

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 10 Jul 09

SUBJECT: Revision of Departmental General Order P-6,  
OFFENSES INVOLVING SCHOOL PERSONNEL  
(Rev. 23 Apr 01)

The subject order has been revised to update Departmental policy and procedures for reporting the arrest or involvement of school teachers or employees in morals or controlled substances offenses.

The evaluation coordinator for this order shall be the commander of the Bureau of Field Operations, who, without further notice, shall forward the required report to the Chief of Police on or by 11 Jan 10.

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

  
Howard A. Jordan  
Acting Chief of Police

Date Signed: 8 JUL 09



DEPARTMENTAL  
GENERAL  
ORDER

P-6

Index as:

Offenses Involving School Personnel

Effective Date:  
10 Jul 09

Evaluation Coordinator:  
YFSD Commander

Evaluation Due Date:  
11 Jan 10

Automatic Revision Cycle:  
3 Years

---

## OFFENSES INVOLVING SCHOOL PERSONNEL

The purpose of this order is to set forth procedures for reporting the arrest or involvement of school teachers or employees in morals or controlled substances offenses.

### I. ARRESTS WHICH MUST BE REPORTED

#### A. Penal Code (PC) Offenses/Public School Teachers and Employees

Section 291 PC requires the Chief of Police to make immediate telephone and written notification to appropriate school officials whenever a public school teacher or other employee is arrested for an offense listed in Section 290(a) PC or for a violation of Section 261 PC, or Section 44010 of the Education Code.

1. Section 290 PC lists offenses which, upon conviction, require the person to register as a sex offender. Offenses listed in Section 290 PC are:
  - a. Assault with intent to commit Rape or Sodomy under Section 220 PC;
  - b. Sections 261(1) - 261(4) and 261(6) PC;
  - c. Section 264.1 PC;
  - d. Sections 266-267 and 269 PC;
  - e. Sections 285 - 286 PC;
  - f. Sections 288, 288a, 228.5, 288.7 and 289 PC;
  - g. Section 647.6 PC;
  - h. Section 647(d) PC;
  - i. Sections 311.2 through 311.12;
  - j. Sections 314.1 and 314.2 PC;
  - k. Lewd and Lascivious Conduct under Section 272 PC;
  - l. Any felony violation of Section 288.2 PC;
  - m. Sections 647(a) and 653f;

- n. Attempts to commit any of the above offenses; and
- o. Mentally disordered sex offender pursuant to Welfare and Institutions Code Section 6300, et seq.

2. Education Code 44010 lists sex offenses. They are:

- a. Sections 261(l)—261(4) PC;
- b. Section 261.5 PC;
- c. Sections 266—267 PC;
- d. Section 272 PC;
- e. Sections 285-286 PC;
- f. Sections 288, 288(a) PC;
- g. Section 314 PC;
- h. Sections 647(a) or 647(d) PC;
- i. Sections 647.6 PC; and
- j. Attempt to commit any of the above offenses.

B. Penal Code Offenses/Private School Teachers

Section 291.1 PC requires the Chief of Police to make immediate telephone and written notifications to the employers of private school teachers who are arrested for offenses listed in Section 290 PC.

C. Penal Code Offenses/Community College Teacher

Section 291.5 PC requires the Chief of Police to make immediate telephone and written notification to appropriate school officials whenever a teacher, employed with a community college district is arrested for an offense listed in Section 290(a) PC or for a violation of Section 261 PC.

D. Health and Safety (H&S) Code Offenses/Public School Teachers and Employees and Private School Teachers.

- 1. Section 11591 H&S requires the Chief of Police to make immediate telephone and written notifications to appropriate school officials whenever a public school teacher or other employee or a private school teacher is arrested for a offense listed in Section 11590 H&S or for a violation of Section 11364 H&S as it relates to Section 11054(d) (12) H&S.

2. Section 11590 H&S lists offenses which, upon conviction, require the offender to register as a user of controlled substances. These include all offenses under:
  - a. Section 11350 H&S;
  - b. Sections 11351, 11351.5 H&S;
  - c. Section 11352 H&S;
  - d. Sections 11353, 11353.5, 11353.7 H&S;
  - e. Sections 11354-11355 H&S;
  - f. Felony violations of Sections 11357 H&S;
  - g. Sections 11358—11359 H&S;
  - h. Felony violations of Section 11360 H&S;
  - i. Section 11361 H&S;
  - j. Section 11363 and 11364 H&S;
  - k. Sections 11366, 11366.5, 11366.6 H&S;
  - l. Section 11368 H&S;
  - m. Section 11370.1 H&S;
  - n. Section 11377(a) H&S;
  - o. Sections 11378, 11378.5 H&S;
  - p. Sections 11379, 11379.5, 1379.6 H&S;
  - q. Sections 11380, 11380.5 H&S;
  - r. Section 11383 H&S; and
  - s. Section 11550 H&S.

E. Health and Safety Code Offenses/Community College Teachers

Section 11591.5 H&S requires the Chief of Police to make immediate telephone and written notifications to appropriate school officials whenever a teacher employed in a community college district is arrested for a offense listed in Section 11590 H&S, or for a violation of Section 11364 H&S as it relates to Section 11054(d) (9) H&S.

**II. PROCEDURES FOR MAKING NOTIFICATIONS REGARDING ARRESTS**

A. Arresting Officers / Investigators

Whenever a member arrests or obtains a warrant for the arrest of school personnel identified in Part I of this order, the member shall immediately contact the Youth and Family Services Division (YFSD) Intake Desk.

B. YFSD Intake

1. The YFSD Intake Officer shall:

Notify his/her supervisor of the incident and obtain approval to make the mandatory immediate telephone notifications on behalf of the Chief of Police as follows:

- a. To the Superintendent of the Oakland Public Schools (879-8200) whenever an Oakland Public School (OPS) teacher or other employee is involved;

Advise the Chief of Police and the Office of OPS Chief of Police and Safety (879-8450) of the incident. After regular business hours, forward an email with a brief summary of the incident to the Chief of Police and Office of OPS Chief of Police and Safety.

- b. To the teacher's employer whenever a private school teacher is arrested.

Forward an email with a brief summary of the incident to the Chief of Police.

- c. To the superintendent of the school district employing the person whenever a public school teacher or employee from a non-Oakland school district is involved.

Forward an email with a brief summary of the incident to the Chief of Police.

- d. To the Chancellor of the community college district employing the person whenever a community college teacher is involved.

Forward an email with a brief summary of the incident to the Chief of Police.

2. YFSD Intake Supervisor

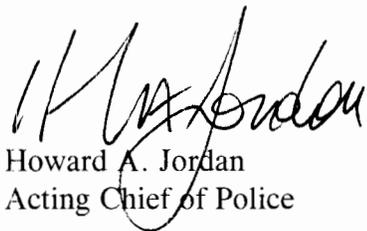
Upon notification, the YFSD Intake Supervisor shall notify the YFSD Commander as soon as practical, but in no case later than the next business day.

3. YFSD Commander

- a. The YFSD Commander shall prepare the required official letters of notification, for signature by the Chief of Police, to school officials (i.e., Superintendent of Schools of the school district employing the subject; if a teacher, also the Commission on Teacher Credentialing; if a community college, the Office of the Chancellor of the California Community Colleges). Forward the letters through the chain-of-command to the Chief of Police. A copy of the offense report shall be attached for the Chief to review.
- b. The letters of notification shall set forth the following information in letters to school officials.
  - 1) The name of the arrested person;
  - 2) The date and time of arrest; and
  - 3) The offense and code number.
- c. The OCOP Administration shall mail the letters to the following persons by as required by 291 PC and 11591 HS:
  - 1) Oakland Public School Teachers
    - a) OPS Chief of Police and Safety  
4917 Mountain Blvd.  
Oakland, CA 94619
    - b) Commission for Teacher Credentialing  
Legal and Professional Standards Division  
1812 Ninth Street  
Sacramento, CA 95814-7000
    - c) Alameda County Superintendent of Public Schools  
313 West Winton Avenue  
Hayward, CA 94544
    - d) Superintendent of the Oakland Public Schools  
1025 Second Avenue  
Oakland, CA 94606

- 2) Oakland Public School Employees
  - a) Oakland Board of Education  
1025 Second Avenue  
Oakland, CA 94606
  - b) Superintendent of the Oakland Public Schools  
1025 Second Avenue  
Oakland, CA 94606
- 3) Private School Teachers  
The teacher's employer.
- 4) Public School Teachers from Non-Oakland Districts
  - a) The Commission for Teacher Credentialing Legal and Professional Standards Division.
  - b) The Superintendent of Public Schools in the county employing the teacher.
- 5) Public School Employees from Non-Oakland Districts  
The governing board of the school district employing the person.
- 6) Community College Teachers  
Office of the Chancellor of the California Community Colleges  
1107 Ninth Street  
Sacramento, CA 95814

By order of



Howard A. Jordan  
Acting Chief of Police

Date Signed: 7/7/09