

Title	<b>Emeryville Police Department</b>	06/20/2023
	by <b>o collins</b> in <b>Organized Retail Theft Prevention Grant Program</b>	id. 41205920
	olivercollins@comcast.net	

## Original Submission 06/20/2023

The Organized Retail Theft (ORT) Prevention Grant Program Application is divided into five (5) sections as identified below: Background Information Contact Information Program Information Proposal Narrative and Budget Mandatory Attachments Each section has a series of questions requiring a response. Applicants will be prompted to provide written text, select options from a drop down menu, select options from a multiple choice menu, or upload attachments. Questions with a red asterisk require responses. Applicants will not be able to submit the application until all questions with a red asterisk have been completed. Applicants may reference the ORT Prevention Grant Program Proposal Instruction Packet for background information, key dates, rating factors, and other important information to aid in the completion of the ORT Prevention Grant Program Application. The ORT Prevention Grant Proposal Instruction Packet is available on the Board of State and Community Corrections (BSCC) website. NOTE: Applicants may start and stop their application but must select "Save Draft" at the bottom of the application before existing.

**SECTION I - BACKGROUND INFORMATION** This section requests information about the applicant's name, location, mailing address, and tax identification number.

Name of Applicant (i.e., Police Department, Sheriff's Department, or Probation Department) **Emeryville Police Department**

Multi-Agency Partnerships Information (if applicable) **Applicants may apply for funding as part of a multi-agency partnership (two [2] or more agencies). The agencies and jurisdictions comprising the collaborative application are not required to be contiguous. One (1) Lead Public Agency must be identified on behalf of the partnership.**

Multi-Agency Partnerships **No: This is not a Multi-Agency Partnership Application**

Lead Public Agency Information **All applicants are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. The LPA is a governmental agency with local authority within the applicant's city or county. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with other local government agency partners and non-governmental organizations to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, invoices, meeting coordination (virtual and/or in-person), and will serve as the primary point of contact with the BSCC.**

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Lead Public Agency **n/a**

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Applicant's Physical Address **2449 Powell St  
Emeryville  
CA  
94608  
US**

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Applicant's Mailing Address (if different than the physical address) **n/a**

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Mailing Address for Payment **1333 Park Ave  
Emeryville  
CA  
94608  
US**

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Tax Identification Number **94-6000326**

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SECTION II - CONTACT INFORMATION **This section requests contact information for the individuals identified as the Project Director, Financial Officer, Day-to-Day Project Contact, Day-to-Day Fiscal Contact, and the Authorized Signature.**

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Project Director **Oliver  
Collins**

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Project Director's Title with Agency/Department/Organization **Emeryville Police Department**

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Project Director's Physical Address **2449 Powell St  
Emeryville  
CA  
94608  
US**

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Project Director's Email Address **ocollins@emeryville.org**

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Project Director's  
Phone Number **+15105963706**

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Financial Officer **Lawrence  
Chiu**

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Financial Officer's  
Title with  
Agency/Department/Organization **Finance Director**

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Financial Officer's  
Physical Address **1333 Park Ave.  
Emeryville  
CA  
94608  
US**

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Financial Officer's  
Email Address **ocollins@emeryville.org**

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Financial Officer's  
Phone Number **+15155964352**

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Day-To-Day Program  
Contact **Oliver  
Collins**

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Day-To-Day Program  
Contact's Title **Police Captain**

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Day-To-Day Program  
Contact's Physical  
Address **2449 Powell St  
Emeryville  
CA  
94608  
US**

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Day-To-Day Program  
Contact's Email  
Address **ocollins@emeryville.org**

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Day-To-Day Program  
Contact's Phone  
Number **+15155963706**

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Day-To-Day Fiscal  
Contact **Peggy  
Xu**

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Day-To-Day Fiscal  
Contact's Title **Senior Accountant**

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Day-To-Day Fiscal  
Contact's Physical  
Address **1333 Park Ave.  
Emeryville  
CA  
94008  
US**

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Day-To-Day Fiscal Contact's Email Address	<b>pxu@emeryville.org</b>
Day-To-Day Fiscal Contact's Phone Number	<b>+15105964300</b>
Name of Authorized Officer	<b>Paul Buddenhagen</b>
Authorized Officer's Title	<b>City Manager</b>
Authorized Officer's Physical Address	<b>1333 Park Ave Emeryville CA 94608 US</b>
Authorized Officer's Email Address	<b>paul.buddenhagen@emeryville.org</b>
Authorized Officer's Phone Number	<b>+15104507801</b>
Authorized Officer Assurances	<b>checked</b>
SECTION III - PROGRAM INFORMATION	<b>This section requests a Project Title, Proposal Summary description, Program Purpose Area(s) selection, and Scope Funding Category selection.</b>
Project Title	<b>Organized Retail Theft Reduction and Education</b>
Proposal Summary	<b>The Emeryville Police Department is situated in the heart of the Bay Area, boarding Oakland, Berkeley, and San Francisco across the Bay. The City has a robust retail community and is a central shopping hub for the area. The city has experienced a significant increase in organized retail theft, auto burglaries, stolen vehicle, and carjacking cars over the past few years. The City estimates that from 2020-2023, there have been about \$25 million in losses from theft. If we add lost retail revenue over the same 3-year period, that dollar loss climbs significantly. Target along, estimated their losses from ORT to be an excess of \$20m between 2020 and 2023.</b>
PROGRAM PURPOSE AREAS	<b>Applicants must propose activities, strategies, or programs that address the Program Purpose Areas (PPAs) as defined on pages 5 - 8 in the ORT Prevention Grant Proposal Instruction Packet. A minimum of one (1) PPA must be selected; applicants are not required to address all three (3) PPAs. All proposed activities, strategies, or programs must have a link to the ORT Prevention Grant Program as described in the authorizing legislation and the ORT Prevention Grant Proposal Instruction Packet.</b>

Program Purpose  
Areas (PPAs):

**PPA 1: Organized Retail Theft**

Funding Category  
Information

**Applicants may apply for funding in a Medium Scope OR Large Scope Category. The maximum an applicant may apply for is up to \$6,125,000 in the Medium Scope category OR up to \$15,650,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. Multi-agency partnerships (determined as Medium Scope OR Large Scope) may apply for up to the maximum grant award in that category, multiplied by the number of partnering eligible applicants. For Example: Four (4) eligible applicants in the Medium Scope category may submit one (1) application for up to \$24,500,000 o \$6,125,000 (Medium Scope Max) x 4 (# of Agencies) = \$24,500,000 Two (2) eligible applicants in the Large Scope category may submit one (1) application for up to \$31,300,000 o \$15,650,000 (Large Scope Max x 2 (# of Agencies) = \$31,300,000 Please reference pages 10-12 in the ORT Prevention Grant Proposal Instruction Packet for additional information.**

Funding Category

**Medium Scope (Up to \$6,125,000)**

SECTION IV -  
PROPOSAL  
NARRATIVE AND  
BUDGET

**This section requests responses to the Rating Factors identified in the the ORT Prevention Grant Program Application Instruction Packet.**

**The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation and Monitoring Rating Factors as described in the ORT Prevention Grant Instruction Packet (refer to pages 20-24). A separate narrative response is required for each Rating Factor as described below: The Project Need narrative may not may not exceed 6,711 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately three (3) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Description narrative may not may not exceed 11,185 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately five (5) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Organizational Capacity and Coordination narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately two (2) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Evaluation and Monitoring narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately two (2) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. A character counter is automatically enabled that shows the number of characters used and the remaining number of characters before the limit for each response is met. If the character limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants will be prohibited from submitting the ORT Prevention Grant Program Application until they comply with the character limit requirements. NOTE: It is up to the applicant to determine how to use the total word limit in addressing each section, however as a guide, the percent of total point value for each section is provided in the ORT Prevention Grant Proposal Instruction Packet (refer to page 15).**

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## Project Need

The City of Emeryville was incorporated in 1896 and is a well-established city with strong community partnerships. The City of Emeryville is located at the foot of the San Francisco Bay Bridge, between Oakland and Berkeley, in Alameda County. The City is just over one square mile in geographic size but is home to many large business corporate offices, including Pixar, Cliff Bar, Peet's Coffee, AC Transit, CS AAA Insurance, and others. A driving goal for the City and for the police department is to make the community safer and healthier by creating partnerships and relationships with those who live, work, and play in the City. This commitment to partnership includes working with residents as well as businesses. The primary tax revenues for the City comes from hotel tax, retail tax, and property transfer tax. The retail tax has been in steady decline since the introduction of online shopping, but the city has invested heavily in recruiting and retaining retail businesses.

The Emeryville Police Department is authorized 41 sworn and 17 professional staff positions. The department is separated into two divisions, an Operations Division, and an Administrative Services Division. The Operations Division includes the patrol and the traffic bureaus, and the Administrative Services Division includes, detectives, dispatch, administrative assistants, crime analytics, property & evidence, and the police services technician position. The department has three canine teams whose primary function is patrol services but also work regularly in community outreach and educational programs. The responsibility for reducing organized retail theft (ORT) from the retailers in the City primarily falls on the patrol staff. Occasionally, dedicated police resources can be directed specifically to ORT prevention, or crimes that contribute to ORT, but funding for specific operations is limited.

The City relies on people shopping in the city and feeling safe when doing so. With a large working population, the City also depends on the people who work in the city to feel safe and spend retail dollars in the city. The significant increase in theft, auto theft, carjackings, and robberies has led to a feeling of an unsafe environment to shop. According to many online sites, the City of Emeryville year after year, has consistently been ranked as the most dangerous small city in California. This ranking is based on the small residential population and the high crime rates. Most of the crime committed in Emeryville is theft. Prior to the pandemic, Emeryville recorded over 1400 automobile burglaries a year. For a city of just over 1 square mile, that's a significant number.

It should be quite clear that the City of Emeryville needs this funding and if awarded, should be positioned to make an impact by reducing ORT and theft of other property in the area.

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## Project Description

The project description for the City and for the police department is a three-pronged approach, focusing on educating retailers and their staff, conducting enforcement and surveillance, and conducting compliance checks for those on probation/patrol who have theft-

related convictions.

The police department has fostered many close relationships with retailers in the City. Our staff regularly works with our retail community to strategize on the prevention of theft. Several of the main retail businesses in the city that have reported staggering losses over the past 3 -years include Target, Home Depot, Pack N Save, Ikea, Victoria's Secret, Apple, Sunglass Hut, Lens Crafters, Sephora, Levi's, Nike, and H & M. These retailers have reported over \$25 million dollars in theft related losses over the past 3 years. Our proposal is to leverage our close relationships with the retail community and their employees to educate and train them in theft reduction and increased safety. Employee safety has been a consistent theme among retailers, and we aim to help "working lunches" to provide training and education. We also propose to hold community workshops to educate the public and the reduction of theft, particularly from parked vehicles. We will also implement an aggressive social media campaign to reinforce the training we will hold in person.

The last outreach plan is to conduct outreach to the hotels in the city. There is an excess of 8 large hotels in this one-square-mile city, and the occupancy rate is approximately 60-70% on average. Many of the victims of auto theft, auto burglary, and carjacking stay in hotels in the City. We aim to hold community outreach specifically targeting hotel staff and management to train them on best practices relating to theft reduction on their properties. This will include in-person workshops, materials/handouts on theft reduction, signage to warn guests about potential criminal activity, and recommendations for increased live monitoring surveillance.

The next prong in our proposal is to conduct surveillance and enforcement. The department is in the process of implementing a new Computer automated dispatch system and records management system (CAD/RMS). This new system will give us better access to crime data, analytic, and crime mapping. We will use this information to implement preventive enforcement strategies, to reduce theft crimes. This will also help the department use technology to deter and respond to theft-related crime through the use of automated vehicle locating technology (AVL) on the patrol cars the officers drive. We can ensure officers are in the right areas where and when we believe a crime may occur.

Some of the patrol vehicles are equipped with license plate reader technology, but we are interested in obtaining more systems for our fleet. One of the grant proposals is to ass another 5 LPR systems to our existing fleet so we can better use and deploy the LPR technology in the city. Our officers are already trained and use the LPR system, we just don't have enough patrol vehicle-mounted systems to have all officers using the system every shift. This is a significant goal of ours. If our staff all had the ability to use the LPR system, every shift, we would be able to gather a substantially larger number of vehicle data and in theory, be able to have more investigative leads and stop the more wanted vehicles, prior to a



theft occurring.

The last prong of our proposal is to conduct compliance checks of persons who have been convicted of theft-related offenses and are on probation or parole. We know that the significant reduction of probation officers and parole agents is continuing to climb. In addition, bills like Prop 47, AB109, other reform legislation, and the pandemic significantly decreased the number of individuals who are incarcerated. The burden of managing those who would have been incarcerated has transferred to local law enforcement staff.

Our proposal to conduct compliance checks will be done in a fair and equitable manner consistent with our city directives, our department policies, and the philosophy of the City Council. We will ensure all decisions on conducting compliance checks do not single out individuals who are underserved or focus on our venerable population. Our proposal is to only focus on the worst of the worst offenders. We will not harass, bully, or intimidate low-level offenders!

The goals and objectives are aimed at reducing the opportunity of theft, increasing the investigative capability of the police at solving theft-related crimes, and making the community safer for our residents, visitors, and workforce.

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Project  
Organizational  
Capacity and  
Coordination

The city and the department are well-versed in grant management and reporting. The department has applied for and been awarded many federal, state, local, and private grants over recent years. The Emeryville City Council is very supportive of staff seeking grants to supplement the general fund and to make the city better.

The city supervisors and managers who administer the grants have the knowledge skills and abilities to manage this grant. The members of the police department who will be assigned to manage this grant have a vast amount of experience managing grants and communizing regularly with state and federal grant administrators.

The department has a rigorous system in place to have effective oversight and leadership in this program. The department collects and keeps details payroll information to ensure there is no fraud, waste, or abuse. Additionally, the practice of providing detailed reports at the conclusion of grant operations has been in place for years. We are proud to report that through many grant audits over the years, the department has never been out of compliance.

While the department does not plan to have partner government agencies involved in this grant, we do plan to have most retailers and some non-governmental agencies involved. We partner with several NGOs who work with our unhouse population and part of our outreach plan is to work with our homeless outreach teams to provide directed wraparound services. We are cautiously optimistic that this planned outreach effort will result in the reduction of theft in our retail establishments.

The city and the department already have strong ties to the retailers,

and we received many letters of support in applying for this grant. We also received loss totals from the retailers, which is how we were able to report the loss from theft report provided in this application. We have strong community partners and partnering with the retail community is the foundation of this entire proposal. The retailers know the police department is applying for this grant and are fully supportive.

As mentioned, the city and the department are familiar with working with grants and MOUs. The city's process is one that is both efficient and intuitive, one of the major benefits of working in a small close-knit city like Emeryville. The projected timeline for the approval and execution of the MOU is one month from receipt. Once the MOU is approved, the City Council will have to approve the grant funding, which could take another 3-4 weeks. Staff are confident if given a reasonable amount of time, we could be ready to start this grant at the projected start date of October 1, 2023.

The management structure for this project is the grant oversight will be assigned to the police captain. The operations will be directly managed by the police lieutenant. The community outreach and education will be managed by the training sergeant. While this may appear siloed, this system works. Each has its area of responsibility, but we all look out for and support the other goals.

The sustainability of this proposal after the grant will be a priority. We intend on putting systems in place and assigning roles/responsibilities to staff that will carry well beyond the life of this grant. Presuming this grant will result in a substantially safer community with less ORT, we are projected to keep the systems and processes in place.

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The project evaluation and monitoring will be an essential components of a successful grant plan. Since the department has experience in grant management, there are already systems in place that will help in the management of the grant. The proposal includes community and retailer outreach sessions. The plan is to use the outreach workshops to report to the community and to the retail businesses for feedback and recommendations. This will increase transparency and will give the stakeholders direct input on how to deploy the resources. It will also provide the department with an independent review of the data to see if the operations are effective.

The city also has a Public Safety Committee, which is an advisory board to the City Council. The Public Safety Committee meets monthly, and the police department reports to the committee on crime stats, overtime, and special events or operations. This grant monitoring can also be done by reporting monthly to the Public Safety Committee.

The quantifiable measure proposed in this application will all start with a baseline. Once outreach has been completed with the retail centers and the department collects loss reporting from the businesses, we will create a baseline record. When the grant operations begin, we will have the operations supervisors for each event, complete a detailed summary of the accomplishments of the operations. We can also ask the retailers to partner with the department by sending out quarterly or bi-yearly loss reports so we can compare them to the baseline numbers.

Each strategy that is employed by the department will be documented and evaluated for effectiveness. The purpose of this process is to determine if the intended outcome was achieved. This process will include 360 evaluations from the staff working the operation, the businesses/retailers/employees who were impacted by the specific operation, and by the types and number of crimes committed during each of the operations. The feedback loop will not only provide essential data but will garner support and buy-in from the community and the retailers.

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Budget Instructions

Applicants are required to submit a Proposal Budget and Budget Narrative (Budget Attachment). Upon submission the Budget Attachment will become Section 5: Budget (Budget Tables & Narrative) making up part of the official proposal. The Budget Attachment must be filled out completely and accurately. Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget and Budget Narrative. The Proposal Budget must cover the entire grant period. For additional guidance related to grant budgets, refer to the BSCC Grant Administration Guide. The Budget Attachment is provided as a stand-alone document on the BSCC website.

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Budget Attachment

[Emeryville\\_-\\_Budget\\_Attachment\\_ORT\\_Grant\\_Program.xlsx](#)

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SECTION V -  
ATTACHMENTS

This section list the attachments that are required at the time of submission, unless otherwise noted. Project Work Plan (Appendix B) - Mandatory Grantee Assurance for Non-Governmental Organizations (Appendix D) - Mandatory Local Impact Letter(s) (Appendix E) - Mandatory Letter(s) of Commitment (Appendix F) - If Applicable Policies Limiting Racial Bias - Refer to page 9 of the Proposal Instruction Packet - Mandatory Policies on Surveillance Technology - Refer to page 9 of the Proposal Instruction Packet - If Applicable Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G) - Mandatory Governing Board Resolution (Appendix H) - Optional

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Project Work Plan (Appendix B)

[Emeryville\\_-\\_Project\\_Work\\_Plan\\_ORT.docx](#)

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Grantee Assurance for Non-Governmental Organizations (Appendix D)

[Emeryville\\_-\\_Grantee\\_Assurance\\_for\\_Non-Governmental\\_Organizations-ORT.docx](#)

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Local Impact Letter(s) (Appendix E)

[Letter\\_of\\_Support\\_-\\_Bay\\_St\\_Security.pdf](#)

[Letter\\_of\\_support\\_-\\_CenterCal\\_CA.pdf](#)

[Letter\\_of\\_Support\\_-\\_Sunglass\\_Hut.pdf](#)

[Letter\\_of\\_Support\\_-\\_Uchiwa.pdf](#)

[Letter\\_of\\_Support\\_-\\_Ultra.pdf](#)

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Letter(s) of  
Commitment,  
(Appendix F)

n/a

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Policies Limiting Racial Bias

[322\\_Hate\\_Crimes.pdf](#)

[401\\_Bias-Based\\_Policing.pdf](#)

[435\\_First\\_Amendment\\_Assemblies.pdf](#)

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Policies on Surveillance Technology

[429\\_Automated\\_License\\_Plate\\_Readers\\_ALPRs\\_Updated\\_05-12-21.pdf](#)

[325\\_Information\\_Technology\\_Use.pdf](#)

[425\\_Portable\\_Audio\\_Video\\_Recorders.pdf](#)

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Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G)

[Emeryville\\_-\\_Certification\\_of\\_Compliance\\_Fraud-Theft-Embezzlement-ORT.docx](#)

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OPTIONAL:  
Governing Board  
Resolution (Appendix  
H)

n/a

OPTIONAL:  
Bibliography

n/a

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CONFIDENTIALITY  
NOTICE:

**All documents submitted as a part of the Organized Retail Theft Prevention Grant Program proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, § 6250 et seq.)**

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## Appendix B: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project’s top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for three (3) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

**Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.**

<b>(1) Goal:</b>	<b>Education and Community Outreach</b>		
Objectives (A., B., etc.)	A. Provide community outreach through in-person and online workshops to retailers, employees, and stakeholders. B. Provide education and prevention workshops in-person and online to retailers, employees, and stakeholders.		
Process Measures and Outcome Measures:	The measurable steps for this goal will consist of specifically documenting the number of outreach events and number of attendees served each time EPD staff provide outreach		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
Planning and creating training outlines, preparing material for each presentation, and training of EPD staff to facilitate the training to the business community.	EPD grant manager	October 1, 2023	June 1, 2027
List data and sources to be used to measure outcomes: Event training outlines, attendee rosters (sign-in sheets), and training certificates of EPD staff.			

<b>(2) Goal:</b>	Enforcement and Compliance Checks		
Objectives (A., B., etc.)	<p>A. EPD staff will conduct specific and directed enforcement to prevent and reduce incidents of ORT in the City.</p> <p>B. EPD staff will conduct probation and parole searches of individual who have been convicted on incidents relating to retail theft, robberies, carjacking, and vehicle burglary crimes.</p>		
Process Measures and Outcome Measures:	The measurable steps for this goal will consist of specifically documenting the number of overtime operations and number of arrests made, probation/parole searches completed, and number of staff working each operation.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
Planning and creating enforcement operations orders, logging overtime/payroll ledgers, providing after action reports, documenting the number of businesses impacted by each operation, and communication with the County DA's office on the filing of criminal reports.	EPD Grant Manager	October 1, 2023	June 1, 2027 or until the allocated funding is exhausted.
List data and sources to be used to measure outcomes: Operations orders, pre and post operation briefing outlines, attendee and overtime lists.			

<b>(3) Goal:</b>	Equipment Acquisition		
Objectives (A., B., etc.)	<p>A. Complete all required equipment acquisition authorization reports</p> <p>B. Complete an RFP or sole source process for LPR equipment</p> <p>C. Complete purchasing and installation</p> <p>D. Conduct a review and documentation of the equipment attained</p>		
Process Measures and Outcome Measures:	The measures to complete for this goal will be to document the systems used to acquire the LPR equipment.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date

<p>The acquisition of the LPR equipment will follow State and local regulations for purchasing equipment. The equipment purchased will be deployed in the patrol vehicles and used in the field as close to the start of the grant as possible to get the LPR systems in use as quickly as possible.</p>	<p>EPD Grant Manager</p>	<p>October 1, 2023</p>	<p>October 1, 2024 or until the allocated funding has been exhausted</p>
<p>List data and sources to be used to measure outcomes: The data used for this goal will consist of all equipment purchasing documentation, including, invoices, proof of payment, and any City approvals obtained for equipment approval.</p>			



**Organized Retail Theft Prevention Grant Program - Project Budget and Budget Narrative**

**Name of Applicant:** *City of Emeryville, Emeryville Police Department*  
*(i.e., County Sheriff's Office, County Probation Department, or City Police Department)*

**44-Month Budget: October 1, 2023 to June 1, 2027**

*Note: Rows 7-16 will auto-populate based on the information entered in the budget line items (Salaries and Benefits, Services and Supplies, etc.)*

Budget Line Item	Total
1. Salaries & Benefits	\$105,751.88
2. Services and Supplies	\$0.00
3. Professional Services or Public Agencies	\$0.00
4. Non-Governmental Organization (NGO) Subcontracts	\$0.00
5. Data Collection and Evaluation	\$0.00
6. Equipment/Fixed Assets	\$35,000.00
7. Financial Audit (Up to \$25,000)	\$0.00
8. Other (Travel, Training, etc.)	\$15,000.00
9. Indirect Costs	\$0.00
<b>TOTAL</b>	<b>\$155,751.88</b>

**1a. Salaries & Benefits**

Description of Salaries & Benefits	(% FTE or Hourly Rate) & Benefits	Total
Directed Enforcement Overtime Operations	4 officers and 1 sergeant, working a 7 hour operation - ENFORCEMENT. 10 OPERATIONS @ \$4,067.38 each	\$40,673.80
Compliance Checks Overtime Operations	4 officers and 1 sergeant, working a 7 hour operation - PROBATION, PAROLE, AND SURVEILLANCE. 8 OPERATIONS @ \$4,067.38 each	\$32,539.04
Community Outreach and Education	4 officers and 1 sergeant, working a 7 hour operation - COMMUNITY OUTREACH AND PUBLIC PRESENTATIONS. 8 EVENTS @ \$4,067.38 each	\$32,539.04
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$105,751.88</b>

**1b. Salaries & Benefits Narrative:**

*The Emeryville Police Department has shown there is a significant need for directed enforcement to reduce and prevent organized retail theft (ORT) incidents. Generally, the patrol operations teams working do not have the discretionary time to dedicate services to the prevention and enforcement of ORT incidents. We have researched the crime data available, and we know that deploying officers specifically for the purpose of ORT prevention and apprehension will decrease the number of incidents in our city. In the City of Emeryville, over the past 2-3 years, we have experienced one large business after another close their doors, primarily because of theft incidents and lack of employee protection. We are confident that with the overtime funding for enforcement, compliance checks, and community outreach and education, EPD can have a positive impact on the reduction of ORT incidents.*

**2a. Services and Supplies**

Description of Services or Supplies	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$0.00</b>

**2b. Services and Supplies Narrative:**

Enter narrative here. You may expand cell height if needed.

**3a. Professional Services**

Description of Professional Service(s)	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$0.00</b>

**3b. Professional Services Narrative**

Enter narrative here. You may expand cell height if needed.

**4a. Non-Governmental Organization (NGO) Subcontracts**

Description of Non-Governmental Organization (NGO) Subcontracts	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTALS</b>		<b>\$0.00</b>

**4b. Non-Governmental Organization (NGO) Subcontracts Narrative**

Enter narrative here. You may expand cell height if needed.

**5a. Data Collection and Evaluation**

Description of Data Collection and Evaluation	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTALS</b>		<b>\$0.00</b>

**5b. Data Collection and Evaluation Narrative**

Enter narrative here. You may expand cell height if needed.

**6a. Equipment/Fixed Assets**

Description of Equipment/Fixed Assets	Calculation for Expense	Total
LPR Camera System (Mobile)	5, LPR camera systems, 4 mobile cameras and computer per vehicle, at \$7,000 each	\$35,000.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTALS</b>		<b>\$35,000.00</b>

**6b. Equipment/Fixed Assets Narrative**

The Emeryville Police Department currently has LPR systems on 4 patrol vehicles, which are regularly used by officers in the field. We have a need for more mobile LPR systems to complement our current systems. EPD has conducted the research and know that adding more mobile LPR systems will increase our changes of capturing investigative leads in organized retail theft crimes, automobile burglary crimes, and mail theft crimes. All EPD patrol staff has been trained on the LPR system and have active accounts. More than doubling the number of LPR systems in the patrol vehicles will result in a significant of LPR data that can be used to prevent and investigate crimes.

**7a. Financial Audit**

Description	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$0.00</b>

**7b. Financial Audit) Narrative:**

Enter narrative here. You may expand cell height if needed.

**8a. Other (Travel, Training, etc.)**

Description	Calculation for Expense	Total
Training	ORT training overtime, travel, per diem, and tuition	\$15,000.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$15,000.00</b>

**8b. Other (Travel, Training, etc.) Narrative:**

The Emeryville police Department has a need to increase the training of our staff, specifically in preventing, educating, investigating, writing reports, and the prosecution of organized retail theft crimes. The proposals will be to have officers and analyst staff attend training specifically in these areas, consciously during the grant lifetime.

**9a. Indirect Costs**

For this grant program, indirect costs may be charged using only <b>one</b> of the two options below:	Grant Funds	Total
1) Indirect costs not to exceed 10 percent (10%) of the total grant award. Applicable if the organization <b>does not have</b> a federally approved indirect cost rate.	\$0	\$0
<i>If using Option 1) grant funds allocated to Indirect Costs may not exceed:</i>	<b>\$0</b>	
2) Indirect costs not to exceed 20 percent (20%) of the total grant award. Applicable if the organization <b>has</b> a federally approved indirect cost rate. Amount claimed may not exceed the organization's federally approved indirect cost rate.	\$0	\$0
<i>If using Option 2) grant funds allocated to Indirect Costs may not exceed:</i>	<b>\$0</b>	
<i>Please see instructions tab for additional information regarding Indirect Costs. If the amount exceeds the maximum allowed and/or turns <b>red</b>, please adjust it to not exceed the line-item noted.</i>	<b>TOTAL</b>	<b>\$0</b>

**9b. Indirect Costs Narrative:**

Enter narrative here. You may expand cell height if needed. If using a federally approved indirect cost rate, please include the rate in the narrative.

**From:** [Edward Mayorga](#)  
**To:** [Oliver Collins](#)  
**Subject:** Fw: Letter of Support for ORC Funding  
**Date:** Monday, June 19, 2023 8:54:18 AM  
**Attachments:** [image001.png](#)  
[0.png](#)

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**From:** Cutler, Josh <Josh.Cutler@aus.com>  
**Sent:** Thursday, May 11, 2023 1:23 PM  
**To:** Edward Mayorga <emayorga@emeryville.org>  
**Subject:** Letter of Support for ORC Funding

Detective Mayorga,

Crime affects all of us. It can endanger our personal safety, damage public and private property, create fear and lower our quality of life. Police and Community Partnerships create an opportunity to work together to improve the safety of our community. We do this by sharing information, discussing ideas, and specific enforcement by officers who can deter crime. Our business and our employees have experienced a significant amount of loss and trauma by groups of organized criminals. The safety of our community is a shared responsibility and reducing organized retail crime everybody's business.

We, the Bay Street Emeryville Security Department, support the Emeryville Police Department in their pursuit of grant funding to help reduce organized retail theft. We value our partnership with the Emeryville Police Department and look forward to working with the Department in the future.

Regards,

**Josh Cutler**  
Director of Security / Regional NSRT Coordinator  
Bay Street Emeryville

**Allied Universal**

5616 Bay St. | Emeryville, CA 94608  
Dispatch: 510.655.4007 | Direct: 707.732.3745 | [Josh.Cutler@aus.com](mailto:Josh.Cutler@aus.com)  
[www.AUS.com](http://www.AUS.com)  
PPO#14417



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transmission in error, please immediately notify me by return email or by telephone at the above number and delete the message and its attachments

**From:** [Robert Alton](#)  
**To:** [Oliver Collins](#)  
**Subject:** FW: CenterCal & CA Grant: Organized Retail Theft Vertical Prosecution Program  
**Date:** Monday, June 19, 2023 7:34:34 AM

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**From:** Izamar Hook <ihook@centercal.com>  
**Sent:** Friday, June 16, 2023 11:55 AM  
**To:** Robert Alton <ralton@emeryville.org>; Jeff Jennings <jeff.jennings@emeryville.org>  
**Cc:** Scott Bohrer <sbohrer@centercal.com>; Orlando Burch <oburch@centercal.com>; Cutler, Josh <Josh.Cutler@aus.com>  
**Subject:** CenterCal & CA Grant: Organized Retail Theft Vertical Prosecution Program

Greetings Chief Jennings and Lieutenant Alton,

Is there any advocacy that CenterCal can get engaged in with the City of Emeryville Police department and City Council to advocate for the DA's application to the Organized retail theft prosecution program (see link below)? Have any of the other retail shopping centers reached out regarding sending a letter of support to the DA for the application to this program? I would like to find time to review this grant and outreach for advocacy in partnership with our Emeryville shopping center owners.

[Organized Retail Theft Vertical Prosecution Grant Program - California Grants Portal](#)

Per AB 178, grant fund must be used to employ a vertical prosecution model, and to dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes.

As it relates to community engagement and safety onsite we have modified our security plan and enhanced our SOPs as it relates to organized Juvenile activity. Included in our new SOP that Allied Universal is new training and deploying for mass Juvenile disruptive activity and the tracking of Juvenile's who are repeatedly violate our code of conduct and create disorder on property. We would like to schedule an active drill with PD as it relates to a major response to disturbance by youth at Bay Street prior to our new park opening.

We opened Bay Break Dining Terrace in March, and we have our South Bay Street Plaza (Park) opening in Q4 of 2023. Currently 2<sup>nd</sup> to retail crime, Juvenile disorder is our greatest challenges at this time to providing a safe and inviting space for our community.

Please provide some dates that would work for you and your team to connect to review the above. We can do so over Video conference or in person

Thank you,

| **Izamar Hook**



[shoptheveranda.com](http://shoptheveranda.com)  
[baystreetemeryville.com](http://baystreetemeryville.com)

General Manger, Bay Area  
M 925.393.1116  
[ihook@centercal.com](mailto:ihook@centercal.com)



**From:** [Edward Mayorga](#)  
**To:** [Oliver Collins](#)  
**Subject:** Fw: Letter of Support for Organized Retail Crime Grant  
**Date:** Monday, June 19, 2023 8:54:00 AM

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**From:** SGH Store 3952 <3952@sghstore.com>  
**Sent:** Sunday, May 14, 2023 1:21 PM  
**To:** Edward Mayorga <emayorga@emeryville.org>  
**Subject:** Letter of Support for Organized Retail Crime Grant

Detective Ed Mayorga,

Crime affects all of us. It can endanger our personal safety, damage public and private property, create fear and lower our quality of life. Police and Community Partnerships create an opportunity to work together to improve the safety of our community. We do this by sharing information, discussing ideas, and specific enforcement by officers who can deter crime. Our business and our employees have experienced a significant amount of loss and trauma by groups of organized criminals. The safety of our community is a shared responsibility and reducing organized retail crime everybody's business.

We support the Emeryville Police Department in their pursuit of grant funding to help reduce organized retail theft. We value our partnership with the Emeryville Police Department and look forward to working with the Department in the future.

Sincerely,

Quaneka Jackson  
Store Manager  
Sunglass Hut  
5673 Bay Street  
Emeryville, CA

**From:** [Edward Mayorga](#)  
**To:** [Oliver Collins](#)  
**Subject:** Fw: Organized Retail Theft  
**Date:** Monday, June 19, 2023 8:53:43 AM  
**Attachments:** [image001.png](#)

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**From:** uchiwaramen@gmail.com <uchiwaramen@gmail.com>  
**Sent:** Wednesday, May 17, 2023 1:21 PM  
**To:** Edward Mayorga <emayorga@emeryville.org>  
**Subject:** Organized Retail Theft

Dear Detective Mayorga,

Crime affects all of us. It can endanger our personal safety, damage public and private property, create fear and lower our quality of life. Police and Community Partnerships create an opportunity to work together to improve the safety of our community. We do this by sharing information, discussing ideas, and specific enforcement by officers who can deter crime. Our business and our employees have experienced a significant amount of loss and trauma by groups of organized criminals. The safety of our community is a shared responsibility and reducing organized retail crime everybody's business.

We support the Emeryville Police Department in their pursuit of grant funding to help reduce organized retail theft. We value our partnership with the Emeryville Police Department and look forward to working with the Department in the future.

Sincerely,

Kevin Fong  
Owner, Uchiwa Ramen

Uchiwa Ramen | 5614 Bay Street, Suite 233 | Emeryville, CA 94608 | 510.808.5179  
[uchiwaramen@gmail.com](mailto:uchiwaramen@gmail.com) | [www.uchiwaramenemeryville.com](http://www.uchiwaramenemeryville.com)



**From:** [Edward Mayorga](#)  
**To:** [Oliver Collins](#)  
**Subject:** Fw: Ulta letter  
**Date:** Tuesday, June 20, 2023 7:31:45 AM

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**From:** 1007, Store <store1007@ulta.com>  
**Sent:** Monday, June 19, 2023 4:24 PM  
**To:** Edward Mayorga <emayorga@emeryville.org>  
**Subject:**

Crime effects all of us. It can endanger our personal safety, damage public and private property, create fear and lower our quality of life. Police and Community Partnerships create an opportunity to work together to improve the safety of our community. We do this by sharing information, discussing ideas, and specific enforcement by officers who can deter crime. Our business and our employees have experienced a significant amount of loss and trauma by groups of organized criminals. The safety of our community is a shared responsibility and reducing organized retail crime everybody's business.

We support the Emeryville Police Department in their pursuit of grant funding to help reduce organized retail theft. We value our partnership with the Emeryville Police Department and look forward to working with the Department in the future.

Sincerely,

Vanessa Usison  
Services Manager  
Ulta Beauty

**Ulta Beauty**  
3839 Emery Street  
Suite 200  
Emeryville, CA 94608  
**P 510.601.1890**  
[store1007@ulta.com](mailto:store1007@ulta.com) | Ulta Salon, Cosmetics & Fragrance Inc.

**ALL THINGS BEAUTY. ALL IN ONE PLACE.™**

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Emeryville Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 401.2 POLICY

The Emeryville Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

# Emeryville Police Department

## Emeryville PD Policy Manual

### *Bias-Based Policing*

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#### **401.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform [their](#) ~~his/her~~ duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### **401.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall notify dispatch of the location of the stop and the license number of the vehicle being stopped. Dispatch will open a CAD event documenting the stop. Effective [July 1, 2021](#), ~~in year 2023~~, when the officer concludes the stop the officer will [complete the RIPA entry and submit it to DOJ, per sub-section 401.9](#). ~~notify dispatch of the reason for the stop, the perceived race, age and gender of the driver and the disposition of the stop. When the CAD reporting system is implemented, Dispatch will record this information in the event log.~~

##### **401.4.3 REPORTING OF STOPS**

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Emeryville Police Department is the primary agency, the Emeryville Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

[Refer to sub-section 401.9 for additional reporting requirements.](#)

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

# Emeryville Police Department

## Emeryville PD Policy Manual

### *Bias-Based Policing*

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- (a) Supervisors should discuss any issues with the involved officer and their his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **401.6 ADMINISTRATION**

Each year, the Field Services Division Captain should review the efforts of the department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

#### **401.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Services Section.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

# Emeryville Police Department

## Emeryville PD Policy Manual

### *Bias-Based Policing*

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#### **401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The IA investigator Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Police Services Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Supervisors should ensure that data stop reports are provided to the Police Services Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

#### **401.9 RACIAL AND IDENTITY PROFILING ACT**

It shall be the policy of the Emeryville Police Department to collect and report racial profiling data to the California Department of Justice, in accordance with AB953: Racial and Identity Profiling Act of 2015 (RIPA). Only sworn staff are required to complete DOJ entry forms. All entries will be made directly to DOJ, via the DOJ web-based portal. The following will apply:

- a. Complete a RIPA entry for every individual detained and/or searched
- b. Complete all entries by end of shift
  - 1. If an entry cannot be completed prior to the end of shift, the officer should obtain supervisor approval and will be required to complete the entry at the start of the following shift
- c. No personal identifying information (PII) shall be included with a RIPA entry
- d. The officer/supervisor who initiates a detention/search will be responsible for submitting the RIPA entry
- e. No paper RIPA entries will be accepted (electronic DOJ web submissions only)

# Portable Audio/Video Recorders

## 425.1 PURPOSE AND SCOPE

Best Practice **MODIFIED**

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices/technology include all recording systems whether body-worn video/audio (BWV) recording devices and issued personal digital audio recorders (DAR). All recordings are the property of the Emeryville Police Department and may be used for evidentiary purposes for court proceedings or testimonials and internal investigations.

This policy does not apply to interviews or interrogations conducted at any Emeryville Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

## 425.2 POLICY

Best Practice **MODIFIED**

The Emeryville Police Department should provide members with access to recording technology, either audio or video or both, for use during the performance of their duties. It is the policy of the Emeryville Police Department that all personnel will effectively and responsibly utilize all department provided audio/video recording technology to enhance the mission of the Department, as a tool to collect evidence, as a safeguard for the officer and the Department against false claims of misconduct and to ensure that all personnel are performing their duties to the highest standards of professional integrity.

### 425.2.1 DEFINITIONS

Agency Content

Definitions related to this policy include:

**Activate** – Any process that causes the BWC device to records and store video or audio data, or any process that causes the DAR to record and store audio data.

**Administrator** – Sworn personnel tasked with the maintenance, auditing, configuration and reliable operation of the BWC and DAR devices and system. The Chief of Police shall designate the Administrator.

**Media** – For purposes of this policy, media is defined as video and audio files encoded digitally.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

**Recorder** – Interchangeable term used to describe a BWC or DAR device.

**System** – Interchangeable term used to describe the storage systems, to include applicable hardware and software components of the BWC and DAR devices.



# Emeryville Police Department

## Emeryville PD Policy Manual

### Portable Audio/Video Recorders

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#### 425.3 MEMBER PRIVACY EXPECTATION

Best Practice MODIFIED

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

#### 425.4 MEMBER RESPONSIBILITIES

Discretionary MODIFIED

Prior to going into service, each uniformed member will properly equip himself/herself to record audio and video in the field. At the end of each shift, officers will follow the established procedures for the upload and booking of all recordings. Each officer should have adequate recording media for the entire duty assignment. In the event an officer determines their device is inoperable, they will immediately notify their supervisor in person and/or via email. Employees are to use only their assigned equipment unless assigned a replacement device by a supervisor.

At the start of each shift, officers shall test the Digital Audio Recorder and BWC device in accordance with manufacturer specifications and department operating procedures and training. At the end of each shift officers should download the BWC to the appropriate system server.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned.

Each member should receive BWC training prior to being issued a device. That training should include the use of the BWC, policy review, downloading, and practical scenario based activation of the BWC.

##### 425.4.1 SUPERVISOR RESPONSIBILITIES

State

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

#### 425.5 ACTIVATION OF THE RECORDING TECHNOLOGY

Best Practice MODIFIED

The BWC device is designed to be activated manually. The device remains on until it is turned off manually by the officer.

# Emeryville Police Department

## Emeryville PD Policy Manual

### Portable Audio/Video Recorders

---

The DAR device is designed to activate when the member selects the record button the device. The recording is stopped when the officer selects stop.

#### 425.5.1 REQUIRED ACTIVATION OF BWC

##### Agency Content

This policy is not intended to describe every possible situation in which a DAR or BWC device may be used, although there are many situations where its use is appropriate. An officer should activate the systems or devices any time the officer believes it would be appropriate or valuable to document an incident. In no way should the activation of the BWC jeopardize officer safety. The recording system that best fulfills the intent of this policy, section 450.2.1, will be selected (i.e.; The BWC activated to document a foot pursuit or the DAR to record conversations of suspects in a patrol vehicle).

In some circumstances it is not possible to capture images or video of the incident due to conditions or the location of the camera. However the audio portion can be valuable evidence and is subject to the same activation requirements as the BWC. Officers shall wear the BWC affixed to their uniform in a manner most conducive the recording both audio and video. This would typically be on the front of the uniform shirt facing forward.

Officers should make every reasonable effort to activate the BWC during any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Vehicle and foot pursuits
  - 3. Suspicious vehicles
  - 4. Arrests
  - 5. Vehicle searches
  - 6. Physical or verbal confrontations or use of force
  - 7. Pedestrian contacts that have the potential for enforcement action
  - 8. DWI/DUI investigations including field sobriety tests
  - 9. Crimes in progress
- (b) All self-initiated activity in which an officer reasonably believes recordings of evidentiary value may be obtained.
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Domestic violence calls

# Emeryville Police Department

## Emeryville PD Policy Manual

### Portable Audio/Video Recorders

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2. Disturbance of peace calls
  3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstance where the member believes that a recording of an incident would be appropriate.
- (f) Special considerations should be taken when recording critical incidents and confidential contacts. Depending on the circumstances at hand members should consider recording or not recording the following types of contacts:
1. Child sexual assault interviews
  2. Contact with confidential informants

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Request by the public to stop recording should be considered using the same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

#### 425.5.2 SURREPTITIOUS USE OF RECORDING TECHNOLOGY

State **MODIFIED**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633). Members are not required to notify members of the public the BWC has been activated.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### 425.5.3 CESSATION OF RECORDING

State **MODIFIED**

Once activated, the recording technology should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing, or other breaks from direct participation in the incident such as conversations with other officers/supervisors.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

#### 425.5.4 EXPLOSIVE DEVICE

Best Practice

# Emeryville Police Department

## Emeryville PD Policy Manual

### *Portable Audio/Video Recorders*

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Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### 425.5.5 WHEN ACTIVATION IS NOT REQUIRED

##### Agency Content

Activation of the a DAR or BWC device is not required during breaks, lunch periods, when not in service or actively on patrol.

#### 425.6 PROHIBITED USE OF PORTABLE RECORDERS

##### Best Practice MODIFIED

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### 425.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

##### State

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

#### 425.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

##### Best Practice MODIFIED

To assist with identifying and preserving BWC data and recordings, members should download, tag and/or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag, or mark all BWC recordings.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

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### 425.8 REVIEW OF RECORDED MEDIA FILES

Best Practice **MODIFIED**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.
- (e) By department field training officers (FTOs) for the sole purpose of providing training and/or performance evaluation of their assigned police officer trainee.
- (f) Recordings may be shown for training purposes. If an involved member objects to showing a recording, his/her objection will be submitted to staff to determine if the training value outweighs the member's objection.

Employees desiring to view any previously uploaded or archived media recording for reasons not listed above shall submit a request to the Watch Commander. Approved requests should be forwarded to the BWC custodian for processing before the video is viewed.

In no event shall any recording be viewed, used or shown for the purpose of ridiculing or embarrassing any employee, or for mere entertainment or curiosity.

In the event an incident or conversation has been recorded which serves no law enforcement purpose and may prove to be embarrassing to the individual and/or department, an employee may petition the administrator to have the recording erased. The system administrator shall have final approval on the disposition of such recordings.

### 425.9 POLICY VIOLATIONS

Agency Content

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Unauthorized access to the system, misuse of the system, unauthorized reproduction and/or distribution of video, images or audio recordings may result in disciplinary action up to and including termination.

#### 425.10 COORDINATOR

State **MODIFIED**

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.
- (h) Annual policy review

#### 425.11 RETENTION OF RECORDINGS

Best Practice

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Emeryville Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

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#### 425.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS

**Best Practice** **MODIFIED**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy. All media requests for audio/video recordings shall be accepted and processed in accordance with federal, state, and local statutes and department policy related to media requests. The Chief of Police will have the final approval of media requests of audio/video releases. The Chief of Police shall make all reasonable/lawful efforts to preserve the privacy of community members and employees of the Emeryville Police Department.

#### 425.12 SUPERVISOR AUDITS

**Agency Content**

The employee's direct supervisor will audit the BWC video of each assigned personnel member once every six months. The BWC video will be viewed in its entirety to ensure compliance with the BWC policy. To maintain the employee's confidentiality during the auditing process, the supervisor shall view the videos in private.

- (a) Examples of the inquire to be made during the audit include but are not limited to the following:
  - (a) Confirming the BWC video is consistent with the supporting police report, CAD incident, or citation for the corresponding incident?
  - (b) If the BWC video recording was stopped, ensuring the purpose was in accordance with the BWC policy.
  - (c) Ensuring there is both audio and video for the video entire recording.
  - (d) Confirming the activation of the BWC was within policy?
  - (e) Ensuring the BWC video includes the 30-second pre-activation recording.

If a discrepancy is observed during the supervisory review, the supervisor should have the discretion to resolve the matter with the officer as a training opportunity. If the problem is determined to be an equipment malfunction, the reviewing supervisor will take the inoperable BWC out of service and issue the employee a replacement BWC. The reviewing supervisor will document their actions in a supervisory or training note. If the discrepancy involved a violation of law or of policy, the supervisor will notify the Operations Section Lieutenant.

If a violation of law is observed or discovered during the viewing of the footage, they shall promptly notify the Chief of Police, via the Chain of Command in writing.

The BWC Audit Spreadsheet will be retained by the Body Worn Camera Coordinator in accordance with the City's retention schedule. The BWC Audit record will be exempt from California Public Records Act (PRA) and Freedom of Information Act (FOIA) disclosure pursuant to Government Code Sections 6254(c), 6254(k), and 6255.

# Automated License Plate Readers (ALPRs)

## 429.1 PURPOSE AND SCOPE

### Best Practice

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

## 429.2 ADMINISTRATION

### Best Practice

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Emeryville Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Professional Services and Standards Division Captain. The Professional Services and Standards Division Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 429.2.1 ALPR ADMINISTRATOR

#### Agency Content

[The Professional Services and Standards Captain shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to Civil Code §1798.90.51; Civil Code §1798.90.53:](#)

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the departments website.

## 429.3 OPERATIONS

### State



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### *Automated License Plate Readers (ALPRs)*

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Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

#### **429.4 DATA COLLECTION AND RETENTION**

##### **Best Practice**

The Professional Services and Standards Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

#### **429.5 ACCOUNTABILITY**

##### **State**

All data will be closely safeguarded and protected by both procedural and technological means. The Emeryville Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

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### *Automated License Plate Readers (ALPRs)*

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

#### **429.6 POLICY**

**Best Practice**

The policy of the Emeryville Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

#### **429.7 RELEASING ALPR DATA**

**Best Practice** **MODIFIED**

The ALPR data may be not be shared with other law enforcement or prosecutorial agencies.

Requests for ALPR data by law enforcement agencies, non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55) and in accordance with other Public Records Act (PRA) or Freedom of Information Act (FOIA) laws.

#### **429.8 TRAINING**

**State**

The Professional Services Officer should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).