

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM:** Anthony Mata
Chief of Police

SUBJECT: SEE BELOW **DATE:** July 28, 2022

APPROVED

Memo #2022-035

**SUBJECT: DUTY MANUAL REVISIONS: RETAINING A DEPARTMENT-ISSUED
BADGE, NAMEPLATE, OR IDENTIFICATION CARD**

BACKGROUND

The Department issues badges and nameplates to the following Department members:

- Sworn Police Officers
- Community Service Officers
- Communications Division Personnel
- Operations Support Services Division Personnel

In addition, the Department issues identification cards to all personnel working at the Police Department.

Often, when separating from City service, Department members would like to keep their original badge, nameplate, or identification card. Currently, Duty Manual section S 1204 RETURN OF CITY PROPERTY requires that these be surrendered upon any resignation, separation, or dismissal. The Duty Manual is being revised to allow Department members an opportunity to keep these items under certain circumstances.

The “Request to Keep Department-issued Items” memorandum is included as an attachment.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

S 1204 RETURN OF CITY PROPERTY: *Revised 07-28-22*

A ~~d~~Department member is required to surrender Department-issued ~~identification card, badge, nameplate,~~ *identification card, badge, nameplate,* weapons, safety equipment, and other items ~~issued by the City~~ whenever any resignation, separation, or dismissal occurs.

Occurrences under which the return of City Department property is optional include, but are not limited to, the following circumstances:

- Suspensions
- Extended leaves of absence without pay
- At the discretion of a command officer the Chief of Police or their designee for the good of the Department, City, or community

The Department-issued badge, nameplate, and identification card are addressed in Duty Manual section S 1204.1 RETENTION OF DEPARTMENT-ISSUED BADGE, NAMEPLATE, AND/OR IDENTIFICATION CARD.

S 1204.1 **RETENTION OF DEPARTMENT-ISSUED BADGE, NAMEPLATE, AND/OR IDENTIFICATION CARD**

Added 07-28-22

Any Department member separating from City service in good standing may request to keep their Department-issued badge, nameplate, or identification card by submitting a "Request to Keep Department-issued Items" memorandum through their chain of command to the Chief of Police. When requesting to keep a Department-issued badge, nameplate, or identification card, the Department member will provide justification for the retention (e.g., for use in a shadow box, for use as a gift to a family member, etc.)

Department members who separate from City service under the following circumstances are ineligible to retain a Department-issued badge, nameplate, or identification card:

- Failure to complete probation.
- Termination.
- Resignation during probation.
- Resignation in lieu of discipline.
- Resignation by failure of the Department member to return to work on the first scheduled workday after a leave of absence, pursuant to the Memorandum of Agreement (MOA) between the City of San Jose and the San Jose Police Officers' Association (link), Article 26.

The Chief of Police or their designee may, at their discretion, deny the request to retain a Department-issued badge, nameplate, or identification card. When this occurs, the Chief of Police or their designee will document this denial and the reason for it on the "Request to Keep Department-issued Items" memorandum. The determination by the Chief of Police or their designee is final.

In the case of promotion, the badge, nameplate, and identification card for the rank or position being vacated may be kept by the Department member without having to submit a "Request to Keep Department-issued Items" memorandum. The memorandum is only required when separating from City service and only applies to the badge, nameplate, and identification card for the rank or position at the time of separation.

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Absent submission and approval of the "Request to Keep Department-issued Items" memorandum, all Department personnel shall surrender their Department-issued badge, nameplate, and identification card to Police Personnel upon separation from City service.

This policy does not apply to badges or nameplates purchased through outside vendors. Those badges or nameplates remain the personal property of the purchaser or recipient.

The original copy of the "Request to Keep Department-issued Items" will be added to the Department member's personnel file. A copy will be provided to the Department member upon request.

S 1205 RESPONSIBILITY OF COMMANDING OFFICER:

Revised 07-28-22

It is the responsibility of the commanding officer to whom an individual is assigned to ensure that the ~~badge, identification card,~~ issued weapons, and any other property belonging to the Department is surrendered. ~~Badges and identification cards will be turned in to the Personnel Unit; all other property will be turned in to Central Supply.~~

It is the responsibility of the commanding officer to whom an individual is assigned to ensure the "Request to Keep Department-issued Items" memorandum is approved pursuant to Duty Manual section S 1204.1 RETENTION OF DEPARTMENT-ISSUED BADGE, NAMEPLATE, AND/OR IDENTIFICATION CARD or the Department-issued badge, nameplate, and identification card are surrendered to Police Personnel.

S 1206 RESPONSIBILITY OF INDIVIDUAL OFFICERS:

Revised 07-28-22

Upon resignation, separation, or dismissal, or at the request of the Chief of Police, ~~d~~Department members will, prior to departure, surrender to the proper persons all property belonging to the Department. Upon suspension or leave of absence without pay, the member will, prior to departure, advise such member's commanding officer of the anticipated absence and the dates thereof and, upon request, surrender all property belonging to the Department in adherence to the following procedures:

- DEPARTMENT NOTIFICATION: File one of the two appropriate forms: "Request for Leave of Absence" (Form 100-21) or "Notice of Separation from City Service" (Form 100-4) with the Personnel Unit of the Bureau of Administration prior to the turn-in of equipment.
- OFFICERS: All officers in one of the above categories will then report to Central Supply and turn in all property as listed on the "San Jose Police Department Equipment Card."

Officers will turn in their ~~badge, identification card and~~ building keys to the Personnel Unit, Bureau of Administration.

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- BUREAU-ISSUED EQUIPMENT: Prior to appearing at the Personnel Unit for final processing, members will turn in all bureau-issued equipment. The Personnel Unit will ensure, via phone with the separating employee's assigned bureau, that all bureau-issued equipment has been collected (radios, cameras, fingerprint kits, etc.).

It is standard procedure for the Personnel Unit to place a hold on the separating employee's final pay check until above procedures are completed.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:SD

Attachment: "Request to Keep Department-issued Items" memorandum



Memorandum

TO: THE CHIEF OF POLICE

FROM: _____

**SUBJECT: REQUEST TO KEEP
DEPARTMENT-ISSUED ITEMS**

DATE: _____

APPROVED

DATE

I am hereby requesting authorization to keep the following Department-issued items:

Badge

Nameplate

Identification Card

Name: _____

Badge Number: _____

Contact Number: _____

Justification: _____

DO NOT COMPLETE BELOW THIS LINE

Approved

Denied

Reason for Denial: _____

Print

Title

Signature

Date

Note: Submit this memorandum with a transmittal through your chain of command.