

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 12 2009

GENERAL ORDER E-7

SUBJECT: REIMBURSEMENT FOR LOSS OR DAMAGE TO UNIFORMS AND/OR EQUIPMENT FURNISHED BY EMPLOYEES

PURPOSE

- 1 - The purpose of this General Order is to establish procedures for the reimbursement to employees whose uniform or personal equipment is lost or damaged as a consequence of the proper discharge of their duties.

POLICY

- 2 - **Employees** of the Berkeley Police Department may request reimbursement for loss of, or damage to, a uniform or personal equipment in conformance with the procedures described in this Order.
- 3 - Approval of reimbursement claims shall be at the discretion of the Chief of Police.

CRITERIA

- 4 - Damage or losses sustained by an employee shall be restricted to those incurred as a direct consequence of the proper discharge of the employee's duties.
- 5 - Articles for which employees may be reimbursed in the event of loss or damage shall include those listed in Police Regulations 300, 302, 303, 304, 305, 315 and prescription eyeglasses.
 - (a) Reimbursement for loss or damage to a watch, including its band, or personal accessories (e.g., electronic equipment, non-Rx sunglasses, etc) is limited to \$200.00.
 - (b) Reimbursement of amounts exceeding \$200.00 may be authorized at the discretion of the Chief of Police.
- 6 - Damage or loss sustained by an employee as a consequence of the employee's negligence or lack of care **is** excluded from the provisions of this Order. Examples of damage or loss not covered include:
 - (a) That which occurs during a routine assignment, such as catching clothing on, or brushing against, a vehicle, building or other object, or by falling down when the cause is attributable to slipping or tripping on an object, any of which could have been avoided through the exercise of due care by the employee.
 - (b) Soiling of a uniform by blood, dirt, grease or oil, even though it is the result of the proper discharge of the employee's duty, unless the item is permanently damaged.

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- 7 - Reimbursement for loss or damage to uniforms or personal equipment resulting from an unusual circumstance (e.g., plumbing failure water damage) may be provided at the discretion of the Chief of Police.
- 8 - Civilian clothing worn by police personnel while on-duty shall be covered in the same manner as uniforms, except that the maximum limit of liability shall not exceed the retail cost of the comparable uniform article.

PROCEDURE

- 9 - An employee suffering uniform or equipment damage covered by the provisions cited above shall:
 - (a) Prepare a numbered incident report describing the circumstances of the loss and the extent of the damage.
 - (1) If disability prevents this, another employee shall be assigned to document the incident.
 - (b) Route the original incident report to the Support Services Division for processing.
 - (c) Route a **copy** of the incident report to the employee's supervisor on-duty at the time of loss/damage.
 - (d) Ensure photographs of the damaged article, and any receipt for charges incurred if the article is repaired or replaced, are forwarded to the **Office of the Chief, Bureau of Internal Controls**.
 - (e) Retain the damaged article(s) for administrative inspection, unless directed otherwise by a supervisor.
- 10 - Whenever possible, restitution should be sought through the Courts if the person responsible is arrested and prosecuted, or by direct payment to the employee if the person is willing or able to accept liability.
 - (a) The employee who suffered the loss/damage shall include a statement in the criminal investigation report regarding the damage and a request **for restitution** to the District Attorney from the responsible. Include a reference to connecting police case(s), if any.
- 11 - The supervisor who receives a loss/damage incident report shall **prepare a memorandum stating** his/her recommendation regarding approval or denial of the reimbursement claim.

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- 12 - The supervisor who receives a **copy of a** loss/damage incident report shall ensure **copies of** all reports and supporting **documentation** related to the **request** for reimbursement are forwarded via the Chain of Command to the **Office of the Chief, Bureau of Internal Controls** within five days, **but no later than 30 days**, of the date of loss/damage.
 - (a) **Claim requests submitted 30 or more days after the date of loss/damage must be accompanied by written explanation from the person responsible for the delay.**
- 13 - The **Public Safety Business Manager**, or his/her designee **within the Bureau of Internal Controls**, shall serve as **claim review** coordinator and administer the process for reimbursement.
- 14 - Within seven days after receipt of reimbursement claim documentation, the Coordinator and members of a **claim review** committee (hereafter referred to as the "Board") shall evaluate:
 - (a) The circumstances of the damage;
 - (b) Justification for the claim, **evaluated upon the standards set forth in this Order; and,**
 - (c) The amount of loss or cost of repair, taking into consideration any prior depreciation due to age and wear.
- 15 - The Coordinator will serve as liaison to the Court in order to track the progress of a request for restitution and ensure the Court has the necessary information regarding the cost of uniform/equipment replacement.
- 16 - The Coordinator shall submit the Board's recommendation, and all supporting documentation, to the Chief of Police within seven days of the Board's review.
- 17 - The Chief of Police shall review the recommendation of the Board and approve or reject all or part of the claim; this decision is final.
- 18 - Should the Chief of Police approve the reimbursement claim, the Coordinator will submit the original claim recommendation bearing the Chief's signature to the Public Safety Business Office for processing.
- 19 - A record of all **requests for reimbursement made pursuant to this Order** shall be maintained by the **Bureau of Internal Controls**.

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References: California Labor Code
City Manager Bulletin No. 183, "Compensation to Firemen and
Policemen For Uniforms Damaged Or Destroyed In Line Of Duty
Under Emergency Conditions," dated August 13, 1964
General Orders C-17 and R-3
Police Regulations 300, 303, 304, 314, and 315