

CITY OF BELVEDERE

RESOLUTION NO. 2024-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
RATIFYING LEXIPOL POLICE DEPARTMENT POLICY MANUAL UPDATES

WHEREAS, Belvedere Administrative Policy Manual section 20.7.1 provides that updates and changes to the Belvedere Police Policy Manual recommended by the City's public safety risk management consultant, Lexipol, and approved by the Chief of Police, are to be ratified by the City Council in the ordinary course of business; and

WHEREAS, Administrative Policy Manual section 20.7.1 further provides that said Police Policy Manual updates shall be reported to the City Council by the Chief of Police on a quarterly basis and submitted for Council ratification; and

WHEREAS, at its regularly scheduled meeting on January 22, 2024, the Chief of Police presented the Police Department's Quarterly Update to the City Council, which update included changes and updates to the Police Policy Manual as recommended by Lexipol and approved by the Chief of Police; and

WHEREAS, the City Council desires to ratify said Police Policy Manual updates; and

WHEREAS, the Police Policy Manual updates herein are not a "project" under the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere that the updates and changes to the Belvedere Police Policy Manual are hereby ratified as set forth in Exhibit A; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on January 22, 2024, by the following vote:

AYES: Cooper, Kemnitzer, Lynch, Wilkinson, Mark
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Beth Haener, City Clerk

APPROVED:


Peter Mark, Mayor

EXHIBIT A

A. Updates to Lexipol Policy 207 – License to Carry a Firearm

This policy has been updated because legislative action impacts its content. 2023 CA SB 2, effective Jan. 1, 2024, amended law relating to issuing and renewing a license to carry a firearm. The law now requires a licensing authority to issue or renew a license if the applicant is not a disqualified person for the license and the applicant is at least 21 years of age. The law removes the good character and good cause requirements from the issuance criteria. Under the new law, the applicant would be a disqualified person if they, among other things, are reasonably likely to be a danger to self, others, or the community at large, as specified. The law adds the requirement that the applicant be the recorded owner, with the Department of Justice, of the pistol, revolver, or other firearm capable of being concealed upon the person, and for the issuing authority to verify this information. Agencies should review Penal Code § 26175(i), which added additional requirements to be displayed on the license, that take effect 60 days after the effective date of the legislation. Lexipol is aware of the recent court ruling issuing a preliminary injunction to a portion of SB 2. This involves a challenge to Penal Code § 26230 which limits the public places where people with concealed carry permits may carry their handguns. This statute is not addressed or referred to in this policy. The Penal Code is not addressed as it is outside the scope of this policy. Changes to this policy include:

- In QUALIFIED APPLICANTS, content has been updated to reflect the new requirements, and some content from APPLICATION PROCESS has been included.
- In APPLICATION PROCESS, some content has been moved to a more appropriate location in QUALIFIED APPLICANTS.
- In PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS), content has been updated to include notice requirements, training requirements, additional best practices, and some content was moved to a more appropriate location in WRITTEN NOTICE FOR DENIAL OF LICENSE.
- In PHASE TWO, content has been updated to include additional requirements related to fingerprints and fees, a citation has been added, content has been updated for clarity, and some content was moved to a more appropriate location in WRITTEN NOTICE FOR DENIAL OF LICENSE.
- In ISSUED FIREARMS PERMITS, content has been updated to include new requirements, a citation has been updated, and citations have been added.
- In REVOCATION OF LICENSES, content has been updated to include reasons for revocation and for clarity, unnecessary citations have been removed, and citations have been added.
- In LICENSE RENEWAL, content has been updated to include notice requirements and for clarity.
- WRITTEN NOTICE FOR DENIAL OF LICENSE has been added as a new section to include requirements relating to denials for new licenses and renewals,

and some content from PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS) has been included.

- ADDITIONAL REQUIREMENTS has been added as a new subsection in WRITTEN NOTICE FOR DENIAL OF LICENSE, to include additional requirements for notice of denial or license revocation.

Unrelated to the legislative update and as part of ongoing quality maintenance of manual content, this policy has been completely revised with updated best practices and for clarity. Changes include:

- In PURPOSE AND SCOPE, content has been rewritten for clarity, and content regarding policy availability has been moved to POLICY AVAILABILITY.
- In LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM, content has been updated for clarity.
- LICENSE RESTRICTIONS has been removed because it is generally addressed in ISSUED FIREARMS PERMITS.
- AGENCY REPORTING AND RECORDS has been updated for clarity.
- In CONFIDENTIAL RECORDS, content that is already addressed in the Records and Maintenance Release Policy has been removed, and grammar has been corrected.
- POLICY AVAILABILITY has been added as a new section to include content moved from PURPOSE AND SCOPE.

B. Updates to Lexipol Policy 301 – Use of Force

This policy has been updated because legislative action impacts its content. 2023 CA AB 360, effective Jan. 1, 2024, amended law relating to the use of the term "excited delirium" in police reports. The new law prohibits a peace officer from using the term to describe an individual in an incident report but does not prohibit the peace officer from describing the individual's behavior. Changes to this policy include:

- REPORT RESTRICTIONS has been added as a new subsection in REPORTING THE USE OF FORCE to include the new restriction.

Unrelated to the legislative update, additional changes include:

- In ADDITIONAL RESTRICTIONS, content has been updated to include best practices, and a comma has been removed.

C. Updates to Lexipol Policy 309 – Domestic Violence

This policy has been updated because legislative action impacts its content. 2023 CA AB 818, effective Jan. 1, 2024, amended law by expanding service of domestic violence protection orders after a hearing, and requiring a law enforcement officer to ensure a firearm obtained at the scene of a domestic violence incident or service is entered into the Automated Firearms System. Changes to this policy include:

- In SERVICE OF COURT ORDERS, content has been updated to include the new requirements.

D. Updates to Lexipol Policy 312 – Senior and Disability Victimization

This policy has been updated because legislative action impacts its content. 2023 CA AB 1417, effective Jan. 1, 2024, amended law relating to mandated reporters by requiring them to report abuse that is known, suspected, or alleged, and it simplified the reporting procedure for abuse that occurs in long-term care facilities. Changes to this policy include:

- In MANDATORY NOTIFICATION, content has been updated with the new requirements, a notification procedure has been amended to include internet reporting, a citation has been removed, and punctuation has been corrected.

E. Updates to Lexipol Policy 314 – Child Abuse

This policy has been updated because legislative action impacts its content. 2023 CA AB 391, effective Jan. 1, 2024, amended law by requiring that agencies receiving a report from a nonmandated reporter to ask the reporter to provide specified information, including their name, telephone number, and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect. If the reporter refuses to provide their name or telephone number, the agency is required to make an effort to determine the basis for the refusal and advise the reporter that the identifying information would remain confidential. Changes to this policy include:

- INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER has been added as a new subsection in INVESTIGATIONS AND REPORTING to include the new requirements.

Unrelated to the legislative update, additional changes include:

- In EXTRA JURISDICTIONAL REPORTS, citation formatting has been corrected, and a serial comma has been added.
- In RELEASE OF REPORTS, citation formatting has been corrected.

F. Updates to Lexipol Policy 316 – Public Alerts

This policy has been updated because legislative actions impact its content.

2023 CA AB 946, effective Jan. 1, 2024, amended law by adding a new public alert for Endangered Missing Advisory. The new Endangered Missing Advisory may be issued through the California Highway Patrol when a person is reported missing who is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk. Changes to this policy include:

- ENDANGERED MISSING ADVISORY and its subsections (CRITERIA FOR ENDANGERED MISSING ADVISORY and PROCEDURE FOR ENDANGERED MISSING ADVISORY) have been added as a new section and subsections to address the new advisory.

2023 CA SB 673, also effective Jan. 1, 2024, amended law by adding an Ebony Alert. The new Ebony Alert is for missing Black youth, including women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted. Changes include:

- EBONY ALERT and its subsections (CRITERIA FOR EBONY ALERT and PROCEDURE FOR EBONY ALERT) have been added as a new section and subsections to address the new alert.

Unrelated to the legislative update, additional changes include:

- MUTUAL AID has been deleted in its entirety because mutual aid is addressed in other policies in your manual, and agencies may vary on how they handle the volume of calls in response to an alert, which is procedural.

G. Updates to Lexipol Policy 317 – Victim and Witness Assistance

This policy has been updated because legislative action impacts its content. 2023 CA SB 376, effective Jan. 1, 2024, amended law by requiring victims of human trafficking to be provided notification of certain rights regarding support persons prior to interviews.

Changes to this policy include:

- In CRIME VICTIM LIAISON DUTIES, content has been updated to include an additional responsibility.

H. Updates to Lexipol Policy 318 – Hate Crimes

This policy has been updated because legislative action impacts its content. 2023 CA AB 449, effective Jan. 1, 2024, amended law by mandating law enforcement agencies adopt a hate crimes policy that meets the requirements of Penal Code § 422.87 by July 1, 2024. The bill requires that the policy includes a supplemental hate crime report developed by the California Commission on Peace Officer Standards and Training, that law enforcement agencies have a schedule of required hate crime training, and that this schedule requires training every six years. The bill also requires law enforcement agencies to submit hate crime materials to the Attorney General's Office on an initial scheduled basis and every four years thereafter. Changes to this policy include:

- In PURPOSE AND SCOPE, a citation has been added.
- In DEFINITION AND LAWS, "religious bias" has been added.
- In HATE CRIMES COORDINATOR, additional responsibilities have been added, grammar and punctuation have been corrected, and a text entity has been added.

This policy has been updated because legislative action impacts its content. 2023 CA AB 449 amended law by mandating that law enforcement agencies adopt a hate crimes policy that meets the requirements of Penal Code § 422.87 by July 1, 2024, which

includes a supplemental hate crime report developed by the California Commission on Peace Officer Standards and Training. Changes to this policy include:

- In APPENDIX, the Supplemental Hate Crime Report has been added as a PDF.

I. Updates to Lexipol Policy 322 – Media Relations

This policy has been updated because legislative action impacts its content. 2023 CA AB 750, effective Jan. 1, 2024, amended law so that an authorized representative from the media is not authorized to bring an unauthorized person into a closed area unless it is for the safety of the person. Changes to this policy include:

- In PURPOSE AND SCOPE, terminology has been updated.
- In ACCESS, content has been updated to include the new condition.
- In PROVIDING ADVANCE INFORMATION, terminology has been updated.

J. Updates to Lexipol Policy 401 – Bias-Based Policing

This policy has been updated because legislative action impacts its content. 2022 CA AB 2773, effective Jan. 1, 2024, amended law by requiring law enforcement agencies to include in its annual report the reason given to the person at the time of their stop. The law also specifies what types of stops are to be reported (e.g., pedestrian, traffic, any other stop). Additionally, the law now requires a peace officer making a traffic or pedestrian stop to state the reason for the stop before engaging in questioning related to a criminal investigation or traffic violation, unless an exception applies, and document the reason for the stop on any citation or police report resulting from the stop. Changes to this policy include:

- In DEFINITIONS, content has been updated to include explicit and implicit biases.
- DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP has been added as a new subsection in MEMBER RESPONSIBILITIES, to include additional responsibilities.
- In REPORTING OF STOPS, a citation has been added.

K. Updates to Lexipol Policy 405 – Hazardous Material Response

This policy has been updated because legislative action impacts its content. 2022 CA AB 2293, effective Jan. 1, 2024, recodified statutes in the Health and Safety Code related to hazardous substances. Changes to this policy include:

- In HAZARDOUS MATERIAL RESPONSE, a citation has been updated, capitalization, paragraph spacing, and terminology have been corrected, and serial commas have been added.

Unrelated to the legislative update, additional changes include:

- PURPOSE AND SCOPE has been updated to better reflect the contents of the policy and text formatting has been corrected.
- HAZARDOUS MATERIAL DEFINED has been renamed DEFINITIONS, and content has been updated for clarity and to better align with other policies in your manual, punctuation has been corrected.
- REPORTING EXPOSURE(S) has been renamed REPORTING EXPOSURE, terminology has been updated to better align with other policies in Lexipol manual, and spacing has been corrected.
- In SUPERVISOR RESPONSIBILITY, capitalization and terminology have been corrected, and gendered pronouns have been removed.

L. Updates to Lexipol Policy 412 – Immigration Violations

This policy has been updated because legislative action impacts its content. 2023 CA AB 1261, effective Jan. 1, 2024, amended law relating to U visa and T visa applications by requiring agencies to provide assistance with the completion of the application, forms, and written notices of denials. Changes to this policy include:

- In U VISA AND T VISA NOIMMIGRANT STATUS, content has been updated to include the new provisions, and content from TIME FRAMES FOR COMPLETION has been included.
- In TIME FRAMES FOR COMPLETION, some content has been moved to a more appropriate location in U VISA AND T VISA NONIMMIGRANT STATUS.

M. Updates to Lexipol Policy 432 – Automated License Plate Readers (ALPRS)

A review of this policy has resulted in an update to one section. Changes include:

- In DATA COLLECTION AND RETENTION, a citation has been removed.

N. Updates to Lexipol Policy 502 – Vehicle Towing and Release

This policy has been updated because legislative action impacts its content. 2023 CA AB 925, effective Jan. 1, 2024, requires that an agency engaged in enforcing parking laws to verify, using available Department of Motor Vehicles (DMV) records, that no current vehicle registration exists before having the vehicle removed. Vehicles that have a current registration on file with the DMV shall not be towed. Changes to this policy include:

- TOWING FOR EXPIRED REGISTRATION has been added as a new section to address the requirements.

Unrelated to the legislative update, additional changes include:

- In VEHICLE STORAGE REPORT, an incorrectly placed word has been removed, punctuation has been corrected, and a serial comma has been added.
- In RECORDS BUREAU RESPONSIBILITY, content has been updated for clarity, and punctuation has been corrected.

O. Updates to Lexipol Policy 600 – Investigation and Prosecution

This policy has been updated because legislative actions impact its content. 2023 CA AB 1406, effective Jan. 1, 2024, amended law relating to firearms that have been reported as lost or stolen. 2023 CA AB 732, also effective Jan. 1, 2024, amended law by requiring law enforcement agencies to designate a person responsible for entering and receiving information in the Armed Prohibited Persons System to verify that firearms have been relinquished for prohibited possessors of firearms, and adding new reporting requirements. Changes to this policy include:

- STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS has been added as a new section to include CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM and RELINQUISHMENT OF FIREARMS VERIFICATION as subsections, which include the new requirements.

Unrelated to the legislative update, additional changes include:

- In DISCONTINUATION OF INVESTIGATIONS, a serial comma has been added.

P. Updates to Lexipol Policy 601 – Sexual Assault Investigations

This policy has been updated because legislative action impacts its content. 2023 CA SB 464, effective Jan. 1, 2024, amended law by giving victims the right to not have the sexual assault kit tested. Changes to this policy include:

- In COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE, a citation has been added.
- In COLLECTION AND TESTING REQUIREMENTS, content related to testing has been updated for clarity, and an exemption has been added.

Q. Updates to Lexipol Policy 801 – Records Bureau

This policy has been updated because legislative actions impact its content. 2023 CA AB 732, effective Jan. 1, 2024, amended law by requiring law enforcement agencies to provide quarterly reports to the California Department of Justice indicating the steps they have taken to verify that a prohibited possessor of a firearm has relinquished their firearm to the agency. Changes to this policy include:

- In RECORDS BUREAU, additional responsibilities have been added, and content has been updated for clarity.

R. Updates to Lexipol Policy 803 – Records Maintenance and Release

This policy has been updated because legislative action impacts its content. 2023 CA SB 290, effective Jan. 1, 2024, amended law by requiring law enforcement to provide

victims of certain offenses additional documents and recordings. Changes to this policy include:

- In RELEASE RESTRICTIONS, content has been updated to address the new requirements, and citation formatting has been corrected.

S. Updates to Lexipol Policy 1000 – Recruitment and Selection

This policy has been updated because legislative action impacts its content. 2023 CA SB 449, effective Jan. 1, 2024, amended law relating to the California Commission on Peace Officer Standards and Training (POST) records. An agency that receives peace officer records from POST related to a background investigation, which were not released to the peace officer, are to be kept confidential by the agency receiving the records. Changes to this policy include:

- CONFIDENTIAL POST RECORDS has been added as a new subsection in BACKGROUND INVESTIGATION to address the new requirement.

T. Updates to Lexipol Policy 1007 – Communicable Diseases

This policy has been updated because legislative action impacts its content. 2021 CA AB 2693 amended law by requiring employers to provide certain notices to employees regarding exposure to COVID-19. Effective Jan. 1, 2024, the requirement has been repealed. Changes to this policy include:

- In EXPOSURE CONTROL OFFICER, the requirement for employers to provide certain notices to employees regarding exposure to COVID-19 has been removed.

U. Updates to Lexipol Policy 1009 – Personnel Complaints

This policy has been updated because legislative action impacts its content. 2023 CA SB 449, effective Jan. 1, 2024, amended law relating to the timeframe that law enforcement agencies are required to keep records available for POST inspection or duplication. Changes to this policy include:

- In REQUIRED REPORTING TO POST, content has been updated to include the new requirement.

V. Updates to Lexipol Policy 1026 – Employee Speech, Expression and Social Media

A review of this policy has resulted in an update to one section. Changes to this policy include:

- PROHIBITED SPEECH, EXPRESSION AND CONDUCT has been renamed PROHIBITED SPEECH, EXPRESSION, AND CONDUCT, content that is already covered in the Information Technology Use and the Personal Communication Devices policies has been removed, and serial commas have been added.

W. Updates to Lexipol Policy 1029 – Line-of-Duty Deaths

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 US HR 6943, also known as the Public Safety Officer Support Act, amended law by extending death benefits under the Public Safety Officers' Benefits Program (PSOB) to certain public safety officers and the survivors of public safety officers who suffer from post-traumatic stress disorder or acute stress disorder following a stressful situation while on-duty. Changes to this policy include:

- In BENEFITS LIAISON, content has been updated to include an additional responsibility of researching and assisting survivors with application for assistance when eligible for benefits through the PSOB, a citation has been added, and punctuation has been corrected.

Unrelated to the legislative update and as part of ongoing quality maintenance of manual content, this policy has been revised. Lexipol has partnered with Concerns of Police Survivors (C.O.P.S.) to revise this policy. Changes include:

- PURPOSE AND SCOPE has been updated for clarity and to include non-line-of-duty member deaths, and a text entity has been added.
- DEFINITIONS has been updated to reflect federal law, a text entity has been added.
- INITIAL ACTIONS BY COMMAND STAFF has been updated for clarity.
- In NOTIFYING SURVIVORS, capitalization and grammar have been corrected.
- In NOTIFYING DEPARTMENT MEMBERS, grammar has been corrected. The section name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
- In LIAISONS AND COORDINATORS, additional guidance on filling positions has been included.
- AGENCY LIAISON has been updated for clarity, and a term has been corrected.
- In HOSPITAL LIAISON, content has been updated for clarity, inadvisable absolutes have been removed, and the additional responsibility of establishing a command post has been added.
- In SURVIVOR SUPPORT LIAISON, content has been updated for clarity, inadvisable absolutes have been removed, and an example and text entity have been added.
- In WELLNESS SUPPORT LIAISON, inadvisable absolutes have been removed.
- In FUNERAL LIAISON, punctuation has been corrected, and content has been added to address logistical matters.
- MUTUAL AID COORDINATOR has been updated to include advance resource planning.
- In PUBLIC INFORMATION OFFICER, content has been updated to remove inadvisable absolutes, grammar has been corrected, and content has been updated for clarity.
- In AGENCY CHAPLAIN, punctuation has been corrected and possessive pronouns have been removed.

- In INVESTIGATION OF THE INCIDENT, content has been updated for clarity and inadvisable absolutes have been removed. • Serial commas have been added and gendered pronouns have been removed in all of the updated sections/subsections.

X. Updates to Lexipol Policy 1030 – Wellness Program

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 US HR 6943, also known as the Public Safety Officer Support Act, amended law by extending disability benefits under the Public Safety Officers' Benefits Program (PSOB) to certain public safety officers who suffer from post-traumatic stress disorder or acute stress disorder following a stressful situation while on-duty. Changes to this policy include:

In WELLNESS COORDINATOR, content has been updated to include an additional responsibility of assisting members who may be eligible for benefits through