

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 30 Sep 10

SUBJECT: Revision of Departmental *Manual of Rules* (Rev. 9 Apr 09).

---

The Manual of Rules has been revised to reflect additions, deletions, and revisions for the purpose of clarification and to ensure consistency with the Discipline Matrix. Additionally, the Index has been revised to cross-reference subject headings.

The Evaluation Coordinator for this order shall be the Internal Affairs Division Commander, who, without further notice, shall forward the required report to the Chief of Police on or by 1 Apr 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 archive folder.

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.

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

By order of

Anthony W. Batts  
Chief of Police

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

# OAKLAND POLICE DEPARTMENT



## *MANUAL OF RULES*

*Anthony W. Batts*  
*Chief of Police*

30 Sep 2010

## **PREAMBLE**

It is the purpose of this Manual of Rules to provide additional specificity to the standards of conduct embodied in the law enforcement officer's Code of Ethics and the Department's Statement of Values. In that regard, all personnel will better understand requirements and limitations pertaining to their conduct and activities while on and off duty.

Actions of Departmental personnel that are inconsistent, incompatible, or in conflict with the values established by this agency negatively affect its reputation and that of its members and employees. Such actions or omissions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain the public's trust and confidence, and conduct other essential business. Therefore, the Department has reason to expect that all personnel will conduct themselves, at all times, in a manner that demonstrates adherence to the ethical standards implied by the rules set forth in this manual and otherwise disseminated by this agency.

The rules of conduct set forth in this manual are not intended to serve as an exhaustive treatment of Departmental requirements and limitations on member or employee conduct and activities. Rather, they are intended to (1) alert all personnel to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and omissions that are contrary to and that conflict with the duties and responsibilities of police service personnel; and (3) guide members and employees in conducting themselves and their activities in a manner that reflects the standards of department and professionalism required of Oakland police personnel. Additional guidance on matters of conduct is provided through specific policies, procedures, and directives disseminated by the Department and from immediate supervisors and commanders.

The promulgation of rules does not curtail discretion or stifle creativity. Instead, ethical conduct produces broad support for decision-making at lower, more practical levels in the organization. As the Department's community policing philosophy continues to evolve, critical thinking, resourcefulness and creativity will mirror a commitment to ethical conduct. As a result, the community and the Department will continue to enjoy the benefits and contributions that all personnel make to the quality of police service in Oakland.

### **MISSION**

The Mission of the Oakland Police Department is to provide the people of Oakland an environment where they can live, work, play, and thrive free from crime and the fear of crime.

### **VISION**

- By the Year 2015, Oakland is one of the safest large cities in California – both in reality and perception.
- The Oakland Police Department provides high quality services in a Community-driven and customer – friendly manner.
- The Oakland Police Department is trusted, respected, and valued by those it serves.
- The Oakland Community and the Oakland Police Department work together to solve Community and neighborhood concerns and issues.

### **VALUES**

In dealing with our Community and customers, we:

- Recognize that we are here to serve the needs of the Community.
- Strive to provide the best service possible, in a professional and positive manner.
- Operate with ethics, honesty, and integrity.
- Treat our customers with respect, dignity, and fairness.
- Are responsive to the changing needs of our Community and individuals we serve.

In dealing with each other, we:

- Treat each other with respect based on mutual trust and common purpose.
- Do the right things, ethically, and honestly.
- Communicate openly and positively about plans and decisions.
- Set priorities to ensure services are delivered to the Community by personnel who are properly trained, equipped, and supported.
- Are accountable for the quality of our work and the quality of the service the Department provides.
- Are innovative and creative, acknowledging mistakes will be made from which we will learn.
- Go beyond basic duties to help others and improve our Community.
- Take responsibility for developing and training each other and ourselves.

**TABLE OF CONTENTS**

**Preamble ..... i**  
**Mission Statement ..... ii**

**CHAPTER I - DEFINITIONS..... 6**

**125.00 ORGANIZATIONAL DEFINITIONS ..... 6**

125.08 Department..... 6  
125.16 Bureau ..... 6  
125.24 Division..... 6  
125.32 Section..... 6  
125.40 Unit..... 6  
125.48 Detail ..... 6  
125.50 Squad..... 6  
125.52 Shift..... 6  
125.56 Team..... 6  
125.82 Area..... 6  
125.88 District..... 7  
125.90 Patrol/Community Policing Beat ..... 7

**150.00 PERSONNEL DEFINITIONS..... 7**

150.11 Member ..... 7  
150.22 Employee..... 7  
150.33 Command Officer..... 7  
150.44 Commanding Officer ..... 7  
150.50 Manager..... 7  
150.55 Officer In Charge ..... 7  
150.66 Supervisor ..... 7  
150.77 Superior Officer ..... 7  
150.79 Reserve Police Officer ..... 8  
150.82 Volunteer..... 8  
150.88 Seniority ..... 8  
150.99 Precedence..... 8

**175.00 OTHER TERMINOLOGY/DIRECTION ..... 9**

175.07 Publications..... 9  
175.09 National Colors and Anthem..... 9  
175.14 Lawful Order..... 9  
175.15 Unlawful Orders..... 9  
175.16 Obedience to Unlawful Orders..... 9  
175.17 Obedience to Unjust or Improper Orders..... 9  
175.19 Conflicting Orders..... 9  
175.21 Rules/Regulations ..... 10  
175.30 Press Relations ..... 10  
175.35 Confidential Reporting of Police Misconduct..... 10

|        |                                   |    |
|--------|-----------------------------------|----|
| 175.42 | Beginning of Day and Week .....   | 10 |
| 175.49 | Work Day .....                    | 10 |
| 175.56 | Indication of Time and Date ..... | 11 |
| 175.63 | Right .....                       | 11 |
| 175.70 | Privilege .....                   | 11 |
| 175.77 | Shall .....                       | 11 |
| 175.84 | May .....                         | 11 |
| 175.95 | Retaliation .....                 | 11 |
| 175.96 | Adverse Action.....               | 11 |
| 175.97 | Protected Activities .....        | 12 |
| 175.99 | Gross Dereliction of Duty .....   | 12 |

**CHAPTER II - COMMAND AND SUPERVISORY AUTHORITY AND RESPONSIBILITIES..... 12**

|               |                                       |           |
|---------------|---------------------------------------|-----------|
| <b>200.00</b> | <b>CHIEF OF POLICE .....</b>          | <b>13</b> |
| 200.01        | Authority .....                       | 13        |
| 200.02        | Responsibilities .....                | 13        |
| <b>210.00</b> | <b>ASSISTANT CHIEF OF POLICE.....</b> | <b>13</b> |
| 210.01        | Authority .....                       | 13        |
| 210.02        | Responsibilities .....                | 13        |
| <b>217.00</b> | <b>DEPUTY CHIEF OF POLICE.....</b>    | <b>13</b> |
| 217.01        | Authority .....                       | 13        |
| 217.02        | Responsibilities .....                | 14        |
| <b>219.00</b> | <b>INSPECTOR GENERAL.....</b>         | <b>14</b> |
| 219.01        | Authority .....                       | 14        |
| 219.02        | Responsibilities .....                | 14        |
| <b>222.00</b> | <b>AREA COMMANDERS .....</b>          | <b>15</b> |
| 222.01        | Authority and Responsibilities.....   | 15        |
| 222.12        | Schedule .....                        | 15        |
| 222.24        | Accessibility and Coordination.....   | 15        |
| 222.40        | Ranking Authority.....                | 15        |
| <b>226.00</b> | <b>AREA LIEUTENANT.....</b>           | <b>15</b> |
| 226.01        | Authority and Responsibilities.....   | 15        |
| 226.12        | Good Order.....                       | 15        |
| 226.24        | Line-Up .....                         | 15        |
| <b>234.00</b> | <b>COMMANDING OFFICERS.....</b>       | <b>16</b> |
| 234.01        | Authority and Responsibilities.....   | 16        |
| 234.12        | Command .....                         | 16        |
| 234.24        | Loyalty and Esprit de Corps.....      | 16        |

|  |  |           |
|--|--|-----------|
| 234.36   | Discipline and Morale .....  | 16        |
| 234.48   | Inter-Divisional Action .....  | 16        |
| 234.60   | Grievance Resolution .....   | 16        |
| 234.72   | Organization and Assignment .....  | 16        |
| 234.84   | Reports and Records .....  | 16        |
| 234.96   | Maintenance .....  | 17        |
| <b>250.00</b>  | <b>WATCH COMMANDER .....</b>   | <b>17</b> |
| 250.01   | Authority and Responsibilities .....   | 17        |
| <b>285.00</b>  | <b>SUPERVISORS.....</b>  | <b>17</b> |
| 285.01   | Authority and Responsibilities .....   | 17        |
| 285.14   | Supervision.....   | 17        |
| 285.28   | Leadership .....   | 17        |
| 285.42   | Direction.....   | 17        |
| 285.56   | Enforcement of Rules.....  | 18        |
| 285.70   | Inspection .....   | 18        |
| 285.84   | Assisting Subordinates .....   | 18        |
| 285.90   | Prevention of Harassment, Discrimination and Retaliation.....                  | 18        |
| 285.98   | Grievance Resolution.....  | 18        |
| <b>CHAPTER III - RULES AND REGULATIONS FOR ALL MEMBERS AND</b> |  |           |
| <b>EMPLOYEES .....</b>   |  | <b>19</b> |
| <b>314.00</b>  | <b>PROFESSIONAL CONDUCT AND RESPONSIBILITIES.....</b>                          | <b>19</b> |
| 314.03   | General Conduct.....   | 19        |
| 314.04   | Conduct Toward Others – Harassment and Discrimination .....                    | 19        |
| 314.05   | Conduct Toward Others – Workplace Violence .....                               | 19        |
| 314.07   | Conduct Toward Others – Demeanor .....   | 20        |
| 314.08   | Conduct Toward Others – Relationships .....                                    | 20        |
| 314.15   | Assistance.....  | 20        |
| 314.21   | Members on Special Assignments .....   | 21        |
| 314.24   | Availability of Off-Duty Members .....   | 21        |
| 314.27   | Right of Off-Duty Members to Place Themselves in Peace Officer<br>Status ..... | 21        |
| 314.28   | Notification .....   | 21        |
| 314.30   | Insubordination-Disobedience to Orders .....                                   | 22        |
| 314.32   | Insubordination-Disrespect .....   | 22        |
| 314.38   | Obstructing the Internal Affairs Process .....                                 | 22        |
| 314.39   | Performance of Duty .....  | 23        |
| 314.42   | Obedience to Laws .....  | 23        |
| 314.48   | Reporting Violations of Laws, Ordinances, Rules or Orders.....                 | 23        |
| 314.51   | Criticism.....   | 24        |
| 314.69   | Gifts, Gratuities - Soliciting or Accepting .....                              | 24        |
| 314.70   | Uses of Privileged Information .....   | 24        |
| 314.72   | Transactions .....   | 24        |

|               |  |           |
|---------------|--|-----------|
| 314.73        | Other Transactions .....   | 25        |
| 314.74        | Conflict of Interest .....   | 25        |
| 314.75        | Rewards.....   | 25        |
| 314.84        | Debts - Incurring and Payment .....  | 25        |
| <b>328.00</b> | <b>GENERAL CONDUCT ON DUTY .....</b>   | <b>25</b> |
| 328.07        | Prohibited Activity On Duty .....  | 25        |
| 328.14        | Loitering.....   | 26        |
| 328.28        | Tardiness .....  | 26        |
| 328.35        | Relief.....  | 26        |
| 328.49        | Absence From Duty .....  | 26        |
| 328.53        | False Reporting of Illness or Injury .....   | 26        |
| 328.56        | Physical Fitness for Duty .....  | 26        |
| 328.63        | Consumption of Intoxicants .....   | 26        |
| 328.70        | Intoxicants on Departmental Premises.....  | 27        |
| 328.77        | Tobacco Products While On Duty, Use of.....  | 27        |
| 328.84        | Possession of Keys or Proximity Cards (Keycard).....                               | 27        |
| 328.91        | Address and Telephone Numbers .....  | 27        |
| <b>342.00</b> | <b>DEPARTMENT PROPERTY AND EQUIPMENT .....</b>                                     | <b>27</b> |
| 342.19        | Damaged, Inoperative Property or Equipment.....                                    | 28        |
| 342.57        | Care of City or Department Buildings .....   | 28        |
| 342.76        | Notices.....   | 29        |
| 342.95        | Department Vehicles, Use.....  | 29        |
| 342.96        | Departmental Insignia .....  | 29        |
| <b>356.00</b> | <b>COMMUNICATIONS, CORRESPONDENCE, ELECTRONIC<br/>MEDIA .....</b>                  | <b>29</b> |
| 356.20        | Correspondence.....  | 29        |
| 356.30        | Accessing, Viewing, Downloading, Providing, Sharing<br>Inappropriate Material..... | 29        |
| 356.35        | Electronic Messaging .....   | 29        |
| 356.40        | Forwarding Communications to Higher Commands .....                                 | 29        |
| 356.60        | Department Address, Private Use of.....  | 29        |
| 356.80        | Electronic Telecommunication/Entertainment Devices.....                            | 30        |
| 356.89        | Improper Dissemination of Computer Information .....                               | 30        |
| 356.90        | Unauthorized Use of Electronic Systems.....  | 30        |
| <b>370.00</b> | <b>INVESTIGATIONS, ARRESTS, AND DETENTIONS .....</b>                               | <b>30</b> |
| 370.09        | Identification as Police Officer .....   | 30        |
| 370.10        | Identification of Undercover Officer .....   | 30        |
| 370.27        | Physical Force, Use of.....  | 30        |
| 370.36        | Custody of Prisoners .....   | 30        |
| 370.45        | Reports and Bookings .....   | 31        |
| 370.63        | Security of Departmental Business .....  | 31        |
| 370.72        | Compromising Criminal Cases .....  | 31        |

|  |   |           |
|--|---|-----------|
| 370.81   | Assisting Criminals .....   | 31        |
| 370.90   | Endorsements and Referrals.....   | 32        |
| <b>384.00</b>                                  | <b>PUBLIC ACTIVITIES .....</b>  | <b>32</b> |
| 384.28   | Commercial Testimonials .....   | 32        |
| 384.32   | Political Activity .....  | 32        |
| 384.56   | Membership in Organizations.....  | 32        |
| 384.70   | Subversive Organization .....   | 33        |
| 384.98   | Personal Preferment .....   | 33        |
| <b>398.00</b>                                  | <b>JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES<br/>AND TESTIFYING .....</b> | <b>33</b> |
| 398.16   | Court Appearances .....   | 33        |
| 398.32   | Notification of Subpoena to Testify for the Defense .....                       | 33        |
| 398.48   | Refusal to Testify .....  | 33        |
| 398.70   | Interfering With Investigations .....   | 34        |
| 398.73   | Retaliation .....   | 34        |
| 398.74   | Retaliation, Accountability .....   | 34        |
| 398.76   | Refusal to Accept or Refer Complaint.....                                       | 35        |
| 398.77   | Refusal to Supply Name and Serial Number .....                                  | 35        |
| 398.80   | Truthfulness .....  | 35        |
| 398.96   | Civil Cases .....   | 35        |
| <b>CHAPTER IV – DEPARTMENT DISCIPLINE.....</b> |   | <b>36</b> |
| <b>400.00</b>                                  | <b>WHO IS SUBJECT TO DISCIPLINARY ACTION.....</b>                               | <b>36</b> |
| <b>412.00</b>                                  | <b>DEPARTMENTAL AUTHORITY TO DISCIPLINE.....</b>                                | <b>36</b> |
| <b>436.00</b>                                  | <b>PENALTIES .....</b>  | <b>36</b> |
| <b>484.00</b>                                  | <b>EMERGENCY ADMINISTRATIVE LEAVE .....</b>                                     | <b>36</b> |
| 484.50   | Follow-Up Action on Emergency Administrative Leave .....                        | 36        |

## CHAPTER I

### Definitions

- 125.00      ORGANIZATIONAL DEFINITIONS – The following definitions will govern terminology to be used in all communications and whenever reference is made to any organizational unit. They are presented here to provide uniformity and clarification of terminology commonly used when discussing the operations and organization of the Oakland Police Department.
- 125.08      DEPARTMENT – The Oakland Police Department.
- 125.16      BUREAU – The first subordinate organizational unit within the Department.
- 125.24      DIVISION – All units directly supervised by or reporting to the Chief of Police, the Assistant Chief, or a Deputy Chief of Police.
- 125.32      SECTION – A functional unit that may be a sub-unit of a bureau or division. It may be commanded by any rank, depending on its size, the nature and importance of its function.
- 125.40      UNIT – Any number of members and/or employees of the Department regularly grouped together under one head to accomplish a police purpose.
- 125.48      DETAIL – A subdivision of a division, section, or unit, the personnel of which are temporarily assigned to a specialized activity and/or specific geographic area.
- 125.50      SQUAD – Any number of members and/or employees of the Department regularly grouped together to accomplish a specialized activity. Similar and equivalent in status and function to a Unit or Detail.
- 125.52      SHIFT – A designated span of time to which personnel are assigned duties.
- 125.56      TEAM – One (1) of two (2) designated groups (A & B) of personnel, within the Patrol Division, based on a specific work/day-off schedule.
- 125.82      AREA – A geographical area of the City under the command of a captain.

- 125.88 DISTRICT – A geographical subdivision of an Area containing a designated number of Beats.
- 125.90 PATROL/COMMUNITY POLICING BEAT – A geographical region of variable size within an Area to which one or more officers are specifically assigned for emergency response, dispatched assignments, to engage the community and accomplish problem solving projects, and assist citizens to abate the root causes of crime and disorder.

150.00 PERSONNEL DEFINITIONS

- 150.11 MEMBER – Any person appointed to the Department as a full time, regularly salaried peace officer, unless otherwise specified by Departmental directive.
- 150.22 EMPLOYEE – Every person other than members appointed or assigned to the Department in any permanent or temporary Civil Service classification unless otherwise specified by Departmental directive.
- 150.33 COMMAND OFFICER – Members of the Department holding the rank of Lieutenant or higher.
- 150.44 COMMANDING OFFICER – Any command officer in charge of an organizational unit.
- 150.50 MANAGER – An employee of the Department in charge of a Division or Section (e.g. Animal Control).
- 150.55 OFFICER IN CHARGE – Any member below the rank of Lieutenant in charge of an organizational unit.
- 150.66 SUPERVISOR – Members or employees of the Department assigned to positions requiring the exercise of immediate supervision over the activities of other members and employees.
- 150.77 SUPERIOR OFFICER – A person holding a higher supervisory or command rank or position.

- 150.79 RESERVE POLICE OFFICER – A person possessing a professional certificate from the Commission on Peace Officer Standards and Training (POST), appointed to the Department as a part-time, unpaid volunteer having the powers of a peace officer only while on active duty.
- 150.82 VOLUNTEER – A person offering their services and skills, *gratis*, to assist the Police Department in accomplishing a specific administrative task. To be considered a volunteer, nominees shall successfully complete the application process.
- 150.88 SENIORITY – Seniority in the Department is established first by rank and secondly by aggregate time served in rank whether on a regularly assigned or temporary basis. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the Civil Service eligibility list from which the appointments were made is deemed to be the senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer.
- 150.99 PRECEDENCE – For the purposes of seniority, the following is the precedence of ranks and positions in descending order:

CHIEF OF POLICE  
ASSISTANT CHIEF OF POLICE  
DEPUTY CHIEF OF POLICE  
CAPTAIN OF POLICE  
LIEUTENANT OF POLICE / MANAGER  
SERGEANT OF POLICE / SUPERVISOR  
POLICE OFFICER / EMPLOYEE

This chain-of-command shall be adhered to in the transmittal of commands and communications between the Chief of Police and all subordinate members and employees. In the event of misconduct on the part of a member or employee, emergency disciplinary action may be taken outside the chain-of-command and across the lines of supervisory responsibility.

175.00      OTHER TERMINOLOGY/DIRECTION

- 175.07      PUBLICATIONS – Reference guides specifying the rules and regulations governing the conduct of personnel and the operation of the Department as well as specifying City and Departmental policies and procedures.
- 175.09      NATIONAL COLORS AND ANTHEM – Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.
- 175.14      LAWFUL ORDER – Any direct or relayed written or oral order, issued by a superior officer to any subordinate or group of subordinates in the course of police duty, that is not in violation of any law, ordinance or any Departmental rule or regulation.
- 175.15      UNLAWFUL ORDERS – No command or supervisory officer shall knowingly issue any order in violation of any law or ordinance or Departmental rule.
- 175.16      OBEDIENCE TO UNLAWFUL ORDERS – Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member or employee is required to obey any order that is contrary to Federal or State law or City ordinance. Members and employees who believe they have received an unlawful order shall promptly bring the matter to the attention of the supervisor of the person issuing the order. Responsibility for refusal to obey rests with the member or employee. He/she shall be strictly required to justify his/her action. A member or employee receiving an unlawful order may appeal at first opportunity to the Chief of Police through the chain-of-command. The appeal shall contain the facts of the incident and the action taken.
- 175.17      OBEDIENCE TO UNJUST OR IMPROPER ORDERS – Members or employees who are given orders they feel to be unjust or contrary to rules and regulations shall first obey the order to the best of their ability. A member or employee receiving an unjust or improper order may appeal at first opportunity to the Chief of Police through the chain-of-command. The appeal shall contain the facts of the incident and the action taken.
- 175.19      CONFLICTING ORDERS – Upon receipt of an order conflicting with any previous order or instruction, the member affected shall advise the person issuing the second order of this fact. Responsibility for

countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Countermanding or conflicting orders shall be issued only when circumstances dictate. Examples include but are not limited to officer safety, tactical considerations, to accomplish a police mission, or for the good of the Department.

- 175.21 RULES/REGULATIONS – City and Departmental legislation consisting of detailed directives binding members and employees of all ranks/classifications in terms of authority, responsibility and conduct. Members and employees shall comply with the provisions of the appropriate City and Departmental rules and regulations.
- 175.30 PRESS RELATIONS – Members shall provide the press with reasonable access to information. When the release of information may be contrary to sound police practices, the press shall be referred to a supervisor, commander, or the Public Information Officer.
- 175.35 CONFIDENTIAL REPORTING OF POLICE MISCONDUCT – Any member or employee of the Department may confidentially report potential police misconduct directly to the commander of the Internal Affairs Division (IAD). The member or employee reporting the alleged misconduct shall clearly indicate to the IAD commander that confidentiality for the report is sought pursuant to this confidential provision. Confidential reports may be made in person, by telephone or in writing. Confidential reports will be documented by the IAD commander and kept in a secure repository, accessible only to the IAD commander. The case shall be investigated without disclosure of the complainant's name unless and until such disclosure is required by law.
- 175.42 BEGINNING OF DAY AND WEEK – The Department day for record purposes shall begin at 0001 hours and shall conclude at 2400 hours. The Department week for record purposes shall commence at 0001 hours each Saturday.
- 175.49 WORK DAY – The day in which the member or employee is directed to perform his/her duties.

- 175.56 INDICATION OF TIME AND DATE – All reports and intradepartmental correspondence requiring time indication shall be stated according to the 24-hour clock system. The date shall be shown by writing the numeral of the day followed by the first three letters of the month and then by the last two digits of the year. On correspondence directed outside the Department, the date and time shall be indicated in the conventional manner.
- 175.63 RIGHT – In reference to conditions of employment, the term “right” shall designate those conditions specifically outlined by State or Federal law, the City Charter, City Ordinances, Civil Service rules, or appropriate *Memoranda of Understanding*.
- 175.70 PRIVILEGE – Employment conditions that are not “rights” but are granted at the convenience of the Department.
- 175.77 SHALL – Indicate that the action is mandatory.
- 175.84 MAY – Indicates that the action is permissive.
- 175.95 RETALIATION – Any adverse action, including informal or subtle actions of reprisal, disparagement, retribution, harassment, or “payback,” taken against a member or employee for engaging in protected activity. Taking employment action against a member or employee that is justified based on merit does not constitute retaliation.
- 175.96 ADVERSE ACTION – Any action that would cause a reasonable member, employee, or any other person to be deterred from engaging in protected activity or any adverse action or treatment that is based on a retaliatory motive as a result of a member, employee or any other person engaging in a protected activity. Such actions may include, but are not limited to the following:
- Negative performance evaluations;
  - Imposition of discipline;
  - Denial of pay grade or salary step advancement;
  - Denial of coveted assignment or promotional opportunity;
  - Change of assignment;
  - Refusing to provide or intentionally delaying response to a request for assistance or back up;
  - Creating a dangerous working environment;
  - Ostracizing a member, employee, or any other person for complaining or participating in an investigation;
  - Spreading rumors impugning the character or reputation of a complainant or an accused; and
  - Referring to a member or employee who engages in a protected activity as a “snitch” or any other disparaging term.

- 175.97 PROTECTED ACTIVITIES – May include but are not limited to the following:
- Opposing or reporting conduct that violates the *Manual of Rules* or participating in an investigation of such conduct;
  - Opposing unlawful conduct or participating in an investigation of such conduct;
  - Participating in any claim, charge, or lawsuit concerning unlawful conduct or conduct that violates the *Manual of Rules*;
  - Supporting, assisting, or cooperating in a misconduct investigation;
  - Filing a grievance or participating in any complaint concerning labor practices that is reasonably believed to be legitimate; or
  - Taking lawful and appropriate advantage of any labor right or benefit such as legitimately using sick or family leave, seeking a reasonable accommodation for a disability, or seeking compensation for overtime worked.
- 175.99 GROSS DERELICTION OF DUTY – Failure to use reasonable care to protect life and/or property and to safeguard the legal rights of individuals. Gross dereliction of duty is characterized by carelessness and a reckless disregard for the consequences of the member or employee's conduct.

---

**Intentionally Left Blank**

---

**CHAPTER II**

Command and Supervisory  
Authority and Responsibilities

**200.00**      **CHIEF OF POLICE**

- 200.01      **AUTHORITY** – The Chief of Police is the chief executive officer of the Department and the final Departmental authority in all matters of policy, operations and discipline. The Chief of Police exercises all lawful powers of the office and issues such lawful orders as are necessary to assure the effective performance of the Department. The Chief of Police may delegate the power and authority of the office to the Assistant Chief of Police.
- 200.02      **RESPONSIBILITIES** – Through the Chief of Police, the Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department, for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by competent authority, and for the Department's relations with the community, the City government, and other agencies.

**210.00**      **ASSISTANT CHIEF OF POLICE**

- 210.01      **AUTHORITY** – Subject to the authority of the Chief of Police, the Assistant Chief of Police (Operations Chief) is the second highest ranking officer in the Department. Responsibilities of the Assistant Chief include command of all major functions of the Department, and as Acting Chief of Police in the absence of the Chief.
- 210.02      **RESPONSIBILITIES** – The Assistant Chief of Police assists the Chief of Police in directing the day-to-day operation of the Department; and, assumes command of the Department in the Chief's absence; ensures the enforcement of laws and ordinances; assists the Chief of Police in administrating the budget process; assists in establishing and maintaining direct contact with the community; serves as liaison to other criminal justice agencies as required; maintains relations with the news media and may serve as coordinator for the release of Departmental information; performs administrative and command duties to support the management of the Department.

**217.00**      **DEPUTY CHIEF OF POLICE**

- 217.01      **AUTHORITY** – Subject to the authority of the Chief of Police, a Deputy Chief of Police shall issue or may authorize subordinate commanding officers to issue such bureau policy and procedures as may

be necessary to promote the effective operation of all activities within his/her command.

- 217.02 RESPONSIBILITIES – Members appointed to the rank of Deputy Chief of Police ordinarily are assigned to command a bureau of the Department, but may be assigned additional duties by the Chief of Police or Assistant Chief of Police. A Deputy Chief of Police shall be responsible for planning, directing, controlling and coordinating all activities within his/her command. A Deputy Chief of Police shall be responsible for preparing a budget and for monitoring expenses, overtime, and all other components of the respective bureau's budget.

A Deputy Chief of Police shall report directly to the Assistant Chief of Police as may be required and shall submit such reports relating to his/her command as may be required. Subject to approval by the Chief of Police, the Assistant Chief of Police may designate a Deputy Chief of Police to act as Assistant Chief of Police or Chief of Police when the former is absent from the City.

**219.00**      **INSPECTOR GENERAL**

- 219.01 AUTHORITY – Subject to the authority of the Chief of Police, the Inspector General shall act as advisor to the Chief of Police and partner with Department commanders and managers to conduct audits and provide efficient and effective processes and procedures.
- 219.02 RESPONSIBILITIES – The member appointed to the position of Inspector General shall be assigned to the Office of the Chief of Police and shall keep the Chief, Assistant Chief, and Deputy Chiefs informed of identified problems, abuses, and deficiencies in the application of Department policies and/or procedures. The Inspector General shall review Department policies and procedures, ensure audits and inspections are conducted, and make recommendations on the revision of current procedures and/or the promulgation/revision of Department policies.

**222.00**      **AREA COMMANDERS**

- 222.01      **AUTHORITY AND RESPONSIBILITIES** – Each Area Commander shall be a Captain of Police and is responsible for one (1) Area of the City on a 24-hour, 7-day per week basis. In addition to the responsibilities and authorities of commanding officers, Area Commanders are also responsible for the following:
- 222.12      **SCHEDULE** – Work flexible, individual schedules.
- 222.24      **ACCESSIBILITY AND COORDINATION** – Ensuring their accessibility and availability to the public and all members and employees under their commands. Facilitate the coordination of Area activities. Inspect field conditions and monitor events in their Areas. Be accountable for field service objectives, addressing Area crime problems, the conduct of subordinates and the control of discretionary costs.
- 222.40      **RANKING AUTHORITY** – Assuming responsibility for an Area as the ranking authority in the Department in the absence of those members who regularly exercise such authority. This authority includes supervision over and responsibility for all Departmental personnel in that Area over a specified time period. In the event that a Departmental issue cannot be resolved, the issue shall be referred to the appropriate Deputy Chief, Assistant Chief of Police or Chief of Police.

**226.00**      **AREA LIEUTENANT**

- 226.01      **AUTHORITY AND RESPONSIBILITIES** – Members serving in this capacity shall be Lieutenants of Police who are assigned by Area and have all the responsibilities of commanding officers during their tours of duty. In addition, each Area Lieutenant is also responsible for:
- 226.12      **GOOD ORDER** – Ensuring the good order of his/her command during a tour of duty to include safety, proper discipline, conduct, well-being, field training and efficiency.
- 226.24      **LINE-UP** – Ensure prescribed line-ups are conducted, communication of all orders or other information is distributed, perform inspections and take corrective action, as necessary.

**234.00**      **COMMANDING OFFICERS**

- 234.01      **AUTHORITY AND RESPONSIBILITIES** – Subject to direction from higher command, a commanding officer has direct control over all members and employees within his/her command. In addition to the general and individual responsibilities of all members and employees and supervisory officers, a commanding officer is responsible for the following:
- 234.12      **COMMAND** – The inspection, direction, and control of personnel under his/her command to assure the proper performance of duties and compliance with established rules, regulations, policies and procedures. Providing for continuation of command and/or supervision in his/her absence.
- 234.24      **LOYALTY AND ESPRIT DE CORPS** – The development and maintenance of esprit de corps and loyalty to the Department and City.
- 234.36      **DISCIPLINE AND MORALE** – The maintenance of discipline and morale within the command and the investigation of assigned misconduct complaints.
- 234.48      **INTER-DIVISIONAL ACTION** – The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to his/her command when delay necessary to inform the proper unit might result in a failure to perform a police duty.
- 234.60      **GRIEVANCE RESOLUTION** – The resolution of personnel grievances in accordance with the provisions of Departmental directives and the appropriate *Memoranda of Understanding*.
- 234.72      **ORGANIZATION AND ASSIGNMENT** – The organization and assignment of duties and the promulgation of appropriate directives within his/her unit to assure proper performance of Departmental functions and personnel of his/her command.
- 234.84      **REPORTS AND RECORDS** – Preparation and/or review of required correspondence, reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain-of-command as required.

- 234.96 MAINTENANCE – Ensure that quarters, equipment, supplies and material assigned to his/her command are correctly used and maintained.

**250.00 WATCH COMMANDER**

- 250.01 AUTHORITY AND RESPONSIBILITIES In the absence of those members who regularly exercise authority over the Department, including Area Commanders, a Patrol Division Watch Commander shall be designated as the ranking authority in the Department. This authority and responsibility is not limited or confined to his/her own Division or Area, but shall include supervision over and responsibility for all Departmental personnel. In the event that the Watch Commander is not designated in advance, the senior Lieutenant on duty shall assume the Watch Commander function in accordance with Departmental policy. The Watch Commander function is activated only when no Area Commander or higher ranking member is available.

**285.00 SUPERVISORS**

- 285.01 AUTHORITY AND RESPONSIBILITIES – In addition to the general and individual responsibilities of all members and employees, each supervisor is specifically responsible for the following:
- 285.14 SUPERVISION – A supervisor may be assigned to field or staff duties. During his/her tour of duty, he/she shall closely supervise the activities of subordinates, making corrections where necessary and commending where appropriate.
- 285.28 LEADERSHIP – Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.
- 285.42 DIRECTION – Supervisors shall exercise direct oversight in a manner that ensures the good order, conduct, discipline and efficiency of subordinates. Exercise of authority may extend to subordinates outside his/her usual sphere of supervision if the police objective or reputation of the Department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his/her own to leave a regular assignment, the supervisor so directing shall inform the subordinate's regularly assigned supervisor as soon as possible.

- 285.56 ENFORCEMENT OF RULES – Supervisors shall enforce Departmental rules and regulations and ensure compliance with Departmental policies and procedures.
- 285.70 INSPECTION – Supervisors are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
- 285.84 ASSISTING SUBORDINATES – Supervisors shall have a working knowledge of the duties and responsibilities of their subordinates. They shall observe contacts made with the public by subordinates, be available for assistance or instruction as may be required and take active charge when necessary.
- 285.90 PREVENTION OF HARASSMENT, DISCRIMINATION AND RETALIATION – Monitoring the work environment to ensure that no one is subjected to harassment or discrimination on the basis of protected status or to retaliation for having complained about or having served as a witness in any proceeding regarding a Manual of Rules violation or violation of a specified City Administrative Instruction. Ensuring that harassment, discrimination and retaliation are promptly reported, investigated and effectively remedied.
- 285.98 GRIEVANCE RESOLUTION – The resolution of personnel grievances in accordance with the provisions of Departmental directives and the appropriate *Memoranda of Understanding*.

---

**Intentionally Left Blank**

---

### CHAPTER III

#### Rules and Regulations for All Members and Employees

#### **314.00      PROFESSIONAL CONDUCT AND RESPONSIBILITIES**

314.03      GENERAL CONDUCT – Members and employees shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the Department and the police service. Whether on or off-duty, members and employees shall avoid any conduct that brings disrepute to the Department or impairs its efficient and effective operation.

314.04      CONDUCT TOWARD OTHERS – HARASSMENT AND DISCRIMINATION – Members and employees shall treat all persons with courtesy and respect. The Department has a zero tolerance policy for harassment and discrimination against members, employees and persons on the basis of race, religion, national origin, marital status, age, sex, sexual orientation, ancestry, physical or mental disability, or medical condition. The Department prohibits conduct that violates the specified City Administrative Instruction.

Any member or employee who harasses or discriminates against another member, employee, or any person, or engages in any inappropriate workplace conduct that violates City Administrative Instruction 71 shall be subject to severe disciplinary action, including discharge from the City service.

Any member or employee who has knowledge that another member or employee has engaged in harassment or discrimination or inappropriate conduct that violates the specific City Administrative Instruction is strictly charged with the responsibility for reporting that conduct in accordance with the provisions of Manual of Rules Section 314.48 (Reporting Violations of Laws, Ordinances, Rules or Orders).

314.05      CONDUCT TOWARD OTHERS – WORKPLACE VIOLENCE – In order to provide a safe and appropriate work environment, the Department has zero tolerance for acts and threats of violence. Employees and members shall report threats or acts of violence or intimidation between members and/or employees to their supervisor. Supervisors are responsible for immediately reporting threats or acts of violence and intimidation to the Internal Affairs Division. The following terms are defined as follows:

- Threat – An expression of intention to hurt, punish, intimidate etc. A threat of violence includes threats against people or property.
- Violence – Intentional physical force used so as to cause injury or mental or emotional harm.

- 314.07 CONDUCT TOWARD OTHERS – DEMEANOR – Members and employees shall perform their duties attentively and courteously, avoiding rude, threatening, harsh, insulting, insolent or demeaning language, and they shall maintain a professional bearing regardless of provocation to do otherwise.
- Members and employees shall treat superior officers, subordinates, and peers with respect. They shall be courteous and civil at all times in their relationships with one another and shall avoid any inappropriate conduct.
  - All persons, except the very youthful and those known personally by the member or employee, shall at all times be addressed by their appropriate title followed by their last name. When on duty and in the presence of others, superior officers shall be referred to by rank title.
  - Members and employees shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department.
  - Orders from superior to subordinate members and employees shall be given in a civil manner, without the use of profane or derogatory language.
- 314.08 CONDUCT TOWARD OTHERS – RELATIONSHIPS – Members and employees shall not inappropriately convert or attempt to convert an on-duty contact to an intimate relationship.
- 314.15 ASSISTANCE – All members are required to take appropriate police action to aid another law enforcement officer in danger.

- 314.21 MEMBERS ON SPECIAL ASSIGNMENTS – The administrative delegation of the enforcement of certain laws and ordinances to particular Departmental units does not relieve members in other units of responsibility for promptly enforcing those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved of responsibility for taking proper action outside the scope of their special assignments when necessary.
- 314.24 AVAILABILITY OF OFF-DUTY MEMBERS – Off-duty members, when possible, shall be subject to recall to duty by a superior officer.
- 314.27 RIGHT OF OFF-DUTY MEMBERS TO PLACE THEMSELVES IN PEACE OFFICER STATUS – The right of off-duty members to assume peace officer status while on their own time and not engaged in outside employment is set forth in Penal Code Section 830.1.
- Whenever possible, off-duty members who place themselves in peace officer status while on their own time shall immediately identify themselves as a peace officer and display their police identification.
  - Off-duty members shall not place themselves in peace officer status while engaged in outside secondary employment.
  - Under no circumstances shall an off-duty member who is under the influence of any intoxicating substance place him/herself in peace officer status.
  - When an off-duty officer is the victim of an offense, he/she shall normally maintain his/her off-duty status and allow on-duty officers to handle the incident.
- 314.28 NOTIFICATION – Any member or employee who is a party to any of the following incidents shall prepare and forward via email or a hand-delivered memorandum directly to an IAD Commander within 72 hours:
- Lawsuit (the member or employee is not required to report under this section when the City is also named as a party in the lawsuit);
  - Arrested;
  - CDL suspension or revocation or notification of CDL suspension or revocation;
  - Cited, in lieu of arrest (except Vehicle Code infractions);

- Served with a civil or administrative process related to their employment or which contains allegations which rise to the level of a Manual of Rules violation; or
- Becomes aware that he/she is under investigation for any misdemeanor or felony in this or another jurisdiction.

If circumstances prevent compliance with the timeline (e.g., incarcerated, hospitalized, out of the country), the member or employee shall make such notification as soon as practical or notify his/her unit commander who shall prepare and forward the email or memorandum.

Notification shall include the following:

- Day, Date, Time, Location of incident;
- Involved parties; and
- Summarize the circumstances of the incident.

Notification by any other means shall not satisfy the requirement of this *MOR* Section.

- 314.30    **INSUBORDINATION-DISOBEDIENCE TO ORDERS** – Failure or refusal of any member or employee to obey a lawful order given by a superior officer or court of law constitutes insubordination.
- 314.32    **INSUBORDINATION-DISRESPECT** – The act of ridiculing or treating with disrespect a superior officer or his/her orders whether in or out of his/her presence.
- 314.38    **OBSTRUCTING THE INTERNAL AFFAIRS PROCESS** – No member and employee shall obstruct, impede, delay, or undermine the internal investigation process in either words or actions.

- 314.39 PERFORMANCE OF DUTY – All members and employees shall perform their assigned duties and responsibilities as required or directed by law, Departmental rule, policy, or order by a competent authority. Each member and employee is accountable for the exercise of delegated authority, and shall not conceal, divert or mitigate their true culpability.

Violations of performance of duty include, but are not limited to, the following:

- Intentional illegal search, seizure, or arrest;
- Unintentional or improper search, seizure, or arrest;
- Planting of evidence;
- Failure to perform duties as required or directed by law, Departmental rule, policy, or order;
- Improper care of the property of persons; and
- Changing a work assignment without authority.

- 314.42 OBEDIENCE TO LAWS – Members and employees shall observe and obey all laws and ordinances. A violation of this section may include, but is not limited to the following:

- Felony and serious misdemeanor<sup>1</sup> crimes;
- Other misdemeanor crimes; or
- Driver's license status.

- 314.48 REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES OR ORDERS – Members and employees who become aware that other members or employees violated laws, ordinances, rules of the Department, or disobeyed orders, of a Class I violation or any Class II violation which indicates a pattern of misconduct of which they are aware, shall within 24 hours or sooner, if practical, report the offense, orally or in writing, to his/her supervisor or the Internal Affairs Division.

Members and employees who know of actions or of behavior of other members or employees, which are considered a Class II violation and do not indicate a pattern of misconduct may address the misconduct through non-disciplinary corrective action.

---

<sup>1</sup> As defined in DGO M-4.1.

If the witness member or employee believes the incident is so grave and/or serious, he/she shall immediately report the incident to the Chief of Police. The chain-of-command may be bypassed. Discipline up to and including termination will be assessed for failure to comply with the provisions of this section.

314.51 CRITICISM – When speaking pursuant to their official duties, members and employees shall not engage in public criticism of the Department, orders, policies or instructions.

314.69 GIFTS, GRATUITIES – SOLICITING OR ACCEPTING – Members and employees shall not use their authority or position, whether for him/herself or another, and not otherwise available to them as a private person:

- To barter or solicit any goods or services;
- Accept, with the intent to convert to private use, any goods or services;
- For financial gain or other benefit;
- To obtain or grant privileges or favors; or
- To avoid the consequences of an illegal or prohibited act for themselves or for others.

Members and employees shall not use their authority to solicit or accept contributions for the Department or for any other agency, organization, event, or cause without the express consent of the Chief of Police or designee.

**Disposition of an Unsolicited Item of Value** – Any member or employee who receives any unsolicited gift, gratuity, or other item of value shall notify the Assistant Chief of Police or in his/her absence, a Bureau Deputy Chief regarding the disposition of the item. If unavailable, prepare and forward a memorandum along with the item through the chain-of-command documenting the circumstances of receipt.

314.70 USES OF PRIVILEGED INFORMATION – Members and employees are prohibited from using information, not available to the public, gained through their position as a law enforcement officer or within the Department to gain a financial or other benefit for themselves or another.

314.72 TRANSACTIONS – Every member and employee is prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case that

has come to his/her attention or that rose from Departmental employment, except as may be specifically authorized by the Chief of Police.

314.73 OTHER TRANSACTIONS – Members and employees shall not use their authority or position to purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence unless specifically authorized by the Chief of Police.

314.74 CONFLICT OF INTEREST – No member or employee shall engage in any employment, activity, or enterprise which has or may be determined to be inconsistent, incompatible or in conflict with his/her duties, functions, and responsibilities in accordance with the provisions of the City Administrative Instructions.

314.75 REWARDS – Members and employees shall not accept any gift, gratuity or reward, monetary or non-monetary, for services rendered in the line of duty to the community or to any person, business or agency except the member of employee's lawful compensation, as authorized by the City.

**Disposition of an Unsolicited Item of Value** – Any member or employee who receives any unsolicited reward or other item of value shall notify the Assistant Chief of Police or in his/her absence, a Bureau Deputy Chief regarding the disposition of the item. If unavailable, prepare and forward a memorandum along with the item through the chain-of-command documenting the circumstances of receipt.

314.84 DEBTS – INCURRING AND PAYMENT – Members and employees shall strive to pay all just debts and legal liabilities incurred by them in a timely manner per the agreed upon terms.

## **328.00 GENERAL CONDUCT ON DUTY**

328.07 PROHIBITED ACTIVITY ON DUTY – Members and employees are prohibited from engaging in the following activities while on duty:

- Sexual activity;
- Sleeping, loafing, idling;
- Conducting private business;
- Carrying of articles not associated with the performance of police duties; or
- Gambling, unless to further a police purpose.

- 328.14 LOITERING – On-duty members and employees, and off-duty members and employees in uniform shall not enter bars, taverns or theaters except to perform a police task. Loitering and unnecessary conversation in such locations is forbidden. Eating in establishments where the primary purpose is the service of alcoholic beverages rather than food is discouraged, although not forbidden.
- 328.28 TARDINESS – Members and employees shall report to duty at the time and place specified, properly uniformed and equipped.
- 328.35 RELIEF – Members and employees shall remain at their duty assignment until properly relieved by another member or employee or until dismissed by competent authority.
- 328.49 ABSENCE FROM DUTY – Every member or employee who fails to appear for duty at the date, time and place specified without the consent of competent authority is “absent without leave.” Absences without leave in excess of one day shall be reported in writing to the Chief of Police.
- 328.53 FALSE REPORTING OF ILLNESS OR INJURY- Members and employees shall not feign illness or injury, falsely report themselves ill, or otherwise attempt to deceive the Department as to the condition of their health.
- 328.56 PHYSICAL FITNESS FOR DUTY – All members and employees shall maintain the necessary level of physical fitness to perform their duties.
- 328.63 CONSUMPTION OF INTOXICANTS – Members and employees shall not at any time:
- Be under the influence of any intoxicating substance while on duty;
  - Carry any firearm while consuming or under the influence of any intoxicating substance;
  - Consume any intoxicating substance while off duty to the extent that when reporting for his/her duty assignment the ability to perform their duty is impaired; or
  - Consume any intoxicating substance while on duty unless necessary in the performance of a police task and then only with the specific permission of a commanding officer and never in uniform.

- 328.70 INTOXICANTS ON DEPARTMENTAL PREMISES – Members and employees shall not bring into or keep any intoxicating substance on Departmental premises except:
- When necessary in the performance of a police task;
  - Packaged goods for temporary storage in locker spaces when the seals are unbroken; or
  - Intoxicants brought into Departmental premises in the furtherance of a police task shall be properly identified and stored according to current policy.
- 328.77 TOBACCO PRODUCTS WHILE ON DUTY, USE OF – On-duty members and employees shall not use any tobacco products (including, but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco) while in direct contact with the public, within any City facility, City vehicle, within any public building, or within 25 feet of an entrance, open window, or air vent of any City building. The littering or improper disposal of tobacco remnants or byproducts is prohibited.
- 328.84 POSSESSION OF KEYS OR PROXIMITY CARDS (KEYCARD) – No member or employee, unless authorized by competent authority, shall possess keys or proximity cards to any premises not his/her own, or in or near his/her area of assignment.
- 328.91 ADDRESS AND TELEPHONE NUMBERS – Members and employees are required to have a phone (landline or mobile) and their current residence address and phone number(s) on file with the Department. Whether working or on leave, changes in address or phone number(s) shall be reported on the appropriate form within 24 hours of the change and forwarded to the Personnel Section.

**342.00** **DEPARTMENT PROPERTY AND EQUIPMENT** - Members and employees are responsible for the proper care of Department property and equipment assigned to or used by them.

The following may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action to the extent allowed by law.

- Major vehicle collision (based on degree of damage and/or negligence);
- Minor vehicle collision (based on degree of damage and/or negligence);
- Improper use of property/equipment;
- Improper care of property/equipment;
- Failure to carry required property/equipment;

- Misappropriation/misuse of property/equipment;
- Damaged or lost property/equipment; and
- Improperly securing weapon(s).

In the event that Department property is found bearing evidence of damage that has not been reported, it shall constitute presumptive evidence that the last person using the property or vehicle was responsible.

- 342.19     **DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT –**  
Members and employees shall immediately report to their immediate supervisor or commanding officer any loss of or damage to Departmental property or equipment assigned to or used by them. The immediate superior shall be notified of any defects or hazardous conditions existing in any Departmental equipment or property.

In the event that Department property is found bearing evidence of damage that has not been reported, it shall constitute presumptive evidence that the last person using the property or vehicle was responsible.

- 342.57     **CARE OF CITY OR DEPARTMENT BUILDINGS –** Members and employees shall not mar, mark or deface any surface in any City or Department building. No material shall be affixed in any way to any wall in a City or Department building without specific authorization from a commanding officer.

- 342.76 NOTICES – Members and employees shall not mark, alter, or deface any posted notice of the Department. Notices of announcements shall not be posted on bulletin boards without permission of a commanding officer. No notices of a derogatory or discriminatory nature as defined in City Administrative Instruction 71.
- 342.95 DEPARTMENT VEHICLES, USE – Members and employees shall not use any Departmental vehicle without the permission of a commanding officer.
- 342.96 DEPARTMENTAL INSIGNIA – Neither the Departmental insignia nor any representation of the official Departmental insignia, star or cap shield may be reproduced, in any manner or on any item, without the authorization of the Chief of Police.

**356.00 COMMUNICATIONS, CORRESPONDENCE, ELECTRONIC MEDIA**

- 356.20 CORRESPONDENCE – Members and employees shall not use Departmental letterhead for private correspondence or send correspondence out of the Department over their signature without the general permission of the Chief of Police.
- 356.30 ACCESSING, VIEWING, DOWNLOADING, PROVIDING, SHARING INAPPROPRIATE MATERIAL – Members and employees shall not intentionally access, view, download, provide, or share inappropriate material while on-duty or in a police facility, except in the performance of an official police task.
- 356.35 ELECTRONIC MESSAGING – Members and employees shall not use electronic mail, City computers or electronic messaging devices for any purpose that violates City Administrative Instructions or Department policy.
- 356.40 FORWARDING COMMUNICATIONS TO HIGHER COMMANDS – Any member or employee receiving a written communication for transmission to a higher command shall in every case forward such communication. A member or employee receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval or disapproval.
- 356.60 DEPARTMENT ADDRESS, PRIVATE USE OF – Members and employees shall not use the Department as a mailing address for private purposes.

- 356.80 ELECTRONIC TELECOMMUNICATION/ENTERTAINMENT DEVICES – Members and employees shall not utilize any electronic communication device while on-duty to the extent that such usage adversely affects their performance or productivity or interferes with his/her safety or the safety of others.

Personal electronic/entertainment devices (e.g., television, DVD player, video games, or computer game systems) shall **not** be used while on duty, without prior approval of the unit commander. Approved cellular telephones and electronic devices with the capability of playing video files shall not be used in such a manner while on duty. Music devices may only be utilized in City vehicles while on duty without headphones. Personnel are permitted to monitor major newsworthy events, training, traffic monitoring, and other work related material.

Excessive or inappropriate use of Department issued devices may be subject to reimbursement to the City.

- 356.89 IMPROPER DISSEMINATION OF COMPUTER INFORMATION – Members and employees shall not disseminate information obtained from a Departmental/City computer without proper authorization.
- 356.90 UNAUTHORIZED USE OF ELECTRONIC SYSTEMS – Members and employees shall not use or access Departmental/City/County computer systems/databases/records and/or other communication equipment unless authorized to do so by competent authority.

**370.00 INVESTIGATIONS, ARRESTS, AND DETENTIONS**

- 370.09 IDENTIFICATION AS POLICE OFFICER – Except when impractical or unfeasible, or where identity is obvious, members shall identify themselves by displaying the official star or identification card before taking police action.
- 370.10 IDENTIFICATION OF UNDERCOVER OFFICER –Members and employees shall not intentionally reveal the identity of an undercover officer.
- 370.27 PHYSICAL FORCE, USE OF – The use of physical force (Level 1-4) shall be restricted to circumstances specified by Departmental policies and law.
- 370.36 CUSTODY OF PRISONERS – Arrestees and/or detainees shall be reasonably controlled in order to prevent their escape. They shall be treated humanely and shall not be subjected to unnecessary restraint.

The arresting officer(s) shall notify the transportation officers of any special care the prisoner may need. Responsibility for both the prisoner and his/her personal property transfers from the arresting officer to the transportation officer when they accept custody of the prisoner.

- 370.45    **REPORTS AND BOOKINGS** – No member or employee shall knowingly:
- Submit false/inaccurate/improper Departmental records with the intent to assist prosecution or defense.
  - Falsify time records or financial records for fraudulent purposes.
  - Falsify official reports or records.
  - Falsify or alter evidence.
- 370.63    **SECURITY OF DEPARTMENTAL BUSINESS** – Members and employees shall not reveal confidential reports, records, and/or information to an unauthorized person. Questions regarding the disclosure of information shall be referred to competent authority.
- 370.72    **COMPROMISING CRIMINAL CASES** – Members and employees shall not:
- Interrupt, attempt to interrupt, or improperly influence the legal process;
  - Engage in any activity with the intent to interfere with a criminal investigation, charging, or prosecution of any case; or
  - Fail/refuse to cooperate with an official criminal investigation upon direction of a competent department authority.
- 370.81    **ASSISTING CRIMINALS** – Members and employees shall not disclose to any person attempting to commit a criminal act or who may be engaged in criminal activity any information that might assist him/her in committing a crime, evading arrest or disposing of evidence of any unlawful act.

- 370.90 ENDORSEMENTS AND REFERRALS – Members and employees shall not suggest, recommend, advise or otherwise offer counsel concerning the procurement of a particular product or professional service whether or not a fee is exchanged.

**384.00 PUBLIC ACTIVITIES**

- 384.28 COMMERCIAL TESTIMONIALS – Members and employees shall not permit their names or photographs to be used to endorse any product or service related to law enforcement without the authorization of the Chief of Police.
- 384.32 POLITICAL ACTIVITY – Members and employees shall not participate in political activity in violation of the specific Administrative Instruction or Department policy.
- Participation in any type of political activity while in uniform, during working hours, or otherwise serving as a representative of the Department is prohibited. They shall not knowingly allow their names or photographs to be used in any partisan campaign for elective offices that alludes to their position of employment with this Department.
  - Members and employees shall not directly or indirectly, solicit or receive political funds or contribution, knowingly, from other City officer or employees or from person on the City's civil service lists.
  - Members and employees shall not solicit or obtain from Department personnel or any City employee a contribution of services, money, or any other things of value for any election or campaign purpose.
- 384.56 MEMBERSHIP IN ORGANIZATIONS – Except for the military reserve components enumerated in the California Veterans Code, members and employees shall not affiliate with any group which would prevent its members from rendering proper and efficient service to the Department and community.

- 384.70 SUBVERSIVE ORGANIZATION – No member or employee shall knowingly become a member or affiliate of any subversive organization, with the specific intent to foster its unlawful objectives, except when necessary in the performance of duty and with the prior authorization of the Chief of Police.
- 384.98 PERSONAL PREFERMENT – Members and employees shall not seek the influence or intervention of any person outside the Department, for purposes of personal preferment, advantage, transfer or advancement.

**398.00 JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES AND TESTIFYING**

- 398.16 COURT APPEARANCES – Members and employees shall attend court or judicial hearings, as required by subpoena or notification. When making such an appearance, either the official uniform or business attire shall be worn. Weapons shall not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism that might imply disrespect to the court, such as gum chewing and smoking. Such an appearance constitutes an official duty assignment.

Members and employees shall not wear any Department uniform while attending any non-duty related court, judicial, or administrative hearing unless authorized by the Chief of Police or designee.

- 398.32 NOTIFICATION OF SUBPOENA TO TESTIFY FOR THE DEFENSE – Any member or employee subpoenaed to testify for the defense in any trial or hearing, or against the City of Oakland or Department in any hearing or trial, shall notify his/her division commander upon receipt of the subpoena. He/she shall also notify the District Attorney or Office of the City Attorney, whichever is appropriate.
- 398.48 REFUSAL TO TESTIFY – Any member or employee who appears as a witness before any competent investigative body, judicial tribunal, hearing board or person authorized to compel testimony and who refuses to testify shall be subject to disciplinary action.

398.70 INTERFERING WITH INVESTIGATIONS – Members and employees are prohibited from contacting any witnesses, complainants, or subjects involved with internal or Citizens’ Police Review Board (CPRB) investigations for the purpose of discussing or influencing their testimony or persuading them to withdraw complaints. When routine contact with such persons is unavoidable, members and employees shall refrain from any discussion of complaints against Department personnel or testimony relating to those complaints.

398.73 RETALIATION – Under no circumstances shall members or employees retaliate against any other member, employee, or any other person for engaging in a protected activity.

Members and employees shall not engage in any adverse action that:

- Would cause a reasonable member, employee, or any other person to be deterred from engaging in a protected activity; or
- Is based on a retaliatory motive arising out of a member, employee, or any other person engaging in a protected activity.

Any member or employee who becomes aware of such conduct shall immediately report the misconduct to a commander/manager, and/or directly to the Internal Affairs Division.

The presumptive penalty for violation of this section shall be termination.

398.74 RETALIATION, ACCOUNTABILITY – Supervisors, commanders, and managers, shall be held accountable for the conduct of their subordinates if it is determined that the supervisor, commander, or manager knew or should reasonably have known the retaliatory behavior was occurring. Failure to hold subordinates accountable, and report the inappropriate activity, and ensure that retaliation is investigated and appropriate corrective measures are taken shall subject commanders, managers, and supervisors to the disciplinary process.

Department supervisors, commanders, and managers shall be held accountable for providing an atmosphere in the workplace in which Department personnel are free from retaliation. Supervisors, commanders, and managers shall also be held accountable for subordinate employees who engage in behavior that the supervisor, commander, or manager knew, or should have known, was occurring.

Supervisors, commanders, and managers shall ensure that employment actions are appropriate and not motivated by or in response to a member or employee engaging in a protected activity.

- 398.76 REFUSAL TO ACCEPT OR REFER COMPLAINT – Members and employees shall not refuse to accept a citizen complaint, fail to refer a citizen to the IAD (when the citizen can be reasonably understood to want to make a citizen’s complaint), fail to forward a complaint to the IAD, discourage a person from filing a complaint, and/or knowingly provide false, inaccurate, or incomplete information about the IAD process. Members and employees shall not fail to follow any of the procedures for accepting, referring, or forwarding a complaint.
- 398.77 REFUSAL TO SUPPLY NAME AND SERIAL NUMBER – Upon request, members and employees shall supply their names and serial numbers to any person who seeks such identification.
- 398.80 TRUTHFULNESS – Members and employees are required to be truthful at all times whether under oath or not, except when necessary in the performance of official duties. Such exceptions shall be documented on the appropriate police report(s).
- 398.96 CIVIL CASES – Members shall not serve civil processes or assist in civil cases except as required by law, by Departmental regulations, or where they may be personally involved. With the exception of providing appropriate referral information, they shall avoid entering into civil disputes while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

---

**Intentionally Left Blank**

---

## CHAPTER IV

### Departmental Discipline

- 400.00**      **WHO IS SUBJECT TO DISCIPLINARY ACTION** – Any member, employee, or reserve officer violating his/her oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of California or the ordinances of the City of Oakland, or who violates any provision of the rules and directives of the Oakland Police Department, or who disobeys any lawful order, or who is incompetent to perform his/her duties is subject to appropriate disciplinary action.
- 412.00**      **DEPARTMENTAL AUTHORITY TO DISCIPLINE** – Final Departmental disciplinary authority and responsibility rests with the Chief of Police.
- 436.00**      **PENALTIES** – Subject to the provisions of the Charter of the City of Oakland, the rules of the Civil Service Board, and, when necessary, the approval of the City Manager, the following penalties may be assessed against any member or employee of the Department as disciplinary action:
- Counseling & Training;
  - Written reprimand;
  - Fine, loss of compensatory time, or salary reduction;
  - Suspension;
  - Demotion; or
  - Termination.
- 484.00**      **EMERGENCY ADMINISTRATIVE LEAVE** – Command officers have the authority to impose emergency administrative leave until the next business day against any member or employee when it appears that such action is in the best interests of the Department.
- 484.50      **FOLLOW-UP ACTION ON EMERGENCY ADMINISTRATIVE LEAVE** – The commander imposing the emergency administrative leave and the member or employee placed on emergency administrative leave shall report, in-person, to the Chief of Police on the next business day at 0900 unless otherwise directed by competent authority.

Additionally, the commander imposing the emergency

administrative leave shall notify the IAD, via email or memorandum, within 24 hours.

By order of

Anthony W. Batts  
Chief of Police

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