

BILL NO.: 5016

ORDINANCE NO.: _____

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE REPEALING BERKELEY POLICE DEPARTMENT GENERAL ORDER POLICY #22, 32, 58, and 63 AND REPLACING WITH NEW GENERAL ORDER POLICY #22, 32, 58, and 63

Now, Therefore, be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. Findings: CALEA (The Commission on Accreditation for Law Enforcement Agencies, Inc.) has revised their standard numbers and varies language. This information has to be revised on the General Orders passed by the City of Berkeley, to be in compliance with the CALEA rules and regulations.

Section 2. For ease of reference, the following General Orders will be repealed in its entirety and replaced with the attached General Orders, by the approval and adoption of the Council.

Repealed GO	Ordinance #	Date Passed	New GO	Title
#22	4674	06-07-2021	#22	Benefits for Employees
#32	4691	10-18-2021	#32	Selection Process
#58	4432	12-18-2017	#58	Field Reporting
#63	4448	04-02-2018	#63	Vehicle Impounds

Section 3. This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 04th day of March 2024

2nd Reading this 04th day of March 2024

3rd Reading, PASSED and APPROVED, this day of **2024**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye ___	Nay ___	Absent ___	Abstain ___

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES

02/27/2024


G.O. 22 – Benefits for Employees

Section B – Annual Leave, Section C – Sick Leave, Section D- Misuse/Abuse or PTO, and Section S- added changed to reflect the current Paid Time Off (PTO) policy, Ordinance #4748.

Respectfully,

Capt. Evelio Valdespino, DSN 419

NEW

	<p align="center">BERKELEY POLICE DEPARTMENT GENERAL ORDER</p>	<p align="center">GENERAL ORDER: 22</p>
<p align="center">BENEFITS FOR EMPLOYEES</p>		
<p>ISSUE DATE: 11/21/2018</p>	<p>EFFECTIVE DATE: 12/1/2018</p>	<p>DISTRIBUTION: ALL PERSONNEL</p>
<p>AMENDED:</p>		<p>RESCINDS: ALL PREVIOUS VERSIONS</p>
<ul style="list-style-type: none"> ACCREDITATION STANDARDS: 22.1.3, 22.1.9 		<p>NUMBER OF PAGES: 13</p>

Purpose:

To establish a leave policy for all employees of the Department and to inform them of the provisions of the Family and Medical Leave Act (FMLA) of 1993 and to acquaint employees with a wide range of benefits provided by the City of Berkeley.

Policy:

The Berkeley Police Department will provide benefits to employees per the rules and regulations of the Department and the City of Berkeley Ord. 4748.

Definition:

Leave: A temporary or long-term departure from a place of employment.

Family and Medical Leave Act of 1993: A United States federal law requiring covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons.

Paid Time Off (PTO): Paid time off work that is granted by the employer and for the employees to use during a calendar year.

Injury Leave: A maximum time that is granted to employees who have been injured while performing their work assignments during working hours.

Excessive Absenteeism: defined as six (6) unscheduled occurrences of absence in a "rolling" twelve-month period.

Voluntary Termination: when an employee submits a written or verbal notice of resignation, including intent to retire, to his or her supervisor or when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment).

Involuntary Termination: a management-initiated dismissal with or without cause, including a layoff of over 30 days.

Procedures:

The following must be done when an employee requests leave:

- A. Employees requesting a leave of absence for any reason must submit a request in writing and submit it to their supervisor who will forward it to the Patrol Commander for approval. It will then be forwarded to the Chief of Police. The employee will also make a request in the payroll system. The requested leave must be approved in advance by the Chief of Police or his designee.
- B. The City Manager, Supervisors, and Department Heads must consider all employees' requests for annual leave ensuring adequate workload coverage at all times.

- C. Annual vacation leaves will only apply to permanent full-time employees who have completed their initial probationary period.

Types of Leaves:

A. FAMILY MEDICAL LEAVE ACT OF 1993

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the Family and Medical Leave Act (FMLA) for all private, state, and local government employees and some federal employees. Most federal and certain congressional employees or also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management or the Congress. (Refer to City of Berkeley Employee Handbook)

1. Requests for leave and use of leave under the FMLA shall be done under the guidelines established by the Family Medical Leave Act.
2. The Family and Medical Leave Act guarantees eligible employees up to 12 weeks of leave during the 12 months measured forward, beginning on the date that the qualifying leave is first taken for the following purposes:
 - a. The birth of a child and to care for that child;
 - b. The placement of a child for adoption or foster care and to care for the newly placed child
 - c. To care for the employee's spouse, child, or parent with a serious health condition (described below);
 - d. The serious health condition (described below) of the employee.
 - An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of his or her position
 - Under the FMLA, a "spouse" means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common-law marriage that either:
 - was entered into in a state that recognizes such marriages; or
 - if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
 - A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.
 - This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

B. ANNUAL LEAVE (City of Berkeley Ord. 4748)

Vacation accrual begins the first day of employment with the City, but cannot be taken until the employee completes his/her probationary period of (3) months according to the following schedules.

1. Seniority	Yearly Accrual	Monthly Accrual	Maximum Accrual
0-5 years	228 hours	19 hours	228 hours
6-15 years	252 hours	21 hours	252 hours
16-20 years	288 hours	24 hours	288 hours
21 years and over	324 hours	27 hours	324 hours

In January of each calendar year, all employees will begin scheduling vacations. When an employee wants to use his/her unscheduled days, he/she must submit a request to his/her supervisor at least two weeks before the PTO is to be taken, and request it through the payroll system. If there is less than two weeks' notice, in an unforeseen circumstance, the City Manager/Assistant City Manager may approve vacation time upon request by the employee assuming the employee has accrued the vacation hours requested.

All PTO earned within the year must be taken by the following year or be forfeited. The maximum accrual will be the yearly accrual. For example, if an employee with 0-5 years of seniority accrues 80 hours of vacation time by April 20, 2016, he must use all of the 80 hours of accrued vacation time by April 20, 2017, the following year, or lose the time. The City Council, in its discretion, may make an exception.

Approval of leave is subject to the operational requirements of the department and any requests for PTO may be denied or rescheduled due to staffing needs.

C. SICK LEAVE

PTO may be used for appointments for medical or dental treatment when such appointments cannot be reasonably scheduled during non-work hours. These appointments must be approved at least one (1) workday in advance by the department. PTO can also be used for unplanned sick absences. In unplanned circumstances, an employee shall make every attempt to report PTO for sickness-related absences at least four (4) in advance of the scheduled shift start time. An employee who fails to notify the supervisor may not be paid for time taken prior to notification. Two (2) consecutive absences from assigned work periods due to unscheduled PTO will require a written verification of illness from a physician. (City of Berkeley Ord. 4748)

1. Granting PTO for sickness-related

An eligible employee may be granted sick leave for the following conditions:

- a. **Personal sickness**
- b. **Personal injury**
- c. **Medical, Surgical, dental, or optical treatment (NOT routine exams)**
- d. **Exposure to a contagious disease which may jeopardize the health of fellow employees as certified by the County Health Department**
- e. **Unscheduled PTO will not be granted to care for a relative. Leave without pay may be granted for such occurrences.**
- f. **PTO leave will not be granted or paid to employees beyond the number of hours the employee has accrued.**

The Human Resource Manager must be notified when an employee has been released to return to work. The Human Resource Manager may require that the employee submit to an exam by a Health Care Provider chosen and paid for by the City before his/her return to work.

An employee who takes PTO for sickness may be required at any time to submit a statement from a healthcare provider. Such a statement will be required in all instances where two (2) or more consecutive work periods are missed.

1. Health Care Certification

Disapproval of sick leave and/or disciplinary action may be taken against an employee for failure to produce the required HEALTH CARE CERTIFICATION within the following time frames:

- a. Immediately upon returning to work.
- b. On the second working day of the absence if the absence is two working days or more.
- c. Copies of the Certification of Health Care Provider form must be forwarded to the Department Head and the Human Resource Department.

D. MISUSE/ABUSE OF PTO

Supervisors should discuss with employees the importance of regular attendance, as well as possible disciplinary actions for attendance problems. Supervisors must maintain accurate records of each employee's absences and review the records at least monthly. Supervisors can look for patterns of absences, check the total time of absence over a period of time, and make sure employees are giving proper notification of their absences. If the supervisor has concerns about absences, he/she should discuss them with the Human Resource Manager. (Refer to City of Berkeley Employee Handbook)

1. **Any employee who is found to be working another job or being involved in any other activity that would not justify being off work while on PTO will be subject to disciplinary action up to and including termination. Any PTO that was allowed to accrue while the employee was working a job or being involved in any other outside activity while on PTO will be stricken from the employee's PTO accumulation.**
2. **Unscheduled absences that are similar or repetitive in nature (e.g., before or after days off, weekends, holidays, vacation days, using sick days before scheduled vacation days, and paydays) may be construed to reflect a pattern of absenteeism that improperly utilizes City's leave policies, and such absences may subject disciplinary action, up to and including termination.**
3. **An employee who is absent after a request for time off has been denied by his or her supervisor may be subject to disciplinary action, including and up to termination.**
4. **Excessive Absenteeism**

E. TERMINATION OF SERVICE

The City of Berkeley strives to ensure that employee terminations, including voluntary and involuntary terminations and terminations due to the death of an employee, are handled in a professional manner with minimal disruption to the workplace.

No accumulated sick leave will be given to any employee upon termination of service. If employees call in sick after notifying the City of their resignation, sick leave will only be paid if the employee supplies a doctor's excuse. (Refer to City of Berkeley Employee Handbook)

1. Voluntary Termination
 - a. Retirement
 - b. Resignation
 - c. Death
2. Involuntary Termination
 - a. Suspension
 - b. Layoff
 - c. Termination without prejudice
 - d. Dismissal

F. REINSTATEMENT OF SICK LEAVE

Any employee, who leaves the City Service in good standing and is subsequently rehired within twelve (12) calendar months of the termination date, shall have any unused sick leave time reinstated.

G. INJURY LEAVE

Maintaining a safe workplace is essential to the City's operations, and it is the City's policy to promote safety on the job and comply with applicable laws regarding safety in the workplace. The health and well-being of employees are foremost among the City of Berkeley's concerns. For this reason, employees are expected to assist in maintaining safe working conditions. Employees are required to follow common-sense safety practices and correct or report any unsafe condition to their immediate supervisor or the City Manager.

All injuries must be reported to the employee's immediate supervisor or first available manager in the management chain any time an injury occurs, regardless of whether medical attention is needed or whether the incident occurred on the City of Berkeley or private property. Employees who violate company safety policies, cause hazardous or dangerous situations, or fail to report a workplace accident that results in an injury may be subject to disciplinary action up to and including termination of employment. Regardless of how insignificant the injury or near miss may appear, employees should notify their supervisor as soon as the employee is aware or within 24 hours at the latest.

If an injury occurs during business hours, an injured employee should immediately contact their immediate supervisor, Human Resources, or the City Manager. If an injury occurs after business hours and an injured employee is unable to make contact with their immediate supervisor, an injured employee may seek immediate treatment. The injured employee should report the injury or illness to their immediate supervisor as soon as possible, but no later than 30 days after the injury or illness. Failure to do so may jeopardize the injured employee's rights to receive workers' compensation benefits.

Upon being informed of an injury, the City will ensure proper treatment and care for the injured employee. The City of Berkeley is responsible for providing medical treatment and paying medical bills related to a work-related injury or illness. This includes authorized medical treatments, prescriptions, and medical devices. The City and its insurance provider have the right to choose the treating physician/healthcare providers. The injured employee may choose to seek medical treatment from another doctor without the employer's approval, but the injured employee may be responsible for medical bills related to such treatment.

If a workers' compensation doctor says an injured employee is unable to work due to work-related injuries or treatment, an injured employee may be entitled to temporary total disability (TTD) benefits. When receiving TTD benefits the first three business days are a waiting period and are unpaid. If an injured employee misses 14 days or more days the three-day waiting period will be paid. TTD is 66 2/3 percent of an injured employee's average weekly wage.

Every employee who suffers an injury, needing treatment, or involves time off from work, arising out of and in the course of employment with the City of Berkeley, will be required to submit to a drug and alcohol test. Should the employee refuse to submit or fail to produce a sample, the employee will be subject to immediate termination and the results will be automatically deemed positive. (Refer to City of Berkeley Employee Handbook)

1. Employee Responsibilities:

- a. Employees must immediately notify their supervisor or the next level available management person of an on-the-job accident injury. The Supervisor will then take steps to apply/acquire first aid, if necessary. The supervisor will also notify the Human Resource Manager or City Manager to obtain permission to send the injured employee to the city's healthcare provider and to report the incident. A "Medical Authorization" form should be completed and sent with the employee to the city's healthcare provider. This form can be obtained from the Human Resource Manager.
- b. Supervisors must complete, with the employee at the time of injury, the "Accident/First Aid Report". This form must be forwarded to the Human Resource Manager by the close of the business day via the Department Head.
- c. Injured employees, that require medical treatment, must be taken to the nearest emergency room or authorized medical treatment center, as specified by the City of Berkeley, for treatment of the work-related injury and a drug and alcohol test. The city's healthcare provider should be notified in advance of the incoming employee by the Human Resource Manager, the City Manager, or the designated supervisor/manager.
- d. If needed, follow-up care will be at the referral of the Worker's Compensation doctor or emergency room physician.

- e. Any employee selecting his/her own medical care provider or physician may do so at their own expense, however, this does not relieve the employee of the requirement for a drug and alcohol test. To obtain approval or to find out which medical facilities are authorized for treatment, employees must ask their supervisor to contact the Human Resource Manager
- f. Under no circumstances may a supervisor or other employee sign any type of medical authorization form, stating that the City of Berkeley will be responsible for charges if an accident is deemed not work-related. If a healthcare provider makes such a request, do not sign the request. Instruct the provider to contact the Assistant City Manager.
- g. If there is any loss of time due to an on-the-job accident or injury, the injured employee must see the City's Worker's Compensation Insurance Company doctor.

Employees will be required to take full advantage of every disability benefit available to them, and submit a written physical disability report ("Certification of Health Care Provider Form"), if unable to return to work for ten (10) days or more.

H. MEDICAL BILLS

The City's Worker's Compensation Insurance Company will pay approved medical bills directly to the appropriate medical provider. In the event an employee pays a medical bill for a compensable claim, the employee must provide a receipt or written proof that he/she paid the bill in order to be reimbursed. Employees will not be granted administrative leave to attend worker's compensation hearings. Accumulated annual leave, compensatory time, or leave without pay may be used to attend these hearings. Benefits will be forfeited if it is shown that the use of alcohol or controlled, non-prescribed drugs was the "proximate cause" of the injury. If any employee is taking prescription drugs, this must be reported to the Human Resource Manager, Department Head, and Supervisor.

I. REPORT OF INJURY

The "Report of Injury" form must be completed and given to the Assistant City Manager, or designated person responsible for human resources within 24 hours of injury when possible. The Assistant City Manager will forward this information to the City's Workers Compensation Insurance Company. (Refer to City of Berkeley Employee Handbook)

J. OVERTIME

All full-time hourly employees will receive one and one-half (1½) times their full rate of pay for all actual working hours over their normal tour of duty. Actual working hours shall be defined as the hours that an employee spends working on the job, attending mandatory training, and holidays, and taking pre-scheduled vacation days (prescheduled vacation is vacation scheduled in advance of the overtime being worked). Funeral leave, unscheduled vacation days, sick leave, etc. shall not be included in the computation of overtime payments. All overtime must be authorized except in emergencies. Normal working hours are as follows:

1. Salaried Employees – Overtime does not apply to salaried employees. These management and administrative employees are required to work the number of hours necessary to ensure that their jobs are completed in a proper and timely manner.
2. Police Department – Police Department employees receive overtime at one and one-half (1 ½) times their hourly rate of pay for time worked in excess of 80 hours. In lieu of pay for overtime worked, with approval of the Police Chief, compensation time may be accrued at (1 ½) one and one-half times the hours worked and be used according to department policy.

K. TARDY

Employees are responsible for knowing their own work hours and schedule at all times and are expected to report to work on time, as scheduled. Chronic and excessive tardiness will not be tolerated. Excessive tardiness is defined according to the schedule below.

1. If the number of hours per scheduled week is 20 or more the employee cannot be tardy more than six (6) times.
2. If the amount of tardiness within any six (6) month period is six (6) or more the employee cannot be tardy three (3) or more times.

L. JURY DUTY

An employee shall be granted an approved leave of absence from work when such leave is required to attend jury duty. It is expected that the employee provides the City with prior written notice of jury duty as far in advance as is possible. Employees required to serve on jury duty will be paid their normal rate of pay while on leave, less the amount received by the employee for serving on jury duty.

M. MILITARY LEAVE (22.1.9)

The City of Berkeley is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Employee Benefits Representative responsible for the employee's division, or the Representative's supervisor if the Representative is unavailable or unable to be of assistance. (Refer to the City of Berkeley Employee Handbook)

1. Eligibility

- a. Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.
- b. At minimum, the Chief of Police shall take the following actions:
 - 1) designating an agency point of contact; (22.1.9.a)
 - 2) designating a human resources point of contact, if outside the agency; (22.1.9.b)
 - 3) out processing, including an exit interview with the CEO or designee; (22.1.9.c)
 - 4) storage of agency owned equipment during deployment; (22.1.9.d)
 - 5) in processing, including an interview with the CEO or designee; (22.1.9.e)
 - 6) initial and/or refresher training, weapons requalification and steps for reintegration, as appropriate; and (22.1.9.f)
 - 7) ensuring a process for communication with the deployed member is established. (22.1.9.g)

2. Procedures for Military Leave

- a. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the City with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy.
- b. To request a military leave of absence for any length of time, the employee should generally obtain a Request for Leave of Absence Form from Human Resources.

- c. Human Resources will review and sign the Request for Leave of Absence Form, collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly.
- d. Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
- e. When the employee intends to return to work, he or she must make an application for reemployment to Human Resources within the application period outlined in City's Employee Handbook.
- f. If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken.

N. OTHER LEAVES WITH PAY

When appropriate circumstances warrant leave of absence with pay, the City Manager may authorize such leaves not to exceed three (3) weeks. Examples of appropriate circumstances shall be attendance at meetings and conferences, which will be of benefit to the City, or of general civic benefit.

O. LEAVE WITHOUT PAY

A permanent full-time employee may be granted a leave of absence without pay for appropriate reasons. Permission must be granted by the Department Head and approved by the City Manager.

P. Bereavement

Funeral leave shall be granted in the event of the death of a member of an employee's immediate family, that is, spouse, children, mother, father, brother, sister, and grandparents. The Department Head shall grant leave to attend the funeral, provided the employee must supply a written statement from the funeral home, and attend the funeral of said relative, and shall be given leave of absence without loss of pay from the day of death up to and including the day of the funeral, not to exceed three (3) working days. If the funeral leave occurs during a vacation, holiday, or leave of absence, the vacation, holiday, or leave of absence will not be extended because of the funeral leave, and there will be no additional pay to the employee. Bereavement leave is only extended to full-time employees. Additionally, one (1) day of funeral leave will be granted in the event of the death of an employee's current mother-in-law and/or father-in-law. When the funeral occurs out of state or out of the country, the employee will be charged vacation leave.

Q. Absences without Notification/No Call No Show

An employee will be subject to disciplinary action if proper and timely notice to the City of any absence from work. Any unauthorized absence from work for any part of a day or full day shall constitute just cause for appropriate disciplinary actions. Failure to notify the City of an absence for two (2) or more consecutive days will be deemed as job abandonment. In this instance, employment separation will be processed as a voluntary resignation.

R. Timekeeping

The City of Berkeley monitors all employees' time and attendance through Web Time which is part of the Paylocity Payroll system. All employees of the City of Berkeley are required to clock in and out through one of three methods which are assigned based on job duty and location.

S. HOLIDAYS

Regular full-time employees receive normal compensation for the established public holidays listed below and any other day or part of the day during which the public office of the City shall be closed by special proclamation of the City Manager and with approval of the Mayor and Council.

Established holidays to be observed are:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Memorial Day
5. Juneteenth
6. Independence
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Friday after Thanksgiving Day
12. Christmas Eve
13. Christmas Day
14. New Year's Eve
15. Floating (Birthday) Holiday

Holidays occurring on Saturday are generally observed on the preceding Friday; those occurring on Sunday are observed on Monday. All City Offices shall be closed and no business shall be conducted therein on any of the aforesaid holidays.

T. HOLIDAYS

The Police and Fire Departments shall be manned on the aforesaid holidays and such other emergency services as may be required. In lieu of the above-granted holidays, police officers in the traffic and patrol divisions, and police radio dispatchers shall receive 15 days of holiday pay in addition to their regular salaries. The holiday pay shall be paid for the pay period in which the holiday occurred.

U. FAMILY MEDICAL LEAVE

The City of Berkeley will provide Family and Medical Leave Act (FMLA) leave to its eligible employees. The City posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in employee break areas. (Refer to City of Berkeley Employee Handbook)

V. ELIGIBILITY

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
3. The employee must work in a worksite where 50 or more employees are employed by the City within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for newly placed child.

3. To care for a spouse, child, or parent with a serious health condition. (Refer to City of Berkeley Employee Handbook)
4. The serious health condition of the employee. (Refer to City of Berkeley Employee Handbook)

W. AMOUNT OF LEAVE

An eligible employee can take up to 12 weeks for the FMLA circumstances (No. 1) through (No. 5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (No. 6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave. (Refer to City of Berkeley Employee Handbook)

X. LEAVE FOR SERIOUS HEALTH CONDITIONS

The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition. (Refer to City of Berkeley Employee Handbook)

The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for a Family Member's Serious Health Condition. (Refer to City of Berkeley Employee Handbook)

Y. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal, or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

An employee will only be granted the amount of sick leave for the birth of a child as designated by a health care provider. The remaining amount of leave must be taken as annual leave, compensatory time, or leave without pay (LWOP), in conjunction with FMLA.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid PTO, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid PTO, personal leave, or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

Z. HEALTH BENEFITS (22.1.3.b)

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the date indicated each month. If the payment is more than 30 days late, the employee's healthcare coverage may be dropped for the duration of the leave.

The City will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

If an employee does not return to work after the approved leave period unless it is from a health condition that would otherwise entitle the employee to additional leave (FMLA), the City of Berkeley is entitled to recover employer-paid premiums paid on the employee's behalf.

If an employee notifies the City of Berkeley he/she will not return to work at the end of the leave, the City of Berkeley will terminate health care benefits under the provision of the Family and Medical Leave Act but will advise the employee in writing of their COBRA rights.

AA. REQUESTING FMLA LEAVE

It is the responsibility of the Department Head in conjunction with the Assistant City Manager to review all requests for leave, regardless of the amount of time off requested, to determine if any leave taken should be designated and coded as FMLA leave.

An employee must submit a "Family and Medical Leave Request Form" (Form COB 1001) in advance of leave. This form must be submitted no later than five (5) days after leave starts.

Employees who are absent or request sick or FMLA leave for over three (3) days should also complete a Health Care Provider Certification and submit it to the Assistant City Manager.

If FMLA leave is determined to be applicable, the employee and supervisor will be notified by the Assistant City Manager that the absence is being designated as FMLA leave immediately or within ten (10) working days of the leave request, unless under extenuating circumstance. If an employee is absent for a purpose which does not qualify under FMLA, the absence will not count against the 12 workweeks of FMLA leave to which the employee is entitled to per year. Leave for such conditions are covered in applicable leave policies in this "manual". (Refer to City of Berkeley Employee Handbook)

BB. Pay During FMLA

Employees will be required to exhaust accumulated vacation leave, and/or sick leave (if normally allowed for the situation under consideration) prior to using leave without pay for FMLA purposes except at the discretion of the City Manager, who is the final approving authority for FMLA leave. (Refer to Sick Leave policy.) For example, the City of Berkeley allows sick leave to be taken only when the employee is sick, not when family members are. FMLA leave without pay would apply when FMLA leave is used when a family member is sick.

Overtime leave may be used for absences "covered" under FMLA; however, this time will not be classified as FMLA and will not count against the 12-work week time frame.

Anytime an employee goes on FMLA leave without pay or whenever deemed appropriate, the Assistant City Manager is responsible for reviewing the employee's leave records to determine the amount of FMLA leave taken in the year. The Assistant City Manager will notify the employee (and the Finance Department) about the number of hours of FMLA leave, which the employee is still entitled, if any. This notification will be used to determine whether the City of Berkeley will pay insurance premiums during FMLA taken without pay.

Once the twelve (12) work week FMLA time frame has been exhausted in the year, the employee will no longer be entitled to benefits provided under FMLA for the absence. However, such absences may be applicable to provisions of the Leave of Absence Without Pay (LWOP) policy.

NOTE: Normally, an employee will not be placed on an official Leave of Absence for any amount of the 12 work weeks covered under FMLA in the year. Absences beyond such coverage may be considered for an official Leave of Absence. Questions regarding FMLA leave should be referred to the Assistant City Manager.

CC. EMPLOYEES RESPONSIBILITIES

To request leave, employees should submit to the Assistant City Manager or to the City Manager via their Department Head a "Family and Medical Leave Request Form" (Form City of Berkeley 1001), immediately upon knowledge of the need to be absent. Leave must be requested and used in multiples of 8 hours (1 day) for FMLA.

If leave is less than three (3) working days and is due to reasons qualifying under FMLA and this FMLA policy, the employee should inform the Assistant City Manager through his/her chain of command. If the Assistant City Manager requests information as to whether the reason for leaves involves the birth or adoption of a child or a serious health condition of the employee or family member, the employee is obligated to respond to such questions.

If the leave request equals or is greater than three (3) working days, the employee must provide a completed "Certification of Health Care Provider Certification for Employee or Certification of Health Care Provider for Family Member's Serious Health Condition" form to the Assistant City Manager within 10 days from the date that FMLA leave starts.

If the need for FMLA is foreseeable based on planned medical treatment, the employee should make a reasonable effort to schedule the treatment to avoid disrupting operations of the work place, subject to the approval of the health care provider.

An employee may be requested to obtain recertification of medical conditions to support leave requests at any reasonable interval, but not more often than every 30 days unless:

1. The employee requests an extension of leave;
2. The circumstances described by the original certification have changed significantly (e.g., the duration or nature of illness, complications, etc.);
3. Information is received that casts doubt upon the continuing validity of the certification; or
4. An employee is unable to work after FMLA leave because of the continuation, recurrence, or onset of a serious health condition.

The employee may be required to obtain a second opinion from another Health Care Provider with respect to the information contained in the Certification at the City of Berkeley's expense. The Assistant City Manager or the City Manager may determine if a second opinion is needed.

DD. UPON RETURN FROM FMLA LEAVE

FMLA leave will not be treated as a break in service.

Upon return from approved FMLA, the City of Berkeley will return the employee to the same or an equivalent position with equivalent pay, benefits, and other conditions of employment.

Any employee who has been on leave for their own serious health condition will be required to provide a statement from the Health Care Provider which indicates that the employee is able to return to work.

EE. COBRA

The City of Berkeley reserves the right to retroactively designate any absence from work, prior to the completion of any paid or unpaid leave, as FMLA if the leave qualifies. If such designation occurs, then any time off, whether paid or unpaid, designated by the City as FMLA leave will also count against the twelve (12) week period.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 an employee may elect to continue their health and dental coverage at their own expense following termination of employment for up to 18 months provided the employee and covered dependents are not covered under any other group health/dental plan. (Refer to City of Berkeley Employee Handbook)

DEVELOPED BY: Capt. Evelio Valdespino	DATE: 02/28/2024
REVIEWED BY: Colonel Art Jackson	DATE:
APPROVED BY: Berkeley City Council	DATE:

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES


02/28/2024

G.O. 32 Selection Process

Page 2- Selection Process- Section C: removed was the recommendation of the candidate to the Public Safety Committee.

Respectfully,

Capt. Evelio Valdespino, DSN 419

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDERS: 32
SELECTION PROCESS		
ISSUE DATE: 11/09/2021	EFFECTIVE DATE: 10/18/2021	DISTRIBUTION: ALL PERSONNEL
AMENDED:		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 31.4.1, 31.5.1,31.5.6, 31.5.7, 31.5.8		NUMBER OF PAGES: 4

PURPOSE: The purpose of this directive is to establish procedures for the selection of qualified full-time and part-time personnel and the responsibilities of the department in the selection process. [CALEA 31.4.1]

POLICY: It is the policy of the Berkeley Police Department to select persons without regard to race, creed, sex, age, or national origin. Components of the selection process will utilize procedures that are proven to be valid, useful, non-discriminatory, and job-related.

DEFINITIONS:

Applicant – any person who applies or makes a formal employment application.

Candidate – any person seeking employment who meets the minimum requirements of the department and has completed a formal application.

PROCEDURES:

QUALIFICATIONS [CALEA 31.4.1]

A. To maintain a professional and qualified Department, certain minimum hiring standards must be maintained. The minimum qualifications for sworn personnel are:

1. Authorized to work in the United States.
2. Be a graduate of an accredited high school or have obtained a certificate of equivalency recognized by the Missouri Department of Education (i.e., GED).
3. Able to pass an extensive background investigation.
4. Possess a valid Missouri Driver's License at the time of appointment.
5. Possess the physical strength necessary to perform the duties of the job.
6. Able to pass the physical and mental examinations prescribed by the department.
7. Visual acuity corrected to 20/20.

B. Non-sworn personnel must meet qualifications as specified in the job description.

APPLICATION PROCESS [CALEA 31.4.1]

- A. A written application containing complete and accurate information will be filed with the City of Berkeley designated personnel responsible for human resources relations. All applications shall be screened and maintained by the designated personnel responsible for human resources relations to ensure the applicant meets the minimum requirements for the position.
- B. At the time formal application is made, the designated personnel responsible for human resources relations shall inform the applicant of all elements of the selection process.

SELECTION PROCESS [CALEA 31.4.1]

- A. **Written Exam** - A written examination will be administered to applicants who meet the minimum qualifications for a police officer, and have less than two (2) years of verifiable law enforcement experience. The designated personnel responsible for administering the exam will notify the candidate(s) of the written test date and time. The written test may be obtained from an outside vendor, using bibliography sources provided by the Department to derive questions for the test, and/or the Chief of Police may use a written test comprised of questions developed within the Department. The written examination can be waived, or substituted, for those with two (2) or more years of verifiable law enforcement experience.

B. Background Investigation

- C. **Oral Interview** - Each eligible candidate will be afforded the opportunity to continue in the process and be interviewed by a board consisting of a Sergeant and Patrol Commander who will rate the candidates. Each candidate will be rated in five (5) general areas. Those areas will include:

- 1. General Appearance
- 2. Communication Skills
- 3. Professional Knowledge
- 4. Leadership
- 5. Relationships

The board will select candidates to proceed to the Chief interview. The Chief will interview candidates and make a recommendation to the City Manager and Human Resources.

D. Physical Ability Test

- E. The City Manager or Human Resources will interview applicants upon recommendation and before making a conditional offer of employment.

F. Psychological Fitness Exam

G. Medical Examination/Drug Screen

H. Hiring

I. Probation

PHYSICAL ABILITY TEST

The physical abilities test (PAT), is a timed 200-yard obstacle course. The PAT will be administered by the St. Louis Area Police Chiefs Association (SLAPCA) at the St. Louis County and Municipal Police Academy for each candidate for entry-level sworn positions. Candidates are graded on a pass/fail basis. The obstacle course consists of the following tasks beginning seated in a patrol car:

1. Begin running for approximately 200 yards
2. Jump over an approximately 1 1/2 foot-high obstacle
3. Climb over a 4-foot-high chain link fence
4. Climb over another 4-foot-high chain link fence
5. Run upstairs
6. Run between and around six obstacles (traffic cones)
7. Duck under two low-hanging obstacles approximately 4 and 5 feet high
8. Run downstairs
9. Lay flat on the ground in the prone position (on stomach) with arms extended outward and then get back up
10. Dummy drag

BACKGROUND INVESTIGATION [CALEA 31.5.1]

A complete, thorough, and confidential background investigation will be conducted on applicants who have passed the testing process. Background investigations shall be conducted only by background investigators who have been specially trained to conduct such investigations. All potential employees must have a background investigation completed to include, but not limited to:

1. Verification of a candidate's qualifying credentials [CALEA 31.5.1 a]
2. Criminal history report [CALEA 31.5.1 b]
3. Verification of personal and professional references. [CALEA 31.5.1 c]
4. Education verification [CALEA 31.5.1 d]
5. Employment history and [CALEA 31.5.1 e]
6. A review of relevant national or state decertification resources if available [CALEA 31.5.1 f]

MEDICAL EXAMINATIONS [CALEA 31.5.6]

A job-related medical examination shall be conducted by a licensed physician approved by the City of Berkeley to perform such examinations. The examinations shall use valid, non-discriminatory procedures to determine the physical and medical fitness of the candidate for a sworn position. This testing shall include hearing and vision tests. All medical, hearing, and vision testing according to the police officer selection process conducted by the City of Berkeley shall be at no cost to the candidates. [CALEA 31.5.6]

PSYCHOLOGICAL FITNESS EXAM [CALEA 31.5.7]

All sworn candidates who receive a conditional offer of employment will undergo an emotional stability and psychological fitness examination conducted by a department-approved qualified professional before final selection and appointment to probationary status. [CALEA 31.5.7]

PROBATION [CALEA 31.5.8]

Each newly hired sworn member is required to satisfactorily complete entry-level training relevant to the position and complete a six-month probationary period before being granted tenured status.

DRAFTED BY: Captain Evelio Valdespino	DATE: 10/07/2021
BY ORDER OF: ART JACKSON CHIEF OF POLICE	DATE:
APPROVED BY: Berkeley City Council	DATE:

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES

02/26/2024

G.O. 58 – Field Reporting

Page 2: # 3 False Alarm Report was Deleted.

#4 was Found Contraband was reclassified as Section H.


ADDED

Section I - Miscellaneous Reports (non-criminal) will be generated for found property and safekeeping of valuables (money, jewelry, credit cards, etc.) and weapons (firearms, knives, etc.). In the event, that EMS notifies officers of a patient having a firearm, knife, or other weapon the officer will seize the weapon. If the patient is transported to a medical facility or the patient is in an incapacitated state the weapon will be seized for Safekeeping. Firearms will be checked for theft before being placed into evidence for Safekeeping if no charges are pending. Valuables will be placed into evidence for Safekeeping. Notification will be made to the owner of the property's location.

Respectfully,

Capt. Evelio Valdespino, DSN 419

NEW

	<p align="center">BERKELEY POLICE DEPARTMENT GENERAL ORDER</p>	<p align="center">GENERAL ORDERS: 58</p>
<p align="center">FIELD REPORTING</p>		
<p>ISSUE DATE: 12/1/17</p>	<p>EFFECTIVE DATE: 12/18/2017</p>	<p>DISTRIBUTION: ALL PERSONNEL</p>
<p>Amended:</p>		<p>RESCINDS: ALL PREVIOUS VERSIONS</p>
<p>ACCREDITATION STANDARDS: CALEA 82.2.1, 82.2.2</p>		<p>NUMBER OF PAGES: 4</p>

PURPOSE: The purpose of this directive is to establish procedures and guidelines for the documentation of incidents occurring within the City of Berkeley.

POLICY: It is the policy of the Berkeley Police Department to prepare documentation for the following categories of incidents alleged to occur in the Berkeley Police Department’s jurisdiction;

1. Citizen reports of crime, [CALEA 82.2.2 a]
2. Citizen complaints, [CALEA 82.2.2 b]
3. Citizen requests for services of the Police Department in cases where: an officer is dispatched, an employee is assigned to investigate, or an employee is assigned to take action at a later date, [CALEA 82.2.2 c]
4. Criminal and non-criminal cases initiated by Police Department personnel, [CALEA 82.2.2 d] and
5. Incidents involving arrests, citations, or summons. [CALEA 82.2.2 e]

DEFINITIONS:

Incident - An event that requires law enforcement action, documentation, or the dispatching of agency personnel in response to citizen requests for law enforcement services. This includes any incident, whether criminal or non-criminal, which involves a response to the scene, an investigation, or the preparation of an oral or written report.

RULES AND PROCEDURES:

FIELD REPORTING REQUIREMENTS [CALEA 82.2.1]

- A. An event report must be created when there is evidence that a crime has been committed when a crime has been reported, when a case is initiated by a member, or when an officer is otherwise required to do so by law [CALEA 82.2.1 a]
- B. All reports will be completed in the department’s field reporting system or on department-approved forms. [CALEA 82.2.1 b]
- C. A computer-generated report is created for a majority of the calls for service. The Primary Event Report is the first report created for a documented event. Computer-generated supplemental reports are created to correct or add information to the Primary report. Some circumstances do not require the use of a computer-generated report but must be documented. These forms include: [CALEA 82.2.1 b]

1. Vehicle Violation Warning (215.050 Ordinance Violation) - These warnings are generated for inoperable/unlicensed vehicles.
 2. Field Interview Report- A field interview report may be completed by an officer when persons or vehicles are observed acting suspiciously or are involved in suspicious circumstances but when adequate probable cause to effect an arrest does not exist.
- D. Each field report must include the following, where applicable: [CALEA 82.2.1c]
1. Description of the incident
 2. Date and time the incident occurred
 3. Location of the incident
 4. Description of the incident scene
 5. Physical evidence
 6. Identifying information regarding victim(s), suspects(s), Arrestee(s), reporter(s), and/or witnesses
 7. Descriptions of stolen/recovered property, evidence, and /or damage
 8. Actions taken by the investigating officer
 9. Any other pertinent information available.
- E. Members are required to complete all reports before the end of their shift. In the event a member cannot complete a report by the end of the shift, a memorandum explaining why the report cannot be completed must be submitted to his/her supervisor requesting the delay be approved. [CALEA 82.2.1d]
- F. All completed reports are submitted to the appropriate supervisor for review and approval. [CALEA 82.2.1e]
- G. Reports requiring FCIC/NCIC entry cannot be held and must be entered before the end of the shift. Further, these reports must be approved by a supervisor before the end of the shift to ensure compliance with FCIC/NCIC rules.
- H. **Found Contraband a report will be completed when contraband is found and the owner is identified or not. It is not uncommon to find drug and narcotic contraband in places such as patrol vehicles, trash cans, parks, and other public places, etc. during the course of regular duty or investigations.**
- I. **Miscellaneous Reports (non-criminal) will be generated for found property and safekeeping of valuables (money, jewelry, credit cards, etc.) and weapons (firearms, knives, etc.). In the event, that EMS notifies officers of a patient having a firearm, knife, or other weapon the officer will seize the weapon. If the patient is transported to a medical facility or the patient is in an incapacitated state the weapon will be seized for Safekeeping. Firearms will be checked for theft before being placed into evidence for Safekeeping if no charges are pending. Valuables will be placed into evidence for Safekeeping. Notification will be made to the owner of the property's location.**

- A. To ensure that a high level of quality is maintained in the reports written by members of the Berkeley Police Department, supervisors will carefully review those reports before approval. Each supervisor must ensure that incident and traffic reports submitted by subordinates are thorough, accurate, and comply with department guidelines and procedures. [CALEA 82.2.1 e]
- B. Once completed, reviewed, and approved by the supervisor, reports will be forwarded from supervisors to the Records Section. [CALEA 82.2.1 e]
- C. As follow-up reports on active cases are completed, they will be forwarded through the chain of command to the Records Division for placement with the original report. [CALEA 82.2.1 e]

COMPUTER-AIDED DISPATCH SYSTEM

The CAD System may be used for documenting incidents only if the following criterion is met:

- 1. Non-criminal matters where the circumstances for the incident cannot be located or verified. This includes circumstances where clearance comments would include being unable to locate, gone on arrival, etc.
- 2. Non-Criminal matters where there exists no need to document the incident as there is no contact with any party and the issue is not expected to involve further Department action, or continue to raise community concern, once the matter giving rise to the incident is resolved. This includes matters such as debris in the roadway, malfunctioning traffic signals, valid alarm cancellations, etc.
- 3. Criminal matters where there is no contact with any person related to the incident being reported, outside of the reporting person, and there is no information developed from a diligent investigation, beyond the reporting person's assertion, to indicate the event being reported ever occurred. This includes matters such as amplified sound where no activity is located and no persons are contacted, etc.
- 4. The Cad System may also be used to document the following incidents:
 - a. False Alarms - The responsible person's information (if they've responded) and brief comments regarding the cause of the alarm must be included in clearance comments.
 - b. Security/Welfare Checks
 - c. Family Disputes – NOT Domestic Violence
 - d. Prowler, gang activity
 - e. Lost Property reports
 - f. Public Assistance
- 5. All calls for service documented in the CAD system require brief clearance comments, by the assigned officer, sufficient to give a clear picture of the outcome of the incident.

DRAFTED BY: Captain Evelio Valdespino	DATE: 02/26/2024
BY ORDER OF: ART JACKSON Colonel	DATE:
APPROVED BY: Berkeley City Council	DATE:

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES


02/26/2024

G.O. 63 – Vehicle Impounds

Page 4: Section B -2, added was “C” If a firearm is located during the inventory of the vehicle being towed because it is disabled, the driver is arrested, or medical emergency, it is to be seized. The firearm will be checked for theft, and placed into evidence, and a report will be written. If there are no charges related to the firearm it will be put into evidence for Safekeeping.

Respectfully,

Capt. Evelio Valdespino, DSN 419

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDERS: 63
VEHICLE IMPOUNDS		
ISSUE DATE:	EFFECTIVE DATE:	DISTRIBUTION: ALL PERSONNEL
Amended: RESCINDS: ALL PREVIOUS VERSIONS		
ACCREDITATION STANDARDS: CALEA 61.4.3		NUMBER OF PAGES: 8

PURPOSE: The purpose of this directive is to establish guidelines regarding removal/towing of vehicles from public streets, highways, and private property as authorized by the Berkeley Municipal Ordinance and Missouri Revised Statutes.

POLICY: It shall be the policy of the Berkeley Police Department to tow and impound vehicles from a public right of way, private road or street, parking lots that are open to the public or private real property, according to Chapter 215 and Chapter 375 of the City of Berkeley Municipal Code and RSMo 304.155 and 304.157.

RULES AND PROCEDURES:

REMOVAL AND TOWING OF VEHICLES FROM PUBLIC AND PRIVATE PROPERTY [CALEA 61.4.3 a, b]

A. Vehicles may be impounded under the following conditions:

1. When the vehicle is of evidentiary value in a criminal investigation.
2. When a vehicle is abandoned or disabled on any street, alleyway, upon a bridge, in a tunnel, or on any public highway and the vehicle constitutes an obstruction. [CALEA 61.4.3 a]
3. When the vehicle has been abandoned for a period exceeding 48 hours on public property, as provided in Berkeley Municipal Code, Section 375.050. [CALEA 61.4.3 a]
4. When a vehicle shall be parked in violation of other parking provisions.
5. Whenever the operator of a vehicle is arrested or is incapacitated to such an extent as to be unable to provide for its custody.
6. To secure a vehicle after it has been involved in an accident.
7. When the removal is necessary in the interest of public safety, due to fire, flood, storm, or other exigent circumstances.
8. When a stolen vehicle is recovered and the owner cannot immediately be contacted.

- a. In the case of a vehicle that is stolen locally, reasonable attempts to contact the owner should be made before towing the vehicle.
 - b. In the case of a vehicle stolen from another county or city, the vehicle will be towed and Communications Section personnel will notify the agency that entered the stolen vehicle into NCIC of the recovery and the name/location of the wrecker service storing the vehicle.
9. When the vehicle is located on private property in violation of a Berkeley city ordinance and the 3-day or 10-day notice to comply has been issued. [CALEA 61.4.3 b]
- B. Communications Section personnel will provide a vehicle's registration information to a wrecker service upon notice the company is towing a vehicle from private property.
- C. If the owner is not present when a vehicle is towed, a vehicle tow notification form will be mailed to the owner's address of record.

PROCEDURES FOR IMPOUNDING VEHICLES

- A. When a vehicle is impounded for criminal evidence or processing:
1. Impounding officer will complete the Crime Inquiry and Inspection Report/Authorization to Tow (Missouri Department of Revenue FORM 4569) and St. Louis County Police Department Evidence Receipt.
 2. The vehicle will be towed by the current contract service to the Berkeley Police Department impound lot where it will be secured in either the Crime Lab Garage for processing or towed to the contracted vehicle impound lot.
 3. The impounding officer will contact Communications Section personnel and provide necessary vehicle information for entry into NCIC.
 4. The white copy of the Crime Inquiry and Inspection Report/Authorization to Tow (Missouri Department of Revenue FORM 4569) form will be forwarded to the Records Division for entry into the DOR database and filed in the BPD impound folder.
 5. The yellow copy should be given to the tow company.
 6. The pink copy of the Crime Inquiry and Inspection Report/Authorization to Tow will be attached to the St. Louis County Police Department Evidence Receipt.
 - a. The packet will be forwarded to the St. Louis County Laboratory Services Section for processing.
 7. Upon the completion of laboratory processing, the Crime Scene Investigator will contact the Investigating Detective/Officer who will determine whether the vehicle may be released to the owner, towed to a wrecker company, or stored in the BPD vehicle impound lot. The Investigating Detective/Officer is responsible for making any notifications on the impounded vehicle to the owner.
 - a. If the vehicle is released to the owner, the Investigating Detective/Officer will complete the release information, contact Communications Section personnel

for vehicle removal from FCIC/NCIC and forward the report to the Records Division. [CALEA 61.4.3 c]

- b. If the vehicle is to be towed to a wrecker company, the investigating Detective/Officer will sign the release information, releasing the vehicle to the wrecker service, and complete steps 1-6 as necessary.

B. When a vehicle is seized for forfeiture:

1. Motor vehicles that have been seized should be brought to and secured in the contracted BPD vehicle impound lot. Officers should use the contract wrecker service and attach the tow bill to the Notice of Seizure.
2. The officer seizing the vehicle will complete the Missouri Department of Revenue FORM 4569 and contact Communications Section personnel for entry into NCIC.
 - a. The white copy shall be forwarded to the Records Division, the yellow copy is left with the wrecker service, and the pink copy of the Report should be forwarded to the Detective Bureau, Asset Forfeiture Investigator together with the Notice of Seizure before the end of the officer's shift.
 - b. A complete inventory of the vehicle should be conducted at the time of impound.
3. The Notice of Seizure should be completed and approved by the officer's supervisor and shift commander before being forwarded to the Asset Forfeiture Investigator.
 - a. Officers shall attach copies of all relevant supplemental reports and verification of title/lien check for the vehicle seized.
 - b. The vehicle's door, ignition, trunk, and gas keys are the only keys that should be forwarded with the Notice of Seizure.

GENERAL PROCEDURES FOR IMPOUNDING VEHICLES

- A. Once a member has a supervisor's permission to impound a vehicle, the following steps will be completed:
 1. The member will request the next rotation wrecker from Communications Section personnel for a vehicle impound. The member will give the operator the required information for the wrecker log.
 2. The member is to complete a Crime Inquiry and Inspection Report/Authorization to Tow and a complete inventory of the vehicle, recording the contents on the Crime Inquiry and Inspection Report/Authorization to Tow. The Crime Inquiry and Inspection Report/Authorization to Tow will include, at a minimum:
 - a. Time
 - b. Date
 - c. Location
 - d. Requesting member
 - e. Reason for removal or tow

- f. Towing service name, address, and telephone number
- g. Location of the vehicle
- h. Notification (or attempts) to the registered owner
- i. Inventory of vehicle contents
- j. Any placing and removing of holds

3. If circumstances preclude a complete inventory of a vehicle at the scene, the inventory should be completed at the storage facility at the earliest opportunity. The member shall indicate on the Crime Inquiry and Inspection Report/Authorization to Tow form whether a hold is placed on the vehicle. The member will then indicate on the form the reason for the hold, clearly stating what is required for the release of the vehicle.

B. If possible, the inventory should be accomplished in the presence of the operator or registered owner. The inventory should encompass all areas of the vehicle, including but not limited to: inside compartments, dash, glove box, console, under seats and all containers therein; the trunk area and containers therein; and all exterior containers, boxes, truck beds, tanks, engine compartment and all containers therein.

1. All unlocked containers located in a vehicle will have their contents inventoried and recorded on the Impound Report.
2. Locked containers will not be forced open during an inventory, but are to be logged on the Impound Report as such.
 - a. Currency found within the vehicle is to be counted in the presence of the registered owner or operator when possible. If not, the money is to be counted in the presence of at least one witness and returned to the owner or submitted into Property and Evidence for safekeeping or evidence.
 - b. When there is an extensive amount of items to inventory or remove as evidence from an impounded vehicle, members will complete an Evidence Receipt and distribute the copies with the same color copies of the Crime Inquiry and Inspection Report/Authorization to Tow.
 - c. If a firearm is located during the inventory of the vehicle being towed because it is disabled, the driver is arrested, or medical emergency, it is to be seized. The firearm will be checked for theft, and placed into evidence, and a report will be written. If there are no charges related to the firearm it will be put into evidence for Safekeeping.**

3. After completing the impound documents, the member will have the wrecker driver sign for the vehicle, at which time the wrecker driver is given the yellow copy. [CALEA 61.4.3 c]

4. The member will give the registered owner of the impounded vehicle the pink copy of the completed Form 4569. If the owner is not present, the member will leave the pink copy attached to the vehicle impound documents. [CALEA 61.4.3 c]

5. The vehicle impound documents are turned into the completed paperwork box located in the Uniform Patrol Division (UPD) area for supervisor approval and distribution.

- a. This paperwork is to be turned in as soon as possible and before the end of the shift. [CALEA 61.4.3 c]
 - b. After review and appropriate action, the UPD Supervisor forwards the white copy to the Records Division for entrance into the database and filing in the designated wrecker service file. [CALEA 61.4.3 c]
6. The yellow copy is given to the wrecker service.
- D. A "Hold Order" will only be placed on a towed vehicle if:
1. It is directly involved in a crime and is being held as evidence or otherwise needed pending further investigation.
 2. The officer has probable cause to believe the vehicle contains contraband, evidence, etc. and a search warrant will be necessary to search the vehicle.
 3. The department is contemplating forfeiture action.
 4. A parking ticket or summons is attached to the tow report and is to be issued to the registered owner or operator upon claiming the vehicle.
 5. Any "Hold Orders" placed on a vehicle shall be done with the knowledge of the on-duty supervisor or the detective actively working on a case.
 6. A "Hold Order" notation shall be placed at the top of the tow DOR-4569 form. A notation shall be included on the tow report in the middle comment section of the DOR-4569 form explaining that a "Hold Order" has been placed on the vehicle, the reason for the "hold" and the name or DSN of the supervisor or the case detective advised of the hold.
 7. Only a supervisor or the case detective may authorize the release of a vehicle for which a "Hold Order" has been placed.
 8. The Department maintains a rotation list of wrecker companies to be used for vehicle impounds. The next rotation wrecker service, as assigned by the Communications Section will be used to tow impounded vehicles. Exigent circumstances (e.g., traffic homicides) may mandate the use of other city contractual wrecker companies.

PROCEDURE FOR RELEASING IMPOUNDED VEHICLES

- A. Generally, a vehicle may only be released to the registered owner. Missouri State law requires all vehicle dealerships or individuals to complete and sign the reverse side of any title to any vehicle that is sold. The dealership, after the sale of a vehicle, is then required to complete a lien holder form in the event the dealership still has a financial interest in the vehicle. If the seller is securing a lien, they are required to submit a lien holder form to the Department of Revenue within thirty (30) days of the sale of a vehicle.

Due to state lawful requirements, civil liability for releasing a vehicle to a person other than the registered owner can result in litigation against the City of Berkeley. Unless judicial action is taken and a court order is obtained specifying certain conditions of the vehicle release that supersedes this General Order, the following procedures and requirements are to be strictly adhered to:

A vehicle used in the commission of a crime, or having hold orders attached will not be released without the prior approval of a supervisor

1. White copies of the Crime Inquiry and Inspection Report/Authorization to Tow are maintained in the wrecker files located in the Records Division. When a person requests that a vehicle be released, the Records Clerk will pull the copy of the Crime Inquiry and Inspection Report/Authorization to Tow from the appropriate wrecker file and make the appropriate verifications.
2. If the vehicle purchase occurred more than thirty (30) days at the time of release; the individual MUST present the following information:
 - a. The title with the owner's name printed on the front or;
 - b. Valid registration showing proof that registration fees with the state in which the vehicle should be registered have been paid and;
 - c. Proper identification: A valid driver's license, valid state identification card, or a valid United States Passport.
3. In the event a vehicle is purchased and towed before the thirty (30) days expiration date, the vehicle may be released to the legal owner/purchaser providing they submit the following:
 - a. The purchaser's signature must be handwritten on the reverse side of the title with the purchase date and amount of purchase completed and;
 - b. Proper identification: A valid driver's license, valid state identification card, or a valid United States Passport in the name of the vehicle owner.
4. If there is a HOLD placed on the vehicle, the Records Clerk will verify that the conditions for the hold have been met with a patrol supervisor or the case detective. Only a supervisor or the case detective may authorize the release of a vehicle for which a "Hold Order" has been placed.
 - a. When the Records Clerk verifies that HOLD requirements have been met by the owner, he/she will provide a vehicle release form, filling in the required information including to whom the vehicle was released.
5. The Records Clerk will sign the form indicating that it has been released. Wrecker companies will not release a vehicle unless the vehicle release is signed and on official department letterhead.
6. The Records Clerk will give the original to the person to whom the vehicle will be released and a copy will be filed in the impound file located in the Records Division.
7. The Records Clerk will contact the on-duty Communications Section Dispatcher to advise the vehicle was released and to verify the vehicle was entered into NCIC. If the vehicle was entered into NCIC, Communications Section personnel will remove the vehicle from the computer system and verify the NCIC removal by completing the Communications Vehicle Cancellation form which is then forwarded to the Records Division for filing.

B. Exemptions:

1. If a vehicle has temporary license tags that are still valid the owner is not required to have the vehicle registered. However, the owner must produce all other information required in section A- 3a. & b. of the above releasing procedure.
2. Requirements if the owner/purchaser is not available to obtain the tow release, and not a fugitive from justice.
 - a. A Hold Harmless Form, which may be obtained from a police officer or records clerk in addition to the owner's proof of ownership as described in A2 and A3 sections above. This form is required to be notarized by the purchaser/owner of the vehicle. The form will indicate who the vehicle is to be released to; the correct date; a complete description of the vehicle in question including make, model, and vehicle identification number, and;
 - b. The owner/purchaser MUST also submit a notarized letter permitting a third party, with valid identification to obtain the vehicle. This letter must be dated after the vehicle was towed with the purchaser's signature and date being notarized.

NOTE: Officers releasing vehicles MUST make copies of all documents and identification submitted. The releasing officer will attach this information to a copy of the tow release.

C. Telephonic release of an impounded vehicle is NOT permitted.

PROCEDURE FOR RELEASING IMPOUNDED VEHICLES TO LIEN HOLDERS

- A. The State of Missouri will only create a repossession title for a vehicle if the proper application is submitted. The sworn affidavit sent to the State of Missouri by the dealership requires the applicant to have in their possession/custody the vehicle in which they are applying for a repossession title. If a dealer responds to obtain a release with a repossession title that was obtained while the vehicle has been in the custody of the Berkeley Police Department, the officer should obtain a copy of the repossession title, dealership name, and a copy of the agent's driver license or state identification. This information will be forwarded to the Missouri Department of Revenue for investigation.
 1. Exception- Abandoned vehicle- If a vehicle was towed after being abandoned for 48 hours, in addition to the owner being able to claim the vehicle, a lien holder may claim the vehicle upon proof of lien (see Missouri Revised State Statute 304.155.8)
 2. Exception- Unclaimed vehicle with a lien in default- if a vehicle is not subject to the foregoing exception and has not been claimed by the owner within 48 hours after towing, a lien holder may claim the vehicle upon proof of lien in default and agreement to indemnify and hold harmless the City of Berkeley, the police department and Doc's Towing Company from any liability for such release, using approved forms.

- B. After the owner/designee provides proof of ownership, the Records Clerk will give the original vehicle release form to the person to whom the vehicle will be released and a copy will be filed in the impound file located in the Records Division.

- C. The Records Clerk will contact the on-duty Communications Section Dispatcher to advise the vehicle was released and to verify the vehicle was entered into NCIC. If the vehicle was entered into NCIC, Communications Section personnel will remove the vehicle from the computer system and verify the NCIC removal by completing the Communications Vehicle Cancellation form which is then forwarded to the Records Division for filing.

VEHICLE IMPOUNDS RECORDS

BKPD Records Division personnel are responsible for maintaining the impound tow files and releasing impounded vehicles. [CALEA 61.4.3 c]

DRAFTED BY: Capt. Evelio Valdespino	DATE: 2/26/2024
BY ORDER OF: ART JACKSON Colonel	DATE:
APPROVED BY: Berkeley City Council	DATE: