

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

- (a) All members of the Oakley Police Department are responsible to safeguard the equipment they are entrusted with by the City. During the normal course of business, some items of City equipment or an Officer's personal property may become damaged or destroyed. Similarly, an officer may damage the personal property of another person while performing their normal duties. The purpose of this policy is to define the responsibilities of employees in retaining/maintaining issued equipment and the process that will be used to report lost, missing, or damaged property. This policy is not intended to define procedures for vehicle collision reporting (OPDPM Section 501).

700.2 POLICY

- (a) The City of Oakley Police Department will purchase, issue, maintain, inventory and control all city-owned equipment. All members of the Oakley Police Department will safeguard and maintain the city equipment, regardless if the equipment is assigned to them individually. Equipment purchased using grant funds have additional reporting and tracking requirements that will be performed by this Department. When the personal property of an officer or of a citizen is damaged or destroyed, a preliminary investigation will be completed by the On-Duty or Unit Supervisor.

700.3 DEFINITION(S)

- (a) **Equipment** - refers to any item that is owned by the city and issued to any employee. The employee maintains continuous possession of these items and is responsible for its care and safekeeping (e.g. uniforms, baton, duty weapon, and leather gear).
- (b) **Property** - refers to all other items within the department owned by the city (e.g. radios, desks, cameras, and vehicles).
- (c) Excluded from these terms are all items, equipment, or property owned by the employee.

700.4 CARE OF DEPARTMENT PROPERTY

- (a) Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.
 1. Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.
 2. The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

Oakley Police Department

Oakley PD Policy Manual

Department Owned and Personal Property

3. Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
4. Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
5. In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.5 USE OF PERSONAL PROPERTY

- (a) The Department has a specific process that is used to purchase equipment and uniforms for its personnel. The Department recognizes at times officers do purchase and use their own equipment. However, this practice is discouraged. Requests for specific items of equipment should be made through an individual's Supervisor, not through personal purchase.
- (b) **Reimbursement Conditions:**
 1. To qualify for reimbursement, the loss or damage to personal property must have resulted from a sudden, unexpected event not normally encountered or anticipated on the job, and which was not subject to the control of the employee.
 2. Ordinary wear and tear on personal property used on the job is not compensable.
 3. Employee tools or equipment provided without the express approval of the Chief of Police or his representative are excluded from reimbursement under this Policy.
 4. The loss or damage must have occurred in the line of duty.
 5. The exercise of good judgment under the prevailing circumstances at the time of loss or damage is an important consideration. Negligence or lack of proper care by the employee are grounds for denial of a claim.
 6. The personal property damaged or lost must have been worn or carried by the employee in order to adequately fulfill the duties and requirements of the job.
 7. In the case of lost property that meets all of the claim criteria, proof of loss must also be submitted and rests with the claimant.
 8. Personal automobiles are excluded from reimbursement under this Policy.
 9. Personally owned computers used for report writing or for any other purposes are excluded from reimbursement under this policy.

700.6 RESPONSIBILITIES

- (a) The reasonable care of equipment and property rests with the individual employee.

Oakley Police Department

Oakley PD Policy Manual

Department Owned and Personal Property

- (b) The control and maintenance of this equipment and property rests with the police department.
- (c) The purchasing, issuing, and inventory of equipment rest with the Administrative Services Sergeant and the Chief of Police.
- (d) The accountability for theft, loss, or damage of city property or equipment during the time it is issued to or used by a particular employee rests with that employee. Accountability does not necessarily imply financial responsibility or fault.
- (e) An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.
- (f) The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.6.1 DAMAGE TO UNIFORMS AND LEATHER GEAR

- (a) The On-Duty Supervisor will examine the uniform item and determine if repair or replacement is warranted.
 - 1. If the uniform can be repaired, the employee will identify the damage to be fixed when turning in their uniform for cleaning.
 - 2. If the uniform cannot be repaired, the Supervisor will advise the Administrative Services Sergeant by email. The Administrative Services Sergeant will issue a uniform letter for the uniform/leather replacement.
 - 3. Clothing items that have been damaged due blood or body fluid exposure will be cleaned by our current crime scene cleaning service provider or replaced.

700.6.2 LOSS, THEFT, OR DAMAGE OF CITY PROPERTY AND EQUIPMENT

- (a) Whenever an employee becomes aware of the loss, theft, or damage of city equipment or property, it shall be the employee's responsibility to report the circumstance to a supervisor as soon as practicable (no later than 24 hours).
- (b) The loss, theft, or damage to a city-owned firearm will be made immediately to the On-Duty Supervisor, who will notify the Chief of Police through the Chain of Command.
- (c) When appropriate, the loss, theft, or damage of City Property/Equipment will be documented in a police report regardless of the duty status of the employee or the jurisdiction of occurrence.
- (d) **Reporting/Investigation Procedures:**
 - 1. The reporting employee will complete a memorandum addressed to the Chief of Police detailing the item that was lost, stolen or damaged and the circumstances of the loss. If a police report was completed on the incident, a copy of the police report will be attached to the memorandum. The memorandum will then be presented to a Supervisor.
 - 2. The Supervisor will review the employee's memorandum and perform an investigation of the loss by interviewing the employee, photographing the damaged property (if available), and interviewing other witnesses to the incident.

Oakley Police Department

Oakley PD Policy Manual

Department Owned and Personal Property

3. The Supervisor will then prepare a memorandum detailing their investigation, the actions taken as a result of the loss, and a recommendation whether the loss was preventable or non-preventable.
 4. The completed investigation will be forwarded through the Chain of Command to the Chief of Police.
- (e) A determination will then be made about the repair/replacement of the lost, stolen or damaged items.

700.6.3 LOSS OR THEFT OF LAW ENFORCEMENT EQUIPMENT/UNIFORMS

- (a) In addition to the procedures outlined in Section 700.4.1, when distinctive police equipment is lost or stolen, a report will be made to the Northern California Regional Intelligence Center (NCRIC). The report will be made by the Supervisor investigating the original incident and will be made within 24 hours of the original incident.

700.6.4 LOSS, THEFT, OR DAMAGE OF AN OFFICER'S PERSONAL PROPERTY

- (a) When an employee's personal property is lost, stolen, or damaged during an enforcement incident, the loss will be detailed in the police report regarding the incident. The employee should then notify a Supervisor of the loss.
- (b) **Reporting/Investigation Procedures:**
1. The reporting employee will complete a memorandum addressed to the Chief of Police detailing the item that was lost, stolen or damaged and the circumstances of the loss. If a police report was completed on the incident, a copy of the police report will be attached to the memorandum. The memorandum will then be presented to a Supervisor.
 2. The Supervisor will review the employee's memorandum and perform an investigation of the loss by interviewing the employee, photographing the damaged property (if available), and other witnesses to the incident.
 3. The Supervisor will then prepare a memorandum detailing their investigation, the actions taken as a result of the loss, and a recommendation whether the loss was preventable or non-preventable.
 4. The completed investigation will be forwarded through the Chain of Command to the Chief of Police.
- (c) A determination will then be made about the repair/replacement of the lost, stolen or damaged items. In some circumstances, an employee may be asked to complete a City Claim Form.
- (d) Reimbursement or replacement must be approved before any action is taken.

700.7 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

- (a) Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function, regardless of jurisdiction, shall report it.

Oakley Police Department

Oakley PD Policy Manual

Department Owned and Personal Property

- (b) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (c) **Reporting/Investigation Procedures:**
 1. The reporting employee will complete a memorandum addressed to the Chief of Police detailing the item that was lost, stolen or damaged and the circumstances of the loss. If a police report was completed on the incident, a copy of the police report will be attached to the memorandum. The memorandum will then be presented to a Supervisor.
 2. The Supervisor will review the employee's memorandum and perform an investigation of the loss by interviewing the employee, photographing the damaged property (if available), and other witnesses to the incident.
 3. The Supervisor will then prepare a memorandum detailing their investigation, the actions taken as a result of the loss, and a recommendation whether the loss was preventable or non-preventable.
 4. The completed investigation will be forwarded through the Chain of Command to the Chief of Police.
- (d) The individual suffering the loss should be counseled on the process of obtaining a City Claim Form and how to submit the form to the City Clerk. Claim forms can be obtained from the City Website or by personally visiting the City Offices during normal business hours.

700.7.1 DAMAGE BY EMPLOYEES OF ANOTHER AGENCY

- (a) If employees of another jurisdiction cause damage to real or personal property belonging to the City, it is the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall complete the reporting detailed in Section 700.4.1.
- (b) In certain circumstances, employees of another jurisdiction may cause damage to real or personal property of a private party during the course of a law enforcement operation (e.g., forced entry during the service of a search warrant, etc.). In this case, any employee of this Department who is present and aware of such damage shall report the circumstances to the On-Duty Supervisor. The OPD Supervisor shall determine the appropriate means of documenting the damage.

700.8 AMOUNT OF REIMBURSEMENT

- (a) The amount of compensation allowed will be the actual cost to repair damages, limited to no more than the original cost and subject to a determination of reasonable and necessary costs. Some items will be depreciated if part of the useful life of that item is gone. Expensive items will not be reimbursed at full cost if it is reasonable that a less expensive type is normally used.
- (b) Reimbursement for items damaged beyond repair will be limited to the actual value of the item at the time of loss or damage. For example, in the case of broken eyeglasses,

Oakley Police Department

Oakley PD Policy Manual

Department Owned and Personal Property

only the replacement of broken lenses and repair to frames would be allowable. The cost of reexamination and a new prescription for glasses is not compensated.

700.9 PROPERTY ACQUIRED THROUGH GRANT FUNDS

- (a) In the event that City property is stolen, lost, or damaged, the supervisor to whom the damage was reported shall make an effort to determine whether the property was procured in whole or in part with grant funds by contacting the Chief of Police. The Chief of Police or Grant Manager shall, if required, notify the appropriate federal, state, county, or city granting authority from which the funds for the property were originally acquired.

700.10 REVIEW DATE

- (a) 29 APR 16
- (b) 30 DEC 19 (Lexipol)