

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council
FROM: Teri Davis, Senior Management Analyst 
DATE: May 14, 2014 (CC Regular Meeting of 05/21/14)
SUBJECT: Consider City Council Wallet Identification Badge

BACKGROUND

The City Council's adopted Policy 1.10 (in the City Council's Policies Resolution) addresses City Council Identification Badges as follows:

Each member of the City Council will be provided with a metal identification badge to be worn when attending meetings, and will also be provided a wallet identification badge or card, to be used for identification purposes, such as to permit access for a City special event and to serve as proof of identity in the event of a City emergency.

Currently, each member of the City Council has been provided with a picture identification card, consistent with what is currently provided to all City employees. To date, no wallet identification badges have been issued to members of the City Council.

DISCUSSION

Staff has developed two sample wallet identification badges for City Council consideration (see Attachments 1 and 2). If the Council provides direction and approval for staff to proceed with the ordering of a City Council badge, staff is recommending adoption of revised language for Policy 1.10 to more comprehensively address badge and picture identification card issuance, use, and return (see Attachment 3). A separate item is included on the May 21, 2014, City Council agenda for an update to the City Council's Policies Resolution that includes the revised language for Policy 1.10 as shown in Attachment 3.

Providing wallet identification badges to those other than sworn peace officers is restricted under California Penal Code § 538d(b)(2), so that any badge issued may not resemble a peace officer badge (see Penal Code excerpt in Attachment 4). Staff researched some wallet identification badges issued to members of City Council at other southern California cities and found most were roundish in shape and clearly stated that the badge belongs to a member of the Council. Staff also reviewed designs with officers of the Ventura County Sheriff's Department to evaluate which badge prototypes resemble those of a peace officer.

Staff developed two sample wallet identification badges for Council's consideration. Sample One (Attachment 1) is gold-tone with black lettering. The cost is \$76 each or \$380.00 for five. Sample Two (Attachment 2) is gold-tone with gold-tone lettering in black enamel (the enamel may be ordered in other colors, but black was selected as a sample to provide the best contrast with the City Seal colors). The cost is \$85 each or \$425 for five. Both samples feature the City Seal in the center of the badge. Wallets customized to hold the wallet identification badges are \$27 each or \$135 for five. The cost for Sample One with the wallet is currently \$103 each or \$515 for five while the cost for Sample Two with the wallet is \$112 each or \$560 for five. Because Sample One is shaped more like a shield, it may be more likely to be perceived as a peace officer's badge (in the event the person looking at the wallet identification badge does not read every word on the badge). Sample Two was designed to look less like a peace officer's badge and resembles several badges purchased for members of City Council at other cities in and around southern California reviewed by staff. Neither of the two samples resemble the Ventura County Sheriff's badges, which include a star.

The Sheriff's Department provided staff with Policy 1052, Department Badges, from the Policy Manual of the Ventura County Sheriff's Office (Attachment 5). Policy 1052 outlines the purpose and use of Sheriff's Department issued badges. The Sheriff's Department recommended the City adopt a similar document establishing the purpose and use of any wallet identification badges provided by the City. Staff has drafted updated language for City Council Policy No. 1.10 to address both identification badge and picture card issuance, use and return, which draft policy update is currently included in the updated City Council Policies Resolution also scheduled for this agenda as a separate agenda item.

FISCAL IMPACT

There is an estimated fiscal impact of \$560 for the first year the wallet identification badges are purchased. The exact cost of future badges cannot be estimated at this time, but there would be an ongoing cost based on the number of newly elected members of the City Council. The estimated \$560 for fiscal year 2013-14 will be funded from existing budgeted funds within the City Council budget. Staff would include funding in future fiscal year budgets for estimated maximum badge replacement costs.

STAFF RECOMMENDATION

Select City Council wallet identification badge style.

Attachments:

1. City Council Badge Sample One
2. City Council Badge Sample Two
3. Draft Revised Policy 1.10, City Council Identification Badges and Picture Identification Card
4. California Penal Code § 539d
5. Ventura County Sheriff's Office Policy 1052: Department Badges

ITEM 9.D.

Sample One
\$76.00 each
2.3"x1.7"



Sample Two
\$85.00 each
2.4"x2.4"



Policy 1.10: City Council Identification Badge and Picture Identification Card

Each elected member of the City Council will be provided with a metal identification badge to be worn when attending meetings, and will also be provided a metal wallet identification badge and a picture identification card, which are intended to serve as proof of identity and may also be used to permit access for a City sponsored event. A metal wallet identification badge will not be provided to an interim appointee to the City Council.

The use and display of the City Council wallet metal identification badge and picture identification card, as well as the likeness of these items, are the property of the City and their use shall be restricted as follows:

1. The City Council wallet identification badge and picture identification card shall be clearly marked to reflect the position of the member of the City Council (either Mayor or Councilmember) and the card shall include an expiration date for the elected term of office.
2. The authorized wallet identification badge and picture identification card issued to each member of the City Council by the City shall be displayed only while acting in an official capacity.
3. A member of the City Council shall not display the wallet identification badge or represent himself/herself at any time in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.
4. No City Council wallet identification badge or picture identification card shall be issued to or used by anyone other than a currently seated member of the City Council.
5. A member of the City Council shall not loan his/her wallet identification badge or picture identification card to others and shall not permit the identification badge or card to be reproduced or duplicated.
6. The City Council wallet identification badge and picture identification card, including any image of the wallet identification badge or picture identification card, shall not be used for personal, private, or political reasons, including but not limited to letters, memoranda, electronic communications such as electronic messaging or websites and webpages, or political advertisements.
7. Following a City Municipal Election for Mayor and Councilmember seats, the metal identification badges and picture identification card for any incumbent not re-elected to a new term shall be returned to the City Clerk on or before the last day of the term of office. The same requirement for return of the issued identification badges and card to the City Clerk shall apply following any Mayor or Councilmember resignation prior to their end of term. The City Clerk will arrange for a commemorative gift to the outgoing member consisting of the returned metal wallet badge in a sealed acrylic case. The returned picture identification card shall be destroyed in accordance with the City Manager's written procedure for employee picture identification cards.

CALIFORNIA PENAL CODE SECTION 539d

538d. (a) Any person other than one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor.

(b) (1) Any person, other than the one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the badge of a peace officer with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars (\$2,000), or by both that imprisonment and fine.

(2) Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge of a peace officer as would deceive any ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, for the purpose of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars (\$2,000), or by both that imprisonment and fine.

(c) Except as provided in subdivision (d), any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).

(d) (1) The head of an agency that employs peace officers, as defined in Sections 830.1 and 830.2, is authorized to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency. The identification authorized pursuant to this subdivision is separate and distinct from the identification authorized by Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.

(2) If the head of an agency issues a badge to an honorably retired peace officer that is not affixed to a plaque or other memento commemorating the retiree's service for the agency, the words "Honorably Retired" shall be clearly visible above, underneath, or

on the badge itself.

(3) The head of an agency that employs peace officers as defined in Sections 830.1 and 830.2 is authorized to revoke identification granted pursuant to this subdivision in the event of misuse or abuse.

(4) For the purposes of this subdivision, the term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.

(e) (1) Vendors of law enforcement uniforms shall verify that a person purchasing a uniform identifying a law enforcement agency is an employee of the agency identified on the uniform. Presentation and examination of a valid identification card with a picture of the person purchasing the uniform and identification, on the letterhead of the law enforcement agency, of the person buying the uniform as an employee of the agency identified on the uniform shall be sufficient verification.

(2) Any uniform vendor who sells a uniform identifying a law enforcement agency, without verifying that the purchaser is an employee of the agency, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000).

(3) This subdivision shall not apply if the uniform is to be used solely as a prop for a motion picture, television, video production, or a theatrical event, and prior written permission has been obtained from the identified law enforcement agency.



Ventura County Sheriff's Office
Policy Manual

Department Badges

1052.1 PURPOSE AND SCOPE

The Ventura County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Ventura County Sheriff's Office are property of the department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn deputies shall be issued a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.2.1.
- (b) An honorably retired deputy will be issued a retirement flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 PROFESSIONAL STAFF

Badges and departmental identification cards issued to professional staff shall be clearly marked to reflect the position of the assigned employee (e.g. Sheriff's Service Technician (SST), Dispatcher, Records Specialist, Cadet).

- (a) Professional staff shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Professional staff shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

Ventura County Sheriff's Office

Policy Manual

Department Badges

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Ventura County Sheriff's Office.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.