

# Policy Manual

## **106.1 PURPOSE AND SCOPE**

The manual of the Union City Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## **106.2 DISCLAIMER**

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Union City Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Union City Police Department reserves the right to revise any policy content, in whole or in part.

## **106.3 POLICY**

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

## **106.4 AUTHORITY**

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Policies, which shall modify those provisions of the manual to which they pertain. Departmental Policies shall remain in effect until such time as they may be permanently incorporated into the manual.

### **106.4.1 COMMAND STAFF**

Command Staff shall consist of the following:

Chief of Police

Field Operations Captain

Support Services Captain

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Command Staff shall review all recommendations regarding proposed changes to the Policy Manual at Command Staff meetings or via email correspondence. They shall then review and make a decision on whether or not to approve the proposed changes.

#### 106.4.2 REQUESTING A REVISION OF DEPARTMENTAL POLICIES

Any employee may suggest revisions of the contents of the Policy Manual if he/she believes that it would increase the efficiency or effectiveness of the Department. Employees who suggest revisions of the contents of the Policy Manual in furtherance of performing essential job functions shall submit a written memorandum and transmittal form UCPD-020 through his/her chain of command describing the need and justification. If the appropriate division Commander receiving the request determines that it is unnecessary or inappropriate, he/she will notate that on the transmittal form with an explanation. If the Division Commander agrees that the suggestion has potential merit, it will then be submitted to Command Staff for review and approval. Regardless of what decision is made, a copy of the transmittal form and associated documents will be forwarded back to the originator for his/her information. Command Staff will review the request for:

- Completeness
- Fiscal accountability
- Conflict with existing Departmental procedures
- Compatibility with existing Departmental procedures
- Other factors based on the item(s) requested, as appropriate

If Command Staff rejects the request, the Division Commander, or his designee, will return the form to the originator with an explanation and/or request for the correction of deficiencies, as appropriate. If/when corrections are requested, it will be resubmitted following the above listed format. When Command Staff approves a revision of the Policy Manual, it will be disseminated to Departmental personnel in accordance with this policy.

#### 106.5 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CCR** - California Code of Regulations (Example: 15 CCR 1151).

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Union City.

**Civilian** - Employees and volunteers who are not sworn peace officers.

**Department/UCPD** - The Union City Police Department.

**DMV** - The Department of Motor Vehicles.

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**Employee** - Any person employed by the Department.

**Juvenile**- Any person under the age of 18 years.

**Manual** - The Union City Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Union City Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Union City Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**POST** - The California Commission on Peace Officer Standards and Training.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

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#### 106.5.1 REVISION DATES AND SECTION LOCATION

The last section of each policy shall be titled "Revisions." The first entry of any newly drafted policy in the Revision Section shall be "Adopted" followed by the date. The next and subsequent entries shall be "Revised" followed by a date. The entries shall be made horizontally and separated by a semi-colon.

The date format is as follows: January 1, 2017

Each time a revision is made to a section of this Policy Manual after January 1, 2017, the revision shall be logged in the Revision Section and a description of the revision will be disseminated to employees as listed in the Revisions to Policies section of this policy.

#### 106.6 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Policies. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

#### 106.7 DISTRIBUTION OF POLICY

It is the intent that this Policy Manual and the referenced procedure manual will be distributed broadly in a digital format. A digital version of the Policy Manual will be made available via Lexipol for access by all employees from any technological device and any location with internet capabilities. No changes shall be made to policy or procedure without authorization from the Chief of Police or his/her designee.

Existing policies, procedures and directives can be revised, modified or rescinded but never purged. The Support Services Lieutenant is responsible for reviewing proposed or revised policies, procedures, rules and regulations prior to their adoption to ensure they do not contradict other existing agency directives or applicable law. This is accomplished by:

- (a) Reviewing each proposed or revised directive for content, formatting and contradictions to existing directives.
- (b) Reviewing each proposed or revised directive for content, formatting and contradictions to existing State or Federal Law.
- (c) Consultation with the City Attorney, as appropriate.

The Support Services Lieutenant is also responsible for the distribution of each new policy update. Upon the completion of each policy update, both policy and procedure will be archived via Lexipol and backed up in a secure environment.

Upon initial hire, a new fulltime employee shall be provided access to a copy of the Policy Manual and Procedure Manual in its digital format. All employees shall be notified of new updates to policy or procedure via the Lexipol Policy Issuance Actions.

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#### **106.7.1 ACKNOWLEDGE RELEASE OF NEW VERSIONS AND ARCHIVE OF OLD VERSIONS**

The release of new Policy shall occur as needed based on changing best practice and laws.

All employees shall be notified of each release in a method that requires the employee to acknowledge receipt and confirm understanding of the release.

All department employees shall log into the Lexipol database a minimum of once per workweek in order to acknowledge that employees have read and understand new policies and updates to existing policies. The current Lexipol database allows officer to view, in detail, the changes in the newest version of the Policy Manual using the policy compare feature.

No version shall be released without approval of the Chief of Police or his/her designee. The details of the release will be completed by Support Services Lieutenant, or his/her designee with approval from the Support Services Captain.

All revisions of this Manual shall be recorded. Each outdated manual shall be archived in a suitable manner to assure long-term reference. At minimum, two digital versions shall be stored. The two digital copies shall be stored in separate locations. One copy will be stored at Lexipol and one copy will be placed in the Patrol Supervisors office for access in the event of a computer failure

#### **106.8 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

#### **106.9 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Captain will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Captains, who will consider the recommendations and forward them to the command staff as appropriate.

#### **106.10 REVISIONS**

Revised: May 3, 2016

Revised: January 31, 2017

Revised: January 22, 2020