

MEMORANDUM

April 3, 2017

TO: CIVIL SERVICE/EQUAL EMPLOYMENT COMMISSION

FROM: ERIC JONES, CHIEF OF POLICE

SUBJECT: **PROPOSED REVISIONS TO STOCKTON POLICE DEPARTMENT RULES AND REGULATIONS MANUAL**

Introduction

The current Stockton Police Department Rules and Regulations were adopted by the Civil Service Commission on December 6, 2001. The need to modify and amend portions of the manual was identified in recent years. I am therefore requesting your consideration on the following changes. A draft showing the proposed changes is attached.

Suggested Changes

Listed below are the various changes I am suggesting and their justifications.

- Renumbering of Certain Sections: The renumbering of Section numbers (in the Table of Contents, Sections themselves, and the Index) from a two-digit number to a three-digit number (i.e., 3.1 vs. 3.01) is being requested. This request is based on the need to ensure accuracy in documentation and tracking. In other words, so that an alleged violation of Section 3.10, could not be incorrectly categorized as an alleged violation of 3.1.
- Revisions of Section 1.44 (Department Mission Statement): I recommend a revision to show the Department's current Mission Statement.
- Addition of Section 1.59 (Confidential Information): I propose this Section be added so that a clear definition of what constitutes confidential information is available to Department members.
- Amendment to Section 2.03 (Department Responsibility): Propose the correction of typographical error in the word "wellbeing."
- Amendment to Section 2.15 (Supervisory Authority and Responsibilities): Propose changing the wording from "inspecting" to "inspection of."
- Amendment to Section 3.04 (Truthfulness): Section D is being proposed to address quibbling or vagueness in written reports.
- Amendment to Section 3.05 (Conduct Toward the Public): Propose adding language regarding Procedural Justice.

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- Amendment to Section 3.06 (Conduct Toward Fellow Members): Propose adding language regarding Procedural Justice.
- Amendment to Section 3.07 (Ridicule/Criticism of the Department): Propose adding the word "electronically" due to increase in the use of social media.
- Amendment to Section 3.13 (Use of Alcohol): Propose adding language so that employees know they are responsible for their guests.
- Amendments to Section 3.22 (On-Duty Calls and Investigation Conflict): Propose including the employee themselves.
- Revision of Section 3.24 (Use of Force): I propose that language currently in the Section related to the documentation of use-of-force incidents be removed and added to Section 3.59 (Documentation and Submission of Reports). Frequently, a member may have used appropriate force and done everything correctly in regard to the policy related to use-of-force incidents except for an error in the documentation of the incident. The Department does not want to sustain a use of force allegation in these circumstances (implying the officer used excessive force) and feels it is more appropriately classified as a report-writing issue.
- Amendment to Section 3.26 (Treatment of Prisoners): Proposed addition to prevent other unsafe actions not currently covered in the Section (i.e., Code-Three driving).
- Amendment to Section 3.29 (Misconduct Observed by Police Personnel): Propose adding "alleged" and replacing "thorough" with "complete."
- Amendment to Section 3.30 (Report of Suspected Criminal Involvement): Propose including the wording "immediately or" regarding the reporting requirement.
- Repeal of current Section 3.39 (Physical Fitness for Duty): This Section has not been used by the Department anytime in recent memory. Furthermore, the application of this Section is extremely subjective and likely wouldn't result in departmental discipline. Additionally under City of Stockton Civil Service Rules for Police and Fire Employees, Rule XIV, Section 3, an appropriate remedy for this type of situation is already addressed.
- Addition of new Section 3.39 (Supervisor/Commander Office Confidentiality): The need to ensure security and confidentiality in a wide array of documents is paramount to the efficient operation of the Department and its managers and supervisors. Sensitive or confidential investigations, personnel investigations or inquiries, draft deployment plans, etc. include just a few. This Section is requested so that all Department members have a clear understanding of what areas and materials are restricted for access.

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- Addition of 3.45 (Cooperation with Other Agencies) in Table of Contents: This Section appears to have been accidentally left out of the Table of Contents in the current manual. I recommend this Section be added to the Table of Contents.
- Revision of Section 3.47 (Carrying Shield and Weapon Off Duty): Propose adding language to prevent officers from carrying a gun when they are chemically impaired.
- Amendment to Section 3.50 (Display of Firearms): Propose replacing the wording "public place" with "manner" to clarify the intent.
- Revisions to Section 3.53 (Confidentiality of Department Business): I propose this Section be amended to better include various types of confidential information, such as electronic photographs and police reports.
- Revision to Section 3.54 (Residence and Telephone): Propose dropping "at their residence" since many employees rely solely on cellular phones now. In addition, I propose including the word "physical" to ensure employees keep the Department informed of their home address versus a P.O. Box.
- Revisions to Section 3.58 (Computer Use): Addition of Section E to include language from City Directive IT-07 (Internet Access and Acceptable Use). Removal of Section B from current manual, as it is outdated. Members typically access information from various computer systems without a supervisor's permission (i.e., DMV Records, Warrants Checks, etc).
- Amendment to Section 3.59 (Documentation and Submission of Reports): Include language removed from Section 3.24 (Use of Force).
- Amendment to Section 3.68 (Protecting the Crime Scene): Propose removing "detain" and adding "identify," since witnesses cannot legally be detained.
- Revision of Section 4.06 (Retention of Formal Disciplinary Records): Removal of provisions one through three to avoid redundancy of HR-08. The City Attorney's Office recently suggested a revision to the retention of discipline records of members. This related to Pitchess Motions filed in criminal cases, where disclosure of discipline records far past the legally mandated retention was occurring or could potentially occur. The Department's Legal Advisor concurred with the recommendation to reduce most discipline retentions to the time required as per State Law. I am therefore recommending the noted changes.
- Revision of Section 4.11 (Interdivisional Disciplinary Action): Removal of the word "member's" for clarification and ease of understanding.

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- Other Grammatical Corrections: During the review of the current manual, several other grammatical errors were noted and corrected. These corrections are also shown in red on the draft manual presented for consideration. I would recommend these corrections also be approved.

Summary

Although the Department's current Rules and Regulations are still functional and for the most part applicable, I believe adopting the proposed changes will improve them significantly. I am therefore suggesting the Commission adopt the proposed changes.



ERIC JONES
CHIEF OF POLICE

EJ:JD:vs

cc: Applicable Associations
Marci Arredondo, Legal Advisor

Attachment