

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: November 12, 2014

NUMBER: 1.35 – ADMINISTRATION

SUBJECT: ACCEPTING DONATIONS ON BEHALF OF THE POLICE DEPARTMENT

RELATED POLICY: 9.08

ORIGINATING DIVISION: CHIEF'S OFFICE

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 1.35 – 01/17/2014

I. PURPOSE

This Department procedure establishes guidelines on accepting donations on behalf of the San Diego Police Department.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

NEW

Council Policy 100-02, Donation Acceptance, provides guidelines for accepting gifts and donations in a responsible, transparent, and accountable manner that is consistent with the City's strategic goals.

Per Council Policy 100-02, donations from private individuals, businesses, and others are accepted by the City for specific or general purposes. This policy encourages public/private partnerships to augment City services, address special needs, and invest in San Diego's future.

IV. DEFINITIONS

NEW

- A. Donation or Gift - a monetary (cash) contribution, endowments, personal property, real property, financial securities, equipment, in-kind goods or services, or any other asset that the City has accepted and for which the donor has not received any goods or services in return, For purposes of this Department Procedure, the terms “donation” and “gift” shall be synonymous.
- B. Restricted Donation - a donation designated at donor request for a particular City department, location, or purpose.
- C. Sponsorship - a contribution to the City conditioned upon some form of public recognition being granted the donor, usually for a specific period of time.
- D. Unrestricted Donation - a donation to the City without any limitations being placed upon its use.

NEW

V. SOLICITING DONATIONS

NEW

- A. Soliciting donations by Police Department members creates certain practical and ethical difficulties. Department members should use good judgment in dealing with potential donors to avoid the appearance of impropriety.
 - 1. Department Policy 9.08, Gifts or Gratitudes, prohibits soliciting or accepting donations from police-regulated businesses. It also prohibits soliciting or accepting donations from other individuals, businesses, or organizations under certain conditions. This policy must be reviewed prior to soliciting or accepting a donation.
 - 2. Unless assigned as part of a specific program, members shall not solicit donations while on duty. Members shall not solicit donations in uniform.
 - 3. Members may discuss Department needs with individuals or groups and are encouraged to work with community members and groups to form problem-solving partnerships. Discussion of partnership needs, and methods for the community to meet those needs is not a solicitation unless the circumstances indicate that it is a ruse for a solicitation.
 - 4. The requirement to use good judgment in dealing with donors extends to solicitations or acceptance of donations for police-related activities or groups (e.g., Police Officers Association, Volunteer Program, Investigators Associations, Crime Stoppers). Members shall not solicit for these activities or groups while on duty and shall not make such solicitations while in uniform. Members must make it clear to the

donor(s) whether their donations are going to the Police Department or to another group or individual.

NEW

B. Prior to soliciting large businesses, major community organizations, or recognized major donors, members shall submit a memorandum requesting approval to the Administrative Services Division Manager, via their chain of command. The reasons for this consultation are to ensure the donation is in the best interest of the Department, that major donors are not confronted with multiple or competing requests from different units within the Police Department, and to track donations.

NEW

C. Administrative Services Division's Grant Management staff will log all donor solicitations.

VI. ACCEPTING AND REPORTING DONATIONS

NEW

All donations must be used for official City business, and not for political activities or other personal business. All donations will be evaluated prior to acceptance to determine whether the donation is in the Department's best interest and is consistent with applicable City laws, policies, ordinances, resolutions. The evaluation will include a determination as to whether an expenditure of City funds, either a direct outlay of City funds or the use of City forces and materials is associated with, or required by, acceptance of the donation.

NEW

Donations may be received in the form of cash, financial securities, real or personal property, and may be restricted or unrestricted.

A. Real property donations may only be accepted by the City Council. Persons wishing to donate real property should be referred to the Real Estate Assets Department.

NEW

B. Donations of cash and real goods may be accepted upon completion of the following process:

1. The Chief of Police shall consult with the Senior Police Legal Advisor and the Administrative Services Manager to evaluate whether the donation:
 - (a) Is in the Department's best interest and is consistent with applicable City laws, policies, ordinances, and resolutions;
 - (b) Has any special restrictions and, if so, determine if those restrictions are acceptable to the Department;
 - (c) Obligates the Department to make an immediate or initial City expenditure which has not been included in the approved City budget; and,

(d) Creates a new, one-time or an ongoing general maintenance obligation for the Department.

2. If accepting a donation requires expenditures in excess of the Police Department's annual budget, the Chief of Police shall seek a resolution from the City Council authorizing the City to accept, appropriate and expend the donation.

3. The Chief of Police shall give notice of the City Council's decision to the donor within ten business days following the City Council's determination to accept or reject the proposed donation.

C. Authority to accept a donation of cash or real goods depends on the monetary value of the cash or real goods:

1. Donations of cash/real goods with an aggregate value of \$99,999 or less may be accepted by the Chief of Police.
2. Donations of cash/real goods with an aggregate value of \$100,000 to \$249,999 may be accepted by the Mayor.
 - (a) The Chief of Police shall seek approval from the Chief Operating Officer or designee if the donation does not require expenditures that exceed the Police Department's approved annual budget. The Mayor may formally accept the donation upon receipt of such approval.
3. Donations of cash/real goods with an aggregate value of \$250,000 or greater should be accepted by the City Council.
 - (a) The Chief of Police shall seek approval from the Chief Operating Officer or designee if accepting the donation does not require expenditures that exceed the Police Department's approved annual budget.
 - (b) Upon receipt of such approval, the Chief of Police shall seek a resolution from the City Council authorizing the City to accept the donation.
 - (c) The Chief of Police shall give notice of the City Council's decision to the donor within ten business days following the City Council's decision to accept or reject the proposed donation.

NEW

D. Members are responsible for notifying the Administrative Services Division Manager when a donation is accepted. Administrative Services Division's Grant Management staff will log the acceptance of all donations. The Administrative Services Division's Grant Management staff will:

1. Notify the Chief's Executive Committee;
2. Sent a letter to the donor acknowledging the donation; and,
3. Ensure that suitable recognition is afforded the donor once the donation has been received.

E. Accepted cash donations will be forwarded to the Administrative Services Manager for deposit into the appropriate fund for future expenditure.

F. The Police Department shall comply with all applicable laws and regulations of the Internal Revenue Service regarding the acceptance of donations.

NEW

VII. SPONSORSHIPS

In certain circumstances, the City may be willing to allow individuals, businesses, or others to sponsor a City activity or program. In return, the City may allow a sponsor to place a sign on City property, use a company logo on a City brochure, or use an official City logo as part of a promotion. Sponsorships are coordinated and approved through the Corporate Partnerships and Development Department Program. Inquiries regarding sponsorships should be directed to the Corporate Partnership and Development Program at (619) 533-3823.