

GENERAL ORDER

April 2016

Immediately

II-12

Distribution: All Employees

Subject: **NEGLIGENT DAMAGE, LOSS OR THEFT OF DEPARTMENT PROPERTY**Index as: Damaged Department Property
Department Property, Loss, Theft or DamageLoss, Damage or Theft of Department Property
Theft of Department Property

Accreditation Standards: 17.5.2

Cross Reference: G.O. II-43 Lethal and Less-Lethal Weapons
G.O. III-05, Uniforms and Equipment

Replaces: G.O. II-12 Negligent Damage, Loss or Theft of Department Property (April 28, 2016)

This Order establishes the procedures for reimbursement and/or replacement of damaged, lost, or stolen Department-issued property. This Order consists of the following sections:

- I. Definitions
- II. Reporting of Damaged, Lost or Stolen Department-Issued Property
- III. Reimbursement/Replacement of Property
- IV. Payment Procedures
- V. Recovery of Lost or Stolen Property

I. DEFINITIONS

A. Cost – The original purchase price of an item or the current replacement price, whichever is less. Original purchase price will be based upon the date the item was issued to the employee. If records are not available, the closest purchase price prior to issue will be used.

B. Negligence – Failure to exercise proper care or take reasonable measures which a prudent employee would have taken under the same or similar circumstances.

C. Property – All Department-issued items, excluding motor vehicles.

D. Reasonable Care – The actions of an employee to provide for the property's safekeeping, such as:

1. Locking or keeping Department-issued property in a safe place or in a safe manner at all times.
 - a. Portable, hand-held police radios and Department-issued firearms, excluding shotguns properly secured in a locked gun rack, shall not be kept in the interior of any unattended vehicle.
 - 1) These items, excluding shotguns, can be secured in the trunk of a vehicle if the automatic trunk release has been disabled.
 - 2) Shotguns properly secured in a locked trunk mounted gun rack can be secured in the trunk of an unattended vehicle.
 - 3) This policy does not apply to undercover detectives assigned to the Vice and Narcotics or Intelligence Divisions, and those assigned to the Special Investigations Unit (SIU) while on duty or attending court proceedings.
 - b. Employees should have no expectation of privacy or security when property is left unsecured in Department mail slots, on desk -ops or in plain or partial view within a vehicle or in other generally accessible places.
2. Ensuring Department-issued property is properly checked in and out.

3. Not lending Department-issued property to unauthorized persons.

E. Theft – The unlawful taking of property.

II. REPORTING OF DAMAGED, LOST, OR STOLEN DEPARTMENT-ISSUED PROPERTY

A. Employees are responsible for the reasonable care of all Department-owned uniforms, equipment and other items which are provided to them.

B. Employees will report the damage, loss, or theft of Department-issued property to their supervisor, in writing, as soon as practical after they learn of the incident.

1. The incident shall be reported on a [J:\Forms\Lost or Damaged City Property Report.pdf](#)

2. The report shall be forwarded to the Office of Professional Standards through the Chain of Command.

III. REIMBURSEMENT/REPLACEMENT OF PROPERTY

A. When the investigation concludes that an employee has not been negligent in the damage, loss or theft of Department-issued property, the item will be replaced at no cost to the employee.

B. When the investigation reveals that through an employee's negligence, Department-issued property was damaged, lost or stolen, that employee shall reimburse the Department for the actual or adjusted value of the property. In determining value, the extended loss to the City will be considered. For instance, if an inexpensive key is lost, but the loss necessitates the changing of many expensive locks, the value will be the actual expense incurred by the City.

1. First violation:

a. Value is \$25.00 or less, no disciplinary action.

b. Value is more than \$25.00 but less than \$500:

1) A *Memorandum of Counseling* will be the minimum response; and

2) The maximum replacement cost to the employee(s) of all items damaged, lost, or stolen, involving a single incident, is \$500.00.

c. Value is more than \$500:

1) An *Employee Notice* will be the minimum discipline; and

2) The maximum replacement cost to the employee(s) of all items damaged, lost, or stolen, involving a single incident, is \$500.00.

2. Second violation within eighteen (18) months:

a. Progressive discipline shall be imposed; and

b. The employee(s) shall reimburse the Department for the cost of the property up to \$500.00 per incident.

3. The maximum replacement cost of all subsequent violations, occurring within eighteen (18) months, is \$500.00 per incident.

C. Where more than one employee is shown to be responsible for the damage, loss or theft, reimbursement will be borne equally.

IV. PAYMENT PROCEDURES

A. When the Department investigation has been concluded with a finding of negligence on the part of the employee:

1. The employee's immediate supervisor shall:

a. Contact the Police-Fire Supply Warehouse or any other source necessary to determine the value of the item.

b. Notify the Manager, Fiscal Services Division, of the amount the employee is required to pay for the damaged, lost, or stolen property and ensure payment is made.

2. The employee shall:

a. Pay the Fiscal Services Division the appropriate amount. A receipt will be provided to the employee.

b. The employee can elect to have the replacement amount deducted from their payroll.

1) For the first violation, a minimum of \$40.00 per pay period will be collected through payroll deduction.

2) For the second and subsequent violations within an eighteen (18) month period, a minimum of \$80 per pay period will be collected by payroll deduction.

B. The employee will take a copy of the receipt to supply warehouse personnel, if applicable, and the new item will be issued.

C. When the Department investigation cannot be conducted in a timely manner, the employee will be reissued the item without a receipt. Payment, if any, will be determined upon completion of the investigation.

V. RECOVERY OF LOST OR STOLEN PROPERTY

Upon the recovery or return of Department property for which reimbursement has already been made, the employee(s) shall be entitled to recoup the funds paid to the Department, minus any necessary repair costs.

Anthony Holloway
Chief of Police