers:

Rashidah Grinage

No action was taken on this item.

**Mubarak Ahmad left the meeting.**

**XII. OPD's Policy on the Deployment of the BearCat and Other Militarized Weapons**

Captain Wingate answered questions from the Commission on OPD's use of the BearCat.

Comments were provided by the following public speakers:

Nino Parker

Oscar Fuentes

Bruce Schmiechen

John Lindsay-Poland

Reisa Jaffe

A motion was made by Regina Jackson, seconded by José Dorado, to deny OPD's request of a second BearCat. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith

No: 0

**A motion was made by Regina Jackson, seconded by José Dorado, to extend the meeting to 11:00 p.m. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Harris, and Jackson**

**No: Smith**

A second motion was made by Regina Jackson, seconded by José Dorado, to direct the Police Chief to provide a comprehensive list of grants for which the Department hopes to apply, with specific focus on any militarized equipment, that the Commission can review and/or approve prior to grant preparation. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith

No: 0

**XIII. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree**

The Commission discussed a letter that was sent to the City Council regarding OPD's contract with Michael Palmertree.

Comments were provided by the following public speakers:  
There were no speakers on this item

No action was taken on this item.

**XIV. Police Commission Retreat**

The Commission discussed holding a retreat sometime in the coming months and reviewed a proposal from Walker and Associates.

Comments were provided by the following public speakers:  
There were no speakers on this item

A motion was made by Regina Jackson, seconded by José Dorado, to approve the proposal from Walker and Associates, for a total of \$11,000, for a half-day retreat with a date and location to be determined. The motion was carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith  
No: 0

**XV. Commission Letter to City Council Regarding CAHOOTS (Crisis Assistance Helping Out On The Streets)**

The Commission discussed the letter that was sent to the Oakland City Council providing support for efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program.

Comments were provided by the following public speakers:  
Riesa Jaffe  
Rashidah Grinage  
Anne Janks

No action was taken on this item.

**A motion was made by Regina Jackson, seconded by José Dorado, to extend the meeting to 11:10 p.m. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Harris, and Jackson  
No: Smith**

**XVI. Committee/Liaison/Other Commissioner Reports**

José Dorado presented an update on the Community Policing Task Force. Ginale Harris presented an update on her work looking into resources for young people who get out of jail or are on parole or probation. Thomas Smith discussed setting up a meeting with the

Oakland Black Officers Association, his work with the NAACP, and other community outreach. Tara Anderson discussed her work with Campaign Zero regarding use of force, and the work of the Ad Hoc Committee on the OPD K-4 Use of Force Reporting Special Order.

Comments were provided by the following public speakers:  
There were no public speakers on this item

No action was taken on this item.

**A motion was made by Ginale Harris, seconded by Regina Jackson, to clarify the motion on item VI to direct Mr. Nisperos to hire the independent auditor contractually, not to exceed \$50,000 for the CPRA audit. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Harris, Jackson, and Smith**  
**No: 0**

**XVII. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission engaged in a working session and discussed items for the upcoming Commission meeting: Oakland City Charter revisions; Commission subpoenas related to CPRA; review of CPRA pending cases and completed investigations; Bey case review; Commission retreat; stop data and racial impact report; Pawlik update; and hiring CPRA investigators.

Comments were provided by the following public speakers:  
There were no speakers on this item

No action was taken on this item.

**A motion to supersede the first motion on item IV was made by Ginale Harris, seconded by José Dorado, to direct Mr. Nisperos to enter into a contract not to exceed \$50,000 with the Law Offices of Amy Oppenheimer for the Bey case review. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Harris, and Jackson**  
**No: 0**  
**Abstained: Smith**

**XVIII. Adjournment**

A motion was made by Ginale Harris, seconded by Thomas Smith, to adjourn the meeting at 11:24 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith  
No: 0



# OAKLAND POLICE COMMISSION

## Agenda Report

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<b>Subject:</b>	<b>Pending Agenda Matters List</b>
Date:	October 7, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

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### Action Requested:

Review Pending Agenda Matters List and decide on which, if any, to include in upcoming agendas.

### Background:

The following exhaustive list was begun in early 2018 and includes items submitted for consideration on future agendas. Community members may suggest agenda items by completing and submitting the Agenda Matter Submission Form found on the Commission's webpage.

### Discussion:

The following trainings must be delivered in open session and should be scheduled soon:

Subject Matter	Provider
<b><i>Mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</i></b>	
California's Meyers Miliias Brown Act (MMBA) and Public Employment Relations Board's administration of it (OMC 2.45.190(G)) <b><i>must be done in open session</i></b>	HR
Civil Service Board and other relevant City personnel policies and procedures <b><i>must be done in open session</i></b>	HR
Memoranda of Understanding with Oakland Police Officers Association and other represented employees (OMC 2.45.190(G)) <b><i>must be done in open session</i></b>	OPD
Police Officers Bill of Rights (OPC 2.45.190(H)) <b><i>must be done in open session</i></b>	OPD

### Attachments:

Pending Agenda Matters List

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Commissioner Training, Part 1	1/1/2018	Complete the training described in section 2.45.190(A) through (H)	The training described in subsections (G) and (H) must be done in open session. The 1 year deadline only applies to the first group of Commissioners and alternates; all other Commissions must complete this training within six months of appointment.	High	10/17/2018	10/24/2019	Ahmad, Dorado
Commissioner Training, Part 2	1/1/2018	Complete the training described in section 2.45.190(I) through (M)	The 18 month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within 12 months of appointment.	High	4/17/2019		Ahmad, Dorado
Confirming the Process to Hire Staff for the Inspector General's Office	5/17/2019	When the Inspector General (IG) is hired, there is to be a Policy Analyst in of the office of the IG. This is to confirm the process of hiring for that position.	This will require information presented from the City Administrator's Office.	High			
Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Recruitment and job posting in process.	High			Personnel Committee

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints;</li> <li>2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;</li> <li>3. The number of investigations completed by IAD, and the results of the investigations;</li> <li>4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;</li> <li>5. Revisions made to Department policies;</li> <li>6. The number and location of Department sworn employee-involved shootings;</li> <li>7. The number of Executive Force Review Board or Force Review Board hearings and the results;</li> <li>8. A summary of the Department's monthly Use of Force Reports;</li> <li>9. The number of Department sworn employees disciplined and the level of discipline imposed; and</li> <li>10. The number of closed investigations which did not result in discipline of the Subject Officer.</li> </ol> <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado
Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	<p>The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.</p>	High	Annually; Criteria for evaluation due 1 year prior to review		

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Police Equipment Policy	9/10/2019		Discussion of proposal for OPD equipment use and acquisition	High		10/10/2019	
Creation of a Policy Committee	9/30/2019	The Commission will discuss, and take action, to determine whether to forward a request to City Council to authorize the creation of a standing Policy Committee		Medium			Gage
Measure LL Revisions	10/1/2019	The Commission will discuss and provide feedback on the draft revision of Measure LL provided by the Coalition for Police Accountability to the Commission and City Council President Kaplan		Medium			Gage
Receive Report from Urban Strategies on their Safe Oakland Summit of 6.5.19	8/22/2019		Commissioner Dorado will invite David Harris of Urban Strategies to give a report on the Safe Oakland Summit which was held on 6.5.19	Medium			Dorado
Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD Chief Kirkpatrick will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium		11/14/2019	
City Auditor's Office to Present Performance and Financial Audit of Commission		City Auditor to conduct a performance audit and a financial audit of the Commission and the Agency	No later than two (2) years after the City Council has confirmed the first set of Commissioners and alternates, the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency.	Medium	December, 2019		
Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Medium	Biennial, per budget cycle	Fall, 2019	
Brian Hoefler case: review video	10/11/2018		Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All of the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.	Medium			
Community Policing Task Force/Summit	1/24/2019			Medium			Dorado



**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
CPAB Report			Oakland Municipal Code §2.45.070 (O) Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA.	This will enable the Police Commission to engage in a reorganization of the CPRA.	Medium			
Finalize Bylaws and	1/24/2019			Medium			Prather
Follow up on Najiri Smith Case	10/10/2018		Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.	Medium			
Need for an easy to read process to determine if Commission can open or re-open an investigation	10/2/2018		We've been hearing a lot from community members about concerns about what the commission's power actually is. We've passed a few motions to ask for legal advice on whether we have the authority to open an investigation, but an easy to read flow chart or checklist format might be easier to digest by the community. We are suggesting a flow chart for what our parameters are and resources for where we can send people if we can't help them.	Medium			
Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department. (OMC § 2.45.090(B).)	Medium	Annually; at least twice each year		Ahmad, Dorado, Jackson

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Public Hearing on Use of Force	4/22/2019		Work with Coalition on Police Accountability on presenting a public hearing on use of force.	Medium			
Receive a report from the Ad Hoc Committee on CPRA Appellate Process	6/13/2019	Once the Commission has an outside counsel, work with them on determining an appellate process	When a draft process is determined, bring to the Commission for a vote.	Medium			Prather
Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
Reports from OPD on such issues as response times, murder case closure rates, hiring and discipline status report (general number for public hearing), any comp stat data they are using, privacy issues, human trafficking work, use of force stats, homelessness issues, towing cars of people who sleep in their	10/6/2018			Medium			
Review budget and resources of IAD	10/10/2018		In our discipline training we learned that many "lower level" investigations are outsourced to direct supervisors and sergeants. We spoke with leaders in IAD and they agreed that it would be helpful to double investigators and stop outsourcing to supervisors/sgts. Commissioners have also wondered about an increase civilian investigators. Do we have jurisdiction over this?	Medium			
Review Commission's Agenda Setting Policy	4/25/2019			Medium			
Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Review Commission's Outreach Policy	4/25/2019			Medium			
Review taser policy per outcome of Marcellus Toney	10/10/2018		In the report we were given, we were told that officers have choice as to where to deploy a taser. Commission to review these policies and make recommendations and/or find if there is connection to NSA.	Medium			
Revise employment contracts with CPRA and Commission legal counsels	10/10/2018		The employment contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			
Supervision policies	10/2/2018		review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IC should conduct study of	Medium			
What are the outstanding issues in meet and confer and what is the status of the M&C on the disciplinary reports?	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			
Social Media Communication Responsibilities and Coordination	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination	Medium			
Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	4/17/2020		Prather, Smith

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Assessing responsiveness capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
Consider creating a list of ways to be engaged with OPD so that Commission can clearly state what issues should be addressed.	2/6/2019			Low			
CPRA report on app	10/10/2018		Report from staff on usage of app.	Low			
Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			
De-escalation Policy	1/1/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation. Draft policy changes as needed.	Low			
Discipline: based on review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Discipline: Second Swanson Report recommendations – have these been implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration (why not use CPRA attorney who knows the detailed investigation and is already paid for?) Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from mayor's office (Why not from CPRA? The history is that it was included in the annual CPRB report provided to City Council.) OIG audit includes key metrics on standards of	Low			
Do Not Call list issues – cops whose untruthfulness prevents them from testifying	10/6/2018		This is impacted by SB1421 and will require legal analysis.	Low			
Feedback from Youth on CPRA app	10/10/2018		We want to get some feedback from youth as to what ideas, concerns, questions they have about its usability. We've already cleared a process with CPRA, just wanted to get this on the list of items to calendar in the future (ideally early 2019)	Low			
Modify Code of Conduct from Ethics Commission for Police Commission	10/2/2018		On code of conduct for commissioners there is currently a code that was developed by the Ethics Commission. It is pretty solid, so perhaps we should use portions of it and add a process for engagement with city staff and community.	Low			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
OPD Data and Reporting			Oakland Municipal Code §2.45.070(P) Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
Outreach Committee work with Mayor's Office and City Administrator to publicize new Outreach Plan	10/10/2018			Low			
Outreach Plan Discussion, including use of social media	10/6/2018			Low			
Overtime Usage by OPD (cost and impact on personnel health + moonlighting for AC Transit)	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
Policy on Tasers			Policy on the discretion of tasers, review with Cunningham	Low			
Process to review allegations of misconduct by a commissioner	10/2/2018		Maureen Benson has named concerns/allegations about a sitting commissioner since early in 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks?	Low			Jackson
Promotions of officers who have committed	10/6/2018			Low			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Proposal For Staff Positions for Commission and CPRA	1/1/2018	Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties		Low	Ongoing as appropriate		
Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		
Protocol on how OPC handles serious	10/6/2018			Low			
Protocol on how to handle issues that are	10/6/2018			Low			
Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy	Coalition for Police Accountability is helping with this.	Low	Annually; at least once per year		Dorado
Recommendations for increasing communication between CPRA and IAD (ensure prompt forwarding of complaints from IAD to CPRA and present data	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed.	Low			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Oakland Municipal Code 2.45.070(l). Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> <li>1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration;</li> <li>2. Arbitration decisions or other related results;</li> <li>3. The ways in which it has supported the police discipline process; and</li> <li>4. Significant recent developments in police discipline.</li> </ol> <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	Low	Semi-annually		Smith