
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department personnel must remain diligent in the proper care of all Department issued and Department owned equipment. The proper care and due regard for all equipment is necessary to maintain the inoperability and safe operation of equipment when it is needed, especially in emergency situations. Any personal property damaged or destroyed during the normal course of an employees' assigned duties may be subject to reimbursement by the Department, although due regard and proper care must be maintained at all times.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 REPLACEMENT, REPAIR, OR REIMBURSEMENT OF EMPLOYEE PERSONAL PROPERTY

REIMBURSEMENT ELIGIBILITY

- (a) Reimbursement will be considered only for damage to personal property that is worn or carried by an employee to satisfactorily perform assigned duties. In most instances, this will include clothing, watches, and personal items required out of medical or ophthalmologic necessity, such as eye glasses, dentures, hearing aids, etc.

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- (b) Reimbursement for damage to other personal property such as tools, cameras, electronic equipment, equipment bags, or briefcases will only be considered for reimbursement if the property was used in conformance with current policy and with the authorization of the Chief of Police, or his/her designee, and was necessary to the performance of the employee's specified duties. All employees may also be required to show proper care and security of any property requested to be reimbursed was maintained.
- (c) Reimbursement may be considered in all emergency situations where authorized personal property was being utilized. In non-emergency situations, employees are expected to be aware of their surroundings and to avoid situations that may contribute to the damage of property.
- (d) Reimbursement may be considered for losses incurred as a result of assault by another person provided that such assault occurs without provocation by the employee and when all efforts to avoid the assault were demonstrated.
- (e) Reimbursement may be considered for losses incurred as the result of an animal attack provided the employee has exercised reasonable care and caution in performing their assigned duties.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of the employees work assignment.

700.3.1 REPORTING REQUIREMENT

VERBAL REPORT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit, but in no case later than 24-hours after such loss.

WRITTEN REPORT

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made. Along with the written report, the employee shall include the damaged property, when practical, and any documentation showing the cost or fair market value of the damaged property.

The written report, included documentation, and the damaged property shall be forwarded to the Chief of Police, or his/her designee, provided the damage or loss is within this policy and a covered reimbursable item(s). The Chief of Police, or his/her designee, shall review the claim and if warranted and within policy shall forward the claim to the City of Barstow Human Resources Department. The City Personnel Officer shall forward reimbursement recommendations to the City Finance Department for payment to the employee.

Loss or damages to personal property inconsistent with the provisions of this policy will not be considered for reimbursement by the City of Barstow.

METHOD OF REIMBURSEMENT

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The method of reimbursement for loss or damage to personal property shall be the current market value of those items damaged beyond repair or the repair costs of items that are repairable less the amount of any reimbursement from other sources.

In determining the fair market value for clothing, original costs of such clothing shall be depreciated over a period of four years.

Current value for personal prosthesis devices, such as eyeglasses, dentures, hearing aids or other such items, shall be reimbursed at the current replacement cost.

Costs for repairing those items not totally destroyed shall be determined by the City on an individual basis.

The Finance Department shall make the final determination of the amount of reimbursement authorized for replacement or repair of personal property after consultation with the Personnel Officer or designated representative of the Human Resources Department.

MISREPRESENTATION

The provisions of this policy shall not apply if it appears that the employee has concealed or intentionally misrepresented any material fact or circumstances concerning the subject of the loss, his/her interests therein, or the case of any fraud or false statements by the employee relating thereto.

RECOVERY

If in the event of any loss or damage, the employee should acquire any right of action against any individual, firm, or corporation for loss or damage to property covered by this procedure, the employee assigns and transfers to the City of Barstow, at the City's option, all such rights of action to the extent of the amount paid and will permit suit to be brought in the employee's name under the direction of and at the expense of the City.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit, but in no case later than 24-hours after such damage occurs.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made. The written report shall also include photographs of the damaged property and surrounding areas, as well as any additional items/objects that may be pertinent to the claim/investigation.

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700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to report the damage.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit, but in no case later than 24-hours after such damage occurs.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made. The written report shall also include photographs of the damaged property and surrounding areas, as well as additional items/objects that may be pertinent to the claim/investigation.

700.4.2 LOSS/DAMAGE OF CITY OWNED PROPERTY

It is the policy of the City of Barstow to seek reimbursement from citizens damaging City owned property, whether such damage is inflicted intentionally or accidentally.

Reimbursement for damage or destroyed City owned property is limited to the actual direct or indirect costs associated by the City in repairing or replacing damaged property, including administrative costs of recovery.

The City of Barstow wishes to resolve all financial claims with citizens damaging City owned property, or their insurance companies, as amicably as possible, although the City will take legal action to resolve such claims, if necessary.

Reimbursement for damage caused by minors will be sought through the minor's parent or legal guardian, or their insurance company, pursuant to Civil Code section 1714.1.

PROCEDURES

- (a) All employees of the City of Barstow observing incidents involving the loss or damage of City owned property shall make every reasonable effort to identify the person(s) causing such loss or damage.
- (b) All employees of the City of Barstow shall report observed incidents involving loss or damage to City owned property to the Barstow Police Department.
- (c) Officers of the Barstow Police Department responding to or investigating incidents involving loss of or damage to City owned property shall make every reasonable effort to assess responsibility for such loss or damage and shall make every reasonable effort to identify the responsible party(s) insurance company, if applicable.
- (d) Following completion of police investigations of incidents resulting in the loss or damage of City owned property, the proper department shall be notified to repair, replace, or make safe any City owned property loss or damaged during the incident. A copy of the police report shall be forwarded to the City of Barstow Human Resources Department, to be forwarded to the contracted City of Barstow Risk Management agency.

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- (e) The City of Barstow Human Resources Department may contact the Chief of Police or Division Commander if additional information or documentation is required in processing claims on behalf of the City of Barstow.