

University of California Police Department, Berkeley

Policy Manual

MISSION, VISION AND VALUE STATEMENTS

Mission:

We are committed to working in partnership with our diverse campus community so together we may enhance community trust, reduce the incidence and fear of crime, and promote safety. We pledge to protect individual rights and safeguard property for our students, faculty, staff and guests. We support the University's academic, research, and public service missions with professionalism, integrity and sensitivity.

Vision:

We seek to be a leader in campus law enforcement and emergency services – both by following best practices and by developing standards to which others will aspire.

Values:

We Believe in Truth and Honesty.

We recruit and retain high quality employees who have an uncompromising allegiance to the State of California's Law Enforcement Code of Ethics.

We Believe in Fair and Equal Treatment.

We are sensitive to the unique, many and diverse needs of the university community. We strive to be fair and respectful in our treatment of the individuals who depend upon us for their safety and well-being.

We Hold Ourselves Accountable.

We take great pride in being accountable and accessible to everyone. We place a high value upon teamwork, and expect our employees to act as role models and leaders in all they do.

We Believe in a Problem-Solving Approach to Policing.

We value a pro-active, collaborative approach to problem solving and recognize education, outreach and partnerships as essential to our effectiveness.

We Strive for Excellence in All We Undertake.

Our services are developed and our staff is trained to meet our campus demands using the highest level of training and best practices within the law enforcement profession.

We Recognize the Importance of Change.

We continuously evaluate the quality, efficiency and appropriateness of our efforts and welcome feedback as an opportunity to improve.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the University of California Police Department, Berkeley to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the University of California Police Department, Berkeley to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate the abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.2 et seq.).

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY

The arrest authority within the jurisdiction of the University of California Police Department, Berkeley includes (Penal Code § 830.2; Penal Code § 836):

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY

The arrest authority outside the jurisdiction of the University of California Police Department, Berkeley includes (Penal Code § 830.2; Penal Code § 836):

- (a) When the officer has probable cause to believe the person committed a felony.

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- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the University of California, or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the University of California should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

100.3.3 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.3.4 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - (a) A misdemeanor committed in the presence of the officer.
 - (b) Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.3.5 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

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- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

University of California Police Department, Berkeley officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

100.6 NON-SWORN POWERS

Department members not sworn as peace officers have no vested law enforcement authority or police powers beyond those rights held by all citizens. However, department members not sworn as peace officers may be assigned limited and specific duties involving the direct provision of public safety services and/or the enforcement of University rules and regulations, and are delegated the necessary authority to perform those duties within the confines of applicable law, regulations, and policy (including position descriptions).

100.7 UCPD STATUTORY AUTHORITY AND CASE LAW

100.7.1 EDUCATION CODE 92600

The Regents of the University of California are authorized and empowered to appoint one or more persons to be members of the University of California police department as such police department is constituted on September 19, 1947, or may thereafter be constituted. Persons employed and

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compensated as members of said police department, when so appointed and duly sworn, are peace officers; provided, that such officers shall not exercise their powers or authority except:

- (a) Upon the campuses of the University of California and an area within one mile of the exterior boundaries.
- (b) In or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California.
- (c) As provided in Section 830.2 of the Penal Code.

100.7.2 PENAL CODE 830.2

The following persons are peace officers whose authority extends to any place in the state:

...(b) A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.

100.7.3 BRIERTON V. DMV (2005)

Brierton v. Department of Motor Vehicles (2005) 130 Cal.App.4th 499: In appeal from the Superior Court of San Diego County, the defendant (Brierton) claimed the arresting officer, a California State University police officer, did not have the authority to stop or to arrest Brierton on a city of San Diego street. The court disagreed, and affirmed that the Penal Code and Education Code provisions pertaining to the authority of campus police officers to act as peace officers throughout the state do not infringe on the City's power to make and enforce ordinances and/or regulations with respect to municipal affairs, under Article XI, section 5, subdivision (a) of the California Constitution.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the University of California Police Department, Berkeley that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 TIMING OF OATH

All department members shall take and subsequently abide by the oaths or affirmations applicable to their positions prior to assuming their duties. For peace officers and other department members with duties that include the direct provision of enforcement services, this shall include a declaration to enforce institutional policies and support the mission of the University.

Department members may reaffirm the oath of office upon promotion to a higher rank or new position, and at other appropriate times.

102.4 OATH OF OFFICE

All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

"I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I do further swear (or affirm) that I will enforce the laws of the State of California and the Rules and Regulations of the Regents of the University of California. I will abide by the Law Enforcement Code of Ethics and I will support the University's mission of teaching, research, and public service."

102.5 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

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103.1 PURPOSE AND SCOPE

The Policy Manual of the University of California Police Department, Berkeley is hereby established and shall be referred to as the Policy Manual or the Manual. The Manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

This Policy Manual is subordinate to the Universitywide Police Policies and Administrative Procedures (PP&P). However, the University of California Police Department, Berkeley, through this Policy Manual, may establish policies, rules and guidelines that are more specific and/or restrictive than those contained within the PP&P.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the University of California Police Department, Berkeley and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the University of California, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The University of California Police Department, Berkeley reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the Manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the Manual.

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103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Acting Chief of Police - The Acting Chief of Police, appointed by the Chief of Police, shall, upon the direction of the Chief of Police, assume command of the Department in the absence of the Chief of Police for a specified period of time. The Acting Chief of Police shall exercise command over the employees of the Department and shall assume full responsibility over all matters relating to, or concerned with, the fulfillment of the functions of the Department.

Adult - Any person 18 years of age or older.

Campus Affiliate - Student, Faculty, Staff or Administrator of the University of California, Berkeley.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CFR - Code of Federal Regulations.

CHP - The California Highway Patrol.

Command Officer - A sworn officer appointed to the rank of Lieutenant or higher or assigned by the Chief of Police to act in such rank.

Command Staff - Command officers, as a group.

Corporal - A specialist appointed by the Chief of Police to act in a temporary supervisory capacity when a Sergeant is unavailable.

Department/UCPD Berkeley - The University of California Police Department, Berkeley.

Department Directives - Directives that establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum Of Understanding (MOU) and as permitted by a section within the Government Code.

Division Commander - The highest ranking officer assigned to a division. Usually a Captain or Lieutenant.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Gender of Words - The masculine includes the feminine, and the feminine includes the masculine.

Juvenile - Any person under the age of 18 years.

Manual - The University of California Police Department, Berkeley Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member (or Department Member) - Any person employed or appointed by the University of California Police Department, Berkeley, including:

- Full- and part-time employees

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- Sworn peace officers
- Student employees
- Professional Staff employees
- Volunteers

Officer - Those department members, regardless of rank, who are sworn peace officers of the University of California Police Department, Berkeley, pursuant to California law.

Officer In Charge (OIC) - A senior officer who is designated to act in a temporary supervisory capacity in the absence of a Sergeant or Corporal.

On-duty - A member's status during the period when they are actually engaged in the performance of their assigned duties.

Order - A written or verbal instruction issued by a supervisor.

PSD - Public Safety Dispatcher

POST - The California Commission on Peace Officer Standards and Training.

Power DMS - The current electronic data management system utilized by the Department for departmental communications, IACLEA / policy / procedure / bulletin document distribution and managing training.

PP&P (Gold Book) - [Universitywide Police Policies and Administrative Procedures](#)

Professional Staff - All department members who are not sworn peace officers.

Senior staff - Refers to Command Staff and all other department members at or above the managerial level.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

SPO - Security Patrol Officer / Senior Security Guard

Supervisor - An employee appointed to the rank of Supervisor or Sergeant or assigned by the Chief of Police to act in such rank.

Superior Officer - An employee of higher rank. In situations where two employees of the same rank are concerned, the superior employee shall be the one with the greater seniority in rank unless the other has been assigned as in charge. The sworn officer ranks in the University of California Police Department, Berkeley in descending order are: Chief, Captain, Lieutenant, Sergeant, Officer.

USC - United States Code.

Watch Commander - The on-duty Patrol Lieutenant or in their absence the shift supervisor. (Sergeant, Corporal, OIC).

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103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing.

Other than the Chief of Police, the Administration Division Captain and the Administration Division Lieutenant are the only department members authorized to issue, modify, revise, or rescind any part of the Policy Manual. Command staff will review, recommend, and approve revisions of the Policy Manual applicable to their areas of command and/or expertise.

Each member shall acknowledge that they have been provided access to, and have had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary. The Administrative Lieutenant will conduct a comprehensive review of the Policy Manual and all associated procedures every calendar year. The Administrative Lieutenant will provide a memorandum summarizing this review and any related recommendations to the Chief of Police by January 31st of the subsequent year.

103.7 REVISIONS TO POLICIES

The Administrative Captain and Lieutenant are responsible for the indexing, updating, revision, reconciliation, and purging of department policies, directives, and procedures.

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that they have reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible to review and acknowledge new and/or revised policies within five work days from the issuance of the policy, with the exception of members on approved leave who are responsible to review and acknowledge new and/or revised policies within five work days of return to work.

Each Division Commander will ensure that members under their command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

103.7.1 POLICY DEVELOPMENT - INPUT AND FEEDBACK

Department members with, or having been assigned, the responsibility for development and revision of department policies and procedures should:

- (a) Solicit input and feedback from relevant resources, experts, potentially affected department members, and campus community stakeholders. Feedback and input from

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the general public should also be considered when available and pertinent. Potential sources of input and feedback include:

1. Campus administrative and academic units and experts
 2. Campus committees and formal or informal groups including the Chancellor's Independent Advisory Board on Police Accountability and Community Safety (IAB)
 3. Student groups including student government representatives
 4. Other organizations and persons within the campus community, whether or not affiliated with UC Berkeley
 5. Information received from community feedback mechanisms and surveys
 6. UCPD Berkeley department members
 7. Other public safety and law enforcement agencies, organizations and resources
- (b) Try to help persons providing input and feedback understand that certain department policy manual elements may be mandated by law, regulation, agreement, superseding University policy, or binding expectation. In those situations the department member should provide guidance on how input and feedback might be productively directed, such as to the UC Office of the President for input on systemwide policy changes.

103.8 POLICY RECONCILIATION WITH BARGAINING AGREEMENTS

In the event of a conflict between the Policy Manual and a collective bargaining agreement, the collective bargaining agreement will supersede the Policy Manual.

103.9 AGENCY SPECIFIC CONTENT

The general structure, organization, and content of the Policy Manual is provided by Lexipol. When unique agency content is required, it should be provided in separate sections or at the end of each policy. Agency specific procedures not included within the Policy Manual will typically be incorporated by reference. When updates to the Policy Manual are made, employees will receive an email message noting there has been a change in policy.

Jurisdictional and Geographical Boundaries

104.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the geographical boundaries of the University of California, Berkeley, Police Department and define jurisdictional responsibilities.

104.2 BOUNDARIES OF JURISDICTION

The University of California, Berkeley, Police Department has primary responsibility for the main Berkeley campus, as well as all University of California owned or controlled structures and properties which are occupied within the City of Berkeley limits and other adjacent jurisdictions. Through agreement, the University of California, Berkeley, Police Department handles all incidents within those structures and properties.

104.3 CONCURRENT JURISDICTION RESPONSIBILITY AND AGREEMENTS

It is the intent of this directive to identify basic shared responsibilities of the University of California, Berkeley, Police Department and other law enforcement agencies as they relate to overlapping, shared or concurrent police services delivered within the geographic boundaries of the Cities of Albany, Berkeley, Emeryville, Oakland, and Richmond and the East Bay Regional Park District. In that regard, the University of California, Berkeley, Police Department works cooperatively with the following agencies: Albany Police, Berkeley Police, East Bay Regional Parks (EBRP) Police, Emeryville Police, Oakland Police, and Richmond Police. It is the policy of the University of California, Berkeley, Police Department to coordinate its efforts with these concurrent agencies as outlined below:

- Albany Police: There is a large University of California student housing complex in the City of Albany, which the University of California, Berkeley, Police Department has primarily police jurisdiction.
- Berkeley Police: Due to the significant overlap of University properties and stakeholders residing in close proximity to one another within the city, the University of California, Berkeley Police Department and the Berkeley Police Department perform many joint operations, including educational and enforcement efforts, which engage both University-affiliated and city-affiliated residents. The Department also uses the Berkeley City Jail as its primary location to book and house department arrestees.
- East Bay Regional Parks Police: There is open land adjacent to the main campus that intertwines the University of California, the Lawrence Berkeley National Laboratory (LBNL) and EBRP property.
- Emeryville Police: The University of California, Berkeley, Police Department has primary jurisdiction over any leased occupied property by the Lawrence Berkeley National Laboratory (LBNL) in the city of Emeryville.
- Oakland Police: There are several University buildings in the city of Oakland which the University of California, Berkeley, Police Department has secondary jurisdiction. Those buildings hold University operations such as the University of California Office

University of California Police Department, Berkeley

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Jurisdictional and Geographical Boundaries

of the President (UCOP) and University of California research facilities, as well as the Lawrence Berkeley National Laboratory program.

- **Richmond Police:** There is a large University of California research facility, as well as several large University of California service operations, located in the City of Richmond. The University of California, Berkeley, Police Department has primary police jurisdiction.

Usually the first agency upon the scene, and having jurisdiction, has responsibility and is in charge. The University of California, Berkeley, Police Department recognizes this responsibility and either assumes jurisdiction on that basis or provides assistance to other agencies, as they require.

104.3.1 MEMORANDUM OF UNDERSTANDING WITH ALLIED AGENCIES

The University of California Police Department, Berkeley has entered into agreement and maintains a Memorandum of Understanding (MOU) with the agencies listed below.

Albany Police Department

[See attachment: APD-UCPD_operational_agreement.pdf](#)

Berkeley Police Department

[See attachment: 2014 BPD and UCPD Operational Agreement](#)

[See attachment: Addendum to Operational Agreement BPD UCPD MOU](#)

California Highway Patrol

[See attachment: CHP-UCPD operational-agreement-2022.pdf](#)

Emeryville Police Department

(Upload pending)

MOUs between University of California Police Department, Berkeley and the following agencies are to be finalized:

East Bay Regional Park District Police Department

Kensington Police Protection and Community Services District

Oakland Police Department

Richmond Police Department

Other police departments upon the University's acquisition of real property.

104.3.2 JURISDICTIONAL MAPS

The following maps are provided to illustrate the geographical boundaries of the department's jurisdiction.

[UC Berkeley Campus Map](#)

[Clark Kerr Campus Map](#)

University of California Police Department, Berkeley

Policy Manual

Jurisdictional and Geographical Boundaries

[University Village Albany Map](#)

[Lawrence Berkeley Lab Map](#)

[Richmond Field Station Map](#)

Law Enforcement Code of Ethics

105.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all department members are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

105.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (per 11 CCR 1013) and prior to assuming operational duties as a peace officer.

All professional staff of this department will also be issued a copy of the code of ethics as referenced in Policy 320 Standards of Conduct prior to assuming operational duties.

105.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

105.4 ETHICS TRAINING

The department is responsible to ensure that all members receive ethics training appropriate to their assignment and duties upon initial hire, annually as refresher training, and otherwise as needed.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed and intended to create an efficient means to accomplish our mission and goals, and to provide for the best possible service to the campus community.

200.2 DEPARTMENTAL STRUCTURE

The Department Structure will include the Office of the Chief and two divisions:

- Administration
- Field Operations

200.2.1 FUNCTIONAL RESPONSIBILITIES

The department's organizational structure includes divisions, units, and individual department members, and each may be assigned specific functional responsibilities. Functional responsibilities shall directly relate to carrying out or supporting the Department's mission and objectives.

It is the responsibility of the department to maintain accurate job descriptions for all current department members' positions. Each job description shall describe in detail all significant duties and responsibilities for that particular position.

200.3 OFFICE OF THE CHIEF

The Chief of Police is the Chief Executive Officer of the Department and final departmental authority in all matters of policy, operations, budget & finance, and personnel, including discipline. The Chief of Police is responsible for administering and managing the University of California Police Department, Berkeley. The Budget Manager, Accreditation Manager, Support Services Manager and all division heads report directly to the Chief of Police. An Executive Assistant and other administrative support staff might also be designated to report directly to the Chief of Police.

200.3.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Captain, whose primary responsibility is to provide general management, direction, and control over those department units and functions assigned to the division as delineated within the department's current organizational chart.

200.3.2 OPERATIONS DIVISION

The Operations Division is commanded by a Captain, whose primary responsibility is to provide general management, direction, and control over those department units and functions assigned to the division as delineated within the department's current organizational chart.

200.4 COMMAND PROTOCOL

The Department has established the following command protocols.

Organizational Structure and Responsibility

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During a planned or prolonged absence, the Chief of Police or the Vice Chancellor, Administration will designate a member of the command staff to temporarily serve as the acting Chief of Police.

During the planned or prolonged absence of any command staff member, their essential operational and functional responsibilities shall be temporarily reassigned to one or more other members of the command staff, or to other appropriate and qualified department supervisors.

Except when designated as above, the order of command authority under normal operations is as follows:

- (a) Assistant Chief of Police, if this role is assigned
- (b) Captain in order of seniority
- (c) Lieutenant in order of seniority
- (d) Sergeant in order of seniority
- (e) Corporal in order of seniority
- (f) Police Officer in order of seniority

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each department member shall be accountable to one supervisor at any time for a given operational or functional responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Bomb Squad, NET), any ranking supervisor may temporarily direct any subordinate department member if an operational necessity exists.

200.4.3 CIRCUMSTANTIAL DESIGNATION OF COMMAND AUTHORITY

When command authority has not been pre-designated for an assignment, or for an operational or functional unit, generally the highest-ranking sworn member should assume command. If command authority has been pre-designated, a senior sworn member of the same rank or a higher-ranking sworn member should only assume command for a specific and compelling reason. When two or more department members of the same rank are involved, relevant critical expertise and/or current primary duties should be considered in lieu of seniority to determine command authority.

Nothing in this section shall be construed so as to limit the ability of a ranking sworn member to exercise command authority if an operational necessity exists.

200.4.4 SPECIAL EVENT INCIDENT COMMANDER

For all pre-planned and special events, the department member preparing the department's operational plan or response should designate an incident commander. If an incident commander is not designated, the incident commander shall be determined as according to this policy.

Organizational Structure and Responsibility

200.4.5 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority, even when conveyed by another employee, regardless of rank.

For purposes of police action, only sworn supervisors should give operational orders.

Refer to Universitywide Police Policies and Administrative Procedures Manual, Chapter 4 – Administrative Communications for systemwide policies which apply to department members regarding orders, familiarity with orders, failure to obey an order, and conflicting orders.

200.5 CHAIN OF COMMAND

The chain of command will be followed by all members of the Department in all official matters. Within the department's organizational structure, the chain of command follows the same hierarchy established in the Succession of Command policy, unless designated differently for a specific circumstance by a member of the command staff.

Department members in a specialized unit (e.g., Bomb Squad Technicians, NET members) shall follow that unit's chain of command for matters concerning the unit.

The chain of command does not substitute for or replace the formal grievance procedures contained in various labor units' Memoranda of Understanding, but is the official line of communication for matters not covered by the grievance procedure.

200.6 ORGANIZATIONAL CHART

The department shall maintain an organizational chart, updated as necessary to accurately reflect the chain of command, lines of authority, positions, ranks, and authorized personnel strength. Functional responsibilities may be depicted in addition to operational responsibilities. A copy of the organization chart shall be posted within each department division and visible to all department members, as well as attached to this order and incorporated herein by reference.

[Organizational Chart](#)

[Functional Organizational Chart](#)

Departmental Directives

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the Manual as required upon approval of Command Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the Manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the Manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first Departmental Directive for the year 2012.

201.2 RESPONSIBILITIES

201.2.1 COMMAND STAFF

The Command Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge via Lexipol and/or Power DMS in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Manager.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

This policy provides guidance about the department's role in effecting the University of California's Emergency Management Plan, as prepared by the UC Berkeley Office of Emergency Management (OEM) for use by the campus in anticipation of a major disaster or other emergency event. The plan provides for a strategic response by all campus affiliates and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

This policy also provides guidance about the department's duty to maintain operational readiness as well as sufficient emergency response equipment and supplies as necessary for use by department members in anticipation of a major disaster or other emergency event.

202.2 POLICY

The department shall prepare for and respond to major disasters or other emergency events that may affect UC Berkeley and the campus community in a manner consistent with the campus Emergency Management Plan and according to standards established by the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS), and the Incident Command System (ICS).

The department shall maintain operational readiness as well as sufficient emergency response equipment and supplies for use by department members in anticipation of a major disaster or other emergency event.

202.3 AGENCY RESPONSIBILITIES

The Emergency Management Plan addresses the prevention of, preparation for, response to, and recovery from emergency incidents. The Chief of Police and the University's Director of Emergency Management are responsible for the planning and management of the department's response to emergency incidents.

202.4 ACTIVATING THE EMERGENCY PLAN

The University's Emergency Management Plan can be activated on the order of the Chancellor, Vice Chancellor of Administration and Finance, Office of Emergency Management Director, EOC Director, or Chief of Police. Any of these positions may convene an ad-hoc advisory group to assist with this determination. A declaration of a state of emergency on campus will transfer authority for activation of this and subordinate plans to the Chancellor, VCAF, OEM Director, EOC Director, and/or Chief of Police.

202.4.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all department members) of the University of California Police Department, Berkeley are subject to immediate recall. All members may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Emergency Management Plan

Failure to promptly respond to an order to report for duty may result in discipline.

202.5 LOCATION OF THE PLAN

The UC Berkeley Emergency Management Plan is available via the link below:

[UC Berkeley Emergency Operations Plan](#)

All managers and supervisors should familiarize themselves with the Emergency Management Plan and ensure that all department members are familiar with the roles they will play when the plan is implemented.

202.6 EMERGENCY RESPONSE EQUIPMENT AND SUPPLIES

The Administration Division Captain is responsible to maintain sufficient emergency response equipment and supplies for use by department members in anticipation of a major disaster or other emergency event. Biannually the Administration Division Captain shall initiate an inspection of all departmental emergency response equipment and supplies to ensure operational readiness and proper storage.

202.7 EMERGENCY RESPONSE PLAN TRAINING AND EXERCISES

The UC Berkeley Office of Emergency Management is responsible for coordinating campus-wide training and exercises to test campus emergency response capacities and evacuation procedures. UCPD Berkeley will participate and assist OEM with such training and exercises at least once a year.

202.8 INCIDENT COMMAND SYSTEM TRAINING

The Training Manager is responsible to ensure that all mandated training in the Incident Command System (ICS) is provided for:

- (a) Sworn officers
- (b) Department members responsible for the direct provision of public safety services
- (c) Department members who will or who may be assigned to an emergency operations center or incident command post

202.9 UPDATING OF MANUALS

The Chief of Police or designee shall review the Emergency Management Plan Manual annually to ensure that the manual is consistent with the department's critical incident planning and response strategies and conforms to any revisions made by the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and the Incident Command System (ICS), and should appropriately address any needed revisions.

Training

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members. The department will ensure that members are properly trained prior to their exercise of authority and prior to their assignment to fulfill the roles or responsibilities specified within their job descriptions and department policies & procedures.

203.3 DEPARTMENT TRAINING PHILOSOPHY

In addition to providing all essential entry-level and ongoing training for all department members as necessary for their specific duties, the Department seeks to provide additional nominal and optional mission-oriented training, and encourages all members to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

203.3.1 ROLE OF SUPERVISORS AND MANAGERS

All department supervisors and managers are expected to take an active role in the development of department members they supervise or manage, and should consider it a priority to identify and facilitate opportunities for training and experience that enhances the mission-oriented capacities of department members.

203.4 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

203.5 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager, to identify and prioritize essential, nominal and optional mission-oriented training needs for all positions and all specialized

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assignments and units within the department. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. Minimally, the plan will address the following areas:

- Entry-level / prerequisite training
- Continuing Professional Training (CPT) requirements
- Perishable skills
- State and University mandated training
- Refresher training (mandated and best practice standards)
- Specialized assignment and unit training needs
- Legislative changes and other legal updates
- Updates to University policies and operations
- Changes to Department policies and procedures
- Critical & relevant topical issues
- Campus, community & public relations
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203.6 TRAINING MANAGER

The Chief of Police shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

203.6.1 TRAINING RESTRICTION

The Training Manager is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

203.7 TRAINING COMMITTEE

The Training Manager shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Manager may remove or replace members of the committee at their discretion.

The Training Committee should review certain work-related incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the

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undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an department member.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Manager to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should not identify specific facts of any incidents, such as identities of department members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Manager will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

203.8 TRAINING PROCEDURES

All department members assigned training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

- (a) Court appearances
- (b) First choice vacation
- (c) Sick leave
- (d) Physical limitations preventing the department member's participation.
- (e) Emergency situations

When a department member is unable to attend mandatory training, that department member shall:

- (a) Notify their supervisor as soon as possible but no later than one hour prior to the start of training.
- (b) Document their absence in a memorandum to their supervisor.
- (c) Make arrangements through their supervisor and the Training Manager to attend the required training on an alternate date.

203.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the University of California Police Department, Berkeley Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

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Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Manager. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Department members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Department members should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, department members shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

203.10 TRAINING REQUESTS

Training and travel requests may originate at any position in the appropriate chain of command, but must be submitted for approval by the Chief of Police in the manner described in this order.

Training and travel opportunities should be brought to the attention of the Training Manager no later than six weeks before the event date, unless there are exigent or unavoidable circumstances that require shorter notice. It is the responsibility of the Training Manager and the Administrative Sergeant to manage all department training and travel procedures, inquiries, records and forms, except as required by other applicable policy or exigent situations.

203.11 TRAINING APPROVAL PROCESS

The Training Manager will provide assistance to any member of the Department investigating a training or travel opportunity. This should include an assessment of the potential benefit, priority, impact and cost. Generally this discussion should include input from the affected member's direct supervisor and the head of any relevant specialized unit. If the event appears to be appropriate and desirable, the Training Manager shall generate a Travel and Training Order (TTO) and submit it to the member's supervisor through the Chain of Command.

- Disapproved TTOs shall be returned to the Training Manager, along with an explanation for the reason of the disapproval. The Training Manager shall ensure that all involved parties are notified of the disapproval. TTOs approved by the Chief of Police shall be returned to the Training Manager for processing. Once approved by the Chief of Police, the TTO is a binding assignment and the department member is expected to attend. The Training Manager shall ensure that all involved parties are notified, and facilitate all the necessary arrangements including any event, travel and transportation.

The Training Manager shall prepare a "Training & Travel Packet" for the department member(s) assigned to the event, including a copy of the course description and details,, any additional

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relevant information or expectations any travel arrangements. The packet shall also contain a letter describing expenses for which the department member may be eligible for reimbursement, and reimbursement instructions. These packets will not be generated for outside training conducted at alternative work sites

- The Training Manager shall make every effort to provide the "Training & Travel Packet" to the assigned department member(s) at least one calendar week prior to the event, or as soon as possible if such notice is not available.

203.12 TRAVEL ARRANGEMENTS

When a department member is assigned training outside the Department, the Department will reimburse the department member for all reasonable expenses associated with the training. The Training Manager or their designee, along with the department member, are responsible for coordinating travel arrangements. Refer to the policy on Travel and Expense Reimbursement for specific details.

203.13 LESSON PLANS

With the exception of Briefing Training, pre-approved lesson plans are required for all training courses conducted by the department. Lesson plans shall minimally include:

- (a) The expected performance objectives for the course
- (b) The content of the training and instructional techniques to be used
- (c) A list of any tests or assessments conducted for determining competency

The course instructor(s) must submit a lesson plan to the Training Manager for approval prior to conducting the course. The Training Manager will review the plan to ensure it is complete. The Training Manager will consult with subject matter experts as necessary to confirm the content is appropriate. Final approval of lesson plans rests with the Administrative Division Captain or Lieutenant.

203.14 RECORDS OF DEPARTMENT TRAINING COURSES

The Training Manager will maintain records of each training program presented by the department to include:

- (a) Course content (lesson plans);
- (b) Names of agency attendees;
- (c) Performance of individual attendees as measured by tests or assessments, if administered; and
- (d) Identification of the instructors or outside organization presenting the course.

The Training Manager will update individual department member training records following their participation in training programs.

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203.15 REMEDIAL TRAINING

Remedial training is required for department members who do not demonstrate sufficient knowledge and/or skill to comply with department policies or procedures. Supervisors and course instructors are responsible for identifying department members who require remedial training.

Once a need has been identified, remedial training shall be given as soon as practical. A schedule for completion of the training will be determined by the department member's supervisor, in consultation with instructors and the chain of command as needed.

Remedial training should be provided until such time that the department member can satisfactorily pass the required training, or until the department member has demonstrated a failure to respond to the training provided. If a department member refuses or fails to respond to remedial training they may be subject to disciplinary action.

203.16 ANNUAL IN-SERVICE TRAINING

All peace officers and other department members with duties that include the direct provision of enforcement services are required to successfully complete an annual in-service training program as presented or assigned by the department. Topics may include POST-mandated refresher training, perishable skills such as firearms and defensive tactics, and any other essential topics identified by the Training Manager. Department members required to attend will not be permitted to sign up for annual vacation during dates that have been set aside for in-service training.

203.17 TRAINING UPON PROMOTION

Upon the promotion of a department member, or their selection to a specialized assignment or unit, the Training Manager will ensure they are provided any mandated or essential job-related training within one year of their promotion or selection. Should unforeseen circumstances arise that prevent such training from being completed within one year, the Training Manager will prepare a summary of the problem and a plan for resolution, and forward it via the chain of command to the Chief of Police for review and approval.

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department's email system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

This section does not apply to personal, non university e-mail accounts.

204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all employees and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another employee's name. Employees are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an employee's email, name and/or password by others.

Electronic Mail

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.5 AGENCY SPECIFIC POLICY-PROCEDURE - POWER DMS

PowerDMS is the primary communication system that the department utilizes to communicate important information to department members. All references in this policy to e-mail also apply to PowerDMS. PowerDMS is managed in the Office of the Chief.

Because the e-mail system is not designed for long-term retention of messages, any e-mail that an employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Employees are solely responsible for the management of their e-mail mailboxes. It is recommended that messages be purged manually by the employee at least once per month. E-mail is a critical way the Department sometimes communicates a variety of important information.

E-mail accounts will only be established using the first initial and last name of the employee, or a close variation of that. No nicknames or aliases will be used.

All employees with assigned e-mail and PowerDMS accounts shall access them at least once each day during the first 4 hours of their normal work shift. The Department acknowledges that circumstances such as emergencies, demonstrations, trainings or operational needs may prevent an employee from accessing their assigned e-mail or PowerDMS accounts.

Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies. The PowerDMS system will be utilized for inter-departmental communications. Each employee shall access the system at least once each workday within 4 hours of the beginning of assigned work hours absent extenuating circumstances or special event / mutual aid assignments.

205.2 ALL PERSONNEL MEMO

All Personnel Memos may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Personnel should use Department letterhead only for official business and with approval of their supervisor.

205.4 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department.

205.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing and supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should consist of at least four uniformed police officers and one supervisor on duty whenever possible. There will be at least one supervisor deployed during each shift. Between the hours of 0300 and 0700, or at other times with Command Staff approval, minimum staffing may be three officers and a supervisor.

Supervisors should not approve incremental time off that would reduce patrol staffing below minimum.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant or corporal.

With prior authorization from a Command Officer, an officer may act as the "officer in charge" (OIC) for a limited period of time.

License to Carry a Firearm

207.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

207.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

207.2 POLICY

The University of California Police Department, Berkeley will refer all requests for License to Carry a firearm to the Alameda County Sheriff's Office.

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The University of California Police Department, Berkeley follows the Universitywide policy on the issuance of Carry Concealed Weapons endorsements for Qualified Retired Peace Officers, which will be incorporated in the University of California Universitywide Police Policies and Administrative Procedures Manual (Gold Book). The below policy is effective December 14, 2020.

208.2 POLICY

[See attachment: CCW Endorsements for Retired Officers 12-14-20](#)

Travel and Expense Reimbursement

209.1 PURPOSE AND SCOPE

This policy establishes guidelines for travel and expense reimbursements. This policy will be in accordance with existing law, University regulations and labor agreements.

FUPOA Contract, Article 27 -

<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/pa/contract.html>

AFSCME, Article 41 -

<http://ucnet.universityofcalifornia.edu/labor/bargaining-units/sx/contract.htm>

TEAMSTERS, Article 40 -

<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/cx/contract.htm>

UPTE, Article 42 -

<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/tx/contract.html>

University of California Policy G-28 - <http://www.ucop.edu/ucophome/policies/bfb/g28.pdf>

209.1.1 TRAVEL ARRANGEMENTS

When an employee is assigned duty and/or training outside the Department, the Department will reimburse the employee for all qualified expenses associated with the assignment. The Training Manager, or their designee, along with the employee, are responsible for coordinating travel arrangements. The Training Manager and/or supervisor shall determine if a university vehicle is to be used for travel, or if mileage reimbursement is authorized.

Travel / Training Hotel: Reservations and payments will be made by the traveler. Reimbursement will be made after request for reimbursement and receipts are submitted.

Mutual Aid Hotel: Hotel reservations and payments will be made by the host campus.

Registration Fees and Tuition: Registration fees and tuition will be paid by the Department.

Vehicles:

- (a) Department Vehicles shall be used when provided by the Department.
- (b) Personal Vehicles may not be used except with prior approval from the Training Manager or supervisor. Mileage will not be reimbursed for personal vehicles if prior approval from the Training Manager or supervisor is not obtained.
- (c) Rental Vehicles will be reserved by the Department, paid for by the employee, and reimbursed by the Department. Exceptions require prior approval.

Flights: Flight will be reserved and paid for by the Department. Exceptions require prior approval from the Training Manager.

Travel and Expense Reimbursement

209.1.2 TRAINING / TRAVEL REIMBURSEMENT

Subsistence expenses (including lodging, meals, and incidentals) incurred within the vicinity of an employee's headquarters or residence shall not be reimbursed. The employee must be at least forty miles from the headquarter location or home, whichever is closer, to be reimbursed for an overnight stay.

One meal break up to thirty minutes can be taken during travel to mutual aid locations which are six hours or further away. For travel taking less than six hours, each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

The host campus (for Mutual Aid) may provide meals for personnel from the assisting campuses. In such situations there would be no reimbursement for those meals which were provided. If the hotel provides a breakfast, there would be no reimbursement. If the supervisor determines the hotel breakfast to be unacceptable, the issue must be brought to the attention of the host campus prior to incurring a meal expense and must be documented on a department expense form with the submission of an itemized receipt.

The daily amount for meals will be reimbursed up to \$62.00 per day, when the following criteria have been met:

- (a) The employee must be away for travel for over a 24 hour period;
 - (b) Expenditures are made 40 miles away or farther from the Department;
 - (c) No alcoholic beverage expenses will be reimbursed;
 - (d) Tips up to 20% per meal will be reimbursed; and
 - (e) Original itemized receipts for all expenses are obtained and submitted with a department expense form within 7 days of employee's return.
- Each employee is responsible for their purchases and should not seek reimbursement for another employee's expenses.
 - The maximum daily amount of \$62.00 is for each calendar day. The date of the receipt will correspond with the maximum daily amount for that same day.
 - The maximum daily amount of \$62.00 will be reduced for any meals provided to the employee by the hotel, training site, conference, or host campus (Breakfast = \$10, Lunch = \$17, Dinner = \$35). For example, if breakfast is provided then \$10 will be deducted and you have an allowable reimbursement balance of \$52 remaining for that same day.

On-Duty Physical Training

210.1 PURPOSE AND SCOPE

To establish policies and procedures that will permit members of the Department to participate in activities that promote physical fitness and good health.

210.2 POLICY

The University of California, Berkeley, Police Department encourages members of the Department to attain and maintain a high standard of physical fitness. Physical training is rewarding physically and mentally both to the individual and the Department. It is designed to be both enjoyable and beneficial to all. It is designed to improve staff morale, reduce stress, and reduce use of sick leave. It is proven that physically fit personnel are better able to meet the job demands.

This policy applies to all sworn members of the Department and all non-probationary career/professional employees of the Department.

On-duty physical training is a privilege, not a right. Employees who violate policy or procedures as set forth in this policy, or who abuse University facilities or equipment will have the privilege withdrawn.

210.3 PROCEDURES

Training time will be approved by the employee's supervisor consistent with the needs of the Department and available staffing levels. Employees engaged in training are subject to immediate recall at the discretion of the supervisor.

On-duty physical training shall not exceed two workouts per week, which will ordinarily be limited to one (1) hour each with a total time not to exceed 2 hours per week, including change time.

At no time shall there be more than two members of an on-duty shift team participating in this program. Exceptions to this limit may be approved at a manager's level.

- (a) Members of the entry team component of the Negotiations and Entry Team and members of the Special Response Unit are allocated 3 hours per week including change time.
- (b) Physical training time for career employees who work less than full time shall be prorated according to their career appointments.
- (c) Sworn officers who are trainees in the Field Training Program may not use on-duty physical training time while in the FTO Program.

Training time may not be carried over to another week.

Only on-campus grounds and facilities approved by the Chief of Police may be used. The University official responsible for specific facilities must also approve the use of such facilities or they will be used in accordance with their normal procedures.

The participant shall notify their supervisor, via radio, of their P/T start time and location. Communications personnel shall record this activity.

On-Duty Physical Training

Acceptable forms of Physical Training during on-duty hours shall consist of athletic activities which are specifically designed to enhance physical fitness. Individual activities such as tennis, racquetball, handball, running and the aerobic and anaerobic use of gym equipment are forms of acceptable training. Sports involving a level of contact such as football, wrestling and basketball shall not be allowed. Swimming is permitted only during pool operating hours and with a lifeguard present.

Participants must wear proper clothing and equipment designed for the specific physical activity for which they are engaged. Shirts, shorts or pants, and shoes are required at all times when exercising in this program.

Injuries incurred during any on-duty training program shall be documented on a casualty report. Additionally all the necessary state and University Worker's Compensation claim forms and injury report forms shall be submitted by the injured employee and their supervisor. Such injuries will be covered by the appropriate worker's compensation benefits as provided by law. Injuries shall be reported before the employee goes off duty or as soon as the employee becomes aware of them.

Department members engaged in workouts near the end of their shift shall be required to report back, in person, to the Department and a supervisor before going home.

Fitness equipment shall be used in a safe manner and in accordance with instructions in equipment use manuals.

- (a) The exercise and fitness equipment in the Department's training facilities are for the exclusive use of department personnel. No other people are permitted to use these facilities without the express permission of the Chief of Police.
- (b) The Department training facilities and fitness equipment may be used at any time, regardless of duty status.
- (c) Employees using free weights shall clear the bar and re-rack weights after use.
- (d) When using free weights exceeding your body weight a "spotter" is required.
- (e) All employees shall place a towel down on the bench before lying down and wipe down any equipment after use.

Employees must report broken or malfunctioning equipment to the on-duty supervisor. The on-duty supervisor shall take steps to ensure that the damaged equipment is taken out of service. Additionally, the supervisor shall document the damage and forward notice to the employee responsible for facilities.

Facility Security and Maintenance

211.1 PURPOSE AND SCOPE

This policy serves to establish guidelines and expectations for the appropriate security, maintenance and care of Department facilities by department members.

211.2 POLICY

All UCPD Berkeley facilities must be maintained as a secure environment for the safety and security of department employees and to protect confidential information and police equipment. Only authorized individuals shall be allowed to access non-public areas. Certain areas within the department require higher levels of security.

Department facilities must also be maintained in a functional and orderly state so that department members can provide efficient and appropriate service.

211.3 FACILITY SECURITY

Due to the unique design of the Department, all access doors to areas controlled by UCPD shall remain closed and locked when not in use. The propping open of any door for any length of time is prohibited unless an identified employee monitors the entry/exit of the door at the request of a supervisor. It shall be the responsibility of every employee to stop, and in a professional manner, question any persons within the internal areas of the Department who are not readily known to or displaying proper authorized identification or a visitor identification badge. These persons should be immediately escorted to the front lobby and required to adhere to this Departmental policy.

Any person being subject to a Health and Safety §11590 or Penal Code §290, own recognizance booking, or any person brought into the interior of the Department for the purposes of detention/arrest should be immediately pat searched for weapons, to include any other property the person has in his/her possession prior to any processing.

211.3.1 MINIMUM STANDARDS FOR ACCESS TO SECURE AREAS

Permission to access any UCPD Berkeley facility is subject to the discretion and authority of the Chief of Police (or their designee). To ensure adequate security within the Department, all individuals within its facilities, building(s) and property beyond the front lobby or other areas open to the public must have permission to enter, as established by one or more of the following criteria:

- (a) A current department employee in good standing
- (b) Escorted by a current/authorized employee at all times
- (c) Successfully pass a sufficient and appropriate background check
- (d) On-duty emergency personnel responding to an actual emergency within the building

211.3.2 ACCESS CONTROLLER

The Chief of Police shall designate a department member as the Access Controller, to develop, maintain and administer an access control plan that enables adequate security for Department facilities while allowing each department member appropriate access to areas of the Department

Facility Security and Maintenance

as necessary and appropriate within the scope of their duties. This role includes oversight of department keys, electronic access systems and credentials, and alarm system authorizations. The Access Controller also serves as the UCPD Berkeley campus liaison to the Berkeley campus access control and alarms unit, and may be assigned responsibilities to facilitate or perform emergency campus lock-down procedures.

211.3.3 KEYS AND ELECTRONIC ACCESS CREDENTIALS

The Department will issue metal keys and electronic access credentials (such as card-keys) to department members as necessary and appropriate within the scope of their duties, which might include keys or credentials that provide access to University facilities outside the department. All such issued keys and credentials are the property of the department and University, including any copies or clones, and must be returned to the department without delay upon instruction.

Department members with issued metal keys and/or electronic access credentials are responsible for exercising reasonable care in their storage and use. A member's intentional or negligent abuse, misuse or loss of department metal keys or electronic access credentials may lead to discipline including, but not limited to, the cost of repair or replacement.

Without supervisory approval, department-issued metal keys or credentials shall not be:

- (a) Duplicated or cloned;
- (b) Given, loaned or otherwise furnished to any person who is not a department member;
- (c) Loaned to any other department member who lacks authorization to use or possess them.

Department members shall use their electronic access credentials rather than a metal key for entry to any UC Berkeley campus door so equipped, absent exigency or system malfunction.

211.3.4 LOCK BOX KEY SECURITY

Lock box keys, which provide the user access to the majority of UC Berkeley campus spaces, represent a particularly high security risk if lost, stolen or misused. If not in the immediate possession and control of the department member to whom they are entrusted, lock box keys shall be stored securely at the department. To minimize the risk of losing a complete lock box set, when carried, each half of the set (box keys vs. block keys) should be contained in a separate and secure pocket, pouch or clip.

211.4 FACILITY MAINTENANCE AND CARE

All department members are responsible for exercising reasonable care in the use of department and University facilities, furnishings and physical assets. A member's intentional or negligent abuse or misuse of department facilities, furnishings or physical assets may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Any department member who causes or discovers new or previously unknown damage, defect, or deficiency of department facilities, furnishings or physical assets

Facility Security and Maintenance

shall report it without unnecessarily delay via the chain of command, or immediately to the on-duty patrol supervisor if urgent.

211.4.1 WORKSPACE CONDITION AND APPEARANCE

Department managers and supervisors are responsible for ensuring the spaces assigned to or shared by their units are maintained in a neat and orderly condition, as appropriate for the functions and needs of the space in question. The maintenance and appearance of common or shared department spaces is also subject to regulation by the administrative unit.

Areas within department facilities that are open to or frequently accessed by the public or visitors should be held to a higher standard of professional appearance.

Every department member assigned a shared or individual workspace is responsible for maintaining it in a neat and orderly condition.

211.4.2 SIGNS AND OTHER POSTINGS

Paper signs, posters, photos, or similar paper materials should not be attached to department walls, doors, windows or other structural surfaces unless posted on a bulletin board, within a frame or some other authorized permanent and professional mounting method. An exception may be made for laminated materials no larger than 24" by 36". All posted items are subject to removal by a supervisor or manager at any time for any reason.

211.4.3 LOCKER ROOMS

Within the locker rooms, no personal or department-issued property shall be stored or left outside of assigned lockers or other furnishings, except that one pair of shoes or boots may be kept on top of each locker. No unapproved signs, posters, photos, magnets, stickers or other materials may be placed on the outside surfaces of lockers or other furnishings.

211.4.4 WIRED TELEPHONE USE

Department members may use department wired telephones for reasonable and necessary work-related calls, whether local or long distance. They may also be used for brief, local personal calls. Wired telephone lines within department facilities but assigned to other campus units or outside agencies should only be used for their intended purpose, and not for other department or personal calls.

Department members should not use other University wired telephones without specific approval from the campus unit to which they are assigned, except that they may be used for brief work-related intercampus calls if necessary and in a manner that does not unnecessarily disrupt campus operations.

Overtime Assignments

212.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the assignment of overtime for special events and other departmental needs.

212.2 POLICY

The Department is required to staff a number of details, assignments and special events utilizing employees working beyond their normal work schedule. To the extent possible, these assignment will be filled on a voluntary basis. When assignments are not filled by volunteers, supervisors and command staff may order staff to work an assignment beyond their normal work hours/days.

212.3 POSTING OF OVERTIME ASSIGNMENTS

The Department will use the web based scheduling program, Shiftboard.com, for the posting of most overtime assignments. To the extent possible, the Department will post overtime assignments a minimum of seven days in advance. Employees should check Shiftboard during their workday for potential overtime assignments. Employees are encouraged to voluntarily fill overtime assignments to avoid mandatory overtime assignments.

212.4 ASSIGNMENT OF MANDATORY OVERTIME.

When an overtime assignment is not voluntarily filled, supervisors or command staff may assign employees to work the assignment. Supervisors should provide employees as much advance notice as possible when making assignments.

Employees should be given a minimum of five (5) days notice prior to being assigned to mandatory overtime. The notice shall be given in person, by talking with the employee or by email.

It is recognized that the Department may not be able to provide five days advance notice in all cases.

When making mandatory overtime assignments the following should be taken into consideration:

- (a) Previously approved vacation. Employees shall not be assigned overtime if vacation has been previously approved unless approved by the Chief of Police.
- (b) Previously scheduled time off. Employees shall not be assigned overtime unless approved by a command officer.
- (c) Previously planned events on scheduled days off for which the employee can show financial hardships. Employees shall not be assigned overtime unless approved by a command officer.
- (d) Seniority as defined by the MOU.
- (e) Work schedule.
- (f) The amount of overtime an employee has worked in the current and previous month. Supervisors should take into consideration the inability of employees returning from protected leave to have worked overtime in the current and past month.

University of California Police Department, Berkeley
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Overtime Assignments

- (g) Use of mutual aid officers, if appropriate.

Community Feedback

213.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a means for the collection and consideration of feedback from the community about UCPD Berkeley services and protocols.

We recognize that an agency's legitimacy and effectiveness depends in part upon ensuring that the communities it serves have a voice in its operation and trust that earnest and constructive input will be fairly evaluated. A better understanding of public expectations and perceptions can only benefit department actions and decisions. Critical as well as complimentary input must be welcomed and considered.

To help achieve this, the Department will maintain a system that actively solicits feedback from persons directly contacted during the course of official investigations or in response to calls for service. The department will also maintain systems to accept feedback from persons whom we contact in other ways, as well as from observers or any other interested persons, regarding any event or issue involving UCPD Berkeley.

We expect to use the feedback collected by these systems to inform our community engagement efforts, to affirm our successes and to improve upon our deficiencies - not just for individual department members but also for the organization as a whole.

213.2 POLICY

UCPD Berkeley will maintain systems that facilitate rapid and candid community feedback about department services and protocols. At a minimum, this includes survey instruments designed to gather feedback from the following groups:

- (a) Persons who contact the department and place a call for service;
- (b) Adult crime victims, regarding their experience with the Department during the initial investigation and during any follow-up investigation;
- (c) Any person contacted by a department member during an official investigation or response to a call for service; and
- (d) Any person regarding any event or issue involving the Department.

These community feedback systems are intended to be informal in nature, but also to lead to real and positive change when needed. Feedback must be evaluated within the full context of the specific event or issue and with the awareness that all relevant information might not be known. Community feedback that includes allegations of criminal or policy violations may necessitate department action, but the feedback system does not substitute for an official complaint investigation or any otherwise required administrative process.

Feedback ratings and comments attributable to individual department members are considered part of that member's personnel file so long as they are retained in any manner. The Department may publicly release aggregate feedback content in a format that does not allow ratings or comments to be linked to any specific department member(s).

Community Feedback

213.3 MANAGEMENT OF COMMUNITY FEEDBACK SYSTEMS

The Chief of Police has assigned the responsibility for management of Department community feedback systems to the Administrative Lieutenant, but routine duties may be further delegated to a department supervisor or specialist. Responsibilities include:

- (a) Developing and maintaining the content and structure of community feedback mechanisms and survey instruments (and any associated automated messaging);
- (b) Identifying and implementing appropriate accessibility options for persons with disabilities and for persons with limited English proficiency;
- (c) Compiling, analyzing and disseminating survey responses & data; and
- (d) Maintaining records in compliance with relevant law and policy regarding protected and confidential information.

213.4 FEEDBACK INSTRUMENTS

The Department may solicit and collect feedback using any combination of physical or electronic methods including paper forms, posters or flyers, business cards, electronic mail or messaging, social media, QR codes / website links or advertisements.

Feedback surveys used by the Department pursuant to this policy should be brief, non-technical and include broad satisfaction-based ratings along with opportunities for open-ended comment. Electronic surveys that are accessible without invitation should incorporate reasonable anti-abuse measures (such as a CAPTCHA, text field character limits, and/or limits on the frequency of submissions) that do not discourage most genuine feedback.

213.5 OFFICIAL BUSINESS CARDS

Only the Department may approve and provide official business cards to its members. At a minimum, official business cards shall include the department member's first initial and last name, badge number (if sworn or uniformed), rank/title, department email address, department telephone number, department website address, department physical address, and instructions for submitting community feedback. The Department should maintain a supply of business cards with blank fields for members to fill in missing information and use on a temporary basis.

213.6 SOLICITATION OF FEEDBACK

Department members should proactively provide their official business card, the reason for the contact and case number (if applicable) to all individuals personally contacted during an official investigation or response to a call for service.

If a business card or any portion of this information cannot be immediately provided in written form, the department member should instead provide this information verbally or another way (follow-up email, letter or visit) as soon as reasonably possible.

When multiple department members contact the same person during the same event, the member who most significantly engaged with that person should provide this information.

The following department members are not subject to this expectation:

Community Feedback

- (a) Community Service Officers and other casual/part-time student employees;
- (b) Members when serving solely as call-takers;
- (c) Members when responding on behalf of the department to social media posts, general e-mails or other unsolicited public inquiries; and
- (d) Members whose assignments are primarily non-public facing.

213.6.1 EXCEPTIONS TO SOLICITATION OF FEEDBACK

Department members may disregard the expectation to solicit feedback when in their judgment:

- (a) Doing so might jeopardize their safety or the safety of the public. This includes, but is not limited to:
 - 1. Any encounter that becomes adversarial after the initial contact;
 - 2. Foot pursuits;
 - 3. Arrests;
 - 4. In-custody transports;
 - 5. Incidents involving use of force;
 - 6. Forced entry search warrants / tactical deployments;
 - 7. Crowd management events; and
 - 8. During any other urgent or emerging public safety crisis.
- (b) A sincere offer to provide a business card and other information is refused or ignored;
- (c) The contacted individual is only fleetingly encountered;
- (d) The contacted individual is a minor and their parent or guardian accepts the business card and other information on their behalf; or
- (e) The contacted individual appears to be unconscious, incapacitated or otherwise incapable of understanding the card and information.

213.6.2 OPTIONAL SOLICITATION OF FEEDBACK

Department members are encouraged to distribute their official UCPD Berkeley business card and/or community feedback instructions to persons they contact in other appropriate work-related situations, whether or not for the purpose of soliciting survey responses. Feedback instructions may also be included within official email signatures.

213.7 ROUTING AND EVALUATION OF FEEDBACK

Allegations of law or policy violations by a department member should be reviewed by the relevant Lieutenant or manager to determine if a complaint or internal investigation should be initiated. Actions of notable merit should be considered for commendation or award by nomination via the chain of command.

Community Feedback

Feedback with comments that pertain to department policies, procedures, operations or general perceptions should be forwarded to the most relevant command staff member for review and any appropriate action.

Feedback should be reviewed with the awareness that all information about the event or issue might not be known. An attempt should be made to distinguish malicious, deceptive and abusive content from critical but earnest feedback if possible.

213.8 FEEDBACK ACTIONS AND OUTCOMES

Supervisors should routinely inform their Lieutenant or manager of any actions and outcomes resulting from community feedback. At least annually, each Lieutenant or manager should provide a description of those actions and outcomes from within their unit to the Administrative Lieutenant.

At least quarterly, the Administrative Lieutenant should produce a summary of all quantifiable community feedback survey response categories for internal department distribution. At least annually, the Administrative Lieutenant should produce a summary of community feedback and survey ratings along with resultant actions and outcomes for public distribution.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

The University of California, Berkeley, Police Department follows the Universitywide Use of Force Policy, which will be incorporated in the University of California Universitywide Police Policies and Administrative Procedures Manual (Gold Book). The below policy is effective June 8, 2020.

The department recognizes and respects the value of all human life and dignity without prejudice to anyone.

300.2 USE OF FORCE POLICY

[Universitywide Use of Force Policy 06-08-20](#)

300.2.1 MEDICAL AID

Any apparently necessary medical aid after the use of force will be rendered as quickly as reasonably possible.

300.2.2 VASCULAR NECK RESTRAINTS & CHOKE HOLDS

This department prohibits the use of not just the carotid control hold, but also any type of vascular neck restriction or "choke hold" which restricts the intake of oxygen for the purpose of gaining control of a subject, except in a situation where deadly force would be considered reasonable.

300.2.3 REASSIGNMENT FROM FIELD DUTY

Any officer whose use of force results in serious physical harm or death to another will be temporarily reassigned from any field duties, minimally until the completion of a command level review as described in the Universitywide Use of Force Policy.

300.3 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Manager should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

Use of Force

300.3.1 TRAINING REQUIREMENTS

Required annual training shall include (Government Code § 7286(b)):

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.3.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

300.3 USE OF FORCE REPORTING

All use of force, whether on- or off-duty, and including the display of a weapon, shall be reported on the current department forms and routed through the chain of command in accordance with PP&P Chapter 800.

- (a) Display of a weapon includes unholstering of a firearm in preparation for potential use other than for training or administrative functions.

300.5 USE OF FORCE BY NON-SWORN

Except to defend themselves or another from an immediate threat to life safety, use of force is not authorized by department members other than sworn officers. On-duty department members other than sworn officers may only carry self-defense weapons or handcuffs as issued and specifically approved by the department. Department members other than sworn officers authorized to carry handcuffs while on-duty may only use them to restrain an assaultive person until custody is transferred to a sworn officer.

Any department member who uses force while on-duty is subject to the same reporting and documenting requirements as a sworn officer.

300.6 USE OF FORCE ANALYSIS

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

Use of Force

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.7 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.8 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.9 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the University of California Police Department, Berkeley to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The University of California Police Department, Berkeley will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, dispatching of an injured animal or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administration Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administration Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command

Use of Force Review Boards

- Training Manager
- Non-administrative supervisor
- A peer officer
- The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process. The employee's appearance is voluntary and their lack of attendance shall not be used against them.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

Use of Force Review Boards

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The University of California Police Department, Berkeley authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed University of California Police Department, Berkeley-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

302.3.3 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, injure the officer, or damage property.

302.4.1 ALTERNATIVES TO RESTRAINT

Unless a specific need to restrain a detained juvenile exists, officers should attempt to utilize non-secure methods (other than handcuffing / physical restraint devices) to effect the detention.

Generally, officers should limit the detention of a juvenile in the field to the duration and degree needed to confirm the juvenile's identity, to determine if the juvenile should be taken into temporary secure custody, and/or to facilitate the arrival of a responsible parent / guardian as necessary.

Refer to the department Temporary Custody of Juveniles policy for definitions of secure and non-secure custody.

302.4.2 OFFICER RESPONSIBILITIES

Whenever an officer detains a juvenile, the officer shall:

- (a) Notify the on-duty supervisor, who shall respond to the scene without unnecessary delay
- (b) Document the detention in a police report

Whenever an officer restrains a juvenile, the officer shall document the facts and circumstances that led to the restraint, as well as the duration and type of restraint used. Factors to address may include, but are not limited to, the following:

- (a) The nature, seriousness, and recency of the crime under investigation
- (b) The juvenile's possession or use of weapons, and/or indications thereof
- (c) The juvenile's level of resistance, attempts to flee, and/or indications thereof
- (d) Any immediate investigatory or public safety need for immediate apprehension, including whether or not the juvenile's identity was already known, to preserve evidence, or to prevent an ongoing threat to others
- (e) The juvenile's specific age, physical size, apparent physical capacity, and demeanor

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- (f) The number of other persons and officers at the scene, and their relevant behaviors or limitations
- (g) Any alternatives to restraint that were considered or attempted

302.5 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.6 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

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302.7 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.8 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.8.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other

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circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.9 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

302.10 TRAINING

Subject to available resources, the Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the University of California Police Department, Berkeley authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 CONTROL DEVICES INVENTORY

The Property Evidence Technician and Firearms Coordinator shall control the inventory and issuance of all control devices. Prior to issuance, each control device shall be inspected by the Firearms Coordinator or another qualified and designated control device instructor, who is responsible to ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced. The Firearms Coordinator is responsible for maintaining the inventory and secure storage of all munitions and related platforms. The Property Evidence Technician is responsible for maintaining the inventory and secure storage of all other control devices.

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303.4.3 CONTROL DEVICES INSPECTIONS

Every control device will be inspected annually by the Firearms Coordinator or another qualified and designated control device instructor. These inspections shall be documented.

When a control device is deemed unfit for service, the Firearms Coordinator will remove it from service, mark it as unsafe, and secure it within the department armory until it is repaired and deemed safe for use, or properly disposed of.

303.4.4 USER RESPONSIBILITIES

Department members are responsible for the safe storage of any issued control devices when not deployed.

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Coordinator for disposition. Damage to University of California property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or approved tactical vest carrier. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or NET Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however,

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be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or approved tactical vest carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) In crowd control situations when the Chief of Police, Incident Commander or designee authorizes the delivery and use of the device.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target
- (b) Type of munitions employed
- (c) Type and thickness of subject's clothing
- (d) The subject's proximity to others
- (e) The location of the subject
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

These weapons are loaded and sealed by trained personnel. They are not loaded or unloaded by patrol officers. When it is not deployed, the shotgun will be loaded and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the seal and the kinetic energy projectiles in the side saddle to ensure that conventional ammunition are not loaded into the shotgun.

303.10 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified annually.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor. Proficiency must be demonstrated for authorized weapons before issuance and during refresher training as specified within the weapons training plan(s).
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER® devices.

304.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a support-side holster on the side opposite the duty weapon and draw with the support-side hand.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc and/or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

304.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. After a deployment against an animal, officers shall take reasonable measures to consider that the animal's welfare is provided for. This may include turning the animal over to its owner or contacting animal control, if available.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Conducted Energy Device

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the use of force report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the use of force report form.

304.6.1 USE OF FORCE REPORT FORM

Items that shall be included in the use of force report form are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of data downloads and reconcile use of force report forms with recorded activations.

304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

Conducted Energy Device

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, appropriate medical personnel should remove TASER device probes from a person's body. Officers may remove probes from a person's body if the need to immediately remove the probes outweighs the possible benefit of waiting for assistance from medical personnel. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be transported to a medical facility for examination prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor shall respond to all incidents where the TASER device was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Conducted Energy Device

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for TASER devices will be documented in the officer's training file.

The Training Manager is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing support-hand draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.1.1 DEFINITIONS

Officer Involved Shooting (OIS) - An OIS shall include all instances in which an officer discharges a firearm, for any actual, apparent or purported law enforcement purpose.

Accidental Discharge - An accidental discharge is defined as any instance in which an officer discharges a firearm without specifically intending to do so.

Miscellaneous Discharges - Miscellaneous discharges are defined as discharges occurring for purposes of training or killing injured or dangerous animals. These discharges are specifically excluded from this policy.

305.2 POLICY

The policy of the University of California Police Department, Berkeley is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.2.1 DISTRICT ATTORNEY INVESTIGATIONS

The University of California, Berkeley, Police Department will follow the policy and guidelines adopted between the Alameda County Chiefs of Police and Sheriff's Association and the Alameda County District Attorney. Refer to the link below for the policy.

[OIS-Critical Incident Chiefs-Sheriff Assoc Policy 14 SEP 17 rev.pdf](#)

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the University of California Police Department, Berkeley would control the investigation if the suspect's crime occurred within University of California, Berkeley jurisdiction.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved UCPD Berkeley Department officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

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305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved UCPD Berkeley supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any UCPD Berkeley officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional UCPD Berkeley members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved UCPD Berkeley officer should be given an administrative order not to discuss the incident with other involved officers or UCPD Berkeley members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

305.5.4 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief of Police

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- Operations Division Commander
- Administrative Services Division Captain
- Outside agency investigator (if appropriate)
- Civil liability response team
- Psychological/peer support personnel (assigned by Administrative Services Division)
- Chaplain (upon request)
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- Alameda County District Attorney's Office

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved UCPD Berkeley officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-UCPD Berkeley officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved UCPD Berkeley officer. A licensed psychotherapist may also be provided to any other affected UCPD Berkeley members, upon request.
 - (a) Interviews with a licensed psychotherapist will be considered privileged.
 - (b) An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved UCPD Berkeley officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The on-call Command Staff member should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

305.6 CRIMINAL INVESTIGATION

The agency in whose jurisdiction the suspect's crime occurred is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The District Attorney's Office with jurisdiction may also or instead conduct an investigation of the incident.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) UCPD Berkeley Professional Standards Unit personnel should not participate directly in any voluntary interview of UCPD Berkeley officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However,

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no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED UCPD BERKELEY DEPARTMENT OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved UCPD Berkeley Department officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved UCPD Berkeley Department officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved UCPD Berkeley Department officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators may be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of UCPD Berkeley Department officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled, based on reasonable suspicion of alcohol/drug use, to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

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Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Campus Counsel's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the University of California Police Department, Berkeley should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Operations Division Commander and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved UCPD Berkeley Department officer to visits by the media (Government Code § 3303(e)). No involved UCPD Berkeley Department officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual occurs in the University of California Police Department, Berkeley jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Records and Communications Supervisor and Professional Standards Unit is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

305.13 AGENCY SPECIFIC CONTENT

305.13.1 OFFICER INJURED OR SHOT

If an officer is injured or requires hospitalization, he/she will be taken to the nearest medical facility capable of providing a high level of appropriate medical care or treatment. Another officer will be posted at the medical facility to aid and assist the injured officer and to protect her/him from unauthorized inquiry. This officer shall avoid discussion of the facts of the incident with the injured officer or any other party. This officer will remain until such times as the Captain deems it no longer necessary.

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Notifications of the injured officer's family will be done personally, whenever possible, by a command officer or someone assigned to him/her. The notifying officer may be accompanied by any other member of the Department selected by the injured officer.

Every effort will be made to arrange or to provide transportation for the injured officer's family members.

305.13.2 ADMINISTRATIVE LEAVE

Each involved officer shall be given paid administrative leave for a minimum of (4) days (scheduled work days) following an officer involved shooting and it shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave. The Chief of Police or Division Commander will determine the appropriateness and duration of extended mandatory administrative leave, based upon the findings of the preliminary criminal investigation and the recommendation of the psychotherapist regarding the officer's readiness for field assignment. Generally, the length of administrative leave shall not exceed the time remaining in the employee's current scheduled work week. An employee may request additional administrative leave time subject to approval of the Chief of Police or Division Commander, based upon information provided to establish the need to grant the request.

The officer(s), upon being placed on administrative leave, will automatically be temporarily assigned to the Administrative Captain for the duration of administrative leave. During this time, the officer(s) shall maintain regular contact with the Administrative Captain. If officer(s) are placed on extended mandatory administrative leave, regular contact will consist of once per week, unless other arrangements are approved or requested by the Division Commander. While the employee is off, their payroll hours will revert to Monday thru Friday, 8:00 am to 4:00 pm. Each employee will also be expected to remain available to the Department by phone during those hours.

Since post-traumatic stress syndrome (PTSS) is a recognized condition which may occur in individuals involved in extremely stressful situations such as shooting incidents, and since PTSS varies in severity from individual to individual, it shall be the responsibility of the Administrative Captain to arrange mandatory meetings between the involved Officer(s) and the University of California Psychological Services or other professional identified by the Office of the Chief, as soon as practical. These appointments should take place ideally within twenty-four hours of the incident and again, three to five days following it.

If an employee has been on administrative leave for six months or longer, that employee must report to the Administrative Office to ensure all policy and/or training mandates and weapons qualifications have been met prior to returning to full duty.

305.14 RELEASE OF INVOLVED OFFICERS' INFORMATION TO THE MEDIA

Involved officers' names and personal information shall not be released to the media or public until a complete assessment is made as to any threats or possible retaliation against the involved officers. In no case shall the information be released within 72 hours of the incident.

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The University of California Police Department, Berkeley will either equip its members or allow members to carry approved firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Coordinator. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handgun is identified and authorized by the Chief.

306.3.2 SHOTGUNS

The authorized Department-issued shotgun is identified and authorized by the Chief. The shotgun is to be used with less-lethal munitions only except during training or NET use. When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position. Refer to Policy regarding Control Devices and Techniques for additional information.

When not in service, shotguns will be stored in the Department armory.

When in service, the shotguns will be in an assigned vehicle or Sergeants' gun safe.

Firearms

Prior to being returned to the department armory or stored in a gun safe, shotguns shall be inspected by a supervisor or firearms instructor.

306.3.3 PATROL RIFLES

The authorized Department-issued rifle is identified and approved by the Chief.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the:

- (a) Chamber empty.
- (b) Magazine loaded with 28 rounds and inserted into the magazine well.
- (c) The bolt forward with the dust cover closed.
- (d) The selector lever in the safe position.

When not in service, patrol rifles will be stored in the Department armory.

When in service, the rifles will be in an assigned vehicle or Sergeants' gun safe.

Prior to being returned to the department armory or stored in a gun safe, patrol rifles shall be inspected by a supervisor or firearms instructor.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the Department's list of approved firearms.
- (b) The firearm shall be inspected by the Firearms Coordinator prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Coordinator, who will maintain a list of the information.
- (e) Members shall supply their own "lead free" ammunition for indoor range qualifications if the caliber of the approved firearm is not of the type utilized by the Department.

306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the Department's list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearms Coordinator prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Coordinator, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The member may use their duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying their duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

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1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
 - (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
 - (c) It will be the responsibility of the member to submit the firearm to the Firearms Coordinator for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Coordinator.
 - (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Coordinator that they are proficient in handling and firing the firearm and that it will be carried in a safe manner.
 - (e) The member will successfully qualify with the firearm prior to it being carried.
 - (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Coordinator, who will maintain a list of the information.
 - (g) If a member desires to use more than one firearm while off-duty, they may do so, as long as all requirements set forth in this policy for each firearm are met.
 - (h) Members shall only carry department-authorized ammunition.
 - (i) When armed, officers shall carry their badges and University of California Police Department, Berkeley identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Coordinator when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Coordinator.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved

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and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Coordinator.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Coordinator.

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Coordinator. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Coordinator. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Coordinator. Members shall not dry fire or practice quick draws except as instructed by the Firearms Coordinator or other firearms training staff.
- (c) Members shall not load or unload a firearm anywhere in the Department, except where clearing stations are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the police lane and outside of the vehicle, using the hillside on the east side.
- (e) Members shall not place or store any firearm or other weapon on department or University premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access

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to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented the Firearms Coordinator or range instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Coordinator will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into an approved clearing station.

Handguns may be safely stored in lockers at the end of the shift. Rifles should remain secured in the patrol vehicle at the conclusion of the shift. If brought into the station, rifles should be unloaded in a safe manner outside the building. Shotguns should remain in their sealed condition. Rifles and Shotguns should be stored in the armory or Patrol Sergeants office gun safe.

306.5.2 ANNUAL DEPARTMENT INSPECTION OF FIREARMS

The department Firearms Coordinator is responsible to conduct and document an annual safety inspection of all authorized firearms (including duty weapons, shotguns, patrol rifles, secondary handguns and off-duty firearms).

When a department-owned firearm is deemed unfit for service, the Firearms Coordinator will remove it from service, mark it as unsafe, and secure it within the department armory until it is repaired and deemed safe for use, or properly disposed of.

When a personally owned firearm is deemed unfit for service, the Firearms Coordinator will immediately revoke its authorization for use and the department will issue a department-owned firearm for use if necessary.

306.5.3 FIREARMS AND AMMUNITION INVENTORY

The Firearms Coordinator shall control the inventory and issuance of all department-owned firearms and ammunition. Prior to issuance, each firearm shall be inspected by the Firearms Coordinator or another qualified and designated instructor or armorer, who is responsible to ensure that all damaged, inoperative, outdated or expended firearms are properly disposed of, repaired or replaced. The Firearms Coordinator is responsible for maintaining the inventory and secure storage of all department firearms and ammunition.

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306.5.4 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

306.5.5 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

306.5.6 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

Department members must demonstrate proficiency from a certified weapons instructor in the use of any authorized firearm, prior to issuance and carrying it while on duty.

All members who carry a firearm while on duty are required to successfully complete training quarterly with their duty firearms on the approved course of fire or approved simulator course. Annual refresher training will be provided for all other issued or authorized weapons. In addition to quarterly and annual refresher training, all members will qualify at least annually with all firearms they are authorized to use.

Members will be provided refresher training and qualify with off-duty and secondary firearms at least annually. Training and qualifications for off-duty and secondary firearms must be completed pursuant to an approved course of fire.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Documentation of initial firearms training and proficiency, qualifications, and refresher training will be placed in the members' training file.

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306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with their Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsaicum (OC)

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spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Members shall complete a Use of Less Lethal Force - Display of Weapon form prior to the completion of their shift.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

306.7.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

306.8 FIREARMS COORDINATOR DUTIES

The range will be under the exclusive control of the Firearms Coordinator. All members attending will follow the directions of the Firearms Coordinator and/or firearms instructor. The Firearms Coordinator will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the firearms instructor may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

The Firearms Coordinator has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Firearms Coordinator has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to their personally owned firearm and it will not be returned to service until inspected by the Firearms Coordinator.

The Firearms Coordinator has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Firearms Coordinator shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The

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Firearms Coordinator should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their University of California Police Department, Berkeley identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The University of California Police Department, Berkeley must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the University of California Police Department, Berkeley an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail their itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on their person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry their University of California Police Department, Berkeley identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

306.11 DUTY WEAPON UPON RETIREMENT

Upon the retirement of a peace officer from University of California Police Department, Berkeley, the Federated University Police Officer's Association (FUPOA), or another individual or group of sworn UCPD officers, may purchase the retiree's issued handgun as a gift for that retiree upon the following conditions:

- (a) The retiree is eligible for the issuance of a CCW endorsement or certification as described in Universitywide Police Policies and Procedures
- (b) The retiree has a minimum of 20 years of service to UCPD Berkeley (unless an exception is granted by the Chief of Police)
- (c) The retiree meets all other requirements of Federal and state law to lawfully own the firearm in question
- (d) Upon purchase, ownership and possession of the firearm is transferred to the retiree without unnecessary delay

The request to complete such a purchase must be submitted in writing to the Chief of Police for review. Upon approval, the sale and transfer of ownership shall be conducted in accordance with all applicable laws and procedures. The fair market value of the handgun shall be used to determine the purchase price, and the purchasing party is also responsible for any additional transfer fees or costs.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

307.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

Boxing-in - A tactic designed to stop a suspect's moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

Pursuit Intervention Technique (PIT) - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - The deliberate act of impacting a suspect's vehicle with another vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle.

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

Vehicle Pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

307.2 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

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307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the

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present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.4 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable

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Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES AND CANINE VEHICLES

When involved in a pursuit, police department motorcycles and canine vehicles should be replaced by marked four-wheel police patrol vehicles as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

307.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

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307.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.4.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the suspects.
- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

307.4.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the

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termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

307.4.7 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

307.4.8 UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for:

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.

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- (h) Ensuring that the Watch Commander or on-call command staff member is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the routine patrol area of this department.
- (j) Controlling and managing University of California Police Department, Berkeley units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

307.5.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

The on-duty patrol supervisor retains these responsibilities if no other WC is aware and on-duty.

307.6 THE COMMUNICATIONS CENTER

If the pursuit is confined within the University of California routine patrol area, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the routine patrol area of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

307.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

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307.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the University of California Police Department, Berkeley is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of University of California Police Department, Berkeley, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

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Assistance to a pursuing allied agency by officers of this department will terminate when it exceeds the University of California routine patrol area provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

307.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

307.8.1 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

307.8.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Blocking shall only be used after giving consideration to the following:

1. The technique shall only be used by officers who have received training in the technique.
2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) The PIT shall only be used after giving consideration to the following:

1. The technique shall only be used by officers who have received training in the technique, including speed restrictions.
2. Supervisory approval should be obtained before using the technique.

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3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.
- (c) Ramming a fleeing vehicle shall only be done after giving consideration to the following:
 1. Supervisory approval should be obtained before using the technique.
 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 3. It reasonably appears the technique will terminate or prevent the pursuit.
 4. Ramming may be used only under circumstances when deadly force would be authorized.
 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following shall be considered:
 1. The technique shall only be used by officers who have received training in the technique.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices shall only be used after considering the following:
 1. Tire deflation devices shall only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using tire deflation devices.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the use will terminate or prevent the pursuit.
 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks are not authorized as an intervention tactic for vehicle pursuits.

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307.8.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

307.9 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved units and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 - 8. Any injuries and/or medical treatment.
 - 9. Any property or equipment damage.
 - 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.9.2 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

307.10 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

308.2 RESPONSE CODES

Department members shall use the following codes to determine, designate and communicate the appropriate response to calls for service and other tasks or incidents, based on a reasonable assessment of available information (whether provided or observed):

- (a) Code-1: a situation or response which is non-urgent but should be completed at the earliest convenient opportunity.
- (b) Code-2: a situation or response which is urgent and should take priority, but is not an emergency.
- (c) Code-3: an emergency situation or response which requires immediate action over other priorities in all practical haste.
- (d) Code-4: no additional assistance or action is necessary.

If a response code is not specified, any request for assistance, or response to a call for service (or any other task or incident) should be presumed to be "Code-1" unless there is a specific reason to believe otherwise.

308.3 REQUESTING ASSISTANCE

Department members who need additional personnel and/or resources to the scene of an incident should submit a request to dispatch via the police radio, specifying the applicable response code. An alternate means of contacting dispatch may be used when necessary.

Requests for assistance could include, but are not limited to, the following: the on-duty supervisor, officers or other department members, fire or emergency medical services, field mental health resources, University facilities services, law enforcement mutual aid, and local municipal public works/utilities.

Should a need for mutual aid or support from external public services arise, officers should consult with the on-duty supervisor before asking dispatch to make such a request. The supervisor may modify or cancel such a request at any time.

308.4 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance (Code-3) should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

Officer Response to Calls

If circumstances permit, the requesting officer should give the following information when requesting emergency assistance:

- The requesting unit's identifier or badge number
- The location
- The reason for the request and type of emergency
- The number of units required
- The type of personnel and/or resources needed (e.g. police, fire, medical, mental health, facilities services, etc.)

308.4.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

308.5 EMERGENCY RESPONSE CONSIDERATIONS

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.6 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

308.7 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren.

Officer Response to Calls

at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which they are responding.

308.8 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Watch Commander.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor.

308.9 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in their judgment, is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response

Officer Response to Calls

- Traffic and roadway conditions
- The location of the responding units

The supervisor may cancel or modify a response code at any time.

308.10 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

EOD Canine Program

309.1 PURPOSE AND SCOPE

The Explosive Ordinance Detection (EOD) Canine Program was established to augment general police service. Highly skilled teams of handlers and canines have been specifically trained to detect multiple types of explosives, increasing the safety of police personnel and the overall campus community.

309.2 POLICY

It is the policy of the University of California Police Department, Berkeley that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 DEFINITIONS

Unit Coordinator: A Police Lieutenant with the responsibility of overseeing the Explosives Ordinance Detection Canine Program.

Canine Sergeant: A Police Sergeant responsible for the day-to-day operation and training of the Explosives Ordinance Detection Canine Program.

Canine Team: An Officer and his/her assigned police canine.

Explosives Ordinance Detection Canine: A law enforcement canine trained for explosives detection. The EOD canine will not be trained as a Patrol canine.

Kennel: A secure living environment for a canine. It should minimally consist of an outdoor area not less than 8 feet square, with secure fencing and a gate. It must have a rain shelter for the canine. A paved area (concrete, asphalt, brick, etc.) is preferred.

309.4 CANINE SERGEANT

The Canine Sergeant shall be appointed by and directly responsible to the Operations Division Commander or the authorized designee.

The responsibilities of the Canine Sergeant include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program
- (b) Maintaining a liaison with the vendor kennel
- (c) Maintaining a liaison with command staff and functional supervisors
- (d) Maintaining a liaison with other agency canine coordinators
- (e) Maintaining accurate records to document canine activities
- (f) Recommending and overseeing the procurement of equipment and services for the canine teams
- (g) Scheduling all canine-related activities

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- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities

309.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the Watch Commander.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Sergeant prior to making any resource commitment. The Canine Sergeant is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

309.6 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates)
- (c) A garage that can be secured and accommodate a canine vehicle
- (d) Living within 60 minutes travel time from the University of California, Berkeley limits
- (e) Agreeing to be assigned to the position for a minimum of three years
- (f) Be available for call-out under conditions specified by the Unit Coordinator
- (g) Be in good physical condition with the ability to climb, squat, bend, walk and run at the pace of the K-9 during searches.

The Chief of Police may waive and/or modify any of these qualifications.

EOD Canine Program

309.6.1 SELECTION PROCESS

Following a posting for recruitment, interested candidates will be considered for the position EOD K-9 handler.

EOD K-9 Selection Process:

- (a) Submission of letter of interest to the EOD K-9 Sergeant
- (b) Submission of written recommendation from the candidate's current and immediate supervisor stating whether they do or do not recommend.
- (c) Oral Board which may include supervisors and current or past K-9 handlers from this or other departments. The candidate will be evaluated by the following criteria:
 1. Demonstrated competence and good judgment.
 2. Thought process regarding response to a critical incident.
 3. Prior skills, training and experience.
 4. Commitment to the team with the following considerations:
 - (a) Years of commitment
 - (b) On Call response area restrictions
 - (c) Training obligations
- (d) Final selection of EOD K-9 handlers will be made by the Chief of Police based on the recommendation of the EOD K-9 unit coordinator.

309.6.2 REMOVAL FROM UNIT

The Chief of Police reserves the right to remove a handler from the unit for disciplinary action alone or other cause including but not limited to;

- Inattention at training sessions or training the canine for other non-departmental uses.
- Continual tardiness and/or absences at training sessions.
- Non-compliance and/or non-submission of required reports, statistics, and other reports or canine records.
- Performance Appraisal with an Overall Rating of Needs Improvement.
- Failure to certify the service dogs as required.
- Failure to comply with the K-9 Unit Policy/Orders and Operation Manual.
- Mistreatment or abuse of the canine.

309.7 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

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- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view
- (d) Handlers shall permit the Canine Sergeant to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Sergeant as soon as possible.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the Canine Sergeant or Watch Commander.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Sergeant or Watch Commander.
- (i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Sergeant so that appropriate arrangements can be made.

309.7.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.8 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Canine Sergeant.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

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309.9 CANINE INJURY, MEDICAL CARE, RETIREMENT

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Canine Sergeant or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

Regular medical care for the canine will be handled by a private veterinarian, arranged by the Canine Sergeant, and approved by the Unit Coordinator.

If an injury occurs in the line of duty, it will be documented in a police report and routed to the Canine Sergeant. If the injury occurs while off-duty, it will be documented in memo form and routed to the Canine Sergeant.

Canines will be retired upon the recommendation of the treating veterinarian, the handler, the Unit Coordinator, the Canine Sergeant, and with the approval of the Chief of Police. When it becomes necessary to retire a department owned canine from active duty, the department may transfer ownership of the animal to the last handler, provided that they wish to keep the canine. Should the last handler decline to accept the canine, an appropriate caretaker will be found.

An agreement releasing the University of California of all liability must be completed with the person taking possession. Due to the liability which may be incurred, the approval from the Chief of Police must be obtained before placement of the canine.

In the event of the death of a canine, an investigation into the circumstances shall be conducted by the Canine Sergeant as soon as practical. The Chief should be notified of the death when appropriate.

309.10 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The Canine Sergeant shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the Canine Sergeant or Watch Commander.

EOD Canine Program

309.10.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Teams should receive training as defined in the current contract with the University of California Police Department, Berkeley canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Canine Sergeant.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

309.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.10.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

309.10.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the University of California Police Department, Berkeley may work with outside trainers with the applicable licenses or permits.

309.10.5 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The Canine Sergeant shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.

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- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the Canine Sergeant, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

309.11 INJURIES TO HANDLERS OR OTHER PARTY

Although this department's canines are not "aggression" trained, if the handler is down, the canine may stand guard and prevent anyone from approaching. The following course of action should be considered by all officers in the event a canine handler is injured and unable to command his/her canine:

- a. Request the assistance of another handler.
- b. Request the assistance of an Animal Control Officer.
- c. DO NOT rush in on the handler or canine.
- d. Call to the handler to call off the canine, if possible.
- e. Shooting of a law enforcement canine should be a last resort, and should be done in only the most critical situations, considering all possibilities. The approval of the Watch Commander should be obtained first.
- f. If the handler is injured, and an Explosives Ordinance Detection Canine is in a patrol vehicle, care should be taken before entering the vehicle.
- g. The Watch Commander shall make arrangements for the care of the Explosives Ordinance Detection Canine.

Injuries to Others -- If a bite or injury results from the use of an Explosives Ordinance Detection Canine, that information shall be documented in the appropriate police report. The report should include, at a minimum, the following:

- (a) In all cases of bites or injury resulting from the use of an Explosives Ordinance Detection Canine, photographs shall be taken of the bite or injury, after first tending to the immediate needs of the injured party. If practical, the photographs will be labeled with the case number and the name of the party injured, and then booked into evidence.
- (b) If the injury requires medical attention, the subject shall be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer shall standby with the suspect until treatment has been rendered.
- (c) Whenever a bite results, the handler shall notify the local Animal Control Office, as soon as practical.

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- (d) If a subject alleges an injury that is not visible, notification shall be made to the Watch Commander, and the location of the alleged injury shall be photographed. Medical attention may be rendered at the appropriate medical facility.

Exceptions to this policy may only be made by the Chief of Police.

309.12 VEHICLE TRANSPORTATION

The following guidelines relate to vehicle transportation:

- (a) Prisoners shall not be transported in a vehicle with the Canine unit, except in exigent circumstances with the approval from the Watch Commander.
- (b) The prisoner must be compliant, and transported seat belted in the front passenger seat.
- (c) Violent or aggressive prisoners shall not be transported with a Canine at any time.
- (d) The handler has discretion to determine whether or not to transport a suspect in the handler's vehicle along with the Canine.
- (e) A member of the general public should not be transported in the same vehicle as an Explosives Detection Canine.

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310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Any crime or attempted crime involving abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship, to include but not limited to offenses defined in Penal Code § 243(e)(1) and Penal Code § 273.5.

Cohabitant - An adult person living with another unrelated adult person for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to

- Sexual relations between the parties while sharing the same living quarters
- Sharing of income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as husband and wife
- The continuity of the relationship
- The length of the relationship

The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5 Family Code § 6209 expands the definition of cohabitant to include a person who regularly reside in the household for the application of enforcing Penal Code § 836(d).

310.2 POLICY

The University of California Police Department, Berkeley's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede

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the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex or by a person with whom the victim is comfortable taking photographs. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

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1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim with information about how to verify the custodial status of the suspect.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

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- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about their notice or receipt of the order, their knowledge of its terms and efforts to respond to the order.

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1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

310.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)

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3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 4. Penal Code § 646.9 (stalking)
 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
1. The intent of the law to protect victims of domestic violence from continuing abuse.
 2. The threats creating fear of physical injury.
 3. The history of domestic violence between the persons involved.
 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

310.10 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

310.11 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence

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related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records and Communications Manager to maintain and report this information as required.

310.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
 - 1. An officer should ensure that the Records Section is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Section Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.13 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

310.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the

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victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

310.16 PRELIMINARY RESPONSE GUIDELINES

Any police officer may be assigned to handle the preliminary report of domestic violence. In the case of a crime that has just or recently occurred, immediate priorities that may be need to be addressed include the safety and health of the victim(s) and other involved parties, the safety of the general public, the safety of first responders, the stabilization and security of any crime scene or other evidence that might be identified, and the arrest of any suspect if there is probable cause, a need for immediate apprehension and/or in compliance with legal mandates and relevant laws.

The assigned and assisting officers should attempt to facilitate the victim's initial disclosure, to gather information from witnesses and any other sources that may be available, to establish the nature of the crime, and to determine what additional investigatory and public safety steps are appropriate. Generally, the victim's initial disclosure may be limited to those minimal facts necessary to determine what crime may have occurred, when and where it happened (or last happened) and any information about the suspect that the victim is willing to provide. In some situations, such as when an arrest is made or when public safety or investigatory exigencies exist, officers may need to more fully interview the victim.

As soon as reasonably possible upon the initial report of domestic violence to UCPD, the assigned officer should utilize current procedures to attempt to facilitate a meeting or call between the victim and a confidential advocate from the PATH to Care Center. Officers shall allow the victim to speak privately with a confidential advocate, and shall not record or monitor their conversation without explicit permission from all parties.

If available, an officer with relevant training and experience should maintain consistent contact with the victim during the police response. If the victim expresses a preference about the officer assigned to work with them, the officer who learns this should notify a supervisor and the request should be accommodated if reasonably possible.

The assigned officer shall provide the victim with the UCPD "Resource Guide" which incorporates "Victim of Domestic Violence" information as mandated by California law.

310.17 VICTIM WELFARE

Throughout the course of the police response and investigation of a reported domestic violence crime, the victim's well-being and traumatic recovery needs should be considered of the highest priority.

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Interaction with call takers, public safety dispatchers, first responders and other members of the department can strongly influence the victim's decision to remain engaged in the reporting process and/or to seek support resources. All department members should be aware of the need to avoid expressing doubt or blame to the victim, or otherwise discouraging the victim from making a report.

At no time should a victim of domestic violence be pressured into reporting, providing information or pursuing prosecution. All reasonable effort should be extended to meet the needs of the victim and to overcome any barriers the victim faces in cooperating during the reporting and investigation process.

Upon receipt of a mandatory violent crime notification which describes a domestic violence crime having occurred in UCPD's primary jurisdiction, whether from University Health Services (UHS) or another medical provider, an officer or detective shall be assigned to complete a crime report and conduct any necessary initial investigation. If the notification indicates the victim does not want police contact, UCPD members will respect this choice absent exigent circumstances.

Those who respond to and investigate domestic violence crimes are responsible for providing relevant information, resource referrals and options to the victim, and to keep the victim informed about the status of the investigation as it progresses. The victim should be allowed to participate in the reporting and investigation process at their own pace, within the limits of law and policy.

The victim's preference for confidentiality (per Penal Code § 293 / Government Code § 6254) will be assumed if officers are unable to verify this with the victim (or their parent or guardian if a minor).

310.18 CAMPUS RESOURCE NOTIFICATIONS

Victims who are campus affiliates should be provided information about the University's confidential advocate services, and should be asked for permission to share their name and contact information with the confidential advocate. If available, the officer should offer to arrange an immediate meeting with a campus confidential advocate.

Victims should also be provided information about their ability to report possible violations of the University's policy on Sexual Violence and Sexual Harassment (SVSH) to the Office for the Prevention of Harassment and Discrimination (OPHD).

All UCPD employees are considered "responsible employees" as that term is defined in the University's SVSH policy, and are required to notify OPHD if they become aware that a student or affiliate of the campus has experienced conduct prohibited by that policy. However, when official reports involving SVSH policy violations are filed with UCPD, whether criminal or non-criminal, this responsibility to notify OPHD should only be handled by the Investigations supervisor or the assigned investigator, to ensure no information is released that would impede or compromise any UCPD investigation, or that would violate applicable rights to privacy or confidentiality (including Penal Code § 293 PC / Government Code § 6254).

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310.19 CHILD VICTIMS OF DOMESTIC VIOLENCE (NON-EMERGENCY TREATMENT)

Persons under the age of fourteen (14) who are suspected of being the victims of domestic violence should be taken to Children's Hospital in Oakland for any forensic medical or physical examination.

310.20 ASSISTANCE TO OUTSIDE AGENCIES

If it is determined that a reported domestic violence crime occurred in another law enforcement agency's primary jurisdiction, that agency should be notified without delay if there is a need for that agency to take immediate action. Until such time as that agency can assume responsibility for the investigation, officers should continue to provide any necessary critical assistance to the victim and gather/preserve evidence as appropriate.

In the case that a victim contacts UCPD to report a domestic violence crime that occurred in another jurisdiction, but there is no apparent need for urgent police action due to the time that has elapsed, limited information or other factors, officers may accept the report as an "outside assist" and forward the preliminary report to the appropriate agency for follow-up investigation.

310.21 COURT ORDER REFERENCE FILE

The Records and Communications supervisor shall maintain a file or other system for retaining copies of domestic violence restraining orders and other similar court orders, to be available as a reference for public safety dispatchers and officers when responding to calls for service that might relate. Any person may provide UCPD with a copy of such a court order for this purpose, whether or not the order has been served or relates to a UCPD investigation. Court orders shall be retained in this file or system for so long as they appear to be valid and in effect.

Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for University of California Police Department, Berkeley personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the University of California Police Department, Berkeley to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Plain view
- Pat-down
- Probation/Parole

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation

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according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

311.3.1 CONSENT SEARCHES

Officers may seek consent to search from a person who has authority over the location or item to be searched. Officers should confirm the consent in writing with the subject's signature and/or record verbal consent via body camera or other approved recording device. The consenting party may limit or revoke the consent at any time. Any evidence discovered prior to a revocation of consent may still be used to support probable cause for a search warrant and/or arrest.

311.3.2 VEHICLE SEARCHES

If officers have established probable cause to believe that a vehicle contains evidence or contraband, the officers may search the vehicle without a warrant (*Carroll v. United States*). The search must be limited to areas that are capable of containing the item(s) to be seized.

Conducting a vehicle inventory pursuant to an impound is covered in the Vehicle Towing and Release policy.

311.3.3 EXIGENT CIRCUMSTANCE SEARCHES

Officers may enter a structure without a search warrant when one or more of the following circumstances exist:

- (a) Officers have reasonable belief that entry is necessary to assist a person in danger of death or serious bodily harm.
- (b) Officers have probable cause to obtain a search warrant, but destruction or removal of the item(s) to be seized will likely result if the officers wait to obtain a search warrant and the premises cannot be secured until a warrant can be obtained.
- (c) Officers are in fresh pursuit of a criminal suspect.

Officers may seize contraband or evidence they see in plain view while they are addressing the exigency. Once the exigent circumstance has abated, officers must obtain a search warrant before conducting any additional search.

311.3.4 PLAIN VIEW SEIZURES

If officers view contraband or evidence from a location where they have a lawful right to be, they may seize the item, provided that they have a lawful right to access the location and the item is immediately recognizable as contraband or evidence. If the item is not immediately recognizable as contraband or evidence, officers may not conduct additional search without a warrant. If the item is not in a location where officers have a lawful right to be, they should secure the scene until a search warrant can be obtained.

Search and Seizure

311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

311.6 ACCESS TO UNIVERSITY PROPERTIES AND FACILITIES

Within the scope of their responsibilities and authority, department members may enter portions of University properties and facilities with restricted access as necessary to respond to emergencies, investigate potential criminal activity, address public safety hazards and threats, perform security checks, conduct community caretaking and facility stewardship, or other work-related purposes. When inside areas with restricted access, department members should limit their actions and activities to those that are reasonable

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and necessary to accomplish those purposes, and should attempt to avoid unnecessary disruption of University operations.

- (a) Assigned residential units and spaces leased to third parties for exclusive use should be treated as private property.
- (b) Individually-assigned offices should only be entered when a specific and compelling need exists.
- (c) Other semi-private areas should only be entered when a reasonable need exists, including:
 - 1. Office suites and shared workspaces
 - 2. Alarmed spaces
 - 3. Common areas within housing facilities designated for the exclusive use of residents and their guests
 - 4. Laboratories and other areas containing hazardous materials or sensitive equipment
 - 5. Libraries, museums, dining facilities, recreational & athletic facilities, and performance spaces, when not open to the general public
 - 6. Mechanical rooms, utility rooms and secured facility maintenance / service areas

Persons who utilize University-controlled storage spaces (including closets, cupboards, furniture, etc.) and University-owned computers or devices with electronic storage may have a reduced expectation of privacy for items or information stored in such storage spaces, and campus units with administrative authority over those locations may have the lawful ability to access such storage spaces, but UCPD Berkeley department members should not open or search such storage spaces unless:

- (a) Authorized to do so by the campus unit with administrative authority,
- (b) A specific and compelling need exists, or
- (c) Pursuant to a court order.

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the University of California Police Department, Berkeley (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or undocumented juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail, whether or not in the presence of an officer or other custody employee.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

312.2 POLICY

The University of California Police Department, Berkeley is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the University of California Police Department, Berkeley. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the University of California Police Department, Berkeley:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the University of California Police Department, Berkeley unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the University of California Police Department, Berkeley when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the University of California Police Department, Berkeley without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the University of California Police Department, Berkeley (34 USC § 11133; Welfare and Institutions Code § 207.1).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the University of California Police Department, Berkeley. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions

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Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the University of California Police Department, Berkeley unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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312.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

312.6 JUVENILE CUSTODY LOGS

The Department does not hold detained or arrested juveniles in secure custody within the UCPD police facility. Any time a juvenile is held in a non-secure custody status at the Department, the custody shall be promptly and properly documented in the juvenile non-secure custody juvenile log, which includes:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the University of California Police Department, Berkeley (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the University of California Police Department, Berkeley (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the University of California Police Department, Berkeley shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the University of California Police Department, Berkeley more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the University of California Police Department, Berkeley more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.

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- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

312.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

312.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the University of California Police Department, Berkeley when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

312.10.1 FIELD RESTRAINT OF JUVENILES

For guidelines on the restraint of juveniles in the field, refer to the department Handcuffing and Restraint policy.

312.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the University of California Police Department, Berkeley shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a

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monitored or secure location until the juvenile is released from the custody of the University of California Police Department, Berkeley.

312.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

312.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

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- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the University of California Police Department, Berkeley (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Operations Division Commander.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the University of California attorney.
- (e) Notification to the Coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

312.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel and/or parents or legal

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guardians in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

An interview or interrogation of a juvenile should not be conducted with more than two officers at the same time. If an interview or interrogation lasts for more than one hour, at least one break should be taken each hour.

312.14.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

312.14.2 BREAKS AND TIME LIMITS

Upon interview or custodial interrogation, a juvenile suspect shall be advised they may take a break at any time and that access to water and a restroom will be provided if needed. A fifteen (15) minute break shall be taken once every hour, at minimum.

The interview or custodial interrogation of a juvenile suspect shall be completed as soon as reasonably possible. In no case should the interview or interrogation of a juvenile suspect last longer than four (4) consecutive hours, or consist of more than four (4) aggregate hours within any contiguous 24-hour period.

312.14.3 PARENT / GUARDIAN CONFERENCE

Should a juvenile suspect expresses a desire to confer with their parent or legal guardian prior to or during an interview or custodial interrogation, the involved officers should attempt to facilitate this and allow the juvenile a reasonable opportunity to speak with their parent or legal guardian.

This section should not be interpreted so as to require officers to contact a juvenile suspect's parent or legal guardian or to obtain permission before conducting an interview or custodial interrogation.

312.14.4 NUMBER OF INTERVIEWERS

No more than two officers shall be directly engaged in the interview or custodial interrogation of a juvenile suspect at the same time.

312.15 TRANSPORT OF IN-CUSTODY JUVENILES

Whether to be held in secure or non-secure custody, juvenile offenders requiring transport should be handcuffed and placed in the secure compartment of a marked police vehicle.

Juvenile non-offenders and status offenders should not be handcuffed during transport unless they are combative or threatening (15 CCR 1142), and need not be placed in the secure compartment of a marked police vehicle if another safe option is readily available.

Other restraint devices may be utilized during transport of an in-custody juvenile only in compliance with the Use of Restraint Devices section of this policy. Refer to the department Handcuffing and Restraints policy for additional guidance on the use of restraints on juveniles in the field.

Juveniles shall be transported separately from any adult prisoners, and also separated by sex and/or gender identity. Juvenile offenders shall be transported separately from juvenile non-offenders or status offenders. No more than two juveniles may be transported in any police vehicle at the same time.

All juveniles shall wear a seat belt during any transport.

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312.15.1 PRE-TRANSPORT SEARCHES

Prior to the transport and entry into the police facility of a juvenile offender, the transporting officer is responsible to conduct a pat-down cursory search and property search for potential weapons, contraband and other safety and security concerns.

Prior to the transport and entry into the police facility of a juvenile non-offender or status offender, the transporting officer should request consent to conduct a pat-down cursory search and property search for potential weapons, contraband and other safety and security concerns. If the request is refused, no search shall be conducted unless another lawful justification exists.

All such searches (or requested searches) of juveniles, and the reasons thereof, shall be documented in a police report.

312.16 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in the supervisor's absence, the Watch Commander.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Criminal Investigations Bureau supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

312.17 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the University of California Police Department, Berkeley Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records and Communications Manager and the appropriate Criminal Investigations Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

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312.18 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the University of California Police Department, Berkeley and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

312.19 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

Senior and Disability Victimization

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for University of California Police Department, Berkeley members as required by law (Penal Code § 368.6).

The University of California Police Department, Berkeley is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Department protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

313.2 POLICY

The University of California Police Department, Berkeley will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

313.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

313.2.2 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

313.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

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- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an

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autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

313.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
 - (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
 - (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
 - (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
 - (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

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2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

313.5 MANDATORY NOTIFICATION

Members of the University of California Police Department, Berkeley shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

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- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Criminal Investigations Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

313.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.

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- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

313.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

313.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

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- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

313.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

313.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

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In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

313.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Bureau supervisor so an interagency response can begin.

313.9.2 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

313.10 RECORDS BUREAU RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

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313.11 JURISDICTION

The University of California Police Department, Berkeley has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

313.12 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

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Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:

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1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.

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6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Incest, as defined in Section 285 of the Penal Code.
 5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

313.13 TRAINING

The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

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- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

313.13.1 MANDATORY TRAINING

The Training Manager shall ensure that appropriate personnel receive the required training, including:

- (a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- (b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
 - 1. Training should include the following:
 - (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
 - (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Manager shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

313.14 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:

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1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

Senior and Disability Victimization

313.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The University of California Police Department, Berkeley is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

Discriminatory Harassment

314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with University of California or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Assistant Vice Chancellor of People and Culture, or the Vice Chancellor, Administration.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Assistant Vice Chancellor of People and Culture, the Vice Chancellor, Administration, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

314.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Assistant Vice Chancellor of People and Culture in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Assistant Vice Chancellor of People and Culture, or the Vice Chancellor, Administration.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the Vice Chancellor, Administration, or the Assistant Vice Chancellor of People and Culture, depending on the ranks of the involved parties.

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- (b) Maintained in accordance with the department's established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 WORKING CONDITIONS

The Administration Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other University of California employees who are similarly tasked (2 CCR 11034).

314.8 TRAINING

All new members shall receive and review a copy of this policy, the UC Policy on Sexual Violence and Sexual Harassment, and the UC Policy on Discrimination, Harassment and Affirmative Action in the Workplace as part of their orientation. All department members shall complete all initial and refresher training on these policies as mandated by law, University of California policy, and department policy or directive.

314.8.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

314.8.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

314.8.3 ADDITIONAL TRAINING

The department and/or the University may require department members to complete additional discriminatory harassment training annually or more frequently.

Discriminatory Harassment

314.9 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

314.10 AGENCY SPECIFIC CONTENT

314.10.1 SYSTEMWIDE POLICES REGARDING DISCRIMINATION AND HARASSMENT AND SEXUAL HARASSMENT

University of California Systemwide Policies regarding Discrimination and Harassment and Sexual Harassment are attached and incorporated.

[UC Policy on Sexual Violence and Sexual Harassment](#)

[UC Policy on Discrimination, Harassment, and Affirmative Action in the Workplace](#)

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when University of California Police Department, Berkeley members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

315.2 POLICY

The University of California Police Department, Berkeley will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

315.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

315.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

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315.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

315.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

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In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

315.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Bureau supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

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315.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

315.10.3 CACI HEARING OFFICER

The Criminal Investigations Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

315.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

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315.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

315.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

At Risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing Person Networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), and the Missing and Unidentified Persons System (MUPS).

316.2 POLICY

The University of California Police Department, Berkeley does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The University of California Police Department, Berkeley gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Operations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form

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- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any department member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

316.5 INITIAL INVESTIGATION

Officers or other department members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

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- (h) When circumstances permit, and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Sergeant of Investigations.

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- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 CRIMINAL INVESTIGATIONS BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Patrol Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

316.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Criminal Investigations Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of University of California, Berkeley or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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316.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

316.11 SPECIAL CONSIDERATIONS FOR STUDENTS IN UNIVERSITY HOUSING

If a student who lives in a University residence hall is reported missing, the University is required to notify the student's emergency contact, their parent or guardian if the student is under 18 years old and not emancipated, and local law enforcement. These notifications are the responsibility of Residential and Student Service Programs (RSSP). However, the case officer should confirm with RSSP staff that the notifications take place within 24 hours of the determination that the student is missing. This confirmation should be documented in the officer's report.

Notification to UCPD will meet the requirement of notification to local law enforcement if the student is determined to be missing from UCPD's jurisdiction. If the student is determined to be

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missing from a different jurisdiction, the notification must be made to the law enforcement agency responsible for that jurisdiction.

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information, soliciting public aid when appropriate and complying with the requirements of the Clery Act.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), California Law Enforcement Telecommunications System (CLETS), Everbridge, Emergency Warning Sirens, local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES FOR STATEWIDE NOTIFICATIONS

317.3.1 MEMBER RESPONSIBILITIES

Members of the University of California Police Department, Berkeley should notify their supervisor, Watch Commander, or Criminal Investigations Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

317.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

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317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

317.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

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317.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

317.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

317.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

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317.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

317.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

317.7 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

317.7.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 - 1. The complete license plate number of the suspect's vehicle.
 - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.

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3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

317.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

317.8 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

317.8.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.8.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

317.9 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7). These events may also require that an Everbridge/UC Berkeley WarnMe notification be sent.

317.9.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

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- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

317.9.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

317.10 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Criminal Investigations Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The University of California Police Department, Berkeley shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

317.11 AGENCY SPECIFIC CONTENT REGARDING COMMUNITY NOTIFICATIONS

317.12 CLERY ACT EMERGENCY NOTIFICATION

The University of California, Berkeley, Police Department is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus that poses an immediate threat to the health and safety of campus community members. An "immediate" threat as used here includes an imminent or impending threat.

Some examples of significant emergencies or dangerous situations may include but are not limited to:

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- (a) earthquake
- (b) gas leak
- (c) terrorist incident
- (d) armed intruder
- (e) bomb threat
- (f) civil unrest or rioting
- (g) explosion
- (h) chemical or hazardous waste spill
- (i) building or wildland fire

In the event that a significant emergency or dangerous situation occurs on the University campus which constitutes an immediate threat to the health or safety of campus community members, the Department will issue an emergency notification without delay; unless issuing a notification will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

In the event that a significant emergency or dangerous situation occurs, the patrol supervisor or designee will; (1) confirm the existence of a significant emergency or dangerous situation; (2) determine the appropriate segment or segments of the campus community to notify; (3) determine the content of the emergency notification; and (4) initiate the emergency notification system.

Follow Up/ Status Update Notification(s):

Follow up/status update notifications may be released when/if there is new information or instructions for the university population, such as changes in protective actions. Messages may also be sent at appropriate intervals to reiterate the current state of the emergency, especially if significant time has passed since the last update. An all-clear notification will be sent at the conclusion of an event when/if it is helpful to provide an all-clear message.

317.13 CLERY ACT TIMELY WARNING

In the event of a report of a Clery Act crime on Clery Act geography that constitutes a serious or ongoing threat to members of the campus community, a campus-wide timely warning will be issued to all students and employees. The intent of a timely warning is to aid in the prevention of similar crimes by helping members of the campus community protect themselves.

The university encourages anyone with information regarding criminal activity that may warrant a timely warning to immediately report the circumstances to UCPD. The university has also communicated with neighboring law enforcement agencies asking them to notify UCPD if they receive reports or information warranting a timely warning.

317.13.1 TIMELY WARNING CRITERIA

A timely warning will be issued by the university when the criteria below have been met:

- (a) A crime is reported to UCPD or a CSA;

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- (b) The crime is a Clery Act crime;
- (c) The crime is reported to have occurred on the Clery Act geography of the university; and
- (d) The crime is considered by the institution to represent a serious or continuing threat to students and employees.

The university has the discretion to issue safety alerts in other situations as well.

Crimes reported to pastoral or professional counselors are exempt from timely warning consideration.

317.13.2 SERIOUS OR ONGOING THREAT ANALYSIS

The on-duty UCPD patrol sergeant or designee, in collaboration with command staff as necessary, is responsible for determining what constitutes a serious or ongoing threat to the campus community. This evaluation is completed on a case-by-case basis in consideration of the circumstances surrounding situation at hand. There may be times when a Clery Act crime has occurred on Clery geography, but the situation does not present an ongoing threat to the campus community and thus would not necessitate a timely warning.

317.13.3 TIMELY WARNING CONTENT

The timely warning will include information that the on-duty UCPD patrol sergeant or designee determines is necessary and appropriate to promote safety and aid in the prevention of similar crimes.

The content of a timely warning will, at minimum, include the time, location, and type of crime. The warning may also provide brief information about the situation if warranted, and information that promotes safety and helps individuals protect themselves from similar crimes. However, caution will be taken to not issue such a lengthy warning that it cannot be quickly understood by recipients. Names of the victim(s) will be withheld from timely warnings, and the university will also refrain from including information that could compromise law enforcement efforts.

The university has developed a wide range of template messages addressing several different situations. The individual authorizing the warning will select the template message most appropriate to the situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert or a designee will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure that individuals are aware of the situation and they know the steps to take to safeguard their personal safety.

317.13.4 TIMELY WARNING METHODS

The on-duty UCPD patrol sergeant or designee is responsible for communicating timely warnings to all students and employees via email using the Everbridge emergency notification system, branded UC Berkeley WarnMe with their CalNet emails. Students, faculty, and staff are automatically registered for UCB WarnMe with their CalNet emails. The university may also supplement the email and/or text message with other methods or a combination of other

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methods, such as paper postings on building doors, a message on the UCPD website, or public announcements.

317.14 EVERBRIDGE ALERTS

The University of California Police Department, Berkeley uses the Everbridge alert system for most public alerts.

The decision to activate the Everbridge alert system must be based on the judgment of the employee authorized to send the alert message. While not all facts are known at the initial outbreak of an event, the Patrol Sergeant or highest ranking officer on duty should assess the situation and may instruct the Public Safety Dispatcher to issue the alert when appropriate.

The decision and action to send an Everbridge alert should be made immediately for incidents involving the escape or survival of potential victims of extreme violence. The decision to send an Everbridge alert for all other events should be made as soon as pertinent information is available. The On-Call Command should be notified of the circumstances.

The following University of California, Berkeley campus officials are authorized to activate the Everbridge emergency alert system (or to request The Department and/or Public Affairs to do so):

- Chancellor, or designee;
- Associate chancellor, or designee;
- Designated public affairs personnel, or designee;
- Director of Clery compliance, or designee;
- Emergency operations center (EOC) director;
- Executive vice chancellor and provost, or designee;
- Office of Emergency Management director, or designee;
- Vice chancellor of administration, or designee
- UCPD chief, UCPD command staff and supervisors, or designee

317.15 EMERGENCY WARNING SIREN SYSTEM

The University maintains an Emergency Warning Siren and Public Address system. The guidelines for the use of this system are the same as described in the Clery Act Emergency notification and should be used to supplement other emergency notification, as appropriate, based on the incident.

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that UCPD Berkeley provides crime victims and witnesses with appropriate information, guidance, and assistance about applicable resources and services available from the University, other government sources, and community-based or private organizations, and that the Department meets all related legal mandates.

318.2 POLICY

The University of California Police Department, Berkeley is committed to providing appropriate guidance and assistance to the victims and witnesses of crime at any time of day or night. The members of the University of California Police Department, Berkeley will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police has designated the command staff member who manages the Criminal Investigations Bureau (CIB) to serve as the Crime Victim Liaison (2 CCR 649.36). The Crime Victim Liaison will be the point of contact for individuals requiring further assistance or information from the University of California Police Department, Berkeley regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates and University policies related to crime victims and/or witnesses.

318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical

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examinations arising out of sexual assault in the University of California Police Department, Berkeley jurisdiction (Penal Code § 680.2).

- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

318.3.2 ADDITIONAL DUTIES OF THE CRIME VICTIM LIAISON

The Crime Victim Liaison is the department's primary representative to campus and community organizations which provide resources and services to crime victims and witnesses. The Crime Victim Liaison is responsible to ensure that department policies and procedures effectively facilitate the connection of victims and witnesses with appropriate resources and services, and that department resource materials (including handouts, the UCPD Victim / Witness Resource Guide and all electronic and on-line information) contain sufficient and accurate contact information for victims and witnesses to reach those resources and services (including UCPD Berkeley).

At least once every two years, the Crime Victim Liaison should conduct a comprehensive review of all UCPD Berkeley victim / witness assistance policies, procedures and materials (including handouts, the UCPD Victim / Witness Resource Guide and all electronic and on-line information) to ensure they meet current needs and contain accurate information. This review should include a review of UCPD Berkeley crime reports and trends, Campus Security Authority (CSA) reports and trends, neighboring agency crime reports and trends, and the current resources and services provided by campus and community organizations. Any recommended updates to UCPD victim / witness assistance policies, procedures and materials should be presented to the Chief of Police for final approval.

On an ongoing basis, the Crime Victim Liaison should review all cases involving violent felonies, sexual assault, domestic violence, and crimes against children to ensure that the following have been completed and appropriately documented, and to correct if necessary;

- (a) All known victims and witnesses have been provided with sufficient information about campus and community resources and services appropriate to their situation, including materials mandated by law and policy
- (b) All appropriate notifications have been made, including mandated reporter (child abuse) obligations, responsible employee (SVSH) obligations and timely warning obligations (Clery Act)

As necessary, the Crime Victim Liaison should facilitate or directly provide information, guidance and assistance to victims and witnesses with regards to contacting campus and community resources and services.

Victim and Witness Assistance

318.4 CRIME VICTIMS AND WITNESSES

Officers should provide or attempt to provide all crime victims with applicable victim assistance resource materials, and document this in the crime report.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct them to the proper written department material or available victim resources.

318.4.1 RESOURCE GUIDE DISTRIBUTION

The designated case officer should provide or attempt to provide all crime victims with a copy of the UCPD Berkeley Victim / Witness Resource Guide. The Resource Guide may be delivered electronically, including via web link sent by email, text or automated messaging system.

The designated case officer should provide or attempt to provide a physical copy of the Resource Guide to survivors of domestic violence and sexual assault during the initial response to such reported crimes. The designated case officer should also provide or attempt to provide a physical copy of the "Survivor of Sexual Assault" pamphlet to survivors of sexual assault during the initial response to such reported crimes.

The Resource Guide may also be provided or offered to witnesses or other parties, especially to those who may have experienced harm as the result of a crime but may not technically be the victim of a crime.

318.4.2 DIRECT ASSISTANCE

Often the best method for department members to provide assistance to victims / witnesses is by coordinating the immediate response of available services and resources, or by making referrals to available services and resources, as appropriate for the specific situation. Department members may be able to provide appropriate direct assistance to a victim or witness, such as performing a civil stand-by, providing a safety escort or ride, making a security sweep of a location or vehicle, etc. The appropriateness of direct assistance that may be provided in any specific situation is dependent upon available resources, the urgency and degree of risk or concern, and the constraints of law and policy.

Direct assistance that requires significant or lengthy commitment of department resources requires approval from a sworn supervisor or Command Staff member and should involve an evaluation by the Criminal Investigations Bureau. This includes extended protective or relocation services, the departmental deployment of physical security measures, security surveys of the home or workplace, etc.

318.4.3 OUTSIDE AGENCY ASSISTANCE

Upon awareness that a campus affiliate is the victim or witness of a crime not within the jurisdiction of UCPD, the department may provide or attempt to provide appropriate information, guidance and assistance in the same manner as if for a UCPD criminal case, but should coordinate such efforts

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with the outside agency in question and defer to that agency's discretion so as not to impede their investigatory or service priorities.

318.5 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and their immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

318.6 VICTIM / WITNESS INFORMATION MATERIALS

The Crime Victim Liaison shall ensure that victim / witness information handouts are current and available 24 hours a day. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

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- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).
- (o) Telephone numbers and contact information for resources and services that the victim / witness may use for further information or questions.

318.7 WITNESSES

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation, and should provide contact information and guidance about applicable campus and community resources and services that might be available (including UCPD Berkeley).

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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319.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the University of California Police Department, Berkeley may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

319.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

319.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

319.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

319.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

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- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:

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1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

319.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

319.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

319.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

319.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

319.4.4 HATE INCIDENT

Hate Incidents are generally the same types of behaviors as described in a hate crime except that one or more of the formal legal criteria required for a hate crime are not met. Regardless, the victims tend to experience the same range of emotions and benefit from the same level of caring response. Hate incidents should be documented in the same manner as a hate crime.

319.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

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319.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the University of California Police Department, Berkeley and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of the University of California Police Department, Berkeley shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or University of California manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the University of California Police Department, Berkeley in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
 - 1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any University of California Police Department, Berkeley badge, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

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- (f) Failure to notify the Office of the Chief of Police and the Office of People and Culture of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members. This section is not intended to inhibit the exercise of free speech or other protected activity.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by University of California policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by University of California policy, the memorandum of understanding, or the Chief of Police.

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320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the University of California.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft, of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property, found property, evidence, or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

320.5.12 FAILURE TO INTERVENE

Failure to intervene when present and aware (or reasonably should have been aware) when another member of the department engages in any of the following types of law or policy violations:

- (a) Excessive force
- (b) Abuse of power (including discrimination, oppression or favoritism)
- (c) Sexual harassment
- (d) Any other policy violation that provides cause for discipline and which results in or is likely to result in:
 - 1. Physical harm to another;
 - 2. Significant financial harm to another; or
 - 3. A violation of the Constitutionally protected rights of another.

To "intervene" is to make a reasonable effort to stop another person from initiating or continuing a violation of law or policy, and includes a sincere attempt when limited in one's capacities or by the specific context. Examples of intervention may include, but are not limited to:

- (a) Speaking directly to the person committing the violation
- (b) Alerting another department member
- (c) Reporting the violation to a supervisor or manager
- (d) Enacting University whistleblower regulations

In no case is a department member expected to intervene in a manner that would endanger their own safety or the safety of another.

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For incidents involving the use of force, sworn members must adhere to the duty to intercede as described in University of California Systemwide Police Policies & Procedures.

Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer System - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the University of California Police Department, Berkeley that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, Permanent File or File - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the University of California Police Department, Berkeley that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

Information Technology Use

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or University of California-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

Information Technology Use

321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

321.5.1 LOCAL NETWORK DATA BACKUP

All data stored on department servers will be backed up at least daily, and securely stored for a minimum of three (3) years or as otherwise required by law, regulation or policy.

Recovery of backed-up department data may only be conducted as authorized by the department Information Technology Manager or as directed by a member of UCPD Berkeley command staff.

Information Technology Use

321.5.2 DEPARTMENT SERVERS - PHYSICAL SECURITY

Department servers shall be stored in a secure location with access control measures in place to prevent unauthorized access. Access to department servers shall be restricted to department IT personnel, members of the UCPD command staff, and others as specifically authorized by the Chief of Police.

321.6 INFORMATION TECHNOLOGY MANAGEMENT

The department Information Technology Manager is the primary computer network administrator for all department servers, workstations and connected computer systems (hardware and software). The IT Manager is responsible for maintaining department network security (both physical and digital), data back-up and recovery, internal & external connectivity, and system access passwords. The IT Manager is also responsible for managing department compliance with all applicable laws, regulations and policies including security standards as established by the UC Berkeley Information Security Office.

321.6.1 DELEGATED SYSTEMS MANAGEMENT

Managers or other qualified department members may be designated as administrators for specific systems within the department computer network as necessary and appropriate. If no system administrator has been designated, the management responsibilities for that system default to the department Information Technology Manager. The IT Manager is responsible to provide support for all department connected computer systems and system administrators as necessary.

321.7 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Cause for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Department Use of Social Media

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

322.1.1 DEFINITIONS

Definitions related to this policy include:

Social Media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

322.2 POLICY

The University of California Police Department, Berkeley may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Department Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

322.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

322.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the University of California Police Department, Berkeley or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

322.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

322.6 MONITORING CONTENT

The Chief of Police has appointed the Administrative Services Sergeant to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

322.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

322.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Report Preparation and Case Management

323.1 PURPOSE AND SCOPE

Report preparation and case management are critical functions of the department.. Police reports are often the only permanent record of crimes and other important incidents, so they must reliably include sufficient, relevant and accurate information to enable a variety of purposes, including any necessary follow-up investigation and the successful prosecution of crimes. To ensure that appropriate investigatory and other follow-up efforts are completed and documented in a timely manner, that the integrity of case information is maintained, and that involved parties and the public are kept informed of the status of cases, department members must systematically compile, coordinate and track their reports. Report writing and case management are rightfully the subject of substantial formalized training and on-the-job training.

323.2 REPORT PREPARATION

Department members should ensure that reports and all associated forms are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting department member will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Members who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Members who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Department members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

323.3 SPECIAL DESIGNATIONS

Police reports documenting situations that involve certain factors should be notated accordingly by the reporting department member so that statistics and other information can be accurately collected as required by law, policy or other valid purposes. These include any cases involving:

- (a) Alcohol and/or drug use as a significant factor
- (b) Firearms or other weapons
- (c) Anti-reproductive rights crimes
- (d) Identity theft indicators

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- (e) A criminal act accomplished by an identifiable gang or in furtherance of an identifiable gang's activities
- (f) Alleged organized criminal activity
- (g) A crime of dating or domestic violence
- (h) A hate crime or hate incident
- (i) The mandated reporting of suspected child abuse
- (j) The response to someone experiencing a mental health crisis
- (k) Other Incident Based Reporting System (IBRS) factors

The department member submitting the case report is responsible to ensure that the appropriate checkbox is selected for any of the above categories that may apply.

323.3.1 AUTOMATED MESSAGING

All adult crime victims will automatically be "opted in" to receive automated messaging with updates about their case status (and a link to the UCPD victim / witness Resource Guide) with the option to "decline". A valid email address and / or mobile telephone number must be entered in the report to enable automated messaging.

If a crime victim is ineligible for automated messaging, the department member should provide the Resource Guide via another method and note in their report how this was completed.

323.4 SUPERVISORY REPORT REVIEW

Asupervisor should review each report for content, accuracy and completeness. If a correction is necessary, the reviewing supervisor should notify the reporting department member as soon as practical. It shall be the responsibility of the originating officer and their supervisor to ensure that any report returned for correction is resubmitted in a timely manner.

Upon report approval, the reviewing supervisor should determine if further investigation or follow-up effort is warranted, and assign the case officer and/or other department members to complete any necessary tasks. It shall be the responsibility of the assigned officer or department member and their supervisor to ensure that any assigned tasks are completed and documented in an appropriate and timely manner.

Supervisors may approve their own submitted reports, but at their own discretion they are encouraged to seek review by another supervisor.

323.4.1 CIB REPORT REVIEW

The Criminal Investigations Bureau (CIB) supervisor or manager should routinely review certain types of police reports, including:

- (a) Felony crimes
- (b) Crimes involving sexual violence, relationship violence, and/or stalking behavior
- (c) Crimes involving victimization of children or dependent adults

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- (d) Crimes involving firearms
- (e) Hate crimes and crimes involving hate incidents
- (f) Incidents involving human death
- (g) Missing persons
- (h) 290 PC registrations and violations
- (i) Incidents that appear to be part of an ongoing crime series
- (j) Crime reports or other police reports describing alleged organized criminal activity
- (k) Situations that appear to require threat assessment or management
- (l) Any other case that appears to require significant investigatory efforts to resolve

The reviewing CIB supervisor or manager is responsible to determine if such police reports will be reassigned to a detective, returned to the original case officer, or given a final case status.

323.4 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

323.4.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy
 - (b) Domestic Violence Policy
 - (c) Child Abuse Policy
 - (d) Senior and Disability Victimization Policy
 - (e) Hate Crimes Policy
 - (f) Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes
- (f) Any collection of evidence (including the circumstances of each item's collection)

323.4.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate official department reporting process::

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- (a) Anytime an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (e) Any collection of property for safekeeping or destruction (including the circumstances of each item's collection).
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Reports of campus policy violations, if not otherwise sufficiently documented.
- (k) Assistance provided to outside law enforcement agencies performing official duties on UC Berkeley property.
- (l) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

323.4.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

323.4.4 INJURY OR DAMAGE BY UNIVERSITY OF CALIFORNIA PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a University of California employee. Additionally, reports shall be taken involving damage to University of California property or University of California equipment.

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323.4.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.4.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.4.7 ALTERNATE REPORTING FOR VICTIMS

When alternate reporting methods are available, reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Annoying telephone calls with no suspect information.
- (e) Identity theft without an identifiable suspect.
- (f) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (g) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (h) Supplemental property lists.
- (i) Lost / stolen key reports.
- (j) Lost / stolen Cal 1 cards

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

Report Preparation and Case Management

323.6 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.6.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

323.6.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

323.7 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

323.8 CASE FILE MANAGEMENT

Unless reassigned by a supervisor, the assigned primary officer for an incident shall be designated as the case officer, responsible to complete and/or coordinate the completion of all investigation and necessary documentation arising from that incident.

The case officer is responsible to ensure that all necessary follow-up investigation and efforts are completed and documented within the Records Management System (RMS), including any tasks assigned by a supervisor.

323.8.1 CASE REASSIGNMENT

If necessary to complete any investigation or follow-up effort, a patrol supervisor may assign any officer on their team to take primary responsibility as the case officer for any case. A patrol supervisor may also assign one or more specific investigatory or follow-up tasks to any number of officers on their team.

Patrol supervisors should utilize the Records Management System (RMS) to document all such assignments, and may optionally set a completion date for each task.

Patrol supervisors should alert the Criminal Investigations (CIB) supervisor or manager of any case that appears to require reassignment to a detective, via RMS. The CIB supervisor or manager should review all such cases and determine if a detective will be assigned to take primary

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responsibility, or if the case will be returned to the original case officer, or if the case will be given a final case status, and utilize/update RMS accordingly.

323.8.2 CASE STATUS SELECTION AND UPDATES

Upon submission in the Records Management System (RMS), all cases (whether criminal or non-criminal) require a status. The case officer is responsible for designating and updating the case status to accurately reflect the current state of the investigation or follow-up efforts.

Active - A case with outstanding investigatory or other follow-up efforts pending or in progress.

Inactive - A case for which no additional investigation or follow-up efforts are currently planned, and all assigned tasks have been completed or canceled.

Closed - A criminal case in which there is sufficient probable cause to make an arrest (or the equivalent).

If the case is Inactive or Closed, the case officer must also specify the reason, by selecting the most appropriate option that appears in the RMS menus.

The statuses of Inactive and Closed are considered "final" statuses for the case, but cases may be re-activated by a supervisor if necessary.

The case officer's supervisor is responsible for verifying that the appropriate case status (and reason) has been selected upon reviewing and approving the report, and may update it if necessary.

323.8.3 UNFOUNDED CASES

"Unfounded" refers to a criminal case for which there is sufficient evidence to reasonably conclude that the alleged crime is false or baseless, meaning it did not occur or was never attempted. Criminal allegations shall not be designated as "Unfounded" simply because they are unsubstantiated or implausible.

The case status of Inactive for the reason "Unfounded" may only be selected with specific approval from a supervisor or manager.

323.9 INVESTIGATORY INFORMATION ACCESS AND SECURITY

Access to investigatory reports and materials is limited to authorized department members. Refer to the department Records Section policy and Records Maintenance and Release policy for details.

During the course of an active investigation, involved department members shall maintain the security of all related reports, documents, drafts, notes, diagrams, images, digital evidence, physical evidence and any other information of material relevance (including personal identifiable information of involved parties) which they might possess.

When a case is set to the status of Inactive or Closed, involved department members shall upload all relevant investigatory materials to be retained into the RMS case file, or preserve them as

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evidence if appropriate. No other physical or electronic investigative materials or copies thereof shall be retained or disseminated, and instead shall be securely destroyed or deleted.

323.9.1 CIB SUPPLEMENTARY INVESTIGATION FILES

Notwithstanding, the Criminal Investigations Bureau (CIB) supervisor or manager may securely maintain supplementary physical investigation files pertaining to Inactive or Closed cases for the purpose of investigative expediency. These supplementary files shall be considered an extension of the corresponding case files permanently maintained within the RMS, and may consist of the following types:

- (a) Major crime archives, for felony criminal cases with an elevated potential to be re-opened within the applicable statute of limitations. The content of major crime archive files shall not exceed what has been preserved within the corresponding RMS file and/or as evidence related to that case.
- (b) Threat investigation Records, as described within the department Threat Assessment and Response policy.

Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

324.2 POLICY

It is the policy of the University of California Police Department, Berkeley to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

324.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

324.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available sworn supervisor or command staff member. If the PIO, sworn supervisor, or command staff are not readily available, the employee receiving the request shall provide the media with the phone number to contact police dispatch for assistance with contacting the appropriate department employee available to assist with the media request. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

Media Relations

- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

324.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

324.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

324.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower.

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If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

324.7 CONFIDENTIAL OR RESTRICTED INFORMATION

Requests for information concerning ongoing investigations shall be directed to the designated media representative, who shall consult with the Criminal Investigations Bureau supervisor or manager prior to release of any sensitive or protected information.

It shall be the responsibility of any department member responding a media request to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

324.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

324.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

324.9 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

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- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

324.9.1 CLERY ACT REQUIREMENTS

To meet these mandates in the context of applicable Federal Clery Act requirements, the department will maintain a Daily Crime Log as specified in the department Jeanne Clery Campus Security Act policy, which shall be made available to media representatives in the manner described above, and serve as the department's daily information log.

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the University of California Police Department, Berkeley to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY

University of California Police Department, Berkeley members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) They know that they will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and they are not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that they are unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Campus Counsel or the prosecutor shall notify their immediate supervisor without delay regarding:

- (a) Any civil case where the University of California or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of their association with the University of California Police Department, Berkeley.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the University of California Police Department, Berkeley.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes their location during the day, the member shall notify the designated department member of how they can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the Class B or Class A department uniform as provided in the Uniform Regulations, or business attire.

Subpoenas and Court Appearances

- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.7 OVERTIME APPEARANCES

When a member appears in court within the scope of their employment but at a time they would otherwise be considered off-duty, they will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

325.8 AGENCY SPECIFIC CONTENT

325.9 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that they are free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows them to not appear in court, but remain available by phone or pager so that they may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

325.10 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

Outside Agency Assistance - Mutual Aid

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 POLICY

It is the policy of the University of California Police Department, Berkeley to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

326.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the University of California Police Department, Berkeley shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

Outside Agency Assistance - Mutual Aid

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

326.7 AGENCY SPECIFIC CONTENT

326.8 MUTUAL AID

326.8.1 UNIVERSITY OF CALIFORNIA MUTUAL AID

Requesting or assisting other University of California campuses will be in accordance with policy established in the Universitywide Police Policies and Procedures (Gold Book).

[Universitywide Police Policies And Administrative Procedures](#)

326.8.2 ALAMEDA COUNTY MUTUAL AID

Mutual Aid requests and deployments shall be made in accordance with the California Emergency Management Agency (CalEMA) Law Enforcement Mutual Aid Plan (Blue Book).

<http://www.caloes.ca.gov/LawEnforcementSite/Documents/1Blue%20Book.pdf>

If Mutual Aid is required, the Chief of Police or a designated representative will advise the Alameda County Sheriff's Office by contacting the Sheriff's Office Dispatch Supervisor at 510-667-7777.

The Incident Commander (IC) shall to the greatest extent possible:

Outside Agency Assistance - Mutual Aid

- (a) Identify numbers and types of Mutual Aid resources requested.
- (b) Identify specific missions for Mutual Aid responder tasking.
- (c) Advise responders as to what equipment they should bring.
- (d) Establish an assembly/staging area for responding resources.
- (e) Identify communications channels compatible with command and control of field resources.
- (f) Designate a liaison officer (pathfinder) to facilitate a coordinated assimilation of responding Mutual Aid resources.
- (g) Prepare a situation briefing, including local maps, for responders.
- (h) Provide logistical support for Mutual Aid personnel (e.g., food, lodging, rest intervals and equipment maintenance as appropriate).

Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the University of California Police Department, Berkeley will address issues associated with certain offenders who are residing in this jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

327.2 POLICY

It is the policy of the University of California Police Department, Berkeley to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION

The Criminal Investigations Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

327.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

327.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

Registered Offender Information

The Criminal Investigations Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to University of California Police Department, Berkeley personnel, including timely updates regarding new or relocated registrants.

327.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the University of California Police Department, Berkeley's website. Information on sex registrants placed on the University of California Police Department, Berkeley's website shall comply with the requirements of Penal Code § 290.46.

The Records and Communications Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

327.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name.
- (b) The offender's known aliases.
- (c) The offender's sex.
- (d) The offender's race.
- (e) The offender's physical description.
- (f) The offender's photograph.
- (g) The offender's date of birth.
- (h) Crimes resulting in the registration of the offender under Penal Code § 290.
- (i) The date of last registration.

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

327.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

Registered Offender Information

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

328.2 POLICY

The University of California Police Department, Berkeley recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police / on-call Command Officer and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury, serious illness or death of:
 - A department member(whether on- or off-duty),
 - Any person known to be affiliated with the University, or
 - Any person while on UC Berkeley property.
- Arrest of a department member or a prominent University of California, Berkeley official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Hate Crimes of a serious nature.

328.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the cellular telephone number first and then by any other available contact numbers. Discretion should be used when making overnight notifications. If the incident does not involve death or serious injury requiring immediate management level response, calls may be delayed until 0700 hours.

Major Incident Notification

328.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the on-call Command Officer shall be notified along with the appropriate Division Commander.

328.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Special Operations Commander shall be contacted who will then coordinate appropriate response.

328.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident. Given the severity of the incident, notifications of next of kin should be made by the Watch Commander or designee as soon as practical for incidents involving death, seriously injured, or seriously ill persons as specified in section 328.3 of this policy.

Death Investigation and Notifications

329.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for death investigations. The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

329.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.

Death Investigation and Notifications

- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

329.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

329.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

329.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

329.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Watch Commander and Special Operations Division Commander shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

Death Investigation and Notifications

329.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

329.3.1 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

329.3.2 CAMPUS DEATH RESPONSE PROTOCOL

When the death of a campus affiliate or visitor is discovered by, or reported to, the department, including a death that has occurred outside the department's primary jurisdiction, this information should be forwarded to the Watch Commander to determine if the campus death response protocol should be implemented.

For purposes of the campus death response protocol, "affiliate" includes:

- (a) Undergraduate students
- (b) Graduate students
- (c) Visiting & postdoc scholars
- (d) Faculty members & academic employees (whether active, on leave or emeritus/retired)
- (e) Staff members (whether active, on leave or retired)

When the department receives an official UC Berkeley Death Report via the campus death response protocol, it should be forwarded to the Criminal Investigations Bureau supervisor or manager for review and consideration of any necessary follow-up.

For more information about the campus death response protocol, visit:

<https://uhs.berkeley.edu/campus-death-response>

329.3.3 DEPARTMENT MEMBER DEATH

For a department member death in the line of duty, refer to the department Line-of-Duty Deaths policy for guidance.

Identity Theft

330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

330.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary Aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or Impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified Interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

331.2 POLICY

It is the policy of the University of California Police Department, Berkeley to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the University of California ADA coordinator regarding the University of California Police Department, Berkeley's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Records and Communications Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Communications with Persons with Disabilities

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the University of California Police Department, Berkeley, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

University of California Police Department, Berkeley members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members

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may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

331.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

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Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

331.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

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Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

331.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

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331.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

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The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

331.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Private Persons Arrests

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

332.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

332.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

Private Persons Arrests

advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

332.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest Form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a Crime report regarding the circumstances and disposition of the incident.

Anti-Reproductive Rights Crimes Reporting

334.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

334.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

334.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigations Division Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigations Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 - 1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
 - 2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified Bilingual Member - A member of the University of California Police Department, Berkeley, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

It is the policy of the University of California Police Department, Berkeley to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

334.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the University of California Police Department, Berkeley's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Records and Communications Supervisor. The list should include information regarding the following:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available on the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

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- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

University of California Police Department, Berkeley members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other University of California departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

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334.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other University of California departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

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Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The University of California Police Department, Berkeley will take reasonable steps and will work with Office of People and Culture to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

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While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with a LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing a LEP individual under arrest.

334.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of a LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Mandatory Employer Notification

335.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

335.2 POLICY

The University of California Police Department, Berkeley will meet the reporting requirements of California law to minimize the risks to children and others.

335.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

335.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

335.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

335.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

Mandatory Employer Notification

335.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

335.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Biological Samples

336.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

336.2 POLICY

The University of California Police Department, Berkeley will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

336.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

336.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

336.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

336.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

Biological Samples

with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

336.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

336.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

336.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

336.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

336.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

Biological Samples

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

336.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Campus Security Video System

337.1 PURPOSE AND SCOPE

This policy provides guidance for Department access and operation of the University of California, Berkeley campus security video system, as well as the storage and release of security video segments and still images preserved by the Department.

This policy only applies to the Department's use of the campus security video system. It does not apply to mobile audio/video systems, covert audio/video systems, or any other image-capturing devices used by the Department.

337.2 POLICY

The University of California, Berkeley campus operates a security video system to enhance safety and security in public and semi-public areas. Cameras are placed in strategic locations throughout campus to detect and deter crime, to help safeguard against potential threats, to help manage emergency response situations during natural and man-made disasters and to assist University of California officials in providing services to the campus community.

Authorized department members shall only access and operate the campus security video system in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

337.3 OPERATIONAL GUIDELINES

Only department-approved equipment should be utilized to access and operate the campus security video system. Members authorized to monitor campus security video should only actively monitor locations where no reasonable expectation of privacy exists.

337.3.1 PLACEMENT AND MONITORING

As appropriate, the Chief of Police (or their designee) should confer with University of California divisions and designated community groups to make recommendations about camera placement.

Live and recorded images may be used by the Department for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. These uses may include, but are not limited to the following purposes:

- (a) To prevent, deter and identify criminal activity
- (b) To respond to critical incidents
- (c) To assist in identifying, apprehending and prosecuting offenders
- (d) To document officer and offender conduct during interactions to safeguard the rights of the public and officers
- (e) To augment resources in a cost-effective manner
- (f) To monitor pedestrian and vehicle traffic activity

Live and recorded images should only be transmitted to department-authorized workstations or devices. When activity warranting further investigation is reported or detected at any camera

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location, the available information should be provided to responding officers in a timely manner. Authorized members are permitted to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police (or their designee) may authorize live or delayed video feeds from the campus security video system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of campus security video segments or images is prohibited.

337.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate output from the campus security video system with other technology to improve its capacity to provide public safety and emergency response services. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy, and in a manner otherwise consistent with law and policy.

337.4 VIDEO SUPERVISION

Supervisors should monitor campus security video system access and operation to ensure members are within department policy and applicable laws.

337.4.1 PROHIBITED ACTIVITY

Campus security video systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

The campus security video system shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

The campus security video system shall not be used to harass, intimidate, or discriminate against any individual or group.

337.5 STORAGE AND RETENTION OF MEDIA

All preserved security video segments and still images shall be stored in a secure manner with access restricted to authorized persons. Video segments and still images needed as evidence or for civil / administrative purposes shall be copied to a suitable medium and preserved in accordance with established procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. Preserved security video segments and still images should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from University

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campus counsel. If preserved security video segments and still images are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

337.5.1 EVIDENTIARY INTEGRITY

All preserved security video segments and still images should only be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

337.6 RELEASE OF VIDEO IMAGES

All security video segments and still images from the campus security video system, when preserved upon the initiative of a department member, are intended for the official use of the University of California Police Department, Berkeley, and should only be utilized by authorized members as necessary and appropriate within the scope of an official criminal or administrative investigation. When a legitimate public safety or law enforcement need exists, and upon the approval of a department member at the rank of Lieutenant or higher, campus security video segments and still images may be released to the general public, redacted as necessary.

Requests for unreleased but preserved campus security video segments and still images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for buffered or unreleased but preserved campus security video segments and still images from other public safety or law enforcement agencies shall be referred to the Watch Commander for consideration, and should only be approved for a legitimate public safety or law enforcement purpose. Any responsive material should only be provided to authorized peace officers or investigators.

Requests for buffered or unreleased but preserved campus security video segments and still images from other UC Berkeley campus units shall be referred to the Watch Commander for consideration, and should only be approved for a specific and legitimate administrative purpose. Any responsive material should only be provided to authorized University supervisors or managers.

Any other request for buffered or unreleased but preserved security video segments and still images should be directed to the UC Berkeley Office of Legal Affairs as a public records act request.

Buffered or unreleased but preserved security video segments and still images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

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337.7 TRAINING

All department members authorized to operate or access campus security video systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations, and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of security video equipment and privacy.

337.8 AGENCY SPECIFIC CONTENT

337.8.1 UNIVERSITY OF CALIFORNIA BERKELEY, VIDEO SECURITY APPLICATIONS

Attached for reference is the University of California, Berkeley Video Security Applications Policy.

[Video Security Application Policy](#)

https://ucpd.berkeley.edu/sites/default/files/video_policy.pdf

Child and Dependent Adult Safety

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

338.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The University of California Police Department, Berkeley will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

338.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Child and Dependent Adult Safety

338.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

338.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

338.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

338.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

338.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Child and Dependent Adult Safety

338.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Service Animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

339.2 POLICY

It is the policy of the University of California Police Department, Berkeley to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

Service Animals

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

339.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the University of California Police Department, Berkeley affords to all members of the public (28 CFR 35.136).

339.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

339.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

339.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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339.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Off-Duty Law Enforcement Actions

340.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the University of California Police Department, Berkeley with respect to taking law enforcement action while off-duty.

340.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

340.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

340.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

Off-Duty Law Enforcement Actions

- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

340.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an University of California Police Department, Berkeley officer until acknowledged. Official identification should also be displayed.

340.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

340.4.3 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

340.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

340.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

340.6 AGENCY SPECIFIC CONTENT

Off-Duty Law Enforcement Actions

340.6.1 COMPENSATION

When performing a police service as described in this Policy, officers shall be bound by all existing University and Departmental Policies and shall be entitled to all employee benefits as though they were regularly assigned to duty. An overtime slip should be completed by employees involved in the off duty police service, for the time required to complete the service and properly document it.

Gun Violence Restraining Orders

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

341.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

341.2 POLICY

It is the policy of the University of California Police Department, Berkeley to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

341.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to themselves or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

341.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

341.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records and Communications Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

341.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records and Communications Manager for filing with the court and appropriate databases.

Gun Violence Restraining Orders

341.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

341.6 RECORDS AND COMMUNICATIONS MANAGER RESPONSIBILITIES

The Records and Communications Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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341.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

341.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

341.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records and Communications Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

341.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Criminal Investigations Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

341.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

Gun Violence Restraining Orders

341.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Native American Graves Protection and Repatriation

342.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

342.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary Objects and Associated Funerary Objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American Human Remains - The physical remains of the body of a person of Native American ancestry.

Objects of Cultural Patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred Objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

342.2 POLICY

It is the policy of the University of California Police Department, Berkeley that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

342.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture.
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5).
- Tribal land - Responsible Indian tribal official.

342.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Community Relations

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for establishing and enhancing beneficial relationships between the department and the community it serves, and enabling continuous improvement in the development and implementation of department services and programs..

Additional guidance on community relations and outreach is provided in other policies, including:

- Hate Crimes
- Limited English Proficiency Services
- Communications with Persons with Disabilities
- Patrol Function
- Suspicious Activity Reporting
- Community Feedback
- Residential Student Liaison Team

343.2 POLICY

It is the policy of the University of California Police Department, Berkeley to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

343.3 MEMBER RESPONSIBILITIES

All department members should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with the organizations, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department Community Relations Coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Partake in community outreach and crime prevention programs as facilitated or assigned by the department, and as offered by the community.

Department members with duties involving the direct provision of public safety services should conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Department members carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

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343.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police shall designate a department member to serve as the Community Relations Coordinator. The Community Relations Coordinator should report directly to the Chief of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to their responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Establishing relationships and working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community through the implementation of crime prevention partnerships, programs and activities.
 - 2. Develop and/or organize programs and activities that help build positive relationships between department members and the community, and which provide community members with an improved understanding of department operations.
- (e) Working with the Operations Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (j) Promoting the department's community relations objectives, efforts and successes both internally and to the public.
- (k) Coordinating the department's community relations efforts with other campus departments, outside agencies and organizations, and providing those partners with any community input and other ideas or suggestions that fall outside the scope of UCPD Berkeley.

343.5 SURVEYS

The Community Relations Coordinator should arrange for an anonymous survey of community members and department members to be conducted at least once every four years to assess the

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condition of the Department and its relationship with the campus community. Survey questions should be designed to evaluate the following:

- (a) Satisfaction with the overall performance of the Department
- (b) Perceptions of the general competence of department members at all levels
- (c) Perceptions of the attitude and behavior of department members at all levels
- (d) Level of trust in the Department
- (e) Concerns about safety and security within the service area of the department
- (f) Suggestions and recommendations for improving department policies, procedures and services

A written summary of the compiled results of the survey should be provided to the Chief of Police, and also to the public (redacted as necessary to protect any confidential information).

343.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Community Relations Coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

343.7 INFORMATION SHARING

The Community Relations Coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

343.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The Community Relations Coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

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- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

343.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

343.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, community groups, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies and programs to solve public safety problems and address community perceptions of crime within and around the affected community, integrating a review of the department's crime analysis data on the types and locations of reported crimes.
- (c) Generate plans for improving the relationship between the Department and the community.

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- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

343.10.1 EVALUATION OF EFFORTS

At least once every four years, the committee will complete a comprehensive written evaluation of their efforts including the strategies and programs developed in response to the prevention of and resolution of public safety concerns and criminal activity.

343.10.2 LEGAL CONSIDERATIONS

The Chief of Police and the Community Relations Coordinator should work with the Campus Counsel as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

343.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The Community Relations Coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

343.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Duty to Warn/Tarasoff Notification

344.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth procedures for investigating and reporting threats communicated to a mental health professional, commonly referred to as "Tarasoff incidents" or in cases where a member of the department becomes aware of any act or credible threat to injure or harm another person, reasonable efforts shall be made to document the information and notify the intended victim as well as provide assistance that may be reasonably available for that person's safety.

344.2 DEFINITIONS

Tarasoff Notification (pursuant to Tarasoff v. The Regents 551 P. 2d334 (Cal 1976)) - a notification from a licensed psychologist/counselor to the police and targeted people regarding death threats. https://en.wikipedia.org/wiki/Tarasoff_v._Regents_of_the_University_of_California

344.3 NOTIFICATION

When an imminent or credible threat to a person is received, it is the policy of this department to:

- (a) Immediately notify the on-duty supervisor as well as the intended victim. The matter will be initially handled by patrol officers.
- (b) Document the notifications in a case report by time and date.
- (c) When the threat is not imminent and personal contact cannot be made, a letter detailing the threat shall be sent to the intended victim.

Community Preferred Names

345.1 PURPOSE AND SCOPE

The University of California, Berkeley, Police Department is committed to working with the diverse communities it serves. This policy is intended to establish procedures which create mutual understanding, prevents discrimination and conflict, and ensures the appropriate treatment of community members who choose to use a preferred name. In the absence of exigent circumstances, this policy will apply to all department employees.

345.2 POLICY

Some members of the community use names other than their legal name to identify themselves. As long as the use of this different name is not for the purposes of misrepresentation, the Department acknowledges that a "preferred" first name may be used. All professional members of the Department strive to provide the highest level of service to all members of the community.

345.3 GUIDELINES

The following guidelines are established to ensure police contacts with community members who choose to use a preferred name are professional, respectful and courteous:

- (a) Do not use language that a reasonable person would consider demeaning to another person, in particular language that references a person's gender identity, gender expression, sexual orientation or international status.
- (b) Treat transgender persons in a manner that reveals respect for the individual's gender identity and gender expression, which includes addressing them by their preferred name and using gender pronouns appropriate to the individual's gender self-identity and expression.
- (c) Recognize that preferred names, non-traditional gender identities and gender expressions do not constitute reasonable suspicion or prima facie evidence that an individual is or has engaged in any criminal activity.
- (d) These guidelines do not restrict an officer's ability to request a legal name when necessary.

345.3.1 ADDRESSING A TRANSGENDER MEMBER OF THE COMMUNITY

When a person identifies themselves as transgender, respect the expressed gender and do not question it. If the individual does not self-identify as transgender, the following guidelines apply:

- (a) Do not make assumptions about anyone's gender based on appearance.
- (b) Upon engaging with community members, it is appropriate for officers to inquire how the individual wishes to be addressed (he, she or something else) and the name by which the individual wishes to be addressed. This name shall be noted as an (AKA) if it differs from the individual's legal name.
- (c) Under no circumstances shall department employees disclose to non-involved persons that an individual is transgender. As with other policies, a "need to know" basis should guide decisions about disclosure.

Community Preferred Names

- (d) There will be occasions when an individual's legal name is required. This legal name can be obtained in the following manner:
 - 1. An officer may ask the individual directly for their legal name if in a one on one situation.
 - 2. If the contact is in a group environment, the officer should ask the individual to step outside the group to obtain the legal name and avoid "outing" the individual.
- (e) If an exigent circumstance exists, the officer may request the legal identification of a community member.

Automated External Defibrillator (AED)

346.1 PURPOSE AND SCOPE

To establish guidelines for deployment, maintenance, record-keeping and training for the department's Automated External Defibrillators (AEDs).

346.2 POLICY

The University of California, Berkeley, Police Department recognizes the value and life saving ability of AEDs. The Department will maintain a supply of AEDs for use by departmental personnel. Policies and procedures for AED use, maintenance, records and training will be consistent with relevant laws, regulations, University policy, manufacturer's guidelines and industry standards as set forth by the American Red Cross or the American Heart Association.

346.3 AED COORDINATOR

The Administrative Services Sergeant serves as the Department's AED Coordinator unless otherwise delegated by the Chief of Police. The AED Coordinator has overall responsibility for the AED program, including:

- (a) Maintenance of equipment and supplies.
- (b) Coordination of training for department employees.
- (c) Inspecting deployed AEDs, recovering data and returning units to service.
- (d) Maintaining records of training, deployment and maintenance.
- (e) Serving as the primary department liaison to the campus AED Program Manager as well as to the AED supplier and manufacturer.
- (f) Coordinating maintenance with University Health Services (Tang Center).

346.4 DEPLOYMENT

Employees shall only deploy and use AEDs in a manner consistent with department policy, procedures and training.

Department employees who have received appropriate training should operate AEDs in the field. If no trained employee is immediately available at the scene of a possible cardiac arrest emergency, any person may operate the AED by following the device's audible and written instructions.

Any employee who deploys a Departmental AED shall, as soon as practical, notify the on-duty patrol supervisor. At the conclusion of the incident, the involved employee shall:

- (a) Remove the deployed AED from service and replace it with a spare unit (if available).
- (b) By e-mail, notify the AED Coordinator of the deployment and identify the location where the deployed AED has been stored.
- (c) Complete the AED Post-Incident Report and give it directly to the AED Coordinator.
- (d) Route a copy of any police report to the AED Coordinator, but do not attach the AED Post-Incident Report to the police report.

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Any on-duty employee who deploys an AED other than one that is owned by the Department shall, as soon as practical, notify the on-duty patrol supervisor. At the conclusion of the incident, and in addition to any other duties, the involved employee and/or the patrol supervisor shall:

- (a) Attempt to contact the person responsible for the AED in question and arrange to have it returned.
- (b) By e-mail, notify the AED Coordinator of the deployment and describe the status of the AED that was deployed.
- (c) Complete the AED Post-Incident Report and give it directly to the AED Coordinator who will provide a copy to the appropriate person and keep a copy for file.
- (d) Route any police report to the AED Coordinator, but do not attach the AED Post-Incident Report to the police report.

Upon notification of the deployment of a Departmental AED, the AED Coordinator shall:

- (a) Within five business days, recover the data recorded by the deployed AED and forward it to the campus AED Program Manager along with the AED Post-Incident Report and the police report;
- (b) Create a file with copies of the above items to be maintained by for a period of not less than five years.
- (c) Test, reset and return the deployed AED back into service.

Any employee who discovers an AED that is making an alert noise or that seems to be damaged or malfunctioning should remove it from service and advise the on-duty patrol supervisor without delay.

346.5 TRAINING

Departmental First Aid/CPR instructors shall receive training and serve as AED instructors, reporting to the AED Coordinator for these functions.

Sworn Department members shall receive AED training annually.

Any Civilian Department member may request to attend annual training.

The Training Manager shall keep records of department members receiving annual training.

Line Inspections

347.1 PURPOSE AND SCOPE

To provide guidelines for carrying out line inspections, which includes the regular examination of all department members, equipment, vehicles and facilities for the purpose of ensuring operational readiness and verifying an appearance and general condition in compliance with department policy.

347.2 POLICY

All department members are expected to maintain their issued or mandatory uniform and equipment in a state of operational readiness, and to comply with all relevant appearance and general condition standards as described in department policy. Department members are also expected to maintain all issued or shared department vehicles, equipment, and facilities they use in a similar fashion. Managers and supervisors are responsible for conducting regular inspections of department members and department equipment, vehicles and facilities to achieve accountability and to correct deficiencies in a timely fashion.

347.3 INSPECTION PROCEDURES

Every manager and supervisor has the responsibility and authority to conduct regular inspections of the department members, vehicles, equipment and facilities within their division or unit, as well as of all shared or common department vehicles, equipment and facilities. This includes:

- (a) Casual inspections, which are cursory, random, and occasional
- (b) Formal inspections, which are thorough, systematic, scheduled, and documented.

No employee shall have their locker, personal items or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted (Government Code § 3309).

When inspection reveals a deficiency, the manager or supervisor should take action to address and correct the problem without unnecessary delay.

- (a) When inspection reveals a hazardous, egregious, or repeated deficiency, the manager or supervisor should also document the deficiency and the plan or need to address and correct it. This documentation should consist of a memo sent up the chain of command if there is no other applicable reporting system for the deficiency in question.
- (b) If any deficiency is beyond the ability of the manager or supervisor to correct within two (2) working days, the manager or supervisor should submit a follow-up memo to the Field Operations Captain via the chain of command with a summary of the problem and recommendations for mitigation and/or correction.

When inspection reveals an exemplary condition or performance, the manager or supervisor should document the circumstances as appropriate, which may include a memo sent to the

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Field Operations Captain via the chain of command with a recommendation for recognition or commendation of the responsible department member or unit.

In lieu of a formal memo via the chain of command, another department-approved written communication system may be utilized.

347.4 PERSONNEL INSPECTIONS

Department managers and supervisors should conduct casual inspections of personnel within their division or unit on an ongoing basis, including daily observation of department members' uniforms, equipment, vehicles and workplace. Casual inspections shall be documented in the Guardian Tracking system.

At least once per quarter, managers and supervisors should ensure that all department members are formally inspected. The inspection should be scheduled with at least one-week advance notice given to all department members who will be formally inspected.

Formal personnel inspections shall be documented on the approved department reporting form and routed to the Field Operations Captain via the chain of command.

347.4.1 FORMAL PERSONNEL INSPECTION REPORTING FORM

The Field Operations Captain is responsible to develop and make available a form to be used for conducting and documenting formal personnel inspections of department members. This form may include specific procedures or expectations for conducting the formal inspection, and may be used for all formal personnel inspections of all department members (non-applicable elements may be omitted as necessary).

After review by the Operations Captain, the completed formal personnel inspection reporting form should be forwarded to the Office of the Chief for retention within department personnel files.

347.5 VEHICLE INSPECTIONS

Vehicle inspections will be performed as according to the Vehicle Maintenance policy.

347.6 FIREARMS INSPECTIONS

Firearms inspections will be performed as according to the Firearms policy.

347.7 OTHER EQUIPMENT AND FACILITY INSPECTIONS

Department managers and supervisors should conduct casual inspections of other shared or common equipment and facilities on an ongoing basis.

Formal inspection of department equipment or facilities dedicated to specific programs or units will generally be considered the responsibility of any department member assigned to manage that program or unit, but any supervisor or manager who observes a deficiency should take action to address and correct the problem.

Deficiencies involving shared or common equipment or facilities should be brought to the attention of the department Facilities Manager if no other department member is clearly designated as responsible for managing the deficient item or location.

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The department Facilities Manager is responsible for managing any formal inspection that might be necessary for any shared or common equipment or facilities that is not clearly the responsibility of another department member to manage.

347.8 ANNUAL SUMMARY

The Field Operations Captain is responsible to provide the Chief of Police with an annual written summary and assessment of all formal inspections and deficiencies documented pursuant to this policy.

Evidence Collection

348.1 PURPOSE AND SCOPE

To establish guidelines for identifying, collecting and preserving evidence, including at crime scenes.

348.2 POLICY

It is the policy of the University of California Police Department, Berkeley to ensure that crime scenes are processed thoroughly and that evidence is properly collected to ensure its integrity and aid in the prosecution of offenders.

348.3 DEFINITIONS

Major Crime Scene - A location for which there is probable cause to believe it contains evidence of a violent felony, an extensive or significant felony property crime, or another serious and notable crime that occurred there.

348.4 FACILITATING EVIDENCE COLLECTION

Generally, the designated case officer (or lead detective) is responsible for identifying evidence and facilitating any necessary collection of evidence at the scene of a crime, and as otherwise needed during the course of a criminal investigation.

When evidence collection is necessary at a major crime scene, or whenever the skill required for evidence collection exceeds the capacities of the designated case officer (or lead detective), the case officer (or lead detective) should consult with their supervisor to determine if additional evidence collection resources should be requested.

348.5 EVIDENCE COLLECTION PROCEDURES

Specific methods, techniques and procedures used for evidence collection and processing crime scenes should be performed in a manner consistent with those described in Learning Domain 30 of the Basic Course Workbook Series (v. 5.0, California Commission on Peace Officer Standards and Training), or a newer reference standard if approved by POST.

[See attachment: CA-POST LD_30_V-5.0 \(1\).pdf](#)

Upon the collection of evidence, any department member who maintains or subsequently accepts custody of that evidence is responsible to take reasonable steps to safeguard that evidence from loss, damage, or contamination, and to maintain and document an unbroken chain of custody to ensure admissibility of that evidence in a court of law.

(See 807.5 and 807.5.1 for information on Digital Evidence.)

348.6 MAJOR CRIME SCENE CONSIDERATIONS

When a major crime scene is discovered, the relevant supervisor shall notify an on-duty Field Operations Division manager (or the on-call command staff member).

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After any immediate threats or hazards have been mitigated and any necessary medical aid has been rendered, officers at a major crime scene shall take steps to secure the area (utilizing natural barriers, personnel and/or crime scene tape as needed) and to limit entrance to necessary persons only. One officer or another department member should be designated to document the names and times of those who enter and exit the scene.

Refer to the Crime and Disaster Scene Integrity policy for additional guidance on securing major crime scenes before and during collection of evidence.

348.7 MAJOR CRIME SCENE PROCESSING

The processing of a major crime scene should include the following elements:

- (a) A preliminary scene survey for identification of potential hazards and evidence
- (b) Photographs and/or video recording the condition of the scene and all evidence at the time of collection
- (c) If beneficial for investigatory purposes, a sketch and/or diagram of the scene (including locations of discovered evidence)
- (d) Systematic identification, collection and packaging of physical, trace and/or biological evidence that may be present
- (e) A list and description of all collected evidence

The specific methods for each of these elements should be in a manner consistent with established and applicable law, policy, procedures, and training.

348.8 BOOKING EVIDENCE

The designated case officer (or lead detective), their supervisor, and any other department members collecting evidence are responsible to ensure that all collected evidence is handled, packaged and booked according to established standards and procedures.

Refer to the Property and Evidence policy and the Computers and Digital Evidence policy for additional guidance on handling, packaging and booking certain types of collected evidence.

348.9 DOCUMENTATION

The designated case officer (or lead detective), their supervisor and any other department members collecting evidence are responsible to ensure that all crime scene and traffic collision scene processing and evidence collection is properly documented according to established standards and procedures.

348.10 EQUIPMENT AND SUPPLIES

The Criminal Investigations Bureau (CIB) manager is responsible to ensure that appropriate evidence equipment and supplies are available for use by detectives as needed.

The Patrol Bureau manager is responsible to ensure that appropriate evidence equipment and supplies are available for use by patrol personnel as needed.

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348.11 TRAINING

The department Training Coordinator is responsible to ensure that all officers and other department members responsible to perform evidence collection are provided the appropriate information and training to fulfill this expectation within the scope of their routine duties.

348.12 OUTSIDE AGENCY ASSISTANCE

The Field Operations Division Captain is responsible for establishing agreements with outside agencies to ensure sufficient and qualified evidence collection resources are available to assist UCPD Berkeley at any time of day or night if needed.

When necessary for assistance with a major crime scene, or when the skill required for evidence collection exceeds the capacities of available department members, the relevant supervisor should seek approval from an on-duty Field Operations Division manager (or the on-call command staff member) to request aid from an outside agency with the capacity to provide necessary evidence collection services.

For traffic collisions involving multiple and/or significant injuries, and traffic collisions involving Department members that result in injury or significant damage, the relevant supervisor should contact the California Highway Patrol to request assistance with the collision investigation and any related evidence collection.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function, to describe patrol operations and expectations, and to address intra-organizational cooperation and information sharing.

400.2 POLICY

The University of California Police Department, Berkeley provides continuous patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles, motorcycles, bicycles, carts or on foot in assigned jurisdictional areas of the University of California, Berkeley. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

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Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Officers responding to an event or gathering that has UC Berkeley students or a sponsored outside organization participating should notify the on-duty supervisor for notification of the the Dean of Students Office and/or Protest Response Team (PRT) as appropriate.

400.6 PATROL OPERATIONS AND EXPECTATIONS

400.6.1 BRIEFINGS & DEPLOYMENT

Patrol Supervisors should conduct a briefing for their team at the beginning of each routine shift, generally to include:

- (a) Beat, vehicle and task assignments
- (b) A review of recent cases from the Daily Crime Log and the previous patrol shift's activities
- (c) Relevant public safety and crime information (BOLOs, news items, trends, operations, etc.), and other operational information
- (d) New department and University announcements, instructions, and other administrative information
- (e) Training (as appropriate)
- (f) Inspection (as needed)

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- (g) An opportunity for team feedback, questions, and discussion

Briefing should last no more than 15 minutes unless conducting briefing training or for another approved purpose.

Supervisors may conduct an end-of-watch de-briefing to discuss patrol activities, to plan follow-up actions, or to review any new or important information.

400.6.2 BEAT ASSIGNMENTS AND CALL RESPONSIBILITIES

To provide comprehensive patrol services for all locations owned and/or controlled by UC Berkeley, the main campus and all satellite properties are divided into geographical "beats" to which patrol officers are assigned.

Unless unavailable due to another work-related priority, officers are expected to focus the majority of their proactive efforts within their assigned beat(s) and to serve as the primary unit for any calls for service from that area. However, a Public Safety Dispatcher (PSD) or the patrol supervisor may assign any officer as the primary unit to any call for service based on operational needs, regardless of beat assignment.

The officer assigned as the primary unit to a call for service (or who initiates field activity) is normally responsible for the initial assessment and response to the event, which might include:

- (a) Identifying and mitigating any significant hazards or threats
- (b) Coordinating the response and release of any cover officers or other personnel and resources
- (c) Determining if any crimes or other violations have occurred
- (d) Deciding upon any necessary and appropriate enforcement actions and/or other outcomes
- (e) Completing appropriate documentation, notifications and follow-up efforts

The officer assigned as the primary unit to a call for service should consult with the patrol supervisor and other officers as necessary to achieve a safe and lawful outcome. The supervisor and other officers are expected to assist and support the primary unit as needed.

400.6.3 ASSIGNMENT OF PATROL RESOURCES

Generally, the Public Safety Dispatcher (PSD) should assign a primary unit and at least one cover officer to every call for service, and at least one cover officer for every enforcement activity self-initiated by an officer in the field. The PSD may assign multiple cover officers when they anticipate a need for any specific situation.

The primary unit may request additional cover officers and cancel the response of (or release) assigned cover officers based on an assessment of available information, which minimally should include an initial evaluation of the scene and any persons present. However, the on-duty patrol supervisor has the overall responsibility to manage the number of department personnel assigned to or present at any event and has the authority to modify assignments as necessary for safety or operational needs.

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When needed, officers may request additional assistance and resources to the scene of an incident. This includes but is not limited to, public safety and traffic control equipment, management or supervisory personnel, university services, city or county services, external law enforcement, fire, and other public safety services. The on-duty patrol supervisor maintains the overall responsibility of managing the assistance and resources requested and has the authority to modify such as necessary for safety or operational needs.

400.6.4 FIELD SUPERVISOR RESPONSE

The on-duty patrol supervisor should respond to calls for service or other field activities that are likely to present a need for supervisory guidance or control, including (but not limited to) the following types of incidents:

- (a) Department member in danger / needs emergency assistance
- (b) Life-threatening hazards and medical emergencies
- (c) In-progress felonies
- (d) Active fires, explosions or bomb threats
- (e) Hazardous materials events
- (f) Use of intermediate or deadly force by a department member
- (g) Pursuits or foot chases
- (h) Traffic collisions involving on-duty department members or department vehicles
- (i) Events requiring mutual aid or extended coordination with outside agencies or resources
- (j) Missing persons considered "at risk"
- (k) Other volatile, dangerous or sensitive situations likely to require further administrative action to resolve

400.6.5 CASE ASSIGNMENTS

The officer assigned as the primary unit for a call for service (or self-initiated event) is also designated the case officer if a crime or other police report is required, unless this responsibility is reassigned by necessity or supervisory exception.

Unless otherwise specified by policy or reassigned by a supervisor, the designated case officer is responsible for accurate and timely investigation, classification and documentation of the initial event, and for any follow-up investigation, notifications, documentation or other efforts needed to resolve the case.

400.6.6 PATROL PRIORITIES

When not assigned to handle or assist with a call for service or other work-related task, patrol officers should strategically position themselves in the field so they can respond quickly to typical or predictable types of calls for service or public safety concerns. Unless there is a specific and

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legitimate need for their reduced visibility, unassigned patrol officers should generally maintain a presence that is visible to the public.

Patrol officers should stay aware of current department priorities, capacities, and the status of other officers and resources at all times, and take these factors into account when considering the initiation of field activity and when responding to calls for service.

Officers are encouraged to prioritize their self-initiated field activity and enforcement actions according to whether or not there is a compelling need for them to protect the public from harm. Similarly, officers are discouraged from taking actions that are likely to cause more harm or disruption to the public than what is presented by any apparent underlying problem.

400.6.7 DIRECTED PATROL

Supervisors should routinely plan, coordinate and document directed patrol activities to address specific, recurring or predictable public safety concerns. Directed patrol activities that include assignment of plain-clothes officers or that require multi-agency resources should be described in a written operational plan and approved by a patrol lieutenant. This operational plan must include:

- (a) A description of the mission, method and duration.
- (b) A list of involved personnel, equipment and other resources.
- (c) Notifications to internal resources and other law enforcement agencies.
- (d) Procedures in case of serious injury and life-threatening emergency.

The supervisor should record all of the team's directed patrol activity in RHEIA before going off-duty, including the purpose, assigned personnel, time spent and number of arrests or other results.

400.6.8 END OF WATCH REPORT

The Patrol Supervisor should submit an end-of-watch report prior to going off-duty.

The end-of-watch report should clearly and concisely describe any critical or high-profile incidents and crimes that are reportable as Clery incidents. The following information should be included, if relevant and available:

- (a) Date, time & location.
- (b) Case number (and any other agency case numbers).
- (c) The name, sex, race, age and affiliation of involved adults (excluding casualty victims).
- (d) A summary description of the situation including any police use of force.
- (e) Notifications that were made.
- (f) The disposition of arrestees and property/evidence.
- (g) Planned or ongoing follow-up efforts.

The end-of-watch report should also include a summary of any other situations that significantly impact the Department or require follow-up by other units, such as the work-related injury or illness

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of a department employee, damage to or loss of department property, the intake of a citizen's complaint, etc. The end-of-watch report should not include confidential information, including:

- (a) Criminal Offender Record Information obtained from CII.
- (b) Social Security Numbers
- (c) Medical details except the minimum needed to describe the situation.
- (d) The names of detained or arrested juveniles.
- (e) The names or identifying information of victims granted confidentiality pursuant to PC 293 / GC 6254(f)(2).
- (f) Information that would compromise criminal investigations or the effective deployment of police resources.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the University of California Police Department, Berkeley's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The University of California Police Department, Berkeley is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.3.2 BIAS-BASED POLICING COMPLAINTS

All complaints of biased enforcement activity will be investigated in accordance with the Personnel Complaints policy.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the University of California Police Department, Berkeley is the primary agency, the University of California Police Department, Berkeley officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Bias-Based Policing

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records and Communications Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Supervisors should ensure that data stop reports are provided to the Records and Communications Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

401.7 ADMINISTRATION

Each year, the Administration Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report to the Chief of Police, including:

- (a) Identification of trends and any significant events or issues
- (b) Policies or procedures revised or in need of revision
- (c) Any relevant training that was provided or which is needed
- (d) Public concerns and feedback (including complaints)

This annual report should not contain any identifying information about any specific complaint, member of the public or officers. It shall be acknowledged in writing by the Chief of Police and reviewed to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

Bias-Based Policing

- a. Explicit and implicit biases.
- b. Avoiding improper profiling.

Training should be conducted as directed by the Training Unit.

- (a) All peace officers and other department members with duties that include the direct provision of enforcement services will be scheduled to attend entry-level Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) (c) All peace officers and other department members with duties that include the direct provision of enforcement services who have received initial (entry-level) bias-based policing training will thereafter be required to complete an approved refresher course annually as required by IACLEA accreditation, exceeding the state standard of every two years in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

402.2 PREPARATION OF MATERIALS

The supervisor or other presenter conducting briefing training should construct an outline and is responsible for preparation of any materials or equipment necessary for safe and effective training. Any planned training involving physical skills or tactics should be prepared in consultation with an appropriate expert department member and must be approved by the division Lieutenant or manager.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the University of California Police Department, Berkeley to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

Crime and Disaster Scene Integrity

Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Negotiations and Entry Team (NET)

404.1 PURPOSE AND SCOPE

The Negotiations and Entry Team (NET) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Entry Team (For purposes of this policy, SWAT may be used in place of Entry Team). The Negotiation and Entry Team has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations ([Penal Code § 13514.1](#)).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to NET are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

404.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At

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least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.

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- (i) Specialized functions and supporting resources.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to NET members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to Investigations and/or other units.
 - 3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

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- (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

404.4 TRAINING NEEDS ASSESSMENT

The NET Commander shall conduct an annual NET training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the NET Commander. The NET Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

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- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the NET Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Firearms Coordinator who has been approved by the NET commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate department SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

Negotiations and Entry Team (NET)

404.5.1 UNIFORMS

SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission(s) identified by the Department.

404.5.3 FIREARMS

Weapons and equipment used by NET, the specialized units, and the supporting resources should be department-issued or approved, including any modifications, additions, or attachments. All weapons used by NET shall be approved by the Chief of Police. In addition to weapons listed in the Firearms policy, firearms used by NET include but are not limited to the Colt M4 variant, Remington 700 and MP5.

404.5.4 OPERATIONAL READINESS INSPECTIONS

The NET Commander shall appoint a NET supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the NET Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the NET facility and equipment maintained or used in NET vehicles.

404.6 MANAGEMENT/SUPERVISION OF NEGOTIATIONS AND ENTRY TEAM

The NET Commander shall be selected by the Chief of Police upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Operations Division Commander, NET shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS

The Crisis Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the NET Commander.

The following represent the supervisor responsibilities for the Negotiation and Entry Team:

- (a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the NET Commander.
- (b) The Entry Team supervisor's primary responsibility is to supervise the operations of the Entry Team, which will include deployment, training, first line participation, and other duties as directed by the NET Commander.

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404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the NET Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the NET Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as

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cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Commander, a copy of which will be forwarded to the NET Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the NET Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the NET Commander. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance.
 - 2. Demonstrated good judgment and understanding of critical role of SWAT member.
 - 3. Special skills, training, or appropriate education as it pertains to this assignment.
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the NET Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

A list of successful applicants shall be submitted to staff, by the NET Commander, for final selection.

404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the NET Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

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404.9 OPERATION GUIDELINES FOR THE NEGOTIATIONS AND ENTRY TEAM

The following procedures serve as guidelines for the operational deployment of the Negotiations and Entry Team. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the NET Commander.

404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Negotiations and Entry Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the NET Commander.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF NEGOTIATIONS AND ENTRY TEAM

The following are examples of incidents which may result in the activation of the Negotiations and Entry Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the University of California Police Department, Berkeley Negotiation and Entry Team in response to requests by other agencies must be authorized by a Division Commander.

404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the University of California Police Department, Berkeley SWAT team shall operate under the policies, procedures and command of the University of California Police Department, Berkeley when working in a multi-agency situation.

404.9.5 MOBILIZATION OF NEGOTIATIONS AND ENTRY TEAM

The On-Scene supervisor shall make a request to the Watch Commander for the Negotiations and Entry Team. The Watch Commander shall then notify the NET Commander. If unavailable,

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a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the NET Commander. The Watch Commander will then notify the Operations Division Commander as soon as practical.

The Watch Commander should advise the NET Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The NET Commander or supervisor shall then call selected officers to respond.

404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Negotiations and Entry Team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the NET Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Negotiations and Entry Team at the scene, the Incident Commander shall brief the NET Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the NET Commander, whether to deploy the Negotiations and Entry Team. Once the Incident Commander authorizes deployment, the NET Commander will be responsible for the tactical portion of the operation. The Incident Commander

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shall continue supervision of the command post operation, outer perimeter security, and support for the Negotiations and Entry Team. The Incident Commander and the NET Commander (or his or her designee) shall maintain communications at all times.

404.9.8 COMMUNICATION WITH NEGOTIATIONS AND ENTRY TEAM PERSONNEL

All of those persons who are non-Negotiations and Entry Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with NET personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team Sergeant or his or her designee.

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The University of California Police Department, Berkeley Ride-Along Program is offered to residents, students and those employed within the University of California. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Patrol Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise the applicant of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: CSOs and police applicants, and all others with approval of the Watch Commander.

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Ride-Along Policy

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-alongs will generally be limited to two hours and may be extended upon approval of the Watch Commander.

405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the University of California Police Department, Berkeley) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct the ride-along in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

Ride-Along Policy

- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with 8 CCR § 5194, the following is to be the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When department members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and the public.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 25354.5).
- (g) Notify University of California, Berkeley, Environmental Health and Safety (EH&S).

406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a Casualty Incident Report that shall be forwarded via chain of command to the Office of the Chief. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Hazardous Material Response

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, that supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

406.4 TRAINING

The Training Coordinator is responsible to ensure that all peace officers and other department members with duties that include the direct provision of public safety services receive appropriate training on the response to incidents involving chemical, biological, radiological, nuclear, or explosive hazards (CBRNE). Minimally this shall be awareness-level training, but advanced or specialized training on this topic should be considered a high-priority option for peace officers.

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade Situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage Situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY

It is the policy of the University of California Police Department, Berkeley to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

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- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.

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- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Negotiations and Entry Team (NET) response if appropriate and apprising the NET Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
 - (b) Ensure the completion of necessary first responder responsibilities or assignments.
 - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
 - (d) Establish a command post location as resources and circumstances permit.
 - (e) Designate assistants who can help with intelligence information and documentation of the incident.
 - (f) If it is practicable to do so, arrange for video documentation of the operation.
 - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the University of California, Berkeley jurisdiction during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the Department's Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

407.6 NET RESPONSIBILITIES

The Incident Commander will decide, with input from the NET Commander, whether to deploy the NET during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the NET Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the NET. The Incident Commander and the NET Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls - Bomb Squad

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the University of California Police Department, Berkeley in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

This policy will also outline the guidelines for the University of California, Berkeley, Police Department Bomb Squad.

408.2 POLICY

It is the policy of the University of California Police Department, Berkeley to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY FACILITY

If the bomb threat is against the University of California Police Department, Berkeley facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the University of California Police Department, Berkeley but is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

Response to Bomb Calls - Bomb Squad

408.5 UNIVERSITY FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location within the University of California, Berkeley jurisdiction, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:

Response to Bomb Calls - Bomb Squad

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - (a) Two-way radios
 - (b) Cell phones
 - (c) Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - (a) The time of discovery.
 - (b) The exact location of the device.
 - (c) A full description of the device (e.g., size, shape, markings, construction).
 - (d) The anticipated danger zone and perimeter.
 - (e) The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury

Response to Bomb Calls - Bomb Squad

to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a

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long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

408.8 AGENCY SPECIFIC CONTENT

408.9 UNIVERSITY OF CALIFORNIA, BERKELEY, POLICE BOMB SQUAD

The University of California, Berkeley, Police Department maintains a FBI accredited Bomb Squad which serves as a regional asset.

- (a) By mutual agreement between the University of California, Berkeley, Police Department's Chief of Police and other agency heads, the University of California, Berkeley, Police Department Bomb Squad may be utilized as a resource by another agency.
- (b) Primary responsibility of the Bomb Squad is to University properties, then to agencies with whom there exists an operational agreement, and then to other agencies upon request through administrative channels.
- (c) Direction and implementation of render safe procedures and transportation of explosives or hazardous devices is the responsibility of the Bomb Technician and in accordance with EOD Procedures.
- (d) Direction and control of the incident scene is the responsibility of the Incident Commander of the agency with primary jurisdiction.
- (e) Bomb Technicians shall make no public statements or consent to media interviews unless requested to do so by the Watch Commander of the agency with primary jurisdiction and in accordance with EOD Procedures.
- (f) In the case of an operational agreement between the Department and another police agency, the agreement is subject to review one year from the date of issue or upon request of the Chief Administrative Officer from either agency. The agreement may be canceled with a thirty (30) day written notice by either agency.
- (g) Monetary compensation, health care and insurance for members of the Bomb Squad are the responsibility of the University of California, Berkeley, Police Department and is governed by University of California PPSM or labor union agreements.

408.10 BOMB SQUAD DEPLOYMENT

- (a) To initiate response from the Bomb Squad, callers should telephone 642-3333 (Police Emergency) or 642-6760 (Business line.)
- (b) The Public Safety Dispatcher shall notify two Bomb Technicians whenever an explosive device or chemical is suspected. The on-duty patrol supervisor is authorized to call in an off-duty Bomb Technician if there are no on-duty Bomb Technicians and to ensure patrol staffing guidelines. Should no member of the Bomb Squad be available to respond to a call for service, contact shall be made with alternate resources listed in the Bomb Squad Call-Back Procedures in the Department's CAD System.

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408.11 BOMB TECHNICIAN RESPONSE

- (a) The first Bomb Technician contacted will respond directly to the incident scene, the second Bomb Technician (or Assistant Bomb Technician) will respond with the requisite equipment.
- (b) Whenever Bomb Technicians are responding to calls for service (suspicious package), they should proceed to the location, utilizing the vehicle's emergency equipment (red light and siren.) An on-scene technician may modify the response code.
- (c) Department vehicles shall not be driven in excess of posted speed limits, except for conditions relating to the saving of human life, responding to emergencies such as a fire, explosives or hazardous chemicals calls, or the escape of a suspected fugitive.
- (d) Bomb Squad response vehicles shall be equipped with departmental and CHP two-way radios. The radios shall be equipped with and remain on the authorized radio frequencies at all times.

408.12 DEPARTMENT NOTIFICATIONS

- (a) Dispatch shall notify the On-Call Captain/Lieutenant as soon as practical whenever the Bomb Squad encounters a device which is likely to cause death, injury or serious property damage. When the device is on University property, the Chief of Police shall be notified. All notifications are to be logged for later inclusion in the case report.
- (b) The Watch Commander will be responsible for the notification of the Alameda County Office of Emergency Service whenever the call for service is outside the boundaries of Alameda County, in compliance with statewide mutual aid requirement.
- (c) The cancellation of a Bomb Squad response should be limited to the supervising officer at the scene or the Watch Commander of the requesting agency.

408.13 REMOVAL AND DISPOSITION OF EXPLOSIVES

The University of California, Berkeley, Police Department shall be responsible for the removal and disposition of potentially explosive chemicals, on University of California property, subsequent to an initial inspection and classification by the Office of Environment, Health and Safety (EH&S). For mutual aid responses, the disposition will be at the direction of the primary jurisdictional agency.

By agreement with the University of California Department of Forestry, the Bomb Squad may use a designated area of the Russell Research Center property for the emergency disposal of explosive material.

408.14 BOMB SQUAD OFFICER SELECTION AND TRAINING

408.14.1 SELECTION OF PERSONNEL

Assistant Bomb Technicians:

Following a posting for recruitment, interested candidates will be considered for the position of Assistant Bomb Technician. This is a "trainee" position under the direct supervision and control of certified University of California, Berkeley, Police Department Bomb Technicians. This position, as well as all Bomb Squad positions, serves at the pleasure of the Department. Candidates who

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are selected will be expected to study and develop job related knowledge. An Assistant Bomb Technician will not normally be "On Call" or receive specialty pay.

Interested personnel must meet the following requirements for consideration as an Assistant Bomb Technician:

- (a) Completed probation, and three years of law enforcement experience in order to attend the FBI Hazardous Devices School.
- (b) Be in good health with no permanent or limiting disabilities.
- (c) Near vision of at least 20/40 in each eye, with or without correction, as measured by the Snellen chart or equivalent. Corrective lenses worn in protective suits must be safety glasses or inserts.
- (d) Not be color blind.
- (e) Average (mean) hearing level of 25db at the four audiometer test frequencies 500, 1000, 2000, and 3000 Hz, with or without hearing aid.
- (f) Good eye-hand coordination.
- (g) Minimum commitment of five years of service upon completion of the FBI Hazardous Devices School.

Assistant Bomb Technician Selection Process:

- (a) Submission of letter of interest to the Bomb Squad Commander
- (b) Submission of written recommendation from the candidate's current and immediate supervisor stating whether they do or do not recommend.
- (c) Oral Board consisting of certified Bomb Technicians which may include supervisors. The candidate will be evaluated by the following criteria:
 - 1. Demonstrated competence and good judgment.
 - 2. Thought process regarding response to a critical incident.
 - 3. Prior skills, training and experience.
 - 4. Commitment to the team with the following considerations:
 - (a) Years of commitment
 - (b) Response time from residence
 - (c) On Call response area restrictions
 - (d) Training obligations
 - (e) Extended travel upon acceptance to the FBI Hazardous Devices School
 - (f) Claustrophobia
- (d) Physical Performance Test.
 - 1. Mobility and performance of basic mobility skills while in the bomb suit.
 - 2. Ability to manipulate equipment while in the bomb suit.

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3. Overall fitness level.

- (e) Independent review of candidates by department Bomb Technicians and their recommendations forwarded to the Bomb Squad Commander.
- (f) Final selection of Assistant Bomb Technicians will be made by the Chief of Police based on the recommendation of the Bomb Squad Commander.

408.14.2 PREPARATION FOR HAZARDOUS DEVICE SCHOOL

Assistant Bomb Technicians are expected to attend Bomb Squad training days. During that time, they will be taught basic techniques and procedures utilized in response to potential explosive devices. Assistant Bomb Technicians will also be required to successfully complete the following tasks:

- (a) The Center for Domestic Preparedness' Hazardous Materials Technician Course as a prerequisite to the FBI Hazardous Devices School.
- (b) Medical examination standard of the FBI Hazardous Devices School.

408.14.3 CERTIFIED BOMB SQUAD TECHNICIANS

Upon successful completion of the FBI Hazardous Devices School (HDS), University of California, Berkeley, Police Department Bomb Technicians will be added to the "On Call" rotation and obtain specialty pay. Bomb Technicians are required to attend monthly Bomb Squad training days. Per FBI Hazardous Devices School guidelines, Bomb Technicians will be required to complete a medical examination and return to HDS for recertification every three years.

Bomb Technicians will also be expected to complete a California Department of Motor Vehicle (DMV) medical examination in order to obtain a Class B driver's license. After completing the medical examination, Bomb Technicians will need to study for and schedule their written Commercial, Air Brake and Hazardous Materials tests. Upon completion of the written tests, Bomb Technicians will need to schedule a Class B driving test. A Bomb Technician with a Class B driver's license is required to accompany the unlicensed driver to their test.

Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person In Crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.2 POLICY

The University of California Police Department, Berkeley is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police has designated the Special Operations Lieutenant or their designee to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics in accordance with the departmental use of force policy and in consideration of officer safety. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.

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- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

409.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

409.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

409.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

409.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

409.13 AGENCY SPECIFIC CONTENT

409.13.1 CITY OF BERKELEY MENTAL HEALTH SERVICES

University of California, Berkeley, Police Department staff should be aware of and use the resources of the City of Berkeley Mental Health Services as appropriate.

Mental Health Evaluations

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 evaluation) (Welfare and Institutions Code § 5150).

410.2 POLICY

It is the policy of the University of California Police Department, Berkeley to protect the public and individuals through legal and appropriate use of the 72-hour hold for psychiatric evaluation and treatment (5150 evaluation) process.

410.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for a 72-hour hold for psychiatric evaluation and treatment when the officer believes that, as a result of a mental disorder, the person is a danger to themselves or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 evaluation, the officer may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, and with supervisory approval, the officer may transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to Welfare and Institutions Code § 5150.

If at any point prior to being admitted the person changes their mind about participating in a voluntary evaluation, officers may take the person into custody for a mandatory 5150 evaluation, if lawful authority to do so exists.

Officers should document the circumstances surrounding an individual's desire to pursue voluntary evaluation and/or admission.

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 evaluation should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

If the handling officer determines that the individual does not qualify for a mandatory 5150 evaluation but nevertheless requires medical attention, the officer should request or provide any necessary medical care, assessment and/or transport as appropriate.

Officers should consider a 5150 evaluation over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 RECOGNIZING MENTAL HEALTH CONCERNS

Officers should be alert to potential indicators of mental health concerns and crisis, which may include, but are not limited to:

- (a) Sudden and/or significant changes in personality
- (b) Sudden and/or significant changes in behavior (including eating and sleeping patterns)
- (c) Apparent inability to resolve or cope with routine problems or daily activities
- (d) Persistent outlandish, fantastic or grandiose ideas
- (e) Excessive anxiety
- (f) Prolonged depression and/or extreme general apathy
- (g) Thinking or talking about suicide
- (h) Extreme emotional highs or lows
- (i) Extreme anger, hostility or violent behavior
- (j) Abuse or unusual use of alcohol or controlled substances

410.4.2 ACCESSING ON- AND OFF-CAMPUS RESOURCES

To aid in the assessment of a person who may qualify for a 5150 evaluation, the handling officers may request the response of any available and appropriate on- or off-campus mental health resource via the Communications Center.

- (a) A field clinician from University Health Services (UHS) may be requested for individuals affiliated with UC Berkeley.
- (b) A field clinician from the City of Berkeley Mental Health Mobile Crisis Team may be requested for any individual in our service area within the City of Berkeley.

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If a non-field clinician is available to aid in the assessment of a UC Berkeley affiliate at a UHS facility, the officer may attempt to facilitate this with the consent of the individual to be assessed.

The handling officer may also contact the on-duty patrol supervisor to discuss and determine if any other potential options are available.

This section is not intended to restrict an officer's ability to determine if a mandatory 5150 evaluation is appropriate in the absence of assistance from a mental health clinician.

410.4.3 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in their possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall complete a report that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

410.5 TRANSPORTATION

Transportation should be made by ambulance in accordance with Alameda County protocols. In extreme cases, if no ambulance is available, officers may transport individuals in a patrol unit.

When transporting any individual for a 5150 evaluation in a patrol unit, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers transporting individuals in a patrol unit shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

410.6 DOCUMENTATION

The officer shall complete an application for a 72-hour detention for psychiatric evaluation and treatment, provide it to the facility staff member assigned to that patient, and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or themselves or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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410.6.1 ADVISEMENT

The officer taking a person into custody for a 5150 evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals, and the mental health staff will advise the person of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at their residence, the person should also be advised that they may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where they are being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.7 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being held for a 5150 evaluation should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 evaluation has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 evaluation.
- (c) Facilitate the individual's transfer to a mental health facility or jail as appropriate.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 evaluation.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.8 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 evaluation, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

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Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

410.8.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to Criminal Investigations Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing them of the right to a hearing on the issue, that they have 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

410.9 TRAINING

The department is responsible to provide initial and biennial training, as approved by the California Commission on Peace Officer Standards and Training (POST), on interaction with persons with mental disabilities, 5150 evaluations and crisis intervention.

410.10 REFERRALS FROM UNIVERSITY HEALTH SERVICES

As necessary, University Health Services (UHS) clinicians might contact UCPD Berkeley for assistance with patients who qualify for a 5150 evaluation. An officer should be assigned to respond and assist. If specifically requested and immediately available, an officer in plain clothes should be assigned, otherwise a uniformed officer should be assigned. Upon or before arrival the assigned officer should consult with the UHS clinician to determine how best to assist.

Authorized UHS clinicians may complete an application for a 72-hour detention for psychiatric evaluation and treatment. In such situations the clinician should provide the patient's identifying information to the officer but is not required to provide a copy of the application for detention.

If the UHS clinician is not authorized to complete an application for detention, they should instead provide the assigned officer with a written statement identifying the patient by name, requesting the patient's 5150 evaluation, and describing the lawful basis for that request. The assigned officer should consider this statement along with any additional relevant information or observation that

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might be available to determine if the patient should be taken into custody for a 5150 evaluation. A copy of the UHS clinician's statement should be provided to the admitting facility and a copy should be submitted with the assigned officer's report.

The UHS clinician is responsible for ensuring any necessary medical clearance is completed and for making any transportation and/or admitting facility arrangements that might differ from Alameda County protocols. Students and other University affiliates may have medical insurance that provide for admission and a 5150 evaluation at a facility other than the designated Alameda County facility, and this should be facilitated whenever possible.

All calls for service involving a UHS referral for 5150 evaluation should be documented with a UCPD Berkeley case number, and a copy of the report should be routed to the UCPD Threat Management Unit (TMU).

Cite and Release Policy

411.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

411.2 POLICY

It is the policy of the University of California Police Department, Berkeley to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

411.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

411.4 NON-RELEASE

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411.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

411.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

411.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

411.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate.

Misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to Criminal Investigations Bureau for further action including diversion.

411.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

411.8 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within their jurisdiction, or while assisting another agency. On-duty officers who discover criminal activity outside their jurisdiction should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify themselves as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate. If a victim does not desire prosecution for a misdemeanor offense that does not involve domestic violence, officers may use their discretion to issue a warning to the suspect in lieu of arrest.

If officers determine a UC Berkeley student was likely involved in a minor violation, such as a violation of University policy, a local ordinance, an infraction, or a misdemeanor other than domestic violence with no desired prosecution, the officer may refer the student to the campus disciplinary process. To do this, the officer should document the circumstances in a police report and include a recommendation at the end of the report that the case should be forwarded to Student Conduct. The CIB supervisor will review the case and determine whether or not to instruct the Records Unit to forward the report. Cases linked to potential criminal proceedings may only be forwarded upon approval of the CIB supervisor. Evidence, documents, and other information

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related to the case may only be forwarded with the case report as specifically authorized by the CIB supervisor.

By the same process as student disciplinary referrals, cases involving UC Berkeley faculty and staff may also be considered for disciplinary referrals. As authorized by the CIB supervisor, cases involving staff referrals should be forwarded to the UC Berkeley Office of People and Culture, and cases involving faculty referrals should be forwarded to the UC Berkeley Vice Provost for the Faculty.

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the University of California Police Department, Berkeley extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The University of California Police Department, Berkeley respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

412.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - (a) Diplomatic-level staff of missions to international organizations and recognized family members
 - (b) Diplomatic agents and recognized family members
 - (c) Members of administrative and technical staff of a diplomatic mission and recognized family members
 - (d) Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - (a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
 - (b) Support staff of missions to international organizations
 - (c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
 - (d) Honorary consular officers
 - (e) Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

Foreign Diplomatic and Consular Representatives

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

412.7 AGENCY SPECIFIC CONTENT

412.7.1 CONSULAR NOTIFICATION AND ACCESS MANUAL

The United States Department of State Consular Notification and Access Manual is attached for reference.

[Consular Notification and Access Manual](#)

412.8 ADDITIONAL DEPARTMENTAL ARREST/DETENTION PROCEDURES

Whenever a foreign national is booked into another agency's jail facility (such as Berkeley Jail or ACSO) the arresting officer continues to be responsible for completing the notifications. The jail facility personnel should be informed of the situation and status of notifications.

Whenever a foreign student or scholar is arrested, the arresting officer shall immediately notify the On-Call Captain/Lieutenant and the University Service for International Students and Scholars Program at 642-2818. The program is located in the International House and open weekdays between 0800 and 1700. They should be notified any time a foreign student or scholar is in an in-custody situation. After normal business hours or on weekends, a message should be left on their answering machine which includes the officer's name, student/scholar's name and the case number.

The arresting officer should notify the US Department of State whenever a diplomat, consul, or other person claiming diplomatic immunity is arrested for any crime including a traffic violation. Notification should be made by telephone to (202) 895-3521 or after normal business hours to (202) 647-7277. The arresting/detaining officer shall note in the case arrest report that he/she has made the required notifications.

All arrests/detentions of a foreign national shall be documented in a police report with a copy sent to the Office of the Chief.

412.9 TRAFFIC COLLISION REPORTS

A copy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the Office of the Chief of within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the copy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-

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up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Office of the Chief of Police's within 48 hours of the incident. The Office of the Chief will check to ensure that notification of Department of State and all necessary follow-up occur.

412.10 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

The following apply to foreign nationals who do not claim diplomatic or consular immunity. Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- (a) Officers shall not stop or detain persons solely for determining immigration status.
- (b) International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- (c) Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

412.11 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

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If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- (a) Country of citizenship
- (b) Full name of individual, including paternal and maternal surname, if used
- (c) Date of birth or age
- (d) Current residence
- (e) Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

413.2 POLICY

The University of California Police Department, Berkeley will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

413.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.4.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

413.5 PLANNING

The Operations Division Commander is responsible for ensuring and coordinating adequate department critical incident planning, to include the prevention of, preparation for, response to, and recovery from critical incidents. All plans should be consistent with the National Incident Management System (NIMS), Statewide Emergency Management System (SEMS) and the Incident Command System (ICS), and should clearly identify the responsibilities of involved department members. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

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- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

413.5.1 ANNUAL REVIEW OF PLANS

The Operations Division Commander is responsible for an annual review of the department's critical incident plans, to ensure they are current and consistent with the campus Emergency Response Plan. A written summary of this review shall be forwarded to the Chief of Police and the Director of the Office of Emergency Management for review and any necessary response.

413.5.2 REVIEW OF POLICIES AND PROCEDURES

The Operations Division Commander is responsible for reviewing and revising, as necessary, department policies and procedures related to the prevention of, preparation for, response to, and recovery from critical incidents.

413.6 CRITICAL INCIDENT TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the University of California Police Department, Berkeley relating to immigration and interacting with federal immigration officials.

414.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

414.2 POLICY

It is the policy of the University of California Police Department, Berkeley that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

414.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

414.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Immigration Violations

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

414.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

414.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

414.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

Immigration Violations

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the University of California Police Department, Berkeley intends to comply with the request (Government Code § 7283.1).

If the University of California Police Department, Berkeley provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

Immigration Violations

414.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the University of California Police Department, Berkeley shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

414.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Criminal Investigations Bureau supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records and Communications Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2) (see the Records Section Policy).

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Bureau supervisor assigned to oversee the handling of any related case. The Criminal Investigations Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

Immigration Violations

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

414.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

414.8.2 REPORTING TO LEGISLATURE

The Criminal Investigations Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

Immigration Violations

414.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

414.9 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The University of California Facility Services has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

The University of California has responsibility for any break or malfunction in the water system on University property.

If a break occurs on University of California property, Facility Services should be called as soon as practical by the Communications Center.

415.1.2 ELECTRICAL LINES

University of California Facility Services maintains electrical power on University Property, most of which is underground. For any electrical problem or hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by electrical problems. Facility Services should be promptly notified, as appropriate. Should officers encounter down power lines in the community, they should contact the appropriated public works agency as soon as possible, while remaining in the area to close it to traffic/pedestrians.

415.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Facility Services maintains the reservoirs and water equipment, as well as s drainage pumps, on University Property. In the event of flooding or equipment malfunctions, Facility Services should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for campus emergencies is maintained by the Communications Center.

Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the University of California Police Department, Berkeley to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Aircraft Accidents

416.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to the NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If the NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

Aircraft Accidents

- (d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the University of California, Berkeley jurisdiction shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of UCPD Berkeley Department members deployed to assist; other University of California resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident that witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

Aircraft Accidents

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Programs

417.1 PURPOSE AND SCOPE

It is the policy of this department to assign all new police officers and department members responsible for the direct provision of public safety services to a structured Field Training Program that is designed to prepare them to perform in a field assignment, and ensure they possess all knowledge and skills needed to operate in a safe, productive, and professional manner.

The Field Training Program for sworn officers is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the University of California Police Department, Berkeley.

417.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Submission of a letter of interest and a letter of recommendation from a current supervisor
- (b) Minimum of four years of patrol experience, two of which shall be with this department (the Police Chief may reduce the years of experience based on department needs and overall individual officer experience)
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

417.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

417.3 FIELD TRAINING PROGRAM COORDINATOR

The Field Training Program Coordinator should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

Field Training Programs

The responsibilities of the Field Training Program Coordinator include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall Field Training Program
- (g) Maintain liaison with Field Training Program coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The Field Training Program Coordinator will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

417.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the University of California Police Department, Berkeley who has successfully completed a POST approved Basic Academy.

417.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

417.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of their Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the University of California Police Department, Berkeley. The officer shall become knowledgeable of the subject matter as outlined. The officer shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the University of California Police Department, Berkeley.

417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

Field Training Programs

417.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on their assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

417.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Program coordinator.

417.6.3 FIELD TRAINING PROGRAM COORDINATOR

The Field Training Program Coordinator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through their immediate supervisor.

417.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs, and on the Field Training Program. These evaluations are considered confidential and are only available for direct review by the Chief of Police and members of Command Staff. The Field Training Program Manager will review these evaluations and use them to provide guidance to individual FTOs, including positive and critical feedback, but shall protect the identity of the trainee. The Field Training Program Manager should also use information from these evaluations to brief the Field Training Program Coordinator on the performance of individual FTOs.

417.6.5 EVALUATING FTO PERFORMANCE

The Field Training Program Coordinator will be responsible for evaluating the performance of Field Training Officers. While the Field Training Program Coordinator should give relevant feedback to FTOs at any appropriate time, the formal evaluation will be provided annually on the prescribed form. This evaluation will be provided to each FTO's primary supervisor for inclusion with their annual performance evaluation.

417.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Field Training Programs

417.8 FIELD TRAINING PROGRAM - ADDITIONAL FUNCTIONS AND STANDARDS

The additional functions and standards of FTOs are outlined below.

417.8.1 OFFICER IN CHARGE (OIC) ASSIGNMENTS

FTOs may be called upon to fulfill the role and duties of the "Officer in Charge" (OIC), including but not limited to, managing a patrol shift, in the absence of a corporal or sergeant. FTOs who are performing as an OIC as a primary assignment generally should not be assigned a trainee, except when unavoidable due to staffing challenges.

417.8.2 BRIEFING TRAINING

The members of the Field Training Program, in coordination with the Training Manager and Administrative Services Sergeant, will also be responsible for developing and conducting briefing training and specialized or remedial training programs as needed.

FTOs must contribute to the development of the briefing training program and carry out training in coordination with the Field Training Program Coordinator and the appropriate Watch Commander.

417.8.3 LENGTH OF ASSIGNMENT

An officer selected as an FTO will be assigned to the position for three (3) years after successfully completing a California POST-certified FTO course. The three year term is at the discretion of the Chief of Police and subject to change at any time.

At the conclusion of a term of service, FTOs may request approval to serve an additional term of one to three years, or they may withdraw from the Field Training Program by notifying the program Manager in writing. The request for additional term assignment is approved at the discretion of the Chief of Police.

After a break in service to the Field Training Program, a former FTO who wishes to be reinstated must reapply at the next opportunity.

417.8.4 COMPENSATION

In recognition of the extra preparation time and other demands required of Field Training Officers, FTOs are designated as Specialist officers and eligible for supplementary pay according to applicable personnel policy or bargaining agreement.

417.9 FIELD TRAINING PROGRAM MANAGER

A Lieutenant will be designated as the Field Training Program Manager, and has overall responsibility for the design, format and content of the Department's Field Training Program. For the purposes of the Field Training Program, the Field Training Program Manager reports directly to the Chief of Police, or to a designated division commander.

The FTO Program Manager responsibilities include, but are not limited to, the following:

- (a) When trainees are in the Field Training Program, the Field Training Program Manager should meet with each trainee and their Field Training Officer (FTO) at least once during each four-week training phase.

Field Training Programs

- (b) The Field Training Program Manager should select a sergeant to be designated as the Field Training Program Coordinator, with responsibility for the supervision and day-to-day implementation of the Field Training Program, subject to approval by the Chief of Police.

417.10 PROGRAM SPECIFIC GUIDELINES

Prior to beginning the Field Training Program, trainees should demonstrate proficiency in department approved weaponless defense, impact weapons and firearms techniques.

While in the Field Training Program, trainees report directly to their assigned Field Training Officer. When assigned to field activity, trainees should be under the direct and immediate supervision (in the physical presence) of a Field Training Officer. If the assigned FTO is absent, the on-duty Patrol supervisor may temporarily assign the trainee to work under the direction of a substitute FTO, or a senior officer. Any evaluation for the trainee that day will not be considered official unless completed by a supervisor or an officer qualified to be an FTO.

Trainees who clearly demonstrate proficiency in all job tasks, who successfully complete the field training material at an accelerated pace and who meet all other relevant standards and requirements may be promoted from the training program upon approval of the Field Training Program Manager and the Chief of Police.

Trainees should not sign up for special event overtime assignments, but may be assigned to such events based on department need. If the trainee is assigned to work in a uniformed or enforcement capacity they should be directly accompanied and supervised by a Sergeant or FTO. The Field Training Program Manager must approve any such overtime event assignments.

Trainees who fail to achieve and/or maintain satisfactory performance in one or more job task categories may be extended in two-week increments for additional training and evaluation. At the conclusion of this extension the Field Training Program staff should review the trainee's performance to determine if the trainee may resume the standard training progression, or if further extensions are appropriate.

If a trainee fails to achieve or maintain satisfactory performance at any time during the Field Training Program, they may be released from employment. Although the Field Training Program staff will make every reasonable effort to provide remedial training and extensions of training time for a trainee who is not performing at a satisfactory level, such training and time is not necessarily an appropriate solution for all performance problems, nor is it, in any case, a prerequisite to release from employment.

417.11 FIELD TRAINING PROGRAM - NON-SWORN DEPARTMENT MEMBERS

Newly-hired non-sworn department members responsible for the direct provision of public safety services will participate in a Field Training Program designed to meet the requirements and provide the knowledge and skills for their specific roles. Procedures and expectations relating to those programs will be specified within respective unit manuals.

Obtaining Air Support

418.1 PURPOSE AND SCOPE

The use of a police helicopter, airplane or unmanned aerial vehicle (UAV) can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

418.2 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Watch Commander, or his/her designee, will call the closest agency having air support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

Regional sources of aircraft support include:

- East Bay Regional Park Police - Helicopter
- California Highway Patrol - Helicopter, Fixed wing
- Contra Costa County Sheriff's Office - Helicopter
- Oakland Police Department - Helicopter
- Alameda County Sheriff's Office - unmanned aerial vehicle (UAV)

418.2.2 CIRCUMSTANCES UNDER WHICH AIR SUPPORT MAY BE REQUESTED

Police air support may be requested under any of the following conditions:

- (a) When the air support is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the air support may reduce such hazard.
- (c) When the use of the air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

419.2 POLICY

The University of California Police Department, Berkeley respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

419.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the University of California Police Department, Berkeley to strengthen community involvement, community awareness, and problem identification.

419.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

419.3.2 FIELD INTERVIEW PROCEDURES

Officers are encouraged to engage in consensual encounters in an effort to strengthen community relations and to facilitate exchange of information between officers and the public. Officers should be aware of factors that could elevate a consensual encounter to a detention and cause a reasonable person to believe they are not free to leave. These factors may include, but are not limited to the following:

- (a) Telling the person they are not free to leave
- (b) Giving instructions or commands
- (c) Touching the person
- (d) Blocking their egress
- (e) Surrounding the person with multiple officers
- (f) Display of a weapon
- (g) Use of vehicle emergency lights

Contacts and Temporary Detentions

An interview is simply a conversation between an officer and another person for the purpose of gathering information. An interrogation occurs when an officer asks questions, makes comments, or takes actions that the officer should know are likely to elicit an incriminating response. An interrogation in the field is appropriate when an officer has reasonable suspicion to believe that a subject engaged in criminal activity and interrogation may provide answers to confirm or dispel that suspicion. A *Miranda* advisement will often not be required during a field interrogation because the subject will not be in custody for *Miranda* purposes. Officers should be aware of factors that could elevate a detention to an arrest, and thus require a *Miranda* advisement prior to engaging in interrogation. These factors may include, but are not limited to the following:

- (a) Transportation. While moving the subject of a detention should generally be avoided, it may be done if a safety concern or other exigency arises in the current location.
- (b) Bringing the subject to a police station
- (c) Use of force. Not all use of force will automatically create a custodial situation, but it could be a contributing factor.
- (d) Use of restraints. A suspect may be detained in handcuffs or placed in a patrol vehicle for safety purposes without being considered under arrest, but these could be contributing factors indicating arrest.
- (e) Number of officers. Additional officers at the scene could contribute to a more coercive situation.
- (f) Length of detention. A detention that lasts for an unreasonably long period of time could be considered an arrest.
- (g) Whether the subject was not free to leave at the end of the interrogation.

If an officer develops probable cause to arrest a suspect and believes additional useful information could be gained by a subsequent interrogation, the officer should follow procedures outlined in the Investigations and Prosecution policy.

419.3.3 DOCUMENTATION OF FIELD INTERVIEWS

All detentions will be recorded via body camera, according to the Body Worn Audio/Video Systems policy. Field interviews will be documented in a police report under any circumstances outlined in the Report Preparation policy. If the circumstances of a field interview do not amount to a situation where a police report would be required, an officer may consider completing a Field Interview card. Completed FI cards shall be turned in to the officer's supervisor by the end of the shift. The supervisor will review the card and submit it for entry into UCPD's Records Management System.

419.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

Contacts and Temporary Detentions

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

419.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

Contacts and Temporary Detentions

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by University of California Police Department, Berkeley members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the department's role in addressing alleged organized criminal activity, and to ensure that the University of California Police Department, Berkeley appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Intelligence System - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

420.2 POLICY

The University of California Police Department, Berkeley recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public, and to make every reasonable effort to suppress and investigate organized criminal activities within the department's primary jurisdiction.

420.3 ORGANIZED CRIME COMPLAINTS

Any officer, upon the report or discovery of information regarding alleged organized criminal activity occurring within the primary jurisdiction of the department, shall describe the concern within a crime report or other official police report, and submit it according to standard procedures. This includes information received via:

- (a) Anonymous tips
- (b) Private persons' observations or knowledge
- (c) The officer's direct observation or awareness
- (d) Media sources
- (e) Online sources
- (f) Outside agencies

The Criminal Investigations Bureau supervisor or manager is responsible for review of all such organized crime complaints and determining the appropriate initial response, in consultation with command staff members as needed. No reasonable opportunity to investigate the possible presence of organized criminal activity within the department's primary jurisdiction should be ignored.

Criminal Organizations

All crime reports involving organized crime complaints should be assigned to a detective for further investigation.

420.3.1 RECORDS OF ORGANIZED CRIME COMPLAINTS

Crime reports or other official police reports involving alleged organized criminal activity will be assigned a case number and retained by the Records Section according to standard procedures.

420.3.2 MULTI-JURISDICTIONAL COOPERATION

Should a crime report or other official police report involving alleged organized criminal activity include information about activities occurring within another jurisdiction, the Criminal Investigations Bureau supervisor or manager is responsible to ensure such information is forwarded to that jurisdiction for assessment and any necessary follow-up. A record of what information was shared shall be retained as part of the case file.

The Criminal Investigations Bureau supervisor or manager, in consultation with command staff members as needed is responsible for enabling cooperation with other law enforcement agencies as necessary and appropriate in efforts to investigate and address alleged organized criminal activity occurring within the primary jurisdiction of the department.

420.4 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

420.4.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

Criminal Organizations

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records and Communications Supervisor may not purge such documents without the approval of the designated supervisor.

420.4.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to their parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on their behalf, or the person's parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if they are under 18 years of age (Penal Code § 186.34).

The person, or their parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

Criminal Organizations

420.5 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

420.5.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Property Bureau, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

420.5.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

420.6 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Criminal Organizations

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

420.7 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

420.8 CRIMINAL STREET GANGS

The Criminal Investigations Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

420.9 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.

Criminal Organizations

- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

420.9.1 SHARED GANG DATABASE TRAINING

The Training Manager should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Watch Commanders

421.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

421.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances, the senior qualified Sergeant or in the absence of a Sergeant, a Corporal, shall be designated as acting Watch Commander. This policy does not preclude designating a less senior Sergeant or Corporal as an acting Watch Commander when operational needs require or training permits.

Mobile Audio/Video

422.1 PURPOSE AND SCOPE

The University of California Police Department, Berkeley has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car Camera System and Mobile Audio/Video (MAV) System- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Recorded Media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY

It is the policy of the University of California Police Department, Berkeley to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings and any other related equipment.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

Officers shall log in to the system at the start of each shift and log out at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

422.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated and whenever the vehicle speed reaches 80 miles per hour. The system remains on until it is turned off manually.

422.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

Mobile Audio/Video

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DWI/DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (d) Any time a criminal suspect is inside the vehicle. Examples include during a detention or prisoner transport.
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

422.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Mobile Audio/Video

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

422.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

422.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department IT staff.

Recordings may be reviewed following the same procedures established by the Body Worn Audio/Video Systems Policy.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any person in the recording.

422.6 DOCUMENTING MAV USE

If any incident is recorded with the MAV system, the existence of that recording shall be documented in the officer's report.

Mobile Audio/Video

422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

422.7.1 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the University of California Police Department, Berkeley should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings.

422.9 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Body Worn Audio/Video Systems

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any University of California Police Department, Berkeley facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

423.2 POLICY

The University of California Police Department, Berkeley may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

The University of California Police Department, Berkeley will adopt and follow the Body Worn Audio/Video Systems Policy in the Universitywide Police Policies and Administrative Procedures Manual. The attachment below reflects the most current draft that is intended for future inclusion in that manual.

[See attachment: Body Worn Audio/Video Systems Policy 12 14 20](#)

423.3 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

423.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device

Body Worn Audio/Video Systems

it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

In the event of accidental activations (e.g. unintended recording in the locker room or restroom) members may bring the issue to the Administrative Lieutenant for consideration for deletion. All members shall receive training to help mitigate such issues.

423.5 AUTOMATED ACTIVATION

The current Body Worn Audio/Video Systems will automatically activate when a Taser 7 is powered on and when a department issued Glock 17 is removed from the duty holster. If an officer in the immediate vicinity powers on their Taser or removes their Glock 17 from the duty holster, all Body Worn Audio/Video Systems in the immediate area (approx 30 feet) will also activate.

If an accidental activation occurs due to administratively activating the taser or removing the firearm from the holster, it can be dismissed by pressing the select button when prompted. This will label the activation as a "false report/activation". A proper function check to the Taser 7 will not activate the Body Worn Audio/Video Systems.

423.6 LABELING, CATEGORIZING AND UPLOADING RECORDINGS

Labeling and categorizing of recordings may be performed in two ways. Personnel may login to Evidence.com, access their recordings and update the recording Title, ID and Category. Alternatively, personnel may download the Axon View application on their department issued Personal Communication Device (PCD), synchronize the PCD to their Body Worn Audio/Video Systems and update the recording Title, ID and Category with the PCD application.

423.7 BODY WORN AUDIO/VIDEO SYSTEMS ASSIGNMENT

Officers will be assigned a Body Worn Audio/Video System device. If a Body Worn Audio/Video System is not functioning properly members should contact their supervisor.

Sergeants must install the Axon DM application on their department issued PCD. If a Body Worn Audio/Video System is no longer functioning the supervisor shall take the device out of service and assign a new device with the Axon DM application. A supervisor may also assign a device by accessing Evidence.com on any department desktop computer.

423.8 AXON RESPOND

University of California Police Department, Berkeley is utilizing the Axon Body 3, Body Worn Audio/Video System. A component of this system is Axon Respond which sends location updates based on the device's GPS sensors to an associated map. UCPD Berkeley's devices are set to send an update of their location when the devices are recording and buffering. This configuration is intended for increased officer safety and to mitigate equipment loss.

The Axon Respond maps can be accessed through the Evidence.com website or the Axon Respond application. Personnel are authorized to load the Axon Respond application on their department issued PCD.

Body Worn Audio/Video Systems

423.9 RESTROOM USE

When using the restroom members may choose to remove their Body Worn Audio/Video Systems or place it into "Sleep Mode". The device should be placed back on the uniform or taken out of "Sleep Mode" prior to returning to duty.

Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The University of California Police Department, Berkeley recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Medical Marijuana

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

425.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification Card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical Marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary Caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory Amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

Medical Marijuana

425.2 POLICY

It is the policy of the University of California Police Department, Berkeley to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The University of California Police Department, Berkeley will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

425.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

425.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

425.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

Medical Marijuana

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

425.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

425.3.4 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

425.3.5 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

Medical Marijuana

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 - 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

425.3.6 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

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- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

425.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

425.5 PROPERTY BUREAU SUPERVISOR RESPONSIBILITIES

The Property Bureau supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property Bureau supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Bureau supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property Bureau supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Bureau supervisor.

Bicycle Patrol Program

426.1 PURPOSE AND SCOPE

The University of California Police Department, Berkeley has established the Bicycle Patrol Program for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

426.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to the Department's needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Patrol supervisor or the Watch Commander.

426.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to their appropriate supervisor. With supervisor approval, personnel may be trained on the patrol bicycle by a Department Patrol Bicycle Trainer. The supervisor should consider the following when approving personnel for patrol bicycle training;

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

426.3.1 BICYCLE PATROL PROGRAM COORDINATOR

The Bicycle Patrol Program Coordinator will be selected from the rank of sergeant by the Operations Division Commander or their designee.

The Bicycle Patrol Program Coordinator shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and programequipment.
- (c) Scheduling maintenance and repairs.
- (d) Providing officers with the proper Bicycle Patrol uniform and safety equipment.
- (e) Other activities as required to maintain the efficient operation of the Bicycle Patrol Program.

Bicycle Patrol Program

426.4 TRAINING

Participants in the Bicycle Patrol Program must complete an initial Department approved bicycle-training course after acceptance into the unit, or a POST approved Patrol Bicycle course. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

426.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved Bicycle Patrol uniform and safety equipment while operating a department bicycle. Safety equipment includes a department-approved helmet and riding gloves. Protective eyewear and appropriate footwear is strongly recommended.

The Department shall furnish Bicycle Patrol officers with the following items:

- Bicycle Helmet, black with "POLICE" and badge number markings
- Long sleeve bicycle uniform shirt (1)
- Short sleeve bicycle uniform shirt (1)
- Bicycle pants OR bicycle shorts (1)

Bicycle Patrol officers are responsible for procuring the following items:

- Appropriate footwear
- Additional shirts / shorts / pants (optional)
- Bicycle gloves (optional)
- Bicycle cargo bag (optional)
- Radio headset and microphone (optional)
- Bicycle jacket (optional)

Bicycle patrol officers shall carry the same equipment on their bicycle patrol duty belt or load bearing vest as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

Bicycle Patrol uniform specifications are described in the Uniform Specifications policy.

426.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, or use a pool bicycle shared by other officers. With approval from the Chief of Police, officers may use a personally

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owned bicycle if it meets department standards. All damage, loss, maintenance and repair costs of personally owned bicycles will be the sole responsibility of the owner/officer.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the top tube or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag should include a first aid kit, repair tool, and security lock. These items should remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle patrol officers are responsible to ensure that for their assigned bicycle, all standard equipment and supplies are replenished and in good condition when the bicycle is in use for patrol or other routine duties.

Bicycle patrol officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle patrol officer, a repair work order will be completed and forwarded to the Bicycle Patrol Program Coordinator for repair by an approved technician.

Each bicycle will have scheduled maintenance once a year year to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the Bicycle Patrol Program Coordinator, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

426.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such

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operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

Foot Pursuits

427.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

427.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

427.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

427.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

427.5 RESPONSIBILITIES IN FOOT PURSUITS

427.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

427.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

427.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot

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pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

427.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

427.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Homeless Persons

428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The University of California Police Department, Berkeley recognizes that members of the homeless community are often in need of special protection and services. The University of California Police Department, Berkeley will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

428.1.1 POLICY

It is the policy of the University of California Police Department, Berkeley to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

This policy is not intended to dilute or nullify the enforcement of appropriate Penal codes and/or University of California Regent regulations regarding living or lodging on campus property or inside campus structures.

428.2 HOMELESS COMMUNITY LIAISON

The Chief of Police has designated the day shift Patrol Lieutenant or their designee to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

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- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

428.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

428.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

428.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee

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has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

428.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

428.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

First Amendment Assemblies

429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY

The University of California Police Department, Berkeley respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

429.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with University of California administrative and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

429.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 ARRESTS

The University of California Police Department, Berkeley should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

429.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

429.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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429.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

429.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

429.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with University of California legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.12 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

429.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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429.14 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

429.14.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes

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is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

Civil Disputes

430.1 PURPOSE AND SCOPE

This policy provides members of the University of California Police Department, Berkeley with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

430.2 POLICY

The University of California Police Department, Berkeley recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

430.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

430.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

430.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

430.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

430.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

431.2 POLICY

The University of California Police Department, Berkeley recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

431.3 RESPONSIBILITIES

The Operations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Operations Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

431.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

431.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Criminal Investigations Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

Medical Aid and Response

432.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

432.2 POLICY

It is the policy of the University of California Police Department, Berkeley that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

432.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

432.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

432.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, that arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Medical Aid and Response

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

432.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, and Control Devices and Techniques policies.

432.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.

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- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

432.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

432.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

432.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

432.9.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

432.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Refer to the Use of Naloxone (Narcan) policy within this chapter.

432.11 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Operations Division Commander may authorize the acquisition of epinephrine auto-injectors for use by Department members as provided by Health and Safety Code § 1797.197a. The Training Manager shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100019).

Medical Aid and Response

432.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department Operations Plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact the Communications Center as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

432.11.2 EPINEPHRINE AUTO-INJECTOR REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Training Manager should ensure that the Records and Communications Manager is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

432.11.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Training Manager should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100019.

432.12 LIFESAVING AWARDS

When a department member provides medical aid and their direct actions result in the saving of a life, or their quick action or skillful handling of an incident directly resulted in the prevention of another's death, their supervisor should consider nomination for a medal or commendation, as described in Chapter 12 of the Universitywide Police Policies and Administrative Procedures (Gold Book).

[Universitywide Police Policies and Administrative Procedures](#)

432.13 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

432.14 MEDICALLY INCAPACITATED NEXT-OF-KIN NOTIFICATIONS

When an incident within the department's primary jurisdiction involves a person who is alive but unconscious or otherwise unable to communicate due to serious illness or significant injury, the primary assigned officer (or other handling department member) shall attempt to identify and contact the medically incapacitated person's next-of-kin to alert them of the situation.

Medical Aid and Response

When a department member responds to an incident outside the department's primary jurisdiction involving a medically incapacitated person who is known to be a University affiliate, the member should consult with the lead agency and offer assistance in notifying next-of-kin, but shall defer to the lead agency's preference.

To identify the appropriate person to contact for a next-of-kin notification, the department member may make routine records checks, contact other public agencies, access open-source information, request assistance from the medically incapacitated person's associates (employers, University staff, friends), or utilize any other lawfully available information.

If an adult family member or legal guardian is contacted and informed at the scene, this may serve as the next-of-kin notification.

The primary assigned officer (or other handling department member) shall ensure that all such medically incapacitated next-of-kin notifications or attempted notifications are documented in an official police report.

432.14.1 NOTIFICATION CONTENT

When making a next-of-kin notification for a medically incapacitated person, whether in person or via telephone, the department member is expected to demonstrate appropriate empathy, respect and concern, and to provide accurate information. The department member making contact should clearly identify themselves and this agency, and provide the following:

- (a) The date, time and location of the incident
- (b) The general and apparent nature of the medical concern
- (c) A general description of any emergency medical care that was provided
- (d) The medically incapacitated person's last known status and the location to which they have been transported
- (e) Department and hospital or medical provider contact information, if available
- (f) Any issued case number(s)

Unnecessary details may be omitted, and the member should not share any medical diagnosis, prognosis or opinion, nor any confidential medical information.

If a voice message must be left, it should consist solely of an urgent request to call back or visit the department without identifying the medically incapacitated person's name or any other details.

Email and other electronic text messaging should not be used to make a next-of-kin notification. If they must be used, the content should consist solely of an urgent request to call or visit the department without identifying the medically incapacitated person's name or any other details.

432.14.2 DEATH NOTIFICATIONS

For an individual who is declared deceased at the scene, refer to the department Death Investigation and Notifications policy for guidance.

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Medical Aid and Response

For a department member death in the line of duty, refer to the department Line-of-Duty Deaths policy for guidance.

Systemwide Response Team (SRT)

433.1 PURPOSE AND SCOPE

The Systemwide Response Team (SRT) has been established to provide specialized support in handling critical field operations involving mass arrests, crowd control situations, protests / demonstrations and dignitary protection where tactical deployment methods beyond the capacity of field officers appear to be necessary.

The mission of the Systemwide Response Team is to prepare for, and professionally respond to unique situations and incidents that demand trained, equipped, experienced, and organized teams of sworn University of California Police Department personnel beyond those resources available at one campus. In addition, SRT members may be called upon to serve in any number of critical situations or mutual aid assignments. While the focus will be on crowd management, other mutual aid activities or events may support the use of the Systemwide Response Team.

The University of California, Berkeley, Police Department will adopt and follow the Systemwide Response Team Policy, which will be incorporated in the University of California Universitywide Police Policies and Administrative Procedures Manual (Gold Book). The below policy is effective December 14, 2020.

433.2 POLICY

[See attachment: Systemwide Response Team Policy 12-14-20](#)

433.3 SELECTION PROCESS

Candidates must meet all minimum qualifications established in the Universitywide SRT Policy. Interested sworn personnel shall submit an interest letter to their appropriate Division Commander. A copy will be forwarded to the SRT Commander and the qualified applicant will then be invited to an oral interview. The oral board will consist of the SRT Commander, an SRT Sergeant, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance
- (b) Demonstrated good judgment and understanding of the critical role of the Systemwide Response Team
- (c) Effective communication skills to ensure success as an SRT member
- (d) Special skills, training, or appropriate education as it pertains to the assignment
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations

433.4 SYSTEMWIDE RESPONSE TEAM TRAINING

The SRT Commander will work with the Training Manager to develop quarterly training for the SRT. Members will be required to attend the quarterly training unless otherwise excused by the SRT Commander.

SRT training shall be documented and records maintained by the Training Manager.

Systemwide Response Team (SRT)

433.5 SRT COMMANDER

A Police Lieutenant will be selected by the Chief of Police to serve as the SRT Commander.

Sworn Personnel Patrol Assignment Selection

434.1 PURPOSE AND SCOPE

To establish the procedures by which sergeants and officers make their patrol assignment selections and by which position vacancies are filled.

434.2 PROCEDURES

Probationary sergeants and officers should be assigned to a regular patrol team assignment during their probationary period and should not be assigned to a specialty assignment or relief position until the successful completion of their probation.

A sergeant or officer rotating back to patrol from a specialty assignment should spend at least one year in a patrol assignment before entering any specialty position, unless

- (a) No other sergeant or officer applies for that specialty position
- (b) The sergeant or officer is appointed or extended by the Chief of Police
- (c) A new specialty position is announced

434.3 SHIFT ROTATION POLICY

Sergeants in regular patrol assignments are assigned to shifts at the discretion of the Chief of Police. Sergeants are not subject to mandatory assignment rotation. Their preference for shifts will be considered but the needs of the department will be the determining factor in placement for assignment.

Officer rotation will be mandatory following an officer remaining on the same patrol team for two (2) consecutive years. If an officer remains on the same patrol team for two (2) consecutive years, the officer must rotate off that particular patrol team for one (1) year. Rotation is defined as a change in work hours, (ie day shift to night shift) not simply a change in days of the week worked.

Exceptions to this are

1. Officers with twenty (20) years of service with the University of California, Berkeley, Police Department are excluded from mandatory rotation
2. The officers' lack of seniority does not allow them to move to another shift.

At the discretion of the Patrol Lieutenant and with approval of the Chief of Police, some full-time specialties may be excluded from shift rotation. Those specialties which are ancillary duties may have designated slots as sign up occurs. Prior to each shift bidding the Patrol Lieutenant will include in the shift bidding memorandum those specialties which are excluded.

Officers on extended leaves/absences or worker's compensation, including modified duty, will not be allowed to sign up for a patrol shift unless medically cleared prior to the shift bidding. An Officer on FMLA or other protected leave who is scheduled to return prior to the start of the new shift will be allowed to participate in shift bidding. Officers on extended leaves/absences or worker's compensation, including modify duty, will not have that time count towards their two (2) year limit

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Sworn Personnel Patrol Assignment Selection

for a mandatory rotation. Upon their return to full duty, they will be placed where departmental needs dictate, until the start of the next bid period.

Use of Naloxone (Narcan)

435.1 PURPOSE AND SCOPE

To establish guidelines and regulations governing the utilization of Naloxone by the University of California, Berkeley, Police Department, with the objective to reduce the number of fatal opiate overdoses and increase safety of University of California, Berkeley personnel.

435.2 POLICY

It is the policy of the University of California, Berkeley, Police Department that sworn patrol personnel are required to be trained in the use and appropriate application of Naloxone. Select civilian personnel, detectives and administrative personnel may also be trained. The Alameda County Emergency Medical Services Agency (EMSA) Medical Director has authorized personnel who have received training in the application of Naloxone, to possess and administer Naloxone.

435.3 DEFINITIONS

- (a) Naloxone Hydrochloride (Narcan): Naloxone, also commonly known as Narcan, is a prescription medication used for the treatment of a possible opioid or suspected opioid overdose.
- (b) Intranasal: Naloxone is a narcotic antagonist which works by affecting opiate receptor sites within the brain. Naloxone is administered into the subject's nose via intranasal administration (spray). The nasal cavity is covered by a thin mucosa, which is extremely vascular and provides a direct route into the blood stream of the subject. This method of administration is noninvasive and quickly effective.
- (c) Opioid Overdose: An opioid overdose is an acute, life threatening, medical condition caused by excessive intake of opiates, such as heroin, morphine, tramadol and oxycodone. This serious medical condition causes the victim to suffer from an altered level of consciousness, pinpoint pupils, respiratory arrest, and can lead to death.

435.4 PROCEDURE

A. ISSUING NALOXONE KITS:

1. Only personnel who have completed authorized training in the use and application of Naloxone will be assigned to carry and utilize Naloxone (Civil Code § 1714.22; Business and Professions Code § 4119.9).
2. This standing order from the Alameda County EMSA Medical Director authorizes personnel who have been trained by authorized Opioid Overdose Trainers to possess and administer nasal Naloxone to a person who is experiencing a possible opiate overdose. The standing order is attached for reference. [See attachment: UC Berkeley PD Naloxone Standing Order 2020](#)
3. The Watch Commander, or the designated sergeant, shall ensure sworn patrol personnel, who are trained, are carrying their Naloxone kits.
4. Sworn Personnel assigned to Patrol will be assigned long-term Naloxone Kits. Watch Commanders, or their designees, who assign personnel to carry Naloxone, shall

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complete an Equipment Inventory Log, including the assigned Naloxone kit number, date, and time the equipment is logged out and returned. The Naloxone kit and all related equipment must be returned to the secure storage area at the end of each shift, unless permission is granted to specific members for long-term use. Personnel assigned "long term kits" will maintain the kit and do not need to check the kit in each day.

5. Naloxone must be stored in a climate controlled area and in a location where access to the medication can be secured and controlled.
6. Each assigned member shall conduct a pre-service inspection of the Naloxone kit and confirm its condition. The member will inspect the secured safety case to ensure it is clean and not damaged or expired.
7. Assigned personnel will carry the Naloxone kit in a location that can be easily accessed and utilized when needed but out of direct sunlight.

B. USING NALOXONE:

1. Personnel trained in the use of Naloxone, are authorized to use it without prior approval in cases where an opiate overdose is suspected.
2. When using Naloxone, personnel will maintain universal precautions against blood borne pathogens.
3. Prior to administration of Naloxone, members must assess the victim for lack of breathing, pulse, and unresponsiveness. Members should conduct a brief visual survey for any obvious evidence of drug use or exposure.
4. If members determine the victim is suffering from opiate based over-dose, members will request Emergency Medical Services (EMS) immediately prior to the administration of Naloxone.
5. Naloxone shall be administered by members utilizing intranasal method only as approved by the local Emergency Medical Services Director and in accordance with training guidelines. Members using Naloxone on anyone, including other members of this agency or other law enforcement agencies, shall notify the appropriate medical personnel so a more thorough assessment can be performed.
6. Personnel will retain the discretion to administer or not administer Naloxone to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal or departmental obligation to administer Naloxone.

C. TRAINING:

1. Prior to being issued and/or administering Naloxone, personnel must complete an Opioid Overdose Prevention Training conducted by a person authorized by the Agency to serve as a trainer. The authorized trainer must be trained by Alameda County EMS to conduct Opioid Overdose Responder training. The training will only be offered to identified personnel and will be conducted every two years during departmental Continuing Professional Training (CPT).
2. During the initial training, priority will be given to sworn personnel.

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D. MAINTENANCE AND REPLACEMENT:

1. Inspection of the Naloxone kit shall be the responsibility of the personnel checking out the equipment. Members shall inspect the kit when it is checked out. The Naloxone kit shall be kept inside the vehicle and not in the trunk while the member is in service. This is imperative since extreme temperature changes may affect the effectiveness and integrity of the medication. Any field sites with Naloxone kits shall store them in such a way as to avoid the kit's exposure to extreme temperature.
2. The Naloxone coordinator will conduct an inspection of the Naloxone kits on the first working day of each month and collect the prior month's sign in/out forms for auditing, and compliance purposes.
3. Missing or damaged Naloxone kits will be reported as missing or damaged equipment to the member's immediate supervisor. The sergeant will notify the Naloxone coordinator who will re-issue supplies. A report will be generated for any missing or damaged Naloxone kits.
4. Naloxone can only be obtained by prescription and will be ordered for the Department on an as needed basis by the Naloxone coordinator.
5. The Naloxone coordinator shall ensure the destruction of any expired Naloxone (Business and Professions Code § 4119.9).

E. DOCUMENTATION AND REPORTING:

1. Upon administering Naloxone and advising appropriate medical staff, the involved personnel shall complete an Incident report and a Naloxone Usage Report describing the details, circumstances and results of the incident. The report should include any information for victims, witnesses or suspects and include a detailed narrative describing symptoms observed and any evidence of drug use observed at the scene. This report is imperative for EMSA to conduct an audit of Naloxone administration within Alameda County. The Naloxone Usage Report is attached for reference. [See attachment: UCPD Intranasal Naloxone usage report \(1\).pdf](#)
2. Records regarding acquisition and disposition of Naloxone shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

Motorcycle Patrol Program

436.1 PURPOSE AND SCOPE

The UCPD has established a Motorcycle Patrol Program for the purpose of enhancing patrol capabilities. Motorcycles can provide increased flexibility and access to congested areas and locations where a larger vehicle could not travel. The purpose of this policy is to provide guidelines for the safe and effective operation of the police motorcycle.

436.2 POLICY

It is the policy of UCPD to have some officers assigned to police motorcycles performing patrol duties. Officers who are selected for this role must meet established standards and training. Their primary responsibility should be patrol duty. A Motorcycle Program Coordinator will be appointed by the Patrol Division Commander or their designee to oversee the administrative needs of the program.

436.3 SELECTION OF PERSONNEL

Officers seeking a motorcycle assignment shall:

- (a) Have completed probation.
- (b) Submit a letter of interest to the Patrol Division Commander.
- (c) Have a valid California Class M1 motorcycle license for at least one year.
- (d) Have no on-duty at-fault collisions with the last year.
- (e) Satisfactorily perform a motorcycle operation test, to be facilitated by the Motorcycle Program Coordinator.

Before becoming a member of the Motorcycle Patrol Program, the officer must satisfactorily complete an approved police motorcycle operation training program.

Additional considerations for selection are contained in the Special Assignments and Promotions policy.

436.4 UNIFORM AND EQUIPMENT

When operating a police motorcycle on patrol, an officer shall wear proper safety equipment and the Class A or Class B motorcycle uniform. If the officer has been authorized to ride the motorcycle off-duty for purposes such as training or maintenance, the officer should wear proper safety equipment and plain clothes. The Class C uniform is approved for training, maintenance, and the operation of dual-sport motorcycles.

The Department will furnish the following:

- (a) Police motorcycle.
- (b) Motorcycle boots (one pair).
- (c) Motorcycle helmet.
- (d) Uniform motorcycle breeches (one pair).

Motorcycle Patrol Program

Officers shall purchase all other uniform equipment necessary, such as jackets and gloves. All items must conform to established uniform standards.

436.4.1 MOTORCYCLE INSPECTION AND MAINTENANCE

Police motorcycles shall be inspected regularly and carefully maintained.

- (a) Motorcycle officers shall inspect their assigned motorcycle at the start of each shift.
- (b) The Motorcycle Program Coordinator should periodically inspect the motorcycle with the officer who is assigned to that motorcycle.
- (c) Officers are expected to become knowledgeable with the aspects of motorcycle mechanical operation cost reduction and safe riding practices. Minor repairs or adjustments which do not require the expertise or special tools of a motorcycle repair shop should be performed by the officer.

436.4.2 STANDARD EQUIPMENT AND SUPPLIES

The Motorcycle Program Coordinator shall develop and update as necessary a list of standard equipment and supplies that are to be maintained with each motorcycle as necessary to keep the motorcycle in a state of operational readiness.

Motorcycle officers are responsible to ensure that for their assigned motorcycle, all standard equipment and supplies are replenished and in good condition when the motorcycle is in use for patrol or other routine duties.

436.5 OFFICER RESPONSIBILITIES

Motorcycle officers should perform patrol duties on their motorcycles for their entire shifts unless the weather is inclement, the motorcycle requires maintenance, the officer does not feel physically able, or there is an emergency. The motorcycle officer, based on training and knowing their limitations, should make the decision not to ride during these circumstances.

Any officer who drives a police motorcycle in circumstances other than while performing patrol duties, such as traveling to a training course, should not engage in any routine enforcement on the way.

Motorcycle officers are responsible for practicing and maintaining proficiency with their motorcycles.

Unless they are unavailable due to annual vacation or another pre-approved exception, motorcycle officers are expected to work UC Berkeley football games and participate in the football team escorts and other assigned motorcades.

Motorcycle officers are expected to develop and maintain expertise in the areas of traffic control and collision investigations. They should serve as the primary case officer for all collision investigations and traffic control details for their patrol team, unless otherwise assigned by their supervisor.

Police Presence in University Housing

437.1 PURPOSE AND SCOPE

UCPD intends to provide police services while maintaining the privacy of residents in University housing facilities. This policy describes the notification procedures to be followed when a non-emergency situation requires police presence in a University residence hall living quarters. Nothing in this policy is to be construed as a restriction on police patrol of public areas in University housing.

437.2 POLICY

It is the policy of UCPD to notify a residence hall staff member whenever a UCPD police officer enters a residence hall in circumstances other than routine patrol of the front lobby, when possible. Officers making entry in relation to investigations requiring the need for confidentiality are exempt from the requirement for notification. Any exceptions to this policy, unless during an emergency, should be discussed with a supervisor before an officer enters the residential section of a University residence hall. Lounges within a residence hall are included under the provisions of this policy.

437.3 PROCEDURES

437.3.1 PUBLIC SAFETY DISPATCHER'S RESPONSIBILITY

When a uniformed officer has been assigned a task which requires the officer's presence in residence hall living quarters, the public safety dispatcher should:

- (a) Request that the reporting party meet the officer in the lobby.
- (b) Attempt to notify the on-duty hall staff member by telephone.
- (c) Notify the assigned officer of the result.
- (d) In the event that the public safety dispatcher is unable to contact the on-duty staff person, he/she will attempt to contact one of the other hall staff members listed on the Residence Hall Staff Directory, starting with the Hall Coordinator, until each number has been called or until contact has been made.

437.3.2 UNIFORMED OFFICER'S RESPONSIBILITY

Before entering the residence hall living quarters, the officer should:

- (a) Receive notification from the public safety dispatcher that an attempt has been made to notify the on-duty hall staff member.
- (b) Proceed to the location of the assigned task or meet the reporting party in the lobby.
- (c) Information that notification was attempted should be noted in any written report or in CAD if a report is not necessary. It should be stated in the report or in CAD whether notification was successful or unsuccessful.

Police Presence in University Housing

437.3.3 PLAINCLOTHES OFFICER'S RESPONSIBILITY

An officer in plainclothes should attempt to notify the on-duty hall staff member unless involved in a confidential investigation. For routine investigations, plainclothes officers should state the results of the attempted notification in their report.

Resident Student Liaison Team

438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the maintenance of a consistent level of liaison with all areas of the campus housing program through a Resident Student Liaison Team, in order to provide more effective police services.

438.2 POLICY

The Resident Student Liaison (RSL) Team should consist of nine officers, primarily from Patrol, and the Housing Liaison Sergeant. The Housing Liaison Sergeant will coordinate the efforts of the team. RSL positions are not considered specialty assignments.

438.3 SELECTION PROCESS

The following process will be followed for selecting RSL Team members:

- (a) Candidates shall be off probation.
- (b) Upon notification of a vacancy, candidates must submit a letter of interest to the Housing Liaison Sergeant.
- (c) Candidates shall request a supervisor's recommendation, forwarded to the Housing Liaison Sergeant.
- (d) Candidates will participate in an oral interview conducted by the Housing Liaison Sergeant, another UCPD supervisor, and a member of the RSSP staff. The requirement for an oral interview may be waived if the number of open positions meets or exceeds the number of applicants.
- (e) The Chief of Police will make the final selection.
- (f) RSL positions will be reviewed annually. Continued participation will be based on performance in the program and departmental need.

438.4 RESPONSIBILITIES

- (a) Upon assignment to the position, Residential Student Liaison (RSL) Officers will initially meet with the Executive Director of Housing, Events, and Facilities to receive an overview of the program, an explanation of the Residential and Student Service Programs (RSSP) calendar, and general expectations.
- (b) RSL Officers will initially meet with the Resident Life Leadership team to familiarize with Resident Advisor and Resident Director protocols and operational procedures.
- (c) RSL Officers should devote approximately ten percent of their normal schedules to their respective housing assignments.
- (d) RSL Officers should meet with the staff and members of their assigned housing units on a regular basis. RSL Officers should keep the Housing Liaison Sergeant apprised of their meetings.
- (e) RSL Officers should review the End of Watch notes for cases that relate to their assigned housing unit. They should review the related police reports for these cases.

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Resident Student Liaison Team

- (f) RSL Officers should communicate as needed with their housing unit staff regarding trends developed from police incident reports.
- (g) RSL Officers will handle minor criminal investigations within their assigned units. The Criminal Investigations Bureau staff will handle major criminal investigations, with notification to the Housing Liaison Sergeant.
- (h) RSL Officers are encouraged to take their meal breaks on site with the students at the residence halls. RSSP provides RSL Officers with a meal plan that includes four dining hall meals per week. RSSP's expectation is for RSL Officers to utilize at least one dining hall meal per work week, but also recognizes staffing and night shifts may affect this. RSSP runs periodic access reports for the Housing Liaison Sergeant.
- (i) RSL Officers, staffing and shift dependent, should attend:
 - 1. At least two Residential Life team meetings per semester
 - 2. At least two Unit team meetings per semester
 - 3. At least two summer meetings (either conferences or summer housing)
 - 4. Assist with high-profile RSSP events, such as move-in/move-out, annual boat dance, and community outreach presentations.
- (j) RSL Officers should coordinate and/or instruct sessions on topics such as pepper spray, targeted violence and conflict management once per semester.

438.5 HOUSING ASSIGNMENTS

The housing units, for purposes of RSL Officer assignments are:

- (a) Unit I: Cheney, Freeborn, Christian, Deutsch, Putman, Slottman Halls
- (b) Unit II: Davidson, Griffiths, Towle, Cunningham, Ehrman, Wada Halls
- (c) Unit III: Norton, Spens-Black, Ida Sproul, Priestley, Beverly Cleary Halls
- (d) Unit IV: Foothill, La Loma, Stern Halls
- (e) Unit V: Clark Kerr Campus
- (f) Unit VI: Albany Village
- (g) Unit VII: Graduate Apartment Group - Manville, Jackson House, Intersection, Blackwell Halls
- (h) Unit VIII: Undergraduate Apartment Group - Maximo Martinez Commons, Channing-Bowditch, New Sequoia, Enclave, Panoramic Berkeley

All units will have a single RSL assigned, except Albany Village, which will have two.

OSHA Notifications

439.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure compliance with the Occupational Safety and Health Act (OSHA) requirement for notification in the event of an occupational-related serious injury, illness, or death.

439.1.1 DEFINITION

Serious Injury or Illness - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

439.2 POLICY

The University is required to notify the District Office of the Division of Occupational Safety and Health of any occupational-related serious injury, illness, or death within 8 hours of the incident, in accordance with California Administrative Code Title 8, Chapter 3.2, Subchapter 2, Article 3, §342. It is UCPD's policy to assist the University with meeting this obligation. This applies regardless of the victim's University affiliation and is not limited to UCPD personnel.

439.3 NOTIFICATION PROCEDURE

Upon learning of an occupational-related serious injury, illness, or death, the assigned officer shall notify UC Berkeley EH&S by calling 510-629-0347. If there is no answer, the officer should leave a voice message requesting a call back. Directly informing an EH&S staff member of the circumstances will fulfill UCPD's obligation.

If the call is not returned within 15 minutes, the officer shall proceed to call the Oakland office of the California Division of Occupational Safety and Health at 510-622-2916, with the following information:

- (a) Time and date of accident
- (b) Employer's name, address, and telephone number.
- (c) Name and job title, or badge number of person reporting the accident.
- (d) Address of site of accident or event.
- (e) Name of person to contact at site of accident.
- (f) Name and address of injured employee(s).
- (g) Nature of injury.
- (h) Location where injured employee(s) was (were) moved to.
- (i) List and identity of other law enforcement agencies present at the site of accident.

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- (j) Description of accident and whether the accident scene or instrumentality has been altered.

The assigned officer shall document the results of this notification process in an incident report, including the name of the person notified. It is the responsibility of the patrol supervisor to ensure that this notification process is completed.

Procedures for Excluding Individuals Pursuant to 626 PC

440.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedure for implementing the exclusions under sections 626.4 and 626.6 of the California Penal Code (PC). These sections give the chief administrative officer of a campus (or an officer or employee designated by the chief administrative officer to maintain order on the campus) the authority to exclude disruptive persons from the campus. This authority has been limited by a State Supreme Court decision (*Braxton v. Municipal Court* (1973) 10 Cal.3d 138), which defines the basis for exclusion and requires that, in many cases, a hearing be held before an exclusion order is implemented. Section 626 PC also provides that an individual entering the campus after being excluded is guilty of a misdemeanor.

440.2 POLICY

Designated UCPD Officers may exclude individuals or request exclusion of individuals under the authority in sections 626.4 or 626.6 of the California Penal Code pursuant to the procedures in this policy. Under campus policy, the Chancellor, as the chief administrative officer of the Berkeley Campus, has delegated authority, both to recommend exclusion and in cases which involve risk of significant injury to persons or property, to exclude individuals, to the Chief of Police. The Chief hereby re-delegates this authority to UCPD officers of the rank of sergeant and above (or corporal in the absence of a sergeant) pursuant to the campus policy. Exclusion from campus, particularly of a student or employee, is a significant action that must be undertaken judiciously.

440.3 DEFINITION

Designated UCPD Officers - For the purposes of excluding individuals pursuant to this order, "Designated UCPD Officers" refers to officers of the rank of sergeant and above to whom this authority is delegated. A corporal will be considered a Designated UCPD Officer in the absence of an on-duty sergeant.

440.4 SUMMARY EXCLUSION OF STUDENT OR EMPLOYEE UNDER SECTION 626.4 PC

- (a) A designated UCPD Officer may summarily exclude an individual from the campus and its facilities when they have reasonable cause to believe that the individual has incited or engaged in any activity which (1) willfully disrupts the orderly operation of the Berkeley campus and (2) is illegal under criminal statutes other than section 626.4 PC. More specifically, the individual's conduct or behavior must constitute or incite a substantial and material physical disruption incompatible with the peaceful functioning of the campus and its facilities, and the exclusion must be necessary to prevent significant injury to persons on campus or to University property. The circumstances may include, but are not limited to the following types of behavior: assault, battery, physical obstruction of ingress to and egress from buildings, refusal to leave a public building upon request after its regular closing, destruction of property, incitement or participation in a riot, remaining at the scene of a riot after a lawful order to

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disperse, resisting a police officer, and physical intimidation of students or instructors seeking to attend classes.

- (b) The excluded individual shall be given written notice of the exclusion. The UCPD form will be used. The notice shall include the date and time it becomes effective, the duration of the exclusion (which may not exceed 14 days) and their right to a hearing. The notice shall be personally served or sent by certified mail with return receipt requested. In most cases the subject being excluded will be arrested or detained and it will be possible to serve the written notice in person. In rare cases in which this is not possible the notice shall be given verbally and followed up with the written notice sent by certified mail with return receipt requested mailed at least by the next business day.
- (c) Copies of the written notice and a written police report describing the basis for the exclusion shall be available within 18 hours, regardless of the day of the week, for the Chief of Police to review. The on-duty patrol supervisor is responsible for seeing that the documents are made available within the time frame.
- (d) The written report shall include the following:
 - 1. a description of the excluded individual, including, if available, the person's name, address and phone number;
 - 2. a statement of facts giving rise to the exclusion of the individual;
 - 3. a reference to the statutes, other than 626.4 PC, that allegedly have been violated;
 - 4. the time the exclusion order was served and became effective; and
 - 5. a summary of any action taken by the police (i.e., citation or arrest).
- (e) Interim review of Exclusion: The Chief of Police shall review the report and shall confirm or deny the exclusion within twenty-four (24) hours after personal service or mailing the notice to the person excluded. If the order is not confirmed in writing within this period, it shall automatically be nullified and the individual shall be notified in writing as soon as possible.
- (f) In the absence of the Chief, the authority for interim review is delegated to the individual authorized to act on the Chief's behalf (the acting Chief). In the absence of the Chief or Acting Chief, authority is given to the Assistant Chancellor/Chief of Staff.
- (g) An individual who has been summarily excluded may submit a written request to the Vice Chancellor - Administration for a hearing pursuant to the campus policy.

440.5 EXCLUSION OF STUDENT OR EMPLOYEE IN CASES NOT INVOLVING RISK OF SIGNIFICANT INJURY TO PERSONS OR PROPERTY

- (a) If a designated UCPD officer determines that there is reasonable cause to believe that an individual has willfully disrupted the orderly operation of the Berkeley campus, he/she may recommend that the individual be excluded from the campus subject to a review of the proposed exclusion at a formal hearing.
- (b) The recommendation should be forwarded with a written police report describing the basis of the recommendation to the Chief of Police, who shall review the report and

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determine whether to accept or reject the recommendation. If the recommendation is accepted, the individual shall be notified in writing, personally served or sent by certified mail with return receipt requested, of the recommendation for exclusion, informing him or her of the proposed exclusion and the date, time, and place of the hearing which shall be held at least twenty-four (24)

hours after the receipt of the notice. The Chancellor will designate an appropriate hearing officer. The procedures for the hearing are contained in campus policy.

- (c) The exclusion order will not become effective until the hearing officer has upheld it. If the hearing officer sustains the exclusion, he/she will determine its duration, which may not exceed fourteen calendar days from its implementation.

440.6 EXCLUSION OF INDIVIDUALS WHO ARE NOT STUDENTS OR EMPLOYEES OF THE UNIVERSITY (626.6 PC)

- (a) Under section 626.6 PC, a designated UCPD officer may summarily exclude an individual who is not a student or employee of the University and who is not required by his or her employment to be on the campus or other University facility, when it reasonably appears that the individual is committing an act likely to interfere with the peaceful conduct of the activities of the campus, or has entered the campus for the purpose of committing any such act.
- (b) Written notice of exclusion shall be provided to the individual by having notification personally served or sent by certified mail, with return receipt requested. The notice shall inform the individual that if he or she reenters the campus or facility within seven (7) days, he or she will be guilty of a misdemeanor.
- (c) Unlike individuals excluded from campus under 626.4 PC, individuals excluded from the campus or other University facility under this section do not have the right to a hearing concerning the exclusion. If that individual fails to leave, or if the individual willfully and knowingly reenters the campus or facility within seven (7) days after being directed to leave, he or she is guilty of a misdemeanor punishable by law.
- (d) Whenever a designated UCPD Officer has excluded an individual from the Berkeley Campus under the authority of section 626.6 PC, a written police report should be submitted containing the following information:
 - 1. A description of each individual excluded, including the person's name and (if available) his/her local address and telephone number.
 - 2. A statement of the facts that justify the exclusion. This statement must describe the specific conduct of each individual, cite the pertinent section(s) of the California Penal Code that the individual allegedly violated, and any action taken by the police with respect to issuing a citation or making an arrest.

440.7 REINSTATEMENT OF AN EXCLUDED INDIVIDUAL

If, at any time during a period of exclusion, information is presented to the Chief of Police that demonstrates the excluded individual no longer constitutes a substantial and material threat to the orderly operation of the campus, this exclusion order shall be lifted. The excluded individual shall be notified of this action immediately by having the notification personally served or sent by certified mail with return receipt requested.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 OFFICER DEPLOYMENT

Several factors are considered in the development of traffic enforcement for officers of the University of California Police Department, Berkeley. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 MOTORIST STOPS

Upon the decision to initiate the stop of a motorist, the officer should notify dispatch and provide the location (actual or anticipated), license plate number and vehicle description. Officers should conduct stops in a manner consistent with the following guidelines:

- (a) Officers should attempt to select the safest possible location for a stop, with particular concern for vehicle traffic and nearby pedestrians.
- (b) Officers operating a vehicle or mobility device may use emergency lights as needed (Code-2 or Code-3) to stop the motorist.
- (c) Officers using a car to make a stop should position it about 10 to 20 feet behind the motorist's vehicle, offset approximately one to three feet on the side exposed to passing vehicle traffic to create a safety zone.

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- (d) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the vehicle during hours of darkness or when otherwise appropriate.
- (e) Officers using a car shall ensure their vehicle is placed in park, and the emergency brake should be engaged.
- (f) Officers may approach either side of the stopped vehicle on foot, remaining alert to potential safety concerns whether from within the vehicle or the surrounding area for the duration of the stop.

Upon completion of the stop, the officer should allow the stopped motorist to safely leave the location before the officer departs.

500.3.1 INTERACTION WITH STOPPED MOTORISTS

During the stop of a motorist, officers are expected to maintain a professional and courteous demeanor. Officers should recognize that stopped motorists and/or their passengers are likely to be anxious, and some may be or become argumentative. Officers should attempt to deescalate these concerns by using a standardized approach:

- (a) Greeting (e.g. good morning)
- (b) Identify yourself and the department by name
- (c) Explain the reason for the stop
- (d) Request the motorist's license, and the vehicle's registration and proof of insurance (as applicable)
- (e) Ask if there was a reason for any observed violation (e.g. an emergency, malfunction, distraction, etc.)

After contacting the motorist and collecting any needed documents, the officer should move to a safe position to the rear of the stopped vehicle to conduct appropriate records checks and prepare any citation or other necessary paperwork. Officers may re-approach the stopped vehicle if necessary for additional information or clarifications.

Upon determining the appropriate course of action (e.g. arrest, citation, warning) the officer should complete any necessary paperwork and then re-contact the motorist. The officer may ask the motorist to exit the vehicle if there is a specific need and it is safe to do so. The officer should explain their decision to the motorist.

If a citation is issued, the officer shall request the motorist's signature (and thumbprint if applicable), and provide them with the appropriate copy of the completed citation.

If the motorist will be released at the scene, the officer should clearly communicate to the motorist when they are free to leave and politely close the conversation (e.g. thank you, drive safely).

The officer shall return any documents they collected from the motorist prior to completing the stop.

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500.3.2 HIGH RISK STOPS

All vehicle stops present potential unknown safety risks to officers, but in certain circumstances there may be specific reasons to believe they present a high risk, such as when one or more occupants are suspected to be armed and/or dangerous. High-risk stops require additional caution and the use of procedures intended to mitigate those risks. Officers should evaluate and conduct high-risk stops in a manner consistent with the following guidelines:

- (a) Officers should immediately notify dispatch when they anticipate the need for a high-risk stop and provide the current location, direction of travel, and a thorough description of the vehicle and all occupants.
- (b) If possible, officers should avoid initiating the stop until additional officers are in a position to assist immediately. Outside agency assistance may be requested if insufficient officers from this department are nearby. If the stop has already been made or must be made, the primary officer should maintain a position of cover and wait for additional officers to arrive before proceeding.
- (c) High-risk stops should only be initiated by a marked police car, using emergency lights and siren as necessary.
- (d) Officers should attempt to select the safest possible location for a high-risk stop, with particular concern for minimizing danger to the public and involved officers.
- (e) The primary unit should place their police car about two or three car lengths behind the stopped vehicle, offset approximately three to five feet on the driver's side of the stopped car to create a safety zone.
- (f) As circumstances allow, the second and third police cars at the scene should be positioned to the left and right of the primary unit, canted towards the motorists vehicle and spaced with sufficient room for all police cars to open their front doors. Any additional police cars should be positioned further to the rear and parked, or used to divert traffic / pedestrians from the scene, or staged to pursue as necessary.
- (g) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the stopped vehicle during hours of darkness or when otherwise appropriate. Officers should take care not to backlight other officers or vehicles which they may be parked behind.
- (h) Only one officer at a time (usually the primary officer) should issue commands to the occupant(s) of the stopped vehicle, using any available public address speaker system (unless there is a specific reason not to do so).
 - 1. The occupants of the stopped vehicle should be instructed to keep their hands in sight at all times and to make no sudden movements.
 - 2. The driver of the stopped vehicle should be instructed to shut off the ignition, remove the keys and place them in a designated location (often the vehicle hood or roof).
 - 3. One at a time, each occupant should be instructed to exit the vehicle, move to a safe location and assume a position of disadvantage (e.g. kneeling, prone).

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- (i) As coordinated by the primary officer, cover officers should approach, handcuff, search and secure each occupant.
- (j) Before approaching the stopped vehicle, the primary officer should attempt to call out any occupant who may yet remain inside. As coordinated by the primary officer, cover officers should cautiously approach the stopped vehicle and perform a safety sweep for remaining occupants or any threats that may be present.
 - 1. Any canine unit at the scene capable of conducting such a sweep may be utilized accordingly.
- (k) Once all occupants have been secured and the vehicle safety sweep has been completed, and prior to allowing any occupant or other person to return to the vehicle, any additional lawful search should be conducted.

Officers involved in a high-risk stop must be flexible and make adjustments in accordance with the conditions at the scene.

500.4 ENFORCEMENT ACTIONS

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

500.4.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations. When issuing a warning, the officer should advise the violator of the nature of the violation and what should be done to avoid repeating it. When the only outcome of a traffic stop is a warning, the officer should advise the Communications Center of this disposition and the violation for which it was issued, to be noted by the dispatcher in the Computer Aided Dispatch (CAD) system as part of the event information.

500.4.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Upon issuing a citation, Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance date, time, location, and procedure, including if an appearance by the motorist is optional or mandatory
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) If the owner or employer (when not the driver) is responsible for resolution of a violation pursuant to 40001 CVC

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The officer issuing the citation should also ensure the recipient is aware of the information and instructions on the reverse side of the violator's copy of the citation form.

500.4.3 CITATIONS FOR MULTIPLE VIOLATIONS

Multiple violations may be listed on the same citation. A Continuation of Notice to Appear form should be issued if all violations cannot be listed in the space available on a single citation. When listing multiple violations, they should be ordered from most serious to least serious offense.

500.4.4 CAMPUS TRAFFIC AND PARKING CODE

Any traffic citations issued for violations of the UC Berkeley Traffic and Parking Code should be recorded as §21113(a) CVC with a brief description of the specific violation.

500.4.5 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4.6 ENFORCEMENT FORMS AND EQUIPMENT

Officers who conduct traffic enforcement and/or issue citations for traffic violations are responsible to maintain all necessary and appropriate forms, reference materials, and equipment while performing such tasks, and are expected to properly complete and submit all forms and paperwork.

500.5 SPECIAL TRAFFIC ENFORCEMENT PROCESSING REQUIREMENTS

500.5.1 JUVENILES

Traffic offenses committed by juveniles age 15 & 1/2 or older will be processed in the same manner as those committed by adults, except:

- (a) The juvenile's home phone number, school and grade, and a parent's name should be obtained for the citation, and
- (b) Juveniles should be told that one or both parents must accompany them when appearing in court for traffic violations.

Traffic infractions by juveniles under age 15 & 1/2 should be resolved by parent / guardian contact, or by education and a warning.

Juveniles who are physically arrested for a traffic offense will be handled according to the nature of the offense and relevant departmental policy.

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500.5.2 MILITARY PERSONNEL

Military personnel are subject to citation for moving violations committed during the performance of their duties. However, officers should avoid initiating a stop on military personnel who are operating United States military vehicles unless public safety is endangered as a result of vehicle code violations.

500.5.3 LEGISLATORS

Members of the legislature of the State of California, and members of the legislature of other states, are not exempt from the laws of the State of California. Once so identified, any necessary records checks should be completed via means other than the police radio.

As with all members of the public, officers are encouraged to determine the appropriate enforcement action and apply the department's traffic law enforcement policies in a consistent, unbiased manner.

Any officer who detains a legislator for a traffic offense should notify a supervisor without unnecessary delay via means other than the police radio.

500.5.4 FOREIGN DIPLOMATS AND CONSULAR OFFICIALS

The Vienna Convention on Diplomatic Relations, which contains the current law on the subject of diplomatic privileges and immunities, is incorporated in Federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The convention applies to members of the staff of a foreign diplomatic mission, which includes the administrative, technical, and service staffs of embassies in the United States.

- (a) Diplomatic agents and members of their families who are not nationals of the United States HAVE FULL IMMUNITY FROM ARREST, DETENTION, OR PROSECUTION for any criminal offense, unless such immunity is expressly waived by the sending state. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official functions.
- (b) The ADMINISTRATIVE and TECHNICAL STAFF of a foreign mission and members of their families who are not permanent residents of the United States, HAVE FULL IMMUNITY from arrest, detention, or prosecution for any criminal offense. Such employees' immunity from civil process is only from those actions carried out in their official capacity. Family members of such employees are not immune from civil jurisdiction.
- (c) Members of the service staff of a foreign diplomatic mission, which includes DRIVERS, MESSENGERS, AND SECURITY GUARDS, ENJOY IMMUNITY ONLY FOR ACTIONS CARRIED OUT IN THE COURSE OF THEIR OFFICIAL DUTIES. Family members of such individuals have no immunity.
- (d) PRIVATE SERVANTS of embassy personnel have no immunity.

In any case where an officer has contacted a person who has diplomatic immunity, that officer shall forward a detailed memorandum of the circumstances, via chain-of-command, to the Chief of Police, who will ensure any other appropriate authorities are notified of the incident.

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For all traffic stops, detentions, and arrests of foreign nationals, officers shall comply with all U.S. Department of State Requirements involving consular notification and access.

Refer to the department Foreign Diplomatic and Consular Officials policy for enforcement directives involving Diplomatic/Consular Officials, and other requirements for officers and supervisors.

500.5.5 DIPLOMATIC IMMUNITY AND DUI

If a person with diplomatic immunity is stopped for DUI, the officer's primary consideration shall be that the official is not a danger to themselves or the public. The official shall not be handcuffed or subjected to ANY type of sobriety test. The officer shall treat the official with respect and courtesy, and impress upon them that the primary concern is to care for their safety and the safety of others.

The officer shall immediately contact the shift supervisor and, based upon a determination of the circumstances, the following options are suggested:

- (a) Offer the official the use of a telephone so that a relative or friend can be contacted to arrange for transportation.
- (b) Arrange for transportation to the official's home or office.
- (c) The official may be voluntarily transported to the station or other location where they can recover sufficiently to enable them to proceed safely.

The officer and supervisor shall ensure that an official police report is completed and the Field Operations Division Commander or on-call command staff member is notified.

Consulate notification and access requirements as specified by the U.S. Department of State must be strictly followed.

Refer to the department Foreign Diplomatic and Consular Officials policy for officer and shift supervisor requirements.

500.6 TRAFFIC LAW ENFORCEMENT POLICIES

500.6.1 DEGREE OF HAZARD

Officers should strongly consider the degree of hazard presented by the violation of a traffic law or regulation when determining whether or not to initiate a detention or take enforcement action. An evaluation of the hazard presented may include, but is not limited to, the following factors;

- (a) The nature and severity of the violation
- (b) Any harm caused or likely to be caused by the type of violation, whether to the violator and/or others
- (c) The immediate conditions and context (location, time of day, weather, traffic flow, etc.)
- (d) Location-specific collision history
- (e) Recent traffic trends or issues
- (f) Related directed patrol efforts or campaigns

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Officers should prioritize their efforts to address violations that present hazards, but may initiate a detention and take enforcement action for non-hazardous violations. Citations or verbal warnings may be issued at the discretion of the officer.

500.6.2 DRIVING UNDER THE INFLUENCE

Refer to the department Impaired Driving policy.

500.6.3 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has their license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.6.4 SPEEDING AND OTHER MOVING VIOLATIONS

Officers may enforce speed and other moving violations by use of speed measuring devices, pacing, observation, or calculated speed estimation.

Officers should consider appropriate factors when enforcing laws of speed and other moving violations, including time of day, traffic flow, weather conditions and location.

Speed and other moving violations shall be enforced by either citation or verbal warning.

500.6.5 EQUIPMENT AND REGISTRATION VIOLATIONS

Officers may initiate the detention of a motorist for equipment and/or registration violations as specified within the California Vehicle code and other laws or regulations, but equipment and/or registration violations which do not present a safety hazard to the vehicle's occupants or to other motorists or persons should be considered the lowest priority.

Officers may issue citations for equipment and/or registration violations, except that officers should not issue citations for such violations that can be remedied immediately.

Whenever a vehicle is found or operated upon a public highway or on an off-street parking facility with a registration expiration date in excess of six months, whether occupied or unoccupied, an officer may remove and store such vehicle pursuant to section 22651(o) of the California Vehicle Code.

500.6.6 COMMERCIAL VEHICLE VIOLATIONS

For the safety of passengers and the general public, officers may enforce laws and regulations governing public carriers and commercial vehicles, including by inspection, administrative action, warning, citation, or arrest as necessary.

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500.6.7 OFF-ROAD VEHICLE VIOLATIONS

Officers should attempt appropriate enforcement action for all observed or reported violations committed by operators of off-road vehicles, as authorized by the California Vehicle Code or other laws and regulations, including:

- (a) Removal of unlicensed vehicles from the streets and highways
- (b) Violation of off-road vehicle registration laws
- (c) Misuse of public trails
- (d) Improper use of street and highway crossings
- (e) Citizen complaints of excessive noise, trespass, and/or property damage
- (f) Status as juvenile offenders

Off-road vehicles may include, but are not limited to, dirt bikes, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

Collisions involving off-road vehicles should be investigated according to the applicable criteria and procedures for public and private collisions as directed by the California Highway Patrol collision investigation manual.

500.6.8 NEWLY ENACTED LAWS OR TRAFFIC CONTROLS

For the first four (4) weeks after the enactment of new traffic laws or regulations, or following the installation of new traffic control devices, officers should issue verbal warnings in lieu of citations for such violations. The Field Operations Division Commander may adjust the length of this default grace period by issuing a temporary directive.

500.6.9 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS

The officer investigating a traffic collision may take enforcement action when they have identified a violation of a traffic or relevant law and evidence exists to satisfy all the elements of that particular violation, as follows:

- (a) The officer may take immediate enforcement action and issue a Notice to Appear at the scene of the collision, even if the violation did not occur in their presence, if that officer has successfully completed advanced collision investigation training, as required by CVC §40600(a).
- (b) If the officer observes the violation, and after responding to the collision chooses to do so, they may issue a Notice to Appear based on that observation.
- (c) If circumstances warrant, an officer may make an arrest for driving under the influence at a collision scene, if evidence is in accordance with CVC §40300.5.
- (d) If the identity of a driver who was involved in an collision but left the scene is determined through an officer's investigation, an arrest warrant may be sought.

If an officer makes an arrest at a collision scene and takes the driver into custody, the officer shall complete a Crime Report in addition to the traffic collision report.

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500.6.10 BICYCLE AND MOBILITY DEVICE VIOLATIONS

Refer to the department Bicycle and Mobility Device Education and Enforcement policy.

500.6.11 PEDESTRIAN VIOLATIONS

The department recognizes that traffic violations committed by pedestrians can lead to collisions, property damage, injury, and even death. Whether on or off-campus, pedestrians are expected to comply with applicable traffic laws.

Officers should only initiate the detention of a pedestrian solely to enforce a traffic infraction when there is probable cause to believe the pedestrian has committed that infraction, and in the officer's judgment the pedestrian acted in a reckless or dangerous manner.

Officers should attempt to address and correct pedestrian traffic violations with education and warnings, but may issue a citation when the pedestrian's actions caused harm to others or were likely to do so.

500.7 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.7.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained by the Department may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.7.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol vehicle, within the department facility, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

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A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Patrol Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.8 TRAFFIC DIRECTION AND CONTROL

The primary purpose of traffic direction and control is to protect the safety of the public. Efficient flow of traffic is a valid purpose, but always secondary to safety needs. Traffic direction should not be initiated unless necessary. The department recognizes that slow but moving traffic is often a safe and preferable alternative to active traffic direction and control.

Officers may initiate traffic direction and control as specified by this policy. Other department members may assist with traffic direction and control as specifically requested by sworn personnel.

500.8.1 TEMPORARY ROAD CLOSURE OR TRAFFIC RESTRICTION

Officers may temporarily close a roadway or restrict vehicle and/or pedestrian traffic as necessary for public safety, to protect the scene of a crime or traffic collision investigation, or for another compelling public purpose when alternatives are infeasible. This includes, but is not limited to:

- (a) Disasters or large-scale emergency conditions
- (b) Severe weather or road conditions
- (c) Protection of emergency response personnel, vehicles and equipment
- (d) Large groups of people and/or unusually heavy vehicular traffic
- (e) Special event safety and security needs (sporting events, concerts, ceremonies, etc.)
- (f) Protection of dignitaries or other persons or locations with elevated threat concerns
- (g) Extreme fire danger prevention measures
- (h) Roadway obstructions or hazards

Roadway closures or restrictions for planned events should be coordinated ahead of time with any affected outside agencies or campus business units as necessary, and sufficient advance notice should be provided to any predictably affected parties.

500.8.2 MANUAL TRAFFIC DIRECTION

To provide effective manual traffic direction, department members should utilize an appropriate combination of standardized methods including hand signals and gestures, whistles, flashlights and any other available and appropriate equipment or signage.

When hand signals are utilized, eye contact should be attempted with the driver(s) being signaled. The standard hand signals include:

- (a) **Stop** - an upraised hand at the end of an extended arm, at or above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.
- (b) **Start** - with arm extended toward the stopped vehicle, at or above shoulder level, pointing and waving the car onward by bending the arm at the elbow and drawing the

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hand toward the chest. Once traffic in one direction starts to move, the same signal may be delivered to opposing traffic.

- (c) **Pull Up** - usually reserved for turning traffic that is facing opposing vehicles or pedestrians. Point to the position at which the driver should pull their stopped or slowly approaching vehicle, and motion their approach to that position. If possible, hold the pointed hand and arm in position until conditions are safe for the turning movement.
- (d) **Turn** - Opposing traffic should be signaled to stop and subsequently held with the standard "Stop" hand signal. Once safe, the motorist should be instructed to turn by making a come-along signal with the other hand.
 - 1. Right-turning traffic usually requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or must merge into heavy vehicular traffic.
 - 2. Natural gaps are best used for turning vehicles, when available.

Whistle signals should be used in combination with hand signals as follows:

- (a) **Stop** - a single, long blast.
- (b) **Start** - two short blasts.
- (c) **Emergency Stop** - multiple (three or more) quick, short and loud blasts.

Flashlights may be used with or without safety wand attachments to improve visibility of hand signals and for the safety of the department member providing traffic direction. Department members should avoid pointing direct flashlight beams in the eyes of motorists or pedestrians unless necessary for their safety or the safety of others.

500.8.3 TRAFFIC CONTROL DEVICES

As necessary, department members may use traffic control devices to temporarily restrict or direct traffic, including:

- (a) Reflective folding street barricades (Type 1, 2 or 3)
- (b) Reflective A-frame traffic barricades (aka parade barricades)
- (c) Traffic cones
- (d) Jersey Barriers
- (e) Incendiary road flares (use caution near vegetation and pedestrians)
- (f) Department-issued electric flares, emergency safety lights and/or reflective warning markers
- (g) Department-approved temporary traffic control signs or LED message boards
- (h) Department cars, trucks, utility carts or motorcycles with emergency lights activated

The following items should not be used to control vehicular traffic:

- (a) Crowd-control barricades
- (b) Crime scene or hazard tape

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- (c) Department bicycles or mobility devices
- (d) Makeshift barricades or obstacles

500.8.4 MANUAL OPERATION OF TRAFFIC SIGNALS

When practicable to do so, officers may manually adjust or operate traffic signals or other permanent traffic control devices as necessary and appropriate during temporary traffic direction and control. Otherwise, officers should employ manual traffic direction and/or other temporary traffic control devices or methods.

500.8.5 SEVERE WEATHER AND ROAD CONDITIONS

Roadways deemed to be hazardous due to severe weather or road conditions should be closed by use of traffic control devices. Department personnel should be assigned to temporarily divert traffic around hazards as necessary.

When one or more University roadways must be closed or restricted due to severe weather or road conditions, the patrol supervisor (in consultation with command staff as necessary) should:

- (a) Determine if additional personnel or other resources are needed to provide assistance.
- (b) Ensure the fire department is made aware of any roadways that will be impassible for any significant length of time, and of any specific fire hazards or life safety concerns.
- (c) Notify UC Berkeley Facilities Services of any damaged roads, fallen trees or power lines, or other hazardous conditions needing mitigation or repair.
- (d) Provide command staff and/or the designated Public Information Officer with updates to notify the news media and general public about adverse conditions that will likely affect traffic, public safety or University operations.

500.9 VEHICLE ESCORT SERVICES

As authorized by a sworn supervisor or manager, officers may provide vehicle escort services when necessary for public safety, or to ensure the safe and efficient movement of traffic. This includes, but is not limited to, the following.

- (a) Medical and fire services protection
- (b) Hazardous cargo transport
- (c) Oversized load transport
- (d) Vehicle travel into areas that are primarily used by pedestrian
- (e) Special events, parades and ceremonies
- (f) To protect dignitaries or other persons with elevated threat concerns
- (g) Guiding lost motorists
- (h) Funerals and memorials

Vehicle escorts may be provided in combination with traffic direction and control measures when needed. If increased visibility might benefit the purpose of a vehicle escort, officers may activate their emergency lights accordingly.

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Officers should not provide escorts for privately owned vehicles during medical emergencies. In such cases, officers should request dispatch to summon fire/paramedic personnel.

500.10 ASSISTANCE TO MOTORISTS

Upon the report or discovery of a stranded motorist on University property, officers are expected to stop and render assistance when possible. Otherwise, the officer should notify dispatch so that appropriate assistance may be summoned.

Officers are encouraged to similarly assist stranded motorists in areas near the campus, but may instead ask dispatch to notify the appropriate agency with jurisdiction. If another agency requests our department's assistance with a motorist stranded off campus, the request should be forwarded to the patrol supervisor for consideration.

Examples of motorist assistance include, but are not limited to, the following:

- (a) Providing directions
- (b) Escorting a lost motorist
- (c) Summoning roadside assistance services or alternative transportation
- (d) Transporting a motorist to a safe location to await assistance

After summoning any necessary assistance for a motorist stranded in an isolated or hazardous location, or for a motorist stranded during the hours of darkness, the officer should offer to remain until assistance arrives, or alternatively offer to transport the motorist to a safe location. If the officer leaves after summoning assistance, the officer should check back after a reasonable time to verify assistance was provided.

500.10.1 STALLED VEHICLE TRAFFIC HAZARDS

Upon the report or discovery of a stalled vehicle which has created an immediate hazard to public safety, whether on or off University property, the officer should provide traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus stalled vehicle traffic hazard, the appropriate agency with jurisdiction should be summoned.

Police vehicles equipped with push bars may be used to move vehicles that pose an immediate hazard from the roadway. Vehicles should not be pushed farther than required to alleviate a hazard. Push bars shall not be used to attempt to push-start a stalled vehicle.

In some situations, the hazard to public safety posed by a stalled vehicle may be mitigated by the placement of flares, cones or other traffic control devices. Other circumstances may require manual traffic direction until a tow service removes the vehicle. If uncertain how to resolve the situation, the officer should consult with a supervisor.

500.10.2 MOTORIST EMERGENCIES

Upon the report or discovery of a motorist with a medical or life-safety emergency, whether on or off University property, the officer should render assistance, coordinate the response of additional

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necessary resources, and provide traffic control until the emergency is resolved, or until the officer is relieved. If additional police assistance is required for an off-campus motorist emergency, the appropriate agency with jurisdiction should be summoned.

The primary officer should immediately notify dispatch of the location and nature of the emergency, and summon any necessary fire / paramedic response or other resources.

Officers at the scene should identify and attempt to mitigate and/or take precautions for any additional hazards that may be present, such as fire or hazardous materials. Officers should provide any appropriate first aid or emergency medical care to injured persons until medical responders arrive.

Once the emergency at the scene is stabilized, officers should determine if a criminal and/or collision investigation might also be required.

500.11 MITIGATION OF HAZARDOUS ROAD CONDITIONS

The department recognizes that roadway hazards or defects such as debris, abandoned objects or vehicles, hazardous materials spills, damaged roadway surfaces, defective signals or traffic control devices, defective lighting equipment, and damaged or missing roadway markings or street signs can all be or become hazardous conditions which might increase the risk of collisions, injuries, and vehicle or other property damage, and thereby present a liability to the University.

Upon the report or discovery of any roadway hazard or defect that presents an immediate safety concern, whether on or off University property, the officer should notify dispatch and take or arrange for any action that is required to resolve the problem without delay. and provide any necessary traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus roadway hazard or defect, the appropriate agency with jurisdiction should be summoned.

Upon the report or discovery of a roadway hazard or defect on University property that should be addressed to prevent a potentially hazardous condition but does not present an immediate safety concern, the officer should contact UC Berkeley Facility Services via telephone or email without unnecessary delay to request repair. The officer should document the request for repair in the notes of a CAD event if not otherwise documented in a police report.

500.12 TRAFFIC ENGINEERING CONCERNS

All complaints or suggestions regarding traffic engineering or roadway design on University property, whether from department members, the campus community or the general public, shall be forwarded to the Field Operations Division Commander for review and any appropriate action.

The Field Operations Division Commander is responsible to identify and provide appropriate personnel within UC Berkeley Facilities Services with all traffic engineering or roadway design complaints and suggestions, and with any police department data and statistics that may be useful in identifying and prioritizing necessary improvements to University traffic engineering and roadway design.

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Complaints or suggestions regarding off-campus traffic engineering or roadway design should be referred directly to the appropriate jurisdictional authority.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The University of California Police Department, Berkeley prepares traffic collision reports in compliance with the California Highway Patrol (CHP) Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 DEFINITIONS

For purposes of this policy, the following definitions apply:

Injury - A condition of physical harm to a person, whether visible, internal or expressed as a complaint of pain.

Serious injury - Any injury that requires emergency medical transport or is likely to result in a fatality.

501.3 COMMAND RESPONSIBILITY

The Patrol Lieutenant will be responsible for distribution of the CHP Collision Investigation Manual. The Patrol Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

501.4 TRAFFIC COLLISION RESPONSE AND INVESTIGATION

Upon the report or discovery of a traffic collision, the assigned officer (or the first officer to arrive on scene, if none is assigned) shall be considered the primary officer unless otherwise directed by the on-duty supervisor. The primary officer is responsible to:

- (a) Notify dispatch of the exact location and number of involved vehicles
- (b) Secure the scene and take steps to prevent other vehicles and persons from becoming involved (including traffic control and crowd control measures)
- (c) Request any additional necessary officers, fire/medical services, or other department members or resources
- (d) Notify dispatch of the number of involved persons who are injured and the apparent extent of their injuries
- (e) If necessary, administer emergency medical care until medical services arrive
- (f) To the extent possible, attempt to preserve the scene as well as any evidence of the collision or any related criminal violation(s)

If the collision (based on the location of the initial point of impact) is determined to have occurred in the primary jurisdiction of another agency, that agency should be contacted to respond to the scene and handle any necessary investigation or other follow-up efforts. However, department members shall continue to render any immediately necessary emergency services, and may otherwise continue to assist the primary agency upon their arrival, at the discretion of the on-duty supervisor.

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501.4.1 SUPERVISORY RESPONSE

The on-duty supervisor shall respond to the scene of any collision in the department's primary jurisdiction involving:

- (a) Serious injury or fatality
- (b) Significant third-party property damage
- (c) Public or mass transportation vehicles
- (d) Hazardous materials spill or release
- (e) A felony criminal violation
- (f) Situations likely to generate elevated University concern or media interest

501.4.2 COLLISION SCENE HAZARDS

At the scene of a traffic collision, department members should be alert for any threats and hazards that may be present and should take steps to minimize or mitigate them as possible. This may include, but is not limited to, the following:

- (a) Fire, explosion, heat, and/or hazardous materials (including biohazards)
- (b) Broken glass, jagged metal edges and/or other dangerous physical conditions at the scene
- (c) Persons who are combative or who otherwise interfere with rescue efforts, whether bystanders or involved persons
- (d) The potential for fire to spread or other secondary hazards to occur as a result of the collision

Department members may utilize issued or available resources as necessary and appropriate (e.g. fire extinguishers, blankets, tools) to attempt to suppress fire or address other threats and hazards that may be present.

Officers should assess the potential need for evacuation of nearby areas and/or structures and request / direct additional personnel for this purpose if necessary.

If a collision results in damage to nearby property that creates a safety hazard or security breach, the primary officer should ensure an expedient attempt is made to contact the property owner or their agent to address the problem.

501.4.3 CONFLICT BETWEEN INVOLVED PARTIES

Officers should anticipate potential conflict at the scene of a traffic collision between the parties involved. Officers should request additional units as necessary and attempt to separate and de-escalate the involved parties prior to completing the traffic collision response and investigation. A crime report may be necessary in addition to any collision investigation or report.

If the report of a collision includes information that involved parties and/or bystanders are engaged in verbal or physical confrontation, at least two officers should be dispatched to the scene.

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501.4.4 COLLISION INVESTIGATION

Utilizing guidance from the CHP Collision Investigation Manual, the primary officer should determine what investigatory steps are necessary and conduct or direct the investigation. This may include, but is not limited to, the following:

- (a) Locating, identifying and interviewing involved parties, passengers and witnesses
- (b) Marking and measuring the position of involved vehicles, debris, skid marks, resultant property damage, etc.
- (c) Collecting photos and/or video recordings of involved parties, vehicles and the scene
- (d) Collecting and preserving any physical evidence (making short-lived evidence a priority)
- (e) Collecting documentation and conducting records checks
- (f) Identifying any additional sources of evidence or information that might be available for subsequent investigation (security camera footage, electronic data, etc.)

Officers should take separate statements from all involved parties, passengers and witnesses and attempt to prevent collaboration prior to interview. Officers should be thorough in the collection of contact information from all persons involved and interviewed, including telephone numbers, local & permanent addresses, and email addresses.

Measurements should be taken from fixed and permanent features at the scene (e.g. curb lines, fire hydrants, buildings) to enable accurate collision reconstruction if necessary. Trees, signs, roadway markings and other less durable features should be avoided as primary references for measurements.

501.4.5 COLLISION SCENE RECOVERY

Once any medical services are completed, any hazards have been mitigated, and all investigatory needs have been met, officers should move involved vehicles out of the roadway and enable routine use of the roadway or other scene as soon as practicable.

Involved vehicles requiring a tow will be removed by a tow service of the owner or driver's choice, or according to routine police department procedures if the owner or driver is not present or has no preference. Any vehicle that is impounded/stored will be inventoried by the officer completing the tow, and at the officer's judgment any items that appear particularly valuable items should be removed and brought to the department for safekeeping.

Any other personal property abandoned at the scene but clearly belonging to an involved party should be brought to the department for safekeeping.

501.4.6 DOCUMENTATION AND PARTY NOTIFICATIONS

The primary officer shall draw a case number and document any necessary collision investigation or report according to the standards and format established by the CHP Collision Investigation Manual. The primary officer shall ensure that all involved parties are provided with the case number

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and information about how to request a copy of the report, prior to leaving the scene of the collision if possible.

Without unnecessary delay, the primary officer should attempt to identify and notify the owner (or the owner's agent) of any property that was damaged as a result of the collision, and provide that person with the case number and information about how to request a copy of the report.

501.4.7 RESOLVING MINOR COLLISIONS / PROPERTY DAMAGE ONLY

Collisions that do not result in any apparent injury, cause noticeable damage to property other than the involved vehicle(s), or require the use of a tow truck to move an involved vehicle generally do not require a police report. In such situations the responding officer may resolve the matter by assisting with the exchange of information among involved parties. However, the primary officer shall take a police report if requested by an involved driver, or at the direction of a supervisor. Officers shall not discourage any involved party from making a police report.

Such minor collisions may be documented using the CHP Property Damage Only (PDO) report format, or if they occurred on University property, as a property damage report utilizing standard department report writing procedures.

If not otherwise documented, the responding officer shall ask dispatch to note the license plates and descriptions of the involved vehicles, the lack of apparent injuries to the involved parties, and the parties' successful exchange of information in the Computer Aided Dispatch (CAD) system

501.5 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be reviewed and approved by a department designated Accident Investigator prior to data entry into the Records Management System. The Patrol Lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Commander, or other persons as required.

501.6 SPECIAL TRAFFIC COLLISION REPORTING SITUATIONS

501.6.1 COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When a report is requested by any involved driver.

501.6.2 COLLISIONS ON PRIVATE PROPERTY

This department does not accept reports for traffic collisions that occur on private property. Any request for such reporting shall be referred to the agency with primary jurisdiction for the location in question.

Traffic Collision Reporting

501.6.3 COLLISIONS RESULTING IN INJURY OR FATALITY

Traffic collisions resulting in injury or fatality have the highest priority and the primary officer shall complete a thorough investigation and written report.

The Patrol Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving a serious injury or fatality has occurred.

501.6.4 COLLISIONS INVOLVING A SCHOOL BUS OR MASS TRANSPORT VEHICLE

The California Highway Patrol is responsible for the investigation of school bus collisions anywhere within the State of California when the bus is actively engaged in the transport of school students (including instances of a student leaving or approaching a school bus when the bus has its flashing red lights activated).

The Alameda County Sheriff's Office is responsible to investigate AC Transit bus collisions, including upon University property.

Other collisions involving a school bus or another bus or mass transport vehicle on University property are the responsibility of this department to resolve, although assistance from the California Highway Patrol may be requested if applicable under another special reporting condition as described in this policy, or if necessary due to limited department capacity.

501.6.5 COLLISIONS INVOLVING HAZARDOUS MATERIALS

In the event of a traffic collision involving hazardous materials, officers should gather additional information about the type and quantity of the material and the risk of any spill or release that has occurred (or might yet occur) as a result of the collision. Sources for this information may include, but are not limited to, the following:

- (a) Signs, placards, bill of lading, or labels on the materials container or vehicle
- (b) Information from the driver or other involved or knowledgeable parties at the scene
- (c) The US Department of Transportation Emergency Response Guidebook (ERG) or another reliable reference
- (d) UC Berkeley Environmental Health & Safety (EH&S) staff
- (e) Members of the Berkeley Fire Department / Hazardous Materials Response Unit

In the event of a hazardous materials spill or release that presents a significant safety concern, refer to the department Hazardous Material Response Policy.

All traffic collisions involving hazardous materials must be documented, and the primary officer shall complete the appropriate report for the specific situation. The report should include details about the hazardous material identification and risk assessment, the request for and deployment of specialized resources or additional personnel, and the actions and outcomes of the response to the event.

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501.6.6 HIT AND RUN COLLISIONS

All traffic collisions involving a hit-and-run require a crime report in addition to a collision investigation or report.

Pursuant to California Vehicle Code §22655(a), an officer may remove a vehicle from the highway or from public or private property for the purpose of inspection if the operator has failed to stop and comply with the provisions of California Vehicle Code §20002 to §20006.

If the suspect vehicle in a hit-and-run is detained, the agency handling the case should be contacted to determine if they will respond to the scene and/or if the suspect vehicle should be towed for purposes of their investigation.

If this department is the investigating agency, the on-duty supervisor should determine if the suspect vehicle should be towed for evidence processing, and is responsible to arrange for any necessary evidence processing to occur within 48 hours (excluding weekends and holidays). as follows:

- (a) Felony hit-and-run - mandatory seizure
- (b) Misdemeanor hit-and-run - optional seizure if sufficient evidence collection can be conducted at the scene

Pursuant to California Vehicle Code §22655(b), a vehicle towed by the authority of §22655(a) shall be released upon the expiration of 48 hours after such removal from the highway or private property, upon demand of the owner. When determining the 48 hour period, weekends and holidays shall be excluded.

501.6.7 COLLISIONS INVOLVING OTHER CRIMINAL VIOLATIONS

All traffic collisions involving a vehicle operator who is determined to have been under the influence of alcohol and/or drugs, no matter to what degree and regardless of fault, require a crime report in addition to a collision investigation or report. Refer to the department Impaired Driving policy for investigative and reporting procedures regarding such cases.

All traffic collisions involving a simultaneous misdemeanor or felony offense require a crime report in addition to a collision investigation or report.

501.6.8 COLLISIONS INVOLVING UNIVERSITY OF CALIFORNIA VEHICLES

Traffic collision investigation reports shall be taken when a University of California-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A property damage only report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on University property or does not involve another vehicle.

Whenever there is damage to a department vehicle, the on-duty patrol supervisor shall complete a Vehicle Damage Report and forward it to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

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501.6.9 COLLISIONS INVOLVING POLICE DEPARTMENT MEMBERS

When any member of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the University of California Police Department, Berkeley resulting in a serious injury or fatality, the Patrol Lieutenant or the Watch Commander, should request the California Highway Patrol or other appropriate Law Enforcement investigate the collision.

501.6.10 COLLISIONS INVOLVING OTHER UNIVERSITY OF CALIFORNIA EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any University of California official or employee where a serious injury or fatality has occurred.

501.7 NOTIFICATION OF FATAL OR SERIOUS INJURY COLLISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Operations Division Commander or on-call command staff member to relate the circumstances of the traffic collision and seek assistance if necessary. In the absence of a Patrol Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the University of California Police Department, Berkeley. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete a CHP Form 180, and if possible, accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report (CHP 180) should to be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call an approved towing service. The officer will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

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- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 DRIVING A NON-DEPARTMENT VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone an approved towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

502.2.6 RECORDS SECTION RESPONSIBILITY

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

Vehicle Towing and Release

502.3 TOWING SERVICES

The University of California, Berkeley, Police Department maintains a list of firms to act as the Department's official tow service. The firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid

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driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the University of California Police Department, Berkeley, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The University of California Police Department, Berkeley is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Patrol Lieutenant and/or their designee should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.2 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.5.4 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is

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incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.5 BREATH SAMPLES

The Patrol Lieutenant or their designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

504.5.6 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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504.5.7 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

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- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.7.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

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- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.8 ADMINISTRATIVE HEARINGS

The Records and Communications Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 RECORDS SECTION RESPONSIBILITIES

The Records and Communications Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.10 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Patrol Lieutenant is responsible for:

- (a) The development and design of all Department traffic citations in compliance with state law and the Judicial Council
- (b) Maintaining a sufficient supply of traffic citations in the secure patrol operations equipment and supplies cabinet (labeled "moving/parking citations"), accessible by patrol sergeants and command staff
- (c) Maintaining a logbook for stored non-issued traffic citation booklets
- (d) Managing a system that accounts for all traffic citations issued to department members through the use of a traffic citation issuance logbook documenting the following:
 - Citation Beginning Number within the issued booklet
 - Citation Ending Number within the issued booklet
 - Receiving Officer's Signature and Badge Number
 - Issuing Sergeant Serial Number
 - Date of Issuance

Once all citations have been issued from a citation booklet, the booklet shall be turned over to the Records Unit for retention.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete

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any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Patrol Lieutenant.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a correction form requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Section.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of either the City of Berkeley, City of Albany or the City of Oakland traffic ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the the 72-Hour Parking limits shall be marked with chalk and have a University of California Police Department, Berkeley red warning card attached to them. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Dispatch should be advised where the chalk mark is located and the location of the red warning card on the vehicle. Dispatch should make a record of this information with a CAD entry. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact or telephone.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and Dispatch shall update the prior CAD entry.

507.2.1 MARKED VEHICLE FILE

Dispatch shall be responsible for making appropriate CAD entries related to vehicles marked with a department red warning card.

Patrol Officers and Security Patrol Officers (SPOs) shall be responsible for the follow up investigation of all 72-hour parking violations.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a CHP Form 180 shall be completed by the officer authorizing the storage of the vehicle.

It is the responsibility of the department member performing the tow to ensure that all relevant portions of the CHP Form 180 are completed, including the condition and location of the removed vehicle, a vehicle property inventory, and a narrative articulating the reason and method of removal.

The storage report form (CHP Form 180) shall be submitted to Dispatch immediately following the storage of the vehicle. It shall be the responsibility of Dispatch to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

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Within 48 hours of the towing and storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to send notification to any individuals having an interest in the vehicle through first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Parking Enforcement

508.1 PURPOSE AND SCOPE

This policy establishes the proper procedure for the issuance, filing, corrections, and dismissal of parking citations in accordance with §40202 and §40505 of the California Vehicle Code.

508.2 POLICY

While parking enforcement is primarily the responsibility of UC Berkeley Parking and Transportation, there may be times when UCPD employees enforce parking violations, such as in response to a request from a community member or as part of a solution to a community issue.

It is the policy of the University of California, Berkeley, Police Department to account for all citations, and to follow procedures for citation issuance, corrections, and dismissal, which protects the integrity of the citation process and is in compliance with §40202 and §40505 of the California Vehicle Code.

508.3 EMPLOYEE RESPONSIBILITIES

- (a) Employees are responsible for all unused citations. Unused citations shall not be accessible to unauthorized personnel. Citations shall not be left unattended or unsecured, and shall not be altered or modified in any way, other than to update a bail schedule.
- (b) Parking citations should be attached to the violator's vehicle in a secure and conspicuous manner. This will normally be under the windshield wiper, or in another place upon the vehicle so as to be easily observed.
- (c) Parking citations shall minimally include the following:
 - 1. The violation (only one per issued citation)
 - 2. The approximate date and time
 - 3. The location
 - 4. Vehicle license number and registration expiration date
 - 5. The color and make of the vehicle
 - 6. The last four digits of the Vehicle Identification Number (VIN), if that number is visible through the windshield.
- (d) By the end of each shift, personnel should turn in all issued citations to their supervisor.
- (e) All issued citations must be accounted for and subsequently filed with UC Berkeley Parking and Transportation. Under no circumstances should an employee nullify or destroy a citation once it has been issued.
- (f) Because of an issuing error, or in the interest of justice, employees may request a citation they issued be voided or corrected by following these procedures:
 - 1. The employee shall staple together all copies of the citation and attach a completed "Parking Citation Notice of Correction" form.

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2. This form shall include the citation number, date of violation, type of correction or reason for voiding, and the employee's signature and badge number.
 3. The citation copies, along with the attached form, shall be returned to the employee's supervisor. Anyone nullifying or destroying a citation before it is filed with UC Berkeley Parking and Transportation could be subject to misdemeanor charges per §40202(c) CVC.
 4. Employees may only request voidance of their own citations. Employees shall not request another employee's citation be voided nor shall they accept another employee's citation from a complainant. Only sworn supervisors may approve voiding of another employee's citation.
 5. Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for citation voiding.
- (g) All copies of citations which are damaged or otherwise rendered unusable shall be returned to the employee's supervisor.

508.4 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors shall issue parking citation books to Department personnel and document the details, including:
 1. Beginning and ending numbers of the booklet
 2. Date of issuance
 3. Name and badge number to whom issued
- (b) Supervisors shall receive issued citations from employees, review them for correctness, and turn them in to Records. Citations with errors should be assigned back to the issuing employee to complete a Parking Citation Notice of Correction.
- (c) Supervisors may request the voidance of an employee's citation before it is forwarded to Parking and Transportation by following the procedures outlined in 508.3, f.

508.5 PARKING CITATION NOTICE OF CORRECTION

The Parking Citation Notice of Correction form is included for reference.

[Parking Citation Notice of Correction](#)

Bicycle and Mobility Device Education and Enforcement

509.1 PURPOSE AND SCOPE

To establish guidelines for UCPD Berkeley's efforts to improve bicycle and mobility device safety and security through education and enforcement.

509.2 POLICY

Bicycles and mobility devices are a popular transportation option for many UC Berkeley campus community members, and their use should be encouraged, as it provides many social benefits. Bicycles and mobility devices are also a frequent target for theft, and some persons operate and park their bicycles or mobility devices in ways that may be harmful to others. UCPD Berkeley utilizes both education and enforcement to promote the safe use of bicycles and mobility devices, and to prevent and respond to theft. Enforcement efforts that pose more safety risks than they might resolve should be avoided.

All officers should be familiar with common laws and campus rules about bicycle and mobility device use, as well as with general traffic safety and security advice. This includes relevant portions of the UC Berkeley Traffic and Parking Code, as managed by the UC Berkeley Department of Parking & Transportation:

<https://pt.berkeley.edu/sites/default/files/parking-pdfs/parking-pdfs/TrafficParkingCode.pdf>

509.3 DEFINITIONS

Bicycle - as used in this policy, "Bicycle" includes those devices as described in California Vehicle Code §231, and motorized versions thereof which are lawful to operate on a public roadway but do not meet the definition of any other vehicle type described in the California Vehicle Code and which are not subject to any other license or registration requirements under California law.

Mobility Device - as used in this policy, "mobility device" refers to motorized and manual scooters as described in California Vehicle Code §407.5, as well as motorized and manual skateboards and other similar personal transportation devices which are lawful to operate on a public roadway but do not meet the definition of any other vehicle type described in the California Vehicle Code and which are not subject to any other license or registration requirements under California law. "Mobility Device" does not include self-propelled wheelchairs or other motorized devices operated by a person who is otherwise unable to move about as a pedestrian by reason of physical disability.

509.4 BICYCLE AND MOBILITY DEVICE STOPS

Officers should only initiate the detention of a bicyclist on a moving bicycle or the operator of a moving mobility device to enforce a traffic violation when there is:

- (a) A reasonable suspicion that the operator or a passenger has committed a misdemeanor or felony crime, or

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- (b) Probable cause to believe that the operator or a passenger has committed an infraction, and in the officer's judgment the bicycle or mobility device is being operated in a reckless or dangerous manner.

Any traffic citations issued for violations of the UC Berkeley Traffic and Parking Code should be recorded as §21113(a) CVC with a brief description of the specific violation.

Officers shall not initiate any detention solely for a failure to display a bicycle registration decal, nor shall they issue any citation for such a violation.

509.5 BICYCLE AND MOBILITY DEVICE SEIZURES

To prevent theft, any bicycle or mobility device parked unsecured and unattended on UC Berkeley property may be collected by an officer for safekeeping. Prior to taking the bicycle or mobility device, the officer should make a reasonable effort to determine if the owner might be nearby. The officer should leave a sign or note for the owner with instructions on how to collect their property from UCPD.

Any bicycles or mobility devices parked and locked to stairway handrails, disabled ramp handrails, or in any other manner that impedes emergency exit routes or obstructs disabled access on UC Berkeley property may be removed and taken for safekeeping in the same manner as an unsecured and unattended bicycle, or impounded in place with a UCPD lock and impound notice sign. Any bicycle or mobility device so seized should be released to the owner without unnecessary delay upon their subsequent contact with UCPD, regardless of the time of day. To document the release, the releasing officer should complete a Field Identification card for the owner when they return, and may issue a parking citation to the owner if they have been warned or cited for the same violation within the previous calendar year.

Bicycles or mobility devices locked to a fixed object and apparently abandoned on UC Berkeley property but not blocking disabled or emergency access should be referred to the UC Berkeley Department of Parking & Transportation for removal.

Bicycles and mobility devices shall not be seized or held solely for the reason that they do not display a bicycle registration decal.

Nothing in this section shall be construed to prohibit the seizure of a bicycle or mobility device as evidence when necessary and appropriate during a criminal investigation.

509.6 BICYCLE AND MOBILITY DEVICE REGISTRATION PROGRAM

To help deter bicycle and mobility device theft, and to aid in the investigation of stolen bicycles, UCPD Berkeley should maintain a Bicycle and Mobility Device Registration Program consistent with the provisions described in California Vehicle Code §39000 et seq. Registration records from this program should be retained for at least five (5) years.

509.7 BICYCLE AND MOBILITY DEVICE EDUCATION & ENFORCEMENT

UCPD Berkeley should provide education and outreach to the campus community about the safe & lawful operation of bicycles and mobility devices as well as security information and

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advice. Routine and directed bicycle and mobility device enforcement efforts should incorporate a significant educational component.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the University of California Police Department, Berkeley to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

The following sections outline member responsibilities for initial investigations.

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - (b) Document the condition of the scene and any unusual or unexpected aspects.
 - (c) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - (d) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - (e) Make reasonable attempts to locate, identify, interview, and protect the safety of all available victims, complainants, witnesses and suspects.
 - (f) Collect or arrange for the preservation and/or collection of any evidence.
 - (g) Take any appropriate law enforcement action.
 - (h) Accurately and fully complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

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600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any preliminary investigation may be designated as responsible for all investigative responsibilities, except making any attempt to locate, contact or interview a suspect face-to-face, accessing or reviewing any protected information to which they have no legal right, or taking any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 FOLLOW-UP INVESTIGATION

Follow-up investigation assignment procedures are described in the department Report Preparation and Case Management policy.

Department members conducting follow-up investigations shall:

- (a) Complete follow-up efforts in a timely manner.
- (b) Document their efforts, whether as supplemental reports to the initial case, or as new cases if appropriate.
- (c) Communicate and coordinate with the department member(s) involved in the initial investigation and any other department members engaged in follow-up efforts on the same case.
- (d) Regularly update their supervisor on the progress and status of their follow-up investigations and request assistance or additional resources when needed.
- (e) Upon the resolution of a follow-up investigation, update the case status in the Records Management System.

600.4.1 RESPONSIBILITIES

An officer responsible for a follow-up investigation is responsible to attempt all necessary and appropriate tasks to bring the case to resolution, including (but not limited to):

- (a) Reviewing and analyzing all reports prepared during the preliminary investigation phase, department records involving similar cases, and laboratory examination results, if applicable
- (b) Conducting additional interviews of witnesses, victims/complainants and interrogation of possible suspects. Interviews and interrogations should be audio and/or video recorded whenever possible (e.g., body worn camera is an acceptable option)
- (c) Seeking additional information from department members, outside agencies or other official sources
- (d) Revisiting the crime scene, planning, organizing and conducting searches, and collecting any additional physical evidence
- (e) Attempting to identify and apprehend suspects, through use of such investigative techniques as photo line-ups, field show-ups, and/or physical line-ups
- (f) Determining suspects' method of operation and possible involvement in other unsolved crimes
- (g) Checking suspects' criminal and campus conduct histories

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- (h) Performing additional follow-up at the request of the prosecuting attorney or their agent
- (i) Analyzing electronic access logs and electronic media
- (j) Reviewing publicly accessible information on social media sites and/or other open-source Internet resources
- (k) Identifying and apprehending suspects
- (l) Preparing cases for court presentation and/or administrative referral to campus judicial systems

600.4.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any follow-up investigation may be designated as responsible for all investigative responsibilities, except making any attempt to locate, contact or interview a suspect face-to-face, accessing or reviewing any protected information to which they have no legal right, or taking any enforcement action. Should a follow-up investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5.3 ACCESS TO COUNSEL

Officers shall ensure that suspects in custody who request an attorney be provided access to an attorney. Under typical circumstances, this will occur via telephone at a jail facility. If a suspect invokes their right to counsel while in UCPD custody, this will typically end any further interrogation and the suspect will most often be transported to jail or released soon after the request for counsel. The suspect may contact counsel upon release or upon being booked into jail. Officers are reminded to uphold the right of arrestees to complete at least three phone calls to an attorney, a bail bondsman, and another person within three hours of arrest. While these phone calls will normally take place from a jail facility, officers must be aware of the time limit in the event that a suspect remains in UCPD custody for three hours or more after arrest. Officers should not recommend a particular attorney or provide legal advice.

600.6 INTERVIEW ROOMS

Members conducting investigations may utilize department facilities to conduct interviews, subject to the following guidelines:

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- (a) To maintain the secure environment of the police facility, the interview subject must be under supervision by department members and/or control by officers at all times.
- (b) Prior to utilizing a designated interview room or any other location to conduct an interview, the department member(s) conducting the interview shall complete a comprehensive security inspection to ensure the location is free of contraband, weapons or other potentially dangerous objects, and any protected information that might be visible to the interview subject or any other person present.
- (c) Upon the interview subject's exit from an interview room or any other location used to conduct an interview, the department member(s) conducting the interview shall complete a comprehensive security inspection to ensure no contraband, weapon or other potentially dangerous object has been left behind. Should any such item be found, a case report shall be generated to document its discovery and disposition.
- (d) Interview subjects shall not be secured to any fixed or movable objects while inside a designated interview room or otherwise while being interviewed.
- (e) Water, access to a restroom, and breaks shall be provided to the interview subject upon request.
- (f) All interviews related to criminal investigations should be recorded, whether audio/video or by audio only, except that a victim or witness who will only submit a written or oral statement on the condition that the interview not be recorded may be accommodated. Interviews may be recorded by use of body worn A/V systems, or by another department approved recording device provided that it is operated by a trained and qualified department member and all recordings are appropriately preserved and documented.
- (g) Should a department member need emergency assistance during an interview, they should activate their portable radio emergency button, make a broadcast for help on the police radio, and/or call out for assistance from nearby personnel.

600.6.1 ADDITIONAL SUSPECT INTERVIEW GUIDELINES

The interview or custodial interrogation of a suspect shall be conducted by no more than two sworn officers, and in a designated interview room, unless there is a specific need to conduct the interview elsewhere and if authorized by a supervisor. Every officer within the interview room or location shall be equipped with a police radio. No more than one suspect should be interviewed at a time.

During the interview or custodial interrogation of a suspect, if an officer in possession of any weapon is present in the same room as the interview subject, a second armed officer shall also be present in that room, or in an immediately adjacent space and ready to assist if necessary.

At least two officers should escort a suspect to and from the interview room or other location used to conduct the interview, including for trips to the restroom or any other location within the secure area of the police facility, or whenever the suspect is in secure custody. Officers escorting a suspect to the restroom shall complete a comprehensive security inspection of the portion of the restroom facility to which the suspect has access, both before and after it is used by the suspect,

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to ensure no contraband, weapons or other potentially dangerous objects are present and/or left behind.

600.6.2 ADDITIONAL VICTIM / WITNESS INTERVIEW GUIDELINES

Interviews of victims or witnesses should be conducted by no more than two department members, in designated interview rooms, or in other locations that meet the needs of the interview subject and do not interfere with other department activities. At least one department member within the interview room shall be equipped with a police radio. No more than one victim or witness should be interviewed at a time.

Interviews of victims or witnesses should not be recorded utilizing covert equipment without the awareness of the interview subject and any other persons present.

600.7 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.8 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are

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to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.9 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.10 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.10.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.10.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.11 TEMPORARY AUDIO / VIDEO SYSTEMS

The Chief of Police or their designee may authorize the use of temporary audio and/or video systems for investigative purposes, including the use of covertly placed devices. When deployed, the Criminal Investigations Bureau supervisor and/or manager is responsible for ensuring the use of such systems is in compliance with applicable law and policy, and that sufficient precautions are taken to avoid privacy violations.

600.12 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Operations Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

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Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.13 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the University of California Police Department, Berkeley reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the University to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Criminal Investigations Bureau supervisor should provide the Records and Communications Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section Policy for additional guidance.

600.14 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.15 CONCURRENT TITLE IX INVESTIGATIONS

The department will not cause a Title IX investigation to be delayed pending the outcome of a criminal investigation and shall coordinate with the Office for the Prevention of Harassment and Discrimination regarding any need to temporarily delay a Title IX investigation being conducted by the University concurrent to a criminal investigation.

A request by the department to delay part or all of a concurrent Title IX investigation should be limited to the extent reasonably necessary for the collection of evidence and vital information critical to the successful investigation and potential criminal prosecution of the case.

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The Criminal Investigations Bureau (CIB) supervisor or manager should coordinate all such requests, ensure that critical investigatory steps are completed in a timely manner, and consult with the District Attorney's office for guidance as necessary.

600.15.1 TITLE IX ACCESS TO CRIMINAL INFORMATION

The University's Title IX investigator may be granted access to department information, to include but not limited to, investigation notes and findings about the criminal investigation except to the extent this would compromise the criminal investigation, hinder the criminal prosecution of the case, or violate other applicable law or policy.

The CIB supervisor or manager is encouraged to consult with the District Attorney's office for guidance prior to providing such access, as necessary.

600.16 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.16.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Criminal Investigations Bureau supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code § 11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

600.16.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Criminal Investigations Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Section for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Section Policy for additional guidance).

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime involving nonconsensual or felonious physical contact of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the University of California Police Department, Berkeley that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, thoroughly investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and gathering information to determine if a crime has been committed and if the suspect can be identified.

Whenever possible, an officer or detective with training and experience in sexual assault investigations should be assigned to facilitate the victim's initial disclosure to UCPD. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed based upon the circumstances. The follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the initial report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the gender of their choice present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 - 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 - 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

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601.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that their name will become a matter of public record unless the victim requests that their name not be made public. The reporting officer shall document in their report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised their right to confidentiality (Penal Code § 293).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and/or blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.6.1 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

As necessary, the Property Bureau supervisor should make California standardized sexual assault forensic medical evidence (SAFE, a.k.a. SART) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.6.2 COLLECTION AND TESTING REQUIREMENTS

The assigned detective investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned detective shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered

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into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned detective determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the detective shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned detective shall continue to update the status every 120 days thereafter until testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned detective shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.6.4 DNA TEST RESULTS

A victim advocate should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ

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Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.7 DISPOSITION OF CASES

If the assigned detective has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Bureau supervisor.

Classification of a sexual assault case as unfounded requires the assigned detective and the Criminal Investigations Bureau supervisor to agree that the facts indicate there is a reasonable basis to believe no crime occurred. When a victim has recanted their original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Criminal Investigations Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing

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helpful investigative leads. The Criminal Investigations Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders and public safety dispatchers. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
 - 5. University Sexual Violence & Sexual Harassment policy, resources and reporting.
 - 6. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART and investigatory procedures and protocols.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for working with victims to minimize trauma.

601.11 AGENCY SPECIFIC CONTENT

601.12 PRELIMINARY RESPONSE GUIDELINES

Any police officer may be assigned to handle the preliminary report of a sexual assault. In the case of a crime that has just or recently occurred, immediate priorities that may be need to be addressed include the safety and health of the victim(s) and other involved parties, the safety of the general public, the safety of first responders, the stabilization and security of any crime scene or other evidence that might be identified, and the arrest of any suspect if there is probable cause, a need for immediate apprehension, and/or in compliance with legal mandates and relevant laws.

The assigned and assisting officers should attempt to facilitate the victim's initial disclosure, to gather information from witnesses and any other sources that may be available, to establish the nature of the crime and to determine what additional investigatory and public safety steps are appropriate. Generally, the victim's initial disclosure may be limited to those minimal facts

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necessary to determine what crime may have occurred, when and where it happened (or last happened) and any information about the suspect that the victim is willing to provide. In some situations, such as when an arrest is made or when public safety or investigatory exigencies exist, officers may need to more fully interview the victim.

As soon as reasonably possible upon the initial report of a sexual assault to UCPD, the assigned officer should utilize current procedures to attempt to facilitate a meeting or call between the victim and a confidential advocate from the PATH to Care Center. Officers shall allow the victim to speak privately with a confidential advocate, and shall not record or monitor their conversation without explicit permission from all parties.

If possible, an officer with relevant training and experience should maintain consistent contact with the victim during the police response and during any visit to the hospital for a forensic medical exam. If the victim expresses a preference about the officer assigned to work with them, the officer who learns this should notify a supervisor and the request should be accommodated if reasonably possible.

SART exams should be considered for all reported felony sexual assaults in which there is reason to believe a forensic medical exam would enable the collection of evidence. If such an incident likely occurred within the previous 72 hours, the assigned officer shall offer (but not require) to arrange a forensic medical exam for the victim without delay. If the sexual assault likely occurred between three and fourteen days prior to the time of report, a forensic medical exam may be offered to the victim as an option. If the reported sexual assault likely occurred more than two weeks prior to the time of report, a forensic medical exam should not be recommended, but will not be refused if requested by the victim.

If SART medical examiners contact UCPD for authorization to conduct a confidential forensic exam, the assigned officer should ask to verify the alleged crime occurred in UCPD's primary jurisdiction, or that the victim is a UC Berkeley affiliate. If so, the officer should provide a case number to authorize the exam; if not, the officer should refer the medical examiners to the appropriate law enforcement agency. The assigned officer shall write a report to document any such authorization and describe any other relevant information the victim and the examiner are willing and able to provide. The assigned officer or investigator will subsequently ensure UCPD collects this type of SART exam kit as evidence and preserves it for at least 30 days from the date of the exam.

The assigned officer shall attempt to provide the victim with the UCPD "Resource Guide" which incorporates the "Survivor of Sexual Assault" information as mandated by California law.

601.13 VICTIM WELFARE

Throughout the course of the police response and investigation of a reported sexual assault, the victim's well-being and traumatic recovery needs should be considered of the highest priority.

Interaction with call takers, public safety dispatchers, first responders and other members of the department can strongly influence the victim's decision to remain engaged in the reporting process

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and/or to seek support resources. All department members should be aware of the need to avoid expressing doubt or blame to the victim, or otherwise discouraging the victim from making a report.

At no time should a victim of sexual assault be pressured into reporting, providing information or pursuing prosecution. All reasonable effort should be extended to meet the needs of the victim and to overcome any barriers the victim faces in cooperating during the reporting and investigation process.

Upon receipt of a mandatory violent crime notification which describes a crime of sexual assault having occurred in UCPD's primary jurisdiction, whether from University Health Services (UHS) or another medical provider, an officer or detective shall be assigned to complete a crime report and conduct any necessary initial investigation. If the notification indicates the victim does not want police contact, UCPD members will respect this choice absent exigent circumstances.

Those who respond to and investigate sexual assaults are responsible for providing relevant information, resource referrals and options to the victim, and to keep the victim informed about the status of the investigation as it progresses. The victim should be allowed to participate in the reporting and investigation process at their own pace, within the limits of law and policy.

The victim's preference for confidentiality (per Penal Code § 293 / Government Code § 6254) will be assumed if officers are unable to verify this with the victim (or their parent or guardian if a minor).

601.14 CAMPUS RESOURCE NOTIFICATIONS

Victims who are campus affiliates should be provided information about the University's confidential advocate services, and should be asked for permission to share their name and contact information with the confidential advocate. If available, the officer should offer to arrange an immediate meeting with a campus confidential advocate.

Victims should also be provided information about their ability to report possible violations of the University's policy on Sexual Violence and Sexual Harassment (SVSH) to the Office for the Prevention of Harassment and Discrimination (OPHD).

All UCPD employees are considered "responsible employees" as that term is defined in the University's SVSH policy, and are required to notify OPHD if they become aware that a student or affiliate of the campus has experienced conduct prohibited by that policy. However, when official reports involving SVSH policy violations are filed with UCPD, whether criminal or non-criminal, this responsibility to notify OPHD should only be handled by the Investigations supervisor or the assigned investigator, to ensure no information is released that would impede or compromise any UCPD investigation, or that would violate applicable rights to privacy or confidentiality (including Penal Code § 293 PC / Government Code § 6254).

601.15 CHILD VICTIMS OF SEXUAL ASSAULT & ABUSE (NON-EMERGENCY TREATMENT)

Persons under the age of fourteen (14) who are suspected of being the victims of sexual assault or abuse should be taken to Children's Hospital in Oakland for any forensic medical or physical examination.

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601.16 ASSISTANCE TO OUTSIDE AGENCIES

If it is determined that a reported sexual assault occurred in another law enforcement agency's primary jurisdiction, that agency should be notified without delay if there is a need for that agency to take immediate action. Until such time as that agency can assume responsibility for the investigation, officers should continue to provide, any necessary, critical assistance to the victim and gather / preserve evidence as appropriate.

In the case that a victim contacts UCPD to report a sexual assault that occurred in another jurisdiction, but there is no apparent need for urgent police action due to the time that has elapsed, limited information or other factors, officers may accept the report as an "outside assist" and forward the preliminary report to the appropriate agency for follow-up investigation.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal Agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the University of California Police Department, Berkeley seizes property for forfeiture or when the University of California Police Department, Berkeley is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture Reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property Subject to Forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 - 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 - 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 - 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

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Asset Forfeiture

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The University of California Police Department, Berkeley recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the University of California Police Department, Berkeley that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 1. The property subject to forfeiture is legally seized incident to an arrest.
 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

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602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

Asset Forfeiture

602.5 MAINTAINING SEIZED PROPERTY

The Property Bureau Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.

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4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code § 11471).

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- (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and University of California financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the University of California Police Department, Berkeley shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the University of California Police Department, Berkeley for law enforcement purposes. This also includes a person who agrees to supply information to the University of California Police Department, Berkeley under the condition of confidentiality and in exchange for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The University of California Police Department, Berkeley recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before recruiting or using an individual as an informant, an officer must request and receive written approval from their supervisor. The request must include an articulation of the investigation being conducted as well as the need for the use of an informant, and be accompanied by an assessment of the proposed informant's suitability. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of their reliability and credibility. If approved, this request and assessment shall be retained as part of the informant files.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any

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- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Investigations supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the University of California Police Department, Berkeley, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigations supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigations supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging them in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on their participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using their affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigations Bureau and treated as confidential to protect the identity of informants. The Criminal Investigations Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Criminal Investigations Bureau supervisor or their authorized designees. Department members shall only discuss the identity of informants and details of any investigative case involving the use of an informant with persons (including other department members) who have both a right and a need to know.

The Operations Division Commander shall initiate an audit of all informant files annually, and also upon the selection of a new Criminal Investigations Bureau supervisor (

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before the new supervisor takes over management of the informant files). The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files. The audit shall also identify any inactive informant files to be purged.

Informant files shall be purged only if inactive for more than five years, and if the statute of limitations has expired for any criminal case in which the informant may have been involved, and upon approval by the Operations Division Commander.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases.
- (b) Date of birth.
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features.
- (d) Photograph.
- (e) Current home address and telephone numbers.
- (f) Current employers, positions, addresses and telephone numbers.
- (g) Vehicles owned and registration information.
- (h) Places frequented.
- (i) Briefs of information provided by the informant and their subsequent reliability.
 - (a) If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for their service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The value of assets seized.
- The quantity of the drugs or other contraband seized.
- The informant's previous criminal activity.

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- The level of risk taken by the informant.

The Investigations supervisor will discuss the above factors with the Special Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Investigations buy/expense fund.
 1. The Investigations supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - (a) The check shall list the case numbers related to and supporting the payment.
 - (b) A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - (c) The statement shall be signed by the informant verifying the statement as a true summary of their actions in the case.
 - (d) Authorization signatures from the Chief of Police and the Vice Chancellor, Administration are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date.
 - (b) Payment amount.
 - (c) University of California Police Department, Berkeley case number.
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of their responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

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In such cases, the informant shall be provided a letter identifying the amount they must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3 AUDIT OF PAYMENTS

The Investigations supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

603.7 PROCESSING OF INFORMANTS

Upon the arrest of an individual for the criminal violation, sworn personnel may interview the subject to determine the ability and willingness of the individual to provide information to the Department which would benefit law enforcement.

If a determination is made that the individual can benefit law enforcement by providing significant information, the officer shall consider the seriousness of the criminal offense versus the benefit of the information. With approval from a supervisor, the officer may release the individual pursuant to Penal Code §849(b), with the following understanding;

- (a) The individual must complete their obligation to provide assistance to law enforcement within 30 days of the §849b release, at which time the criminal case will be forwarded to the District Attorney, accompanied by a statement from the officer about the assistance which has been provided by the informant.
- (b) If the informant has been unable to complete their obligation to provide assistance to law enforcement after the initial 30 day period, and there is sufficient reason to believe that the individual will be able to complete the obligation within a 30 day extension period, such an extension may be granted with concurrence from the District Attorney.
- (c) If the individual has not completed their obligation at the end of the initial 30 day period, or the agreed upon extension period, the criminal case will be referred to the District Attorney for prosecution, accompanied by a statement from the officer about the individual's inability or unwillingness to assist law enforcement.
- (d) It is the policy of the Department that all applicable violations of State law should be submitted to the District Attorney for filing and prosecution. It is the policy of the Department to seek conviction by trial or plea to violations of applicable statutes. The disposition of criminal cases for individuals who assist law enforcement rests with the District Attorney.

603.8 PRECAUTIONS WITH INFORMANTS

The following guidelines are to be considered for the general protection of department members and informants.

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603.8.1 MEETING INFORMANTS

Department members should be aware that informants provide information for a variety of reasons, but are usually motivated by their own interests. The best interests of the informant and of the officer meeting with the informant may not be the same. An informant should not be permitted to take charge of any phase or element of the investigation.

When meeting in-person with any informant, more than one officer should be present or directly observing. If the informant's gender is different than the officer, more than one officer shall be present or directly observing, absent exigency.

In the event that an officer must meet an informant alone:

- (a) The officer shall advise their supervisor of the time, location and approximate duration of the meeting, and
- (b) The officer shall contact the supervisor when the meeting is over.

The circumstances surrounding a meeting should not be repeated to the extent that a recognizable pattern is created.

When contacting an informant by telephone (voice), text, email or other electronic communications, the proper name of the informant should not be used.

If it is known that an informant is on supervised probation or parole, the contact officer will coordinate with the informant's probation or parole officer to ensure that using the informant does not interfere with conditions of the probation or parole.

603.8.2 PROTECTING INFORMANT IDENTITY

To minimize the risk that a confidential informant's identity might be revealed by the court, officers should:

- (a) Use informants only for introductions that enable an undercover officer to directly develop the relationship with the target
- (b) Prohibit the informant's involvement in planning an operation other than providing information
- (c) Not permit the informant to participate in a criminal offense and instruct the informant to leave as soon as possible if one occurs during an operation
- (d) Not permit the informant to be a witness to criminal activity which will result in charges being brought against a suspect
- (e) Attempt to make the informant's testimony cumulative. For example, if the target in a drug case can be persuaded to bring a friend, the informant's testimony might be cumulative to what others present would say, and the informant's identity may not need to be revealed.

603.8.3 USE OF A WIRED INFORMANT

Generally, an officer may not secretly intercept an oral or wire communication, except;

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- (a) An oral or wire conversation may be intercepted and recorded secretly by police during investigations involving organized crime if:
 - 1. An officer is a party to the conversation or has been given prior authorization by a party; and
 - 2. The conversation is being intercepted or recorded as part of an investigation or recorded as part of an approved investigation requiring use of such an investigative strategy.
- (b) An oral or wire conversation may be intercepted and recorded secretly by police if the conversation or communication is intercepted or recorded pursuant to a warrant obtained in accordance with department policy and law.

603.8.4 UNIVERSITY AFFILIATED INFORMANTS

In the event an informant is a student, faculty, staff member or other employee of the University, appropriate support and protections will be afforded to them in accordance with applicable University policies and procedures, as necessary or appropriate (e.g., Whistleblower, Title IX, Clery Act, Employee Assistance Program).

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness Identification Process - Any field identification, live lineup or photographic identification.

Field Identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live Lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic Lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The University of California Police Department, Berkeley will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE AND ASSISTIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers. Members should attempt to identify and facilitate any accommodations that might be necessary to communicate effectively with a witness who has a disability or impairment.

Before an interpreter or person providing assistive services is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter or assistant. Once it is determined that the interpreter or assistant comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

The use of an interpreter or assistant to conduct eyewitness identification should be documented in the officer's report.

For additional information, refer to the department policies on Limited English Proficiency Services and Communications with Persons with Disabilities.

Eyewitness Identification

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as they did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges understanding of the identification procedures and instructions.
- (j) A statement from the witness, documenting the witness's exact words describing how certain they are of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Eyewitness Identification

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.6.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain they are of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:

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- (a) The length of time the witness observed the suspect.
- (b) The distance between the witness and the suspect.
- (c) Whether the witness could view the suspect's face.
- (d) The quality of the lighting when the suspect was observed by the witness.
- (e) Whether there were distracting noises or activity during the observation.
- (f) Any other circumstances affecting the witness's opportunity to observe the suspect.
- (g) The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If possible, photographs of the person who is the subject of the show-up, depicting the subject, location and conditions as they appeared at the time of the show-up, should be taken and submitted with the report.
- (i) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.8.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

Eyewitness Identification

604.8.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the University of California Police Department, Berkeley that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The University of California Police Department, Berkeley will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the University of California Police Department, Berkeley will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Brady Material Disclosure

605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

606.5 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.6 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the University of California Police Department, Berkeley to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

Warrant Service

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

1. Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
2. A clear explanation of the affiant's training, experience, and relevant education.
3. Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
4. A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
5. Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
6. A specific description of the location to be searched, including photographs of the location, if reasonably available.
7. A sufficient description of the items to be seized.
8. Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

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- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

607.7.1 NO-KNOCK WARRANT SERVICE

This department does not authorize the use of no-knock warrants by any UC Berkeley employed police officers. A no-knock warrant is a search and/or arrest warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. UCPD officers shall first knock and announce their presence or purpose prior to entering a premises in the execution of any warrant service.

Should a high-risk search and/or arrest warrant require the potential use of a no-knock method of service, the Chief of Police will be notified who will assess the situation and provide an authorized course of action in serving the warrant.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

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607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the University of California Police Department, Berkeley are utilized appropriately. Any concerns regarding the requested use of University of California Police Department, Berkeley members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside University of California Police Department, Berkeley jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the University of California Police Department, Berkeley when assisting outside agencies or serving a warrant outside University of California Police Department, Berkeley jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.13 COURT ORDERS FOR STUDENT RECORDS

It may become necessary to obtain student records during a criminal investigation. The Family Educational Rights and Privacy Act (FERPA) places restrictions on the release of certain student

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records. UCPD may obtain a court order which would require an educational institution to release confidential records. The institution is required to make a reasonable effort to notify the student prior to releasing records, unless the court order explicitly prohibits the disclosure. Investigating officers should be aware of this requirement and seek appropriate orders in the event that a disclosure would compromise a criminal investigation (34 CFR section 99.31(a)(9)(ii)).

607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk and surveillance operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk Operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

Surveillance Operations - Operations involving the covert, continuous and lengthy observation of a person who is suspected of a criminal offense, or of a place likely to be the location of a criminal offense. Surveillance operations might or might not also be high-risk.

608.2 POLICY

It is the policy of the University of California Police Department, Berkeley to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Chief of Police will designate and authorize a member of this department to be the Operations Director. Generally, this will be the NET Commander.

The Operations Director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Operations Director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Operations Director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the

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involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Operations Director.

The supervisor and Operations Director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the Operations Director, after consultation with the involved supervisor, determines that the operation is high risk, the Operations Director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - (a) NET
 - (b) Additional personnel
 - (c) Outside agency assistance

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- (d) Special equipment
- (e) Medical personnel
- (f) Persons trained in negotiation
- (g) Additional surveillance
- (h) Canines
- (i) Property Bureau or analytical personnel to assist with cataloguing seizures
- (j) Forensic specialists
- (k) Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director shall ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan, including surveillance operations. All operations plans shall utilize the Incident Command System (ICS).

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 - (a) The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

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- (b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- (c) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- (d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

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608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 NET PARTICIPATION

If the Operations Director determines that NET participation is appropriate, the Operations Director and the NET supervisor shall work together to develop a written plan. The NET supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the NET supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

Operations Planning and Deconfliction

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any NET debriefing.

608.11 SURVEILLANCE OPERATIONS

Surveillance operation approval, command, communication, and documentation shall comply with the relevant portions of this policy.

Surveillance operations may utilize covert audio and/or video and other technologies as permitted by law and policy and when authorized by the Chief of Police or their designee.

- (a) Where a reasonable expectation of privacy exists, covert camera equipment will be used only temporarily and pursuant to a court order.
- (b) Any release of surveillance audio and/or video must be authorized in accordance with federal and state laws & institutional and department policies.
- (c) Agency retention of surveillance audio and/or video recordings will adhere to all federal and state laws & institutional and department policies.

Surveillance operations may involve the use of other equipment, vehicles or facilities as necessary and appropriate for the specific situation, as authorized by the watch commander or supervisor.

Prior to any surveillance operation, communications procedures will be discussed and coordinated with all involved sworn and dispatch personnel. Notification of the operation will be made to the on-duty patrol supervisor, any additional watch commander, and to any outside agency that may be involved or affected.

608.12 TRAINING

The Training Manager should ensure officers and NET team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Threat Assessment and Response

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish expectations, standards and procedures for the identification, assessment and management of potential threats of significant physical violence within or against the University community.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Threat – a situation that appears to present risk of intentional physical violence, including self-harm.

Significant physical violence – physical violence that is likely to cause great bodily injury or the death of one or more persons.

Credible – an assessment that a claim is reasonable to accept as valid or true. Factors which might tend to establish credibility may include some or all of, but are not limited to the following:

- Supported by independent evidence;
- Consistent with other known information;
- Consistent with reasonable expectations and/or predictable behaviors;
- Provided by a tested and reliable source;
- Corroboration from additional source(s);
- Includes compelling and verifiable details;
- Not unrealistic, fantastic or impossible;
- Little to no contradictory evidence;
- Few or no other likely explanations or interpretations.

Imminent – an event which is about to happen or likely to happen in the near future and requires immediate action to avert. In the case of a threat, the level of imminence may depend partly upon the significance and credibility of the threat itself.

Risk level – The apparent probability that an event will occur (low, moderate, high).

609.2 POLICY

It is the policy of the University of California, Berkeley, Police Department to receive reports of threats to inflict physical violence, investigate threats, and respond appropriately to threats in order to reduce the potential for harm to members of the community.

609.3 THREAT EVALUATION AND RESPONSE

Any UCPD employee might receive reports of, or discover situations involving potential threats during the course of their duties. All such situations should be assigned to sworn personnel for an initial assessment.

Threat Assessment and Response

In addition to any other appropriate actions, sworn personnel handling situations involving potential threats should attempt to gather information regarding the significance, credibility and imminence of the potential threat.

Threats which appear significant, credible and imminent should be addressed immediately, utilizing all necessary additional emergency resources.

All situations involving a potentially significant threat should be documented and forwarded to the UCPD Threat Management Unit (TMU) for review.

609.3.1 TMU FOLLOW-UP DUTIES

UCPD Threat Management Unit (TMU) detectives should review all reports of situations involving potentially significant threats and investigate further as needed to assess the apparent level of risk and to determine what, if any, additional actions should be taken. A structured threat assessment need not be performed in every such case, but the elements and standards of the assessment tool should be kept in mind as the basis for establishing the level of risk.

Threats assessed as being of low or moderate risk should be managed by the assigned TMU detective, notifying, utilizing and coordinating the efforts of other campus and community resources as necessary to try to monitor and mitigate the threat.

Threats assessed as being credible, significant and of high risk should be evaluated using a structured threat assessment and brought to the attention of the campus Behavioral Risk / Response Team (BRT), in addition to any other appropriate threat management efforts.

609.3.2 CAMPUS BRT ACTIVATION

UCPD shall designate a sworn supervisor or manager as the chairperson for the campus Behavioral Risk / Response Team (BRT). Along with UCPD, BRT also consists of “core members” from the following campus departments:

University Health Services – Employee Assistance (UHS)

Office of Risk Services (ORS)

Office of Legal Affairs (OLA)

Upon TMU's assessment of a threat as credible, significant and high risk, the BRT chairperson should convene a meeting of BRT without unnecessary delay. Additional University and community resources, representatives and experts should be included as relevant and necessary.

Threat Assessment and Response

As a group, BRT should evaluate the threat risk, reviewing all information available within the limits of law and policy. Upon making a risk determination, BRT should prepare a response plan based on the specific needs of the known situation. Specific tasks should be coordinated and carried out by the department(s) or resource(s) that appear best suited to achieve the desired outcome in a manner that prioritizes safety.

UCPD has the primary responsibility to determine if additional BRT meetings are needed. Coordinated response efforts should continue until BRT core members determine by consensus that the threat has been sufficiently mitigated or no further action is reasonably possible.

The BRT chairperson is responsible to facilitate the development and regular review of BRT operational guidelines, which should be adopted by consensus of the BRT core member departments.

The BRT chairperson should create and retain a record of each BRT meeting to include the date, time, location, a list of meeting participants and a concise summary of the situation and the response plan.

609.4 TMU ORGANIZATION AND STRUCTURE

The UCPD Threat Management Unit (TMU) is considered an element of the UCPD Criminal Investigations Bureau (CIB). Detectives designated as part of TMU may also be assigned criminal investigations or other tasks consistent with their job description and based on the needs of the department.

609.4.1 TMU DETECTIVES

At least one detective shall be designated as a TMU Student Mental Health Liaison and be the lead for threat investigations involving behavioral concerns about UC Berkeley students. The Student Mental Health Liaison should also be the primary UCPD representative to the campus Students of Concern Committee (SOCC) and point of contact for campus and community resources on related matters.

At least one detective should be designated as a TMU Employee / External Liaison, serving as the lead for threat investigations involving behavioral concerns about UC Berkeley employees, volunteers, visitors and unaffiliated persons. The Employee / External Liaison may also be assigned to handle the investigation and analysis of information related to large-scale or high-profile events that are likely to disrupt or endanger the University.

At least one detective should be designated as a TMU Special Victims Liaison, primarily assigned to cases involving sexual violence, relationship violence and/or stalking behavior. The Special

Threat Assessment and Response

Victims Liaison also handles campus sex/arson registrations and the investigation of registration violations.

Additional TMU detectives may be designated to fulfill one or more of these roles, or a different need as identified by the department.

609.5 THREAT INVESTIGATION RECORDS

Whether criminal or non-criminal in nature, reports made to or discovered by UCPD of situations involving potentially significant threats (and UCPD's subsequent investigatory and/or mitigation efforts, if any) should generally be documented as official police reports according to routine procedures.

609.5.1 TMU SUPPLEMENTARY INVESTIGATIVE FILES

When a person of concern is determined to present a credible, significant and high risk threat, the assigned TMU detective should also create an investigative file to organize supplementary information gathered during the course of the threat investigation and mitigation efforts. The supplementary investigative file may include copies of police reports, structured threat assessment documents, BRT meeting records, investigator notes and other information relevant to the threat as gathered lawfully from official channels or via open source.

A TMU supplementary investigative file may also be created when a person is determined to present a credible, significant and moderate risk threat, if the nature of the concerning behavior is persistent, ongoing or pervasive.

No TMU supplementary investigative file shall be created to collect information or intelligence about the activities or ideology of a group or organization.

Due to the critical need for quick access to relevant information about persons who present repeat or ongoing threats to public safety, TMU supplementary investigative files shall be maintained securely in CIB. At the close of each fiscal year, the manager and supervisor of TMU shall conduct an audit and purge the appropriate TMU supplementary investigative files according to the University of California Records Retention Schedule.

TMU supplementary investigative files are considered to be exempt from public disclosure per Government Code §6254(f).

609.6 TRAINING

The TMU detectives, supervisor, and manager should all complete official training in the structured threat assessment tool and process utilized by UCPD.

Threat Assessment and Response

The TMU detectives and supervisor should receive a minimum of 20 hours of initial training in the assessment, investigation and mitigation of threats, in addition to any other training pertinent to their duties as a criminal investigator or their specific roles within TMU (Student Mental Health, Employee / External, Special Victims). Annual update training may also be assigned as needed.

All sworn personnel should receive periodic basic threat assessment training.

Criminal Investigations Bureau

610.1 PURPOSE AND SCOPE

To establish guidelines for the structure and operations of the Criminal Investigations Bureau, and to describe the role, responsibilities, and expectations for detectives.

610.2 POLICY

The University of California Police Department, Berkeley shall maintain a Criminal Investigations Bureau (CIB), sufficiently staffed with experienced and appropriately trained sworn detectives, with the capacity to effectively investigate felony and misdemeanor crimes that are likely to occur within the department's primary jurisdiction. Department members assigned to CIB are also expected to perform additional ancillary duties related to the investigatory function and productively collaborate with campus partners, outside agencies, other University and community resources, and department members to the fullest extent allowed by law, policy and practical limitations.

610.3 CIB SUPERVISOR

The Chief of Police shall appoint a police sergeant as the Criminal Investigations Bureau supervisor, responsible for day-to-day coordination and management of their assigned detectives, and to fulfill the duties of detective as necessary.

The CIB supervisor shall report to a sworn member of the command staff within the Operations Division, who shall be considered the CIB manager.

The CIB supervisor is also designated as the supervisor of the UCPD Threat Management Unit (TMU), unless this responsibility is separately assigned to the CIB manager or another sworn supervisor or manager by the Chief of Police.

The CIB supervisor is responsible to maintain awareness of the availability of all detectives to respond to a request for investigatory assistance in the field at any given time, and to keep patrol bureau supervisors and managers informed of any restrictions or periods of unavailability.

The CIB supervisor is expected to serve as the primary department liaison or contact for campus units, local organizations, and outside agencies with purposes that coincide with criminal investigations. These duties may be delegated or reassigned at the direction of command staff. This includes, but is not limited to, the following:

- (a) Office for the Prevention of Harassment & Discrimination
- (b) PATH to Care
- (c) Center for Student Conduct
- (d) Bay Area Women Against Rape (BAWAR)
- (e) Child Abuse Listening, Interviewing and Coordination Center (CALICO)
- (f) Alameda County Sexual Assault Response Team (SART)

Criminal Investigations Bureau

(g) Northern California Regional Intelligence Center (NCRIC)

In the absence of a CIB supervisor, the CIB manager shall assume all duties of the CIB supervisor.

610.4 DETECTIVES

The Chief of Police shall appoint sworn officers as detectives to serve within the Criminal Investigations Bureau, responsible for leading investigations and other follow-up efforts for cases assigned to them by the CIB supervisor or manager, and for carrying out other public safety and law enforcement duties consistent with their role and expertise.

One or more detectives should be designated as members of the Threat Management Unit (TMU) in a manner consistent with the department Threat Assessment and Response policy.

One detective shall be designated as the primary Court Liaison and Warrant Officer, assigned to serve as the primary conduit of information between the department and District Attorney offices, as well as between the department and court administration staff. This detective's duties include the tracking and distribution of criminal and traffic court subpoenas as well as the performance of due diligence requirements regarding warrants issued based on department cases.

One or more detectives shall be designated to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

610.5 CASE ASSIGNMENTS

The CIB supervisor or manager shall regularly review submitted police reports, including all police reports routed to CIB for review by patrol supervisors within the Records Management System (RMS), and all police reports of the types identified for CIB report review within the department Report Preparation and Case Management policy. The CIB supervisor or manager is responsible to determine if such police reports will be reassigned to a detective, returned to the original case officer, or given a final case status.

Subject to command staff review, the CIB supervisor or manager has the authority to determine if a detective will be assigned to take primary responsibility and/or to complete specific tasks for a case, and may reassign cases or tasks among detectives as necessary for the efficient functioning of the unit.

The CIB supervisor or manager is responsible for managing the caseloads of detectives and ensuring that investigatory and other follow-up efforts are completed and documented in a timely manner.

When two or more detectives are assigned to the same case, one shall be designated as the primary (or "lead") detective and case officer.

610.6 AVAILABILITY OF INVESTIGATIVE SERVICES

To ensure the availability of basic law enforcement investigative services to the campus community, the department shall maintain a minimum staff of at least three (3) detectives (or two (2) detectives with a sergeant serving as CIB supervisor). Additional detectives should be assigned as staffing allows and as caseload demands require.

Criminal Investigations Bureau

Detectives may be scheduled according to a 4-day, 10-hour work schedule, subject to operational need. Individual detective schedules should be staggered to provide the presence of at least one detective at the worksite at all times during normal business hours. Detectives schedules that provide extended investigatory coverage due to operational needs during evening and weekend hours should be considered as staffing allows.

610.6.1 FIELD AVAILABILITY AND RESPONSIBILITIES

When a crime scene or call for service in the field might benefit from the oversight and expertise of a detective, the patrol supervisor may request the response of a detective via the chain of command. The assignment of a detective to the scene is subject to the approval of the CIB supervisor and the chain of command.

Upon arrival at the scene of a crime or call for service, the detective should assume control of the investigatory aspects of the event in question, and may direct patrol officers and other available department personnel as necessary to complete these responsibilities. The patrol supervisor should assist the detective and ensure that all other operational issues are addressed. These responsibilities remain in place until all investigatory needs at the scene are met, unless relieved by a higher authority.

Until such time as a detective arrives at the scene and assumes control of the investigation, the event and any investigation remains the responsibility of the patrol bureau to manage. If no detective is available, the patrol supervisor should consult with their chain of command to determine if a detective should be called in, or if other personnel and/or resources should be arranged.

Unless a crime scene or call for service is likely to require extensive investigatory effort or expertise, officers who formerly served as detectives or who have equivalent training and experience may be utilized as the lead investigator at the scene when a detective is not available.

610.6.2 ON-CALL INVESTIGATIVE SERVICES

The CIB supervisor or manager is responsible to ensure adequate availability of after-hours investigatory response by detectives.

Detectives may be designated as "on call" for specific off-duty periods, required to remain available to respond to work after normal hours, in a manner consistent with and to be compensated as according to any applicable labor agreement.

At least two detectives should be designated as "on call" at the same time (or one detective and a CIB supervisor or manager), but if an after-hours event only requires the services one detective, only one on-call detective need respond.

Detectives are expected to be in immediate or near-immediate possession of their department-issued mobile telephone while "on-call" and to be responsive to any work calls they may receive.

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610.6.3 OUTSIDE AGENCY ASSISTANCE

The Field Operations Division Commander is responsible for establishing agreements with outside agencies to ensure sufficient and qualified investigative services are available to assist UCPD Berkeley at any time of day or night if needed.

When detectives from this department are unavailable or require assistance with a major crime, or when a situation arises that requires outside agency assistance to preserve the objectivity or impartiality of an investigation, the relevant supervisor should seek approval from an on-duty Field Operations manager (or the on-call command staff member) to request aid from an outside agency with the capacity to provide necessary investigative services.

610.7 COORDINATION WITH PATROL AND OTHER DEPARTMENT UNITS

To facilitate the exchange of critical information and strengthen the relationship between the Criminal Investigations Bureau (CIB) and the Patrol Bureau, detectives are expected to communicate and collaborate with officers and sergeants in the Patrol Bureau. To help achieve this, detectives should:

- (a) Remind or update patrol staff about investigatory expectations as established or modified by the District Attorney's office
- (b) Provide patrol teams with briefing training on new laws, court decisions, and other investigatory mandates and best practices
- (c) Review the use of investigative tools and methods (fingerprint collection techniques, interview tips, how to take crime scene photos, etc.)
- (d) Discuss local or regional crime trends, investigative bulletins, and recommended crime prevention strategies

Detectives should also share relevant information with other department units such as Records & Communications, Security Patrol Bureau, and the Administration Division.

610.8 TRAINING

All detectives shall be required to complete the POST-certified Criminal Investigator Core Course (Robert Presley Institute of Criminal Investigation, or ICI) prior to or within one year of appointment, and at least one ICI foundation specialty course prior to or within two years of appointment.

All detectives should complete at least 20 hours of POST-certified training on the topic of interview and interrogation prior to or within one year of appointment.

All detectives assigned to investigate crimes involving sexual violence, domestic / relationship violence, and/or stalking shall complete the ICI foundation specialty course in Sexual Assault Investigation prior to serving as the lead detective on such a case. The CIB supervisor or manager is responsible to ensure that at least one of the current detectives has completed this course and is available to serve as the lead detective on all such cases.

One or more detectives shall complete the training necessary to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

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All detectives assigned to investigate crimes involving sexual violence, domestic / relationship violence, and/or stalking should also complete at least 20 hours of training in the use of trauma-informed investigation and interviewing techniques.

All detectives are encouraged to complete at least 40 hours of POST-certified investigatory training annually, to participate in local, regional, state or national investigators' associations and conferences, and to pursue completion of at least one ICI Certificate of Achievement.

All investigator training should be selected and prioritized according to topics and content that coincides with department service needs.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy provides guidance regarding department-issued property and equipment as well as property and equipment that is the responsibility of the member to procure and maintain.

700.2 POLICY

Department members are expected to properly care for department property issued, assigned, or entrusted to them. Members might also suffer loss or damage to required, optional, or other personal property in the scope of their employment. Department members are expected to follow certain specified reporting procedures depending on the type of damage or loss and the ownership status of the item.

700.3 PROPERTY FURNISHED BY THE DEPARTMENT

Sworn officers shall be furnished the following items of equipment by the Department, which are considered department-issued property:

- (a) Badge (metal and fabric)
- (b) Uniform hat piece
- (c) Insignia of rank
- (d) Shoulder patches
- (e) Service stripes or stars
- (f) Name plate (metal and fabric)
- (g) Identification card
- (h) Inner belt and duty belt
- (i) Duty belt keepers
- (j) Handgun and holster
- (k) Magazines and magazine pouch
- (l) Ammunition
- (m) Police radio and radio holder
- (n) Handcuffs and case
- (o) Baton and baton ring or holder
- (p) OC spray and holder
- (q) Conducted Energy Device and holster
- (r) Ballistic helmet
- (s) Gas mask and carrier
- (t) Soft body armor

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- (u) Department and University keys
- (v) Baseball cap

The inner belt, duty belt and duty belt accessories will be provided in both basket weave and nylon.

700.4 CARE OF DEPARTMENT PROPERTY

Department members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property issued, assigned or entrusted to them. An member'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) Department members 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) Department members shall follow any check-out / check-in procedures established for the use of pooled department property, vehicles or equipment.
- (c) 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.
- (d) 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.
- (e) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (f) 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.

Upon an employee's separation from the Department all department property must be turned in to University of California Police Department, Berkeley unless otherwise authorized.

700.5 PROPERTY FURNISHED BY THE DEPARTMENT MEMBER

All other required and optional property not furnished by the Department shall be procured and maintained by the department member at their own expense, and considered personal property.

If a department member's required or optional personal property is damaged or lost during the performance of work-related duties, the Department shall be responsible for replacement, repair or reimbursement, subject to review and limitations as described in this policy.

A department members's possession or use of any personal property while on duty, other than those items specified as required or optional by law, policy or directive, is at the sole risk of the department member, and the Department may not replace, repair or provide reimbursement for any on-duty damage or loss of such personal property.

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Refer to the Travel and Expense Reimbursement policy and related University policies and labor agreements for information about the use of personally-owned vehicles by on duty department members.

700.6 REPORTING LOST OR DAMAGED PERSONAL PROPERTY

The following section outlines procedures for reporting lost or damaged personal property.

700.6.1 REPORTING LOST OR DAMAGED PERSONAL PROPERTY

Upon discovering damage or loss of personal property for which a department member wishes to seek replacement, repair or reimbursement from the Department, the member shall make a verbal report to their immediate supervisor as soon as circumstances permit, and a written report before the end of the member's next shift unless otherwise directed.

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

[See attachment: Reimbursement for damaged uniform or equipment \(sworn\).pdf](#)

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of their investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair, replacement or reimbursement may be authorized by the Chief of Police (or their designee).

The Department will not replace, repair or provide reimbursement for the damage or loss of luxury items or unnecessarily expensive items (jewelry, exotic equipment, etc.) to the extent that they are not reasonably required or permissible to possess within the scope of employment.

For purposes of determining any appropriate reimbursement or allowable replacement / repair cost, wear and tear from regular and appropriate use shall not be considered damage or loss.

700.7 DAMAGE TO PROPERTY OF ANOTHER

Officers and other department members might intentionally or unintentionally cause damage to the real or personal property of other persons or parties while performing their duties. Any member who damages or causes to be damaged any real or personal property of another during the scope or course of employment, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the department member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the end of the member's next shift unless otherwise directed.

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700.7.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to property belonging to the University of California, it shall be the responsibility of all department members present or the department member responsible for the property to make a verbal report to their immediate supervisor as soon as circumstances permit. The department member shall submit a written report before the end of the member's next shift unless otherwise directed.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), smart watches, wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The University of California Police Department, Berkeley allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any necessary monitoring or inspection of a PCD by the Department will be conducted in compliance with the University of California Office of the President Electronic Communications Policy.

The inappropriate use of a PCD while on-duty may impair officer safety. The inappropriate use of a Department issued PCD includes but is not limited to:

- Using Department issued PCD to engage in activities that violate laws, regulations, or policies is prohibited (e.g. harassment, discrimination, bias related, unlawful, unethical).
- Making unauthorized or excessive personal calls, texts, or video chats during working hours.
- Accessing, downloading, and sharing inappropriate or offensive material.
- Installing or using non-work-related applications, games, or entertainment platforms.
- Using the Department issued PCD for personal profit or engaging in personal business ventures.

Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

Personal Communication Devices

701.3 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department.

701.4 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) The Department accepts no responsibility for loss of or damage to a personally owned PCD beyond any damage reimbursement amount established by a collective bargaining agreement.
- (b) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (c) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications).
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (d) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (e) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the University of California Police Department, Berkeley and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.5 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD should not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

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- (b) A PCD should not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). If a PCD is used for personal communications, members shall endeavor to limit that use.
- (c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (d) Members should limit the taking of pictures, audio or video recordings or making copies of any such picture or recording media that are not directly related to official department business. Any such media should only be created with the consent of all participants and represent University of California Police Department, Berkeley and the University of California, Berkeley in a positive light. Disclosure of any such media to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.

701.7 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call

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to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper maintenance and equipment of department vehicles.

702.2 POLICY

The department shall maintain a fleet of vehicles as necessary and appropriate to provide effective emergency response and other public safety and support services for the UC Berkeley campus community. Vehicles shall be maintained and equipped in a state of operational readiness and removed from service if unsafe or otherwise insufficiently maintained or equipped.

Members are responsible for inspecting, replenishing equipment / supplies and reporting deficiencies with department vehicles to ensure they are properly equipped, maintained, refueled and present a clean appearance

702.3 DAMAGED OR DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair, the member should promptly notify their supervisor. If the deficiency or damage affects the safety of the vehicle or renders it unable to provide appropriate services, that vehicle shall be taken out of service for repair. The deficiency should be promptly documented in the Vehicle Damage/Repair Log. Proper documentation describing the defective condition shall be promptly completed by the department member who first becomes aware of the condition. The department member should notify the department Fleet Coordinator regarding the repair or maintenance needed.

702.3.1 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.3.2 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the weapons safe in the Patrol Sergeant's office or other appropriate storage area prior to the vehicle being released for maintenance, service or repair.

702.4 VEHICLE EQUIPMENT

The Fleet Coordinator shall establish and maintain a list of equipment and supplies that must be maintained in sufficient quantity and acceptable condition within all department vehicles utilized for emergency purposes and/or to perform routine patrol and traffic safety duties. The Fleet Coordinator shall prepare and issue an inspection sheet for each such vehicle.

Patrol vehicles, whether conspicuously marked or unmarked, must be equipped with operational emergency lights and an operational siren, or be removed from service.

Vehicle Maintenance

702.4.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the minimum prescribed equipment and supplies are present in the vehicle as required by that vehicle's inspection sheet.

If any of the equipment or supplies are missing, officers should arrange to have those items replaced by locating the equipment or supplies themselves, or by notifying their supervisor. To ensure the vehicle remains in a state of operational readiness, if officers use any of the equipment or supplies during their shift they should replace/replenish the equipment as necessary, prior to going off duty.

Officers should notify their supervisor when the vehicle sign-out log indicates a supervisory inspection is due. Supervisors should respond and conduct an inspection, confirming that the proper equipment is present and in good repair. Supervisors will then sign the proper space on the sign-out log.

702.5 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles should refuel the vehicle before it has less than a half tank of fuel. Vehicles shall only be refueled at the authorized location. Should the authorized location be unavailable, vehicles may be refueled using the State of California Fleet Card at a local gas station. Supervisor approval should be obtained prior to using the Fleet Card.

702.6 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and shall be washed as necessary to enhance their appearance when weather conditions permit.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Department members using a vehicle shall remove any trash or debris at the end of their shift. When necessary, the member will make arrangements for the interior of the vehicle to be vacuumed and cleaned. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.7 PROFESSIONAL STAFF EMPLOYEE USE

Any department member other than a sworn officer who operates a marked vehicle shall first verify that all weapons have been removed from it, and shall prominently display "out of service" placards or a light bar cover at all times while operating the vehicle, unless exempted by a sworn supervisor for an operational need. Department members other than sworn officers shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a sworn supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the University of California, Berkeley to provide assigned take-home vehicles. For the purposes of this policy, "University-owned" includes any vehicle owned, leased or rented by the University.

703.2 POLICY

The University of California Police Department, Berkeley provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

703.3 USE OF VEHICLES

Department members operating vehicles while on-duty, or University-owned vehicles at any time, are responsible for doing so in a reasonable and prudent manner for the specific context and conditions of their use, within the proper scope of their employment, and in a manner consistent with all applicable laws and policies.

703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance facility or carwash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after

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the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other department vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, they should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles may be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys that operate department vehicles without approval. The loss of a key that operates a department vehicle shall be promptly reported in writing through the member's chain of command.

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703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than University of California personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy. When any person other than a department member is a passenger in a department vehicle, the department member operating that vehicle shall notify the Communications Center and provide the following information:

- (a) The starting point, destination and mileage
- (b) The ending point and mileage
- (c) The gender identity of the passenger(s), if different from the officer

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any University-owned vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving University-owned vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lane that are not so designated unless authorized by a supervisor.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or permanent removal of any equipment or accessories to/from University-owned vehicles without written permission from the Fleet Coordinator.

703.3.11 USE OF EMERGENCY VEHICLES BY DEPARTMENT MEMBERS OTHER THAN PEACE OFFICERS

Department members other than peace officers using marked emergency vehicles shall ensure that all weapons have been removed before operating that vehicle. When operating a marked emergency vehicle, department members other than peace officers should prominently display an "out of service" placard or light bar cover at all times. Department members other than peace officers shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor or peace officer.

703.3.12 TRANSPORTING IN-CUSTODY PERSONS

All persons in custody by the department should be transported in patrol vehicles with safety barriers for the safety, security, and control of the transporting officer and person(s) in-custody. This does not apply to the transportation of in-custody mentally or physically sick or injured persons who are transported by a fire, medical, or other agency transport vehicle to an appropriate facility

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for treatment or processing. Refer to department Policy 1011 Seat Belts for additional directives in transporting persons in custody.

In the event of extenuating circumstances, in-custody persons may be transported in a vehicle without a safety barrier ensuring the suspect is restrained in accordance with department policy, secured by a seat belt, and seated in the right rear passenger seat area. A support officer should be seated behind the driver in the left rear passenger area to ensure the safety of the driver and suspect during transport.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the University of California, Berkeley.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status.

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Members are cautioned that under federal and local tax rules, personal use of a University of California vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Division Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

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- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the University of California Police Department, Berkeley or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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703.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the University of California for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

703.9 AGENCY SPECIFIC CONTENT

A link to the University system wide policy regarding the use of vehicles, BFB-BUS-46: Use of University Vehicles, is attached below for reference.

[BFB-BUS-46: Use of University Vehicles](#)

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703.10 VEHICLE LOG

The officer shall sign in and out the vehicle using the Vehicle Mileage Log provided in each vehicle. When a page of the Vehicle Mileage Log becomes full, the employee shall turn in the filled-in page to the Fleet coordinator.

703.11 PARKING CITATIONS - BRIDGE TOLL

In accordance with University policy, except in emergency situations, employees who receive a parking citation or fail to pay a bridge toll are responsible to pay the respective citation or toll.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the University of California Police Department, Berkeley to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police has designated the Business Services Unit Manager as the Fund Manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the Fund Manager.

The Fund Manager must complete the **Cash Handling Module 3: Petty Cash Policies and Procedures** on-line training through the University of California Learning Center.

[Cash Handling Module 3: Petty Cash Policies and Procedures \(link is external\) \(UCOP40823 BECTR942\)](#)

704.4 PETTY CASH TRANSACTIONS

The Fund Manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The Fund Manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one Senior staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The Fund Manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a Senior staff member.

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A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the University of California.

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigations supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.8 AGENCY SPECIFIC CONTENT

704.9 UNIVERSITY OF CALIFORNIA ACCOUNTING MANUAL

In addition to the above, it is the policy of the University of California, Berkeley, Police Department to properly handle and document cash transactions in accordance with policy and procedures set forth in the University of California Accounting Manual and University of California Business and Finance Bulletin Number BUS-49.

[UCOP - Presidential Policies - Accounting Manual](#)

[Business and Finance Bulletins | UCOP](#)

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal Protective Equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The University of California Police Department, Berkeley endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

Individual issued hearing protection should be worn in situations in which it is anticipated officers may be subjected to loud noise such as crowd control or riot situations and certain assignments during football games. The Incident commander and/or field commander may direct the wearing of hearing protection based on the circumstances present or anticipated.

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705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Firearms Coordinator shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement or any systemwide policy.

705.7 RESPIRATORY PROTECTION

The Administration Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment.

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

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Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

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- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.

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- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
 - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed to during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Special Purpose Vehicles

706.1 PURPOSE AND SCOPE

The purpose of this policy is to describe Special Purpose Vehicles, the authorization of their use, and other factors pertaining to the personnel who use or maintain such vehicles.

706.2 AUTHORIZATION, CONDITIONS AND LIMITATIONS OF USAGE

Personnel shall only be authorized to operate department Special Purpose Vehicles when they have completed the training required by the Department, POST, and the Department of Motor Vehicles (as appropriate) except during authorized training activities approved by the Chief of Police or his/her designee. Other conditions and limitations may be imposed and they will be listed specifically for each vehicle under Policy Manual sections.

706.3 MOTORCYCLES

Personnel shall only operate department motorcycles when they have completed the training required by the Department of Motor Vehicles, POST, and the Department, except during authorized training activities approved by the Chief of Police or his/her designee. In addition, all motorcycle operators must possess a valid class M1 license. Motorcycles shall only be used when roadway and weather conditions allow for safe operation. Motorcycles are deployed for the primary purpose of general patrol response. The patrol sergeant is responsible for the control and deployment of the motorcycles.

706.4 GASOLINE AND ELECTRIC POWERED UTILITY VEHICLES

The Department utilizes gasoline and electric powered utility vehicles (UV) for patrol. The gasoline powered UV is primarily used by Hill Patrol Community Service Officers in undeveloped areas of University property. All operators will be familiar with the safe operation of this vehicle and check out by the CSO Coordinator.

Electric powered utility vehicles (golf carts) can be used by all personnel, on all areas of campus, for routine campus patrol and transportation.

706.5 MOBILE COMMAND VEHICLE

The Mobile Command Vehicle is a dedicated recreational vehicle designed to respond to a long term response, or critical incident. The Mobile Command Vehicle brings a number of resources to the scene including communication capabilities, radios, telephones, mobile command documents and supplies in a climate controlled environment.

706.6 BOMB SQUAD TRUCK

All certified and assistant bomb technicians shall meet the State of California requirements and obtain a Commercial Drivers License (CDL) prior to operating the bomb truck on any roadway. A certified or assistant bomb technician may operate the bomb truck with a temporary CDL as long as they are accompanied by a Bomb Squad member who has been issued a permanent CDL.

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706.7 TRAILERS

The Department maintains and uses trailers for barricade transportation and other uses. These trailers are designed to be towed by the gasoline powered UV as well as several other departmental vehicles. Those personnel asked to tow the trailers should be familiar with towing procedures in general.

706.8 TRAINING

Personnel assigned or approved to operate any Special Purpose Vehicle must be trained on the use of the vehicle. Personnel assigned to operate Special Purpose Vehicles requiring specialty licenses must have secured those licenses before operating them in the performance of their duties, except during authorized training activities approved by the Chief of Police or his/her designee.

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy are set forth by Government Code § 7070:

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

707.2 POLICY

It is the policy of the University of California Police Department, Berkeley that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

707.2.1 COMPLIANCE PROCEDURE

The University of California Police Department, Berkeley will ensure that all Department members comply with this policy and the policies that govern the use of equipment defined as military equipment. The UC Irvine Police Department shall conduct an annual audit. The Chief of Police or their designee will be notified of any policy violation(s). If needed, the violation(s) will be referred to an internal complaint investigation and handled according to UCPD Berkeley's Personnel Complaint policy. All instances of non-compliance will be reported to the UC Board of Regents as part of the annual military equipment report.

Any member of the public can register a complaint, question, or a concern regarding military equipment use by sending their question via email to police@berkeley.edu. The Chief of Police or their designee will respond in a timely manner.

707.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any other law enforcement agencies that may use military equipment within the jurisdiction of University of California Police Department, Berkeley (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the UC Police Departments:

Equipment List

Military Equipment

707.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy (Government Code § 7071(a)(1)).

As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071(b)).

The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071(a)):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

This approval is intended to permit the Department to maintain the quantities of military equipment at the quantities that were last approved by the governing body. Accordingly, the Department can engage in any of the activities listed in 905.6-(g) without seeking additional approval as long as the Department does not exceed the pre-approved quantity.

707.5.1 MILITARY EQUIPMENT USE CONSIDERATIONS

The military equipment acquired and authorized by the Department is (Government Code § 7071(d) (1)):

- (a) Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) Reasonably cost-effective compared to available alternatives, if any, that can achieve the same objective of officer and civilian safety.

Military Equipment

- (d) Military equipment shall be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances exist.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid. Situations may arise where the Department may deploy or use military equipment, as defined, owned by other law enforcement agencies. The Department hereby adopts the military equipment use policy as is approved, and may be amended from time to time, under Government Code section 7070 et seq., for jurisdictions that the Department may engage with to provide mutual aid. This section is in no way a limitation to the ability of the Department to deploy or use the military equipment of another jurisdiction.

707.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required for the preceding calendar year for each type of military equipment in department inventory (Government Code § 7072).

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost of each type of military equipment, including acquisition, personnel training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which

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the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment (Government Code § 7072(b)).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field interview cards
- Parole and probation records
- Computer aided dispatch data
- Face to face meetings with allied agencies

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

The Communications Center

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the University of California Police Department, Berkeley to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

801.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.3.1 CAD/RMS ACCESS

The Records and Communications Manager will issue and manage access rights for members with responsibilities that require use of the department Computer Aided Dispatch (CAD) and/or Records Management System (RMS).

Department members needing new or temporary access rights to CAD/RMS shall submit a request in writing to the Records and Communications Manager for review, explaining the scope and justification for their request.

801.3.2 RECORDING SYSTEMS ACCESS

The Records and Communications Manager will ensure that the Communications Center radio and telephone recordings are secured via individually-issued login credentials and passwords, and that such recordings are only directly accessible by the Records and Communications Manager, the UCPD Information Systems Manager, UCPD Public Safety Dispatchers, and any other persons specifically authorized by the Chief of Police.

Department members with a right and need to access or duplicate radio and telephone recordings may do so only with approval from the Records and Communications Manager, or from a sworn supervisor or manager in their absence. Criteria and procedures for the release of recordings outside the department are established within the Records Maintenance and Release policy.

The Communications Center

The radio and telephone recording systems shall be configured to and capable of maintaining in buffer all recordings for a minimum of 30 (thirty) days.

This policy section is not intended to restrict the review of the Communications Center radio or telephone recordings by department members when necessary for public safety or another compelling and immediate department need.

801.4 RESPONSIBILITIES

801.4.1 THE RECORDS AND COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to the Records and Communications Manager.

The responsibilities of the Records and Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is secure and operational (including immediate play-back features for each).
 - (a) Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Serving as the system administrator for the department Computer Aided Dispatch (CAD) and Records Management System (RMS), responsible for:
 - 1. Authorizing system access rights as necessary, including account usernames and password standards.
 - 2. Ensuring system and data security.
 - 3. Supervising CAD/RMS data use and release.
 - 4. Establishing and maintaining system settings, database information and functionality.
 - 5. Coordinating system updates.
 - 6. Establishing and maintaining functionality of automated connections to other systems / services, both internal and external to the department.
- (g) Maintaining and updating the Communications Center procedures manual.
 - (a) Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that their health and safety needs are met, as well as steps that they may take to preserve evidence.
 - (b) Ensuring dispatcher compliance with established policies and procedures.

The Communications Center

- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of University of California personnel to be notified in the event of a utility service emergency.
- (j) Maintaining a system for the documentation of misdirected emergency calls (including 911, blue light emergency telephones and elevator telephones) and ensuring they are forwarded to the appropriate entity for correction.

801.4.2 ADDITIONAL PROCEDURES

The Records and Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (i) Handling misdirected, silent and hang-up calls.
- (j) Handling private security alarms, if applicable.
- (k) Radio interoperability issues.

801.4.3 DISPATCHERS

Dispatchers report to the Records and Communications Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - (a) Emergency 9-1-1 lines.
 - (b) Business telephone lines.
 - (c) Telecommunications Device for the Deaf (TDD) / Text Telephone (TTY) equipment.
 - (d) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

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- (e) Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Promptly responding to emergency requests for assistance by department members whether via telephone, radio transmission, portable radio emergency alert button, or any other means.
- (c) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (d) Promptly and accurately updating CAD with the location and status of field personnel, as well as event information and event status updates.
- (e) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (f) Monitoring department video surveillance systems.
- (g) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (h) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - (a) Vehicle pursuits.
 - (b) Foot pursuits.
 - (c) Assignment of emergency response.
- (i) Monitoring department alarm systems

801.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, they shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and

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a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers shall provide callers with other information and/or service referrals upon request (e.g. emergency food & shelter resources, outside agencies, community services, University units / resources, hospitals, etc.). Callers with serious, urgent or extensive need for this type of assistance should be offered the opportunity to speak directly with a peace officer (or another qualified department member) whether by telephone or in person. If no officer or qualified department member is immediately available, the dispatcher shall provide the caller with the name of an appropriate department member and their telephone number (and/or email address), and forward the call to that voicemail if one exists.

Dispatchers should be courteous, patient and respectful when dealing with the public.

Dispatchers shall advise the caller of the department's response, which may include a direct response and/or referral to another agency.

801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

Upon receipt of a misdirected or hang-up emergency call from a location outside UCPD Berkeley's primary jurisdiction, the call shall be promptly forwarded or reported to the agency having primary jurisdiction at that location. If that location is also within UCPD Berkeley's routine patrol area, the dispatcher should then notify the supervisor or broadcast an informational message so that officers can determine if they should also respond.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

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801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field, and for authorized department members to communicate with each other in the field. All transmissions shall be professional and should be made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers and members acknowledging and responding promptly to radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Records and Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

University of California Police Department, Berkeley radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements. Dispatchers may view FCC rules and regulations from the computer in the Communications Center. The current FCC rules and regulations may be viewed at the following link:

[FCC Rules and Regulations](#)

801.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.7 BACKUP POWER GENERATOR

The Records and Communications Manager shall ensure the operational readiness of the backup power generator by ensuring and documenting:

- (a) Monthly, inspections and any necessary tests of the generator, and
- (b) Annually, a comprehensive test of the generator capacity under sustained and full load.

The Communications Center

An unscheduled power outage that results in the backup power generator successfully activating and operating for at least two hours may be documented as the equivalent of an annual comprehensive test.

801.8 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

801.9 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the department Protected Information policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

801.10 DISPATCHER SHIFT SELECTION

Dispatchers should be assigned to a shift based on bid preferences and according to seniority, in a manner consistent with the current applicable labor agreement. However, upon completion of initial training and while considered probationary, Dispatchers should be assigned to a shift based on department need, respecting the seniority and most recent shift bid preferences of other dispatchers as reasonably possible.

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Dispatchers on leave, or on modified duty with restrictions preventing them from performing full duties, may not bid for a shift assignment without confirmation prior to the shift bid process that they are clear to return to full duty on or before the first day of the new shift assignment.

Dispatchers completing probation, or returning from leave or modified duty that began after the start of the current shift assignment, should remain on or return to the shift to which they were most recently assigned until the next shift assignment, unless department needs dictate otherwise.

Dispatchers returning from leave that began before the start of the current shift assignment (and who did not bid for a shift) should be assigned to a shift until the next shift rotation based on department need, respecting the seniority and most recent shift bid preferences of other dispatchers as reasonably possible.

801.11 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

802.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING

Any department member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. Any member handling property shall take appropriate measures to keep it safe and secure while in possession and upon storage in department facilities. Particular care should be taken for items of exceptional value, sensitivity, or fragility.

In the case of items of found property with minimal value (keys, sunglasses, etc) they may be stored in the found property drawer in the Records Unit area.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the department member going off-duty unless otherwise approved by a supervisor due to exceptional circumstances. Members booking property shall observe the following guidelines:

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- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the storage room. Submit the completed property record into a numbered locker indicating the location of the property.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and/or dangerous drugs shall place them in a narcotics envelope and submit them into an evidence locker.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device, including fireworks, shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

The bomb squad is responsible for coordinating with Cal Fire to transport or destroy any fireworks, or signaling devices that are not retained as evidence.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property / Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property / Evidence Technician, or placed in the bicycle storage area until a Property / Evidence Technician can log the property.

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- (d) All cash shall be counted in the presence of a supervisor or second officer and the envelope initialed by the booking officer and the supervisor or second officer. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

University of California property, unless connected to a known criminal case, should be released directly to the appropriate University of California department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property / Evidence Technician shall ensure the Records and Communications Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

802.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Contraband

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802.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and/or dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed into an evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and/or dangerous drugs shall be packaged in an narcotics envelope of appropriate size available in the evidence booking room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and/or dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

802.5 RECORDING OF PROPERTY

The Property / Evidence Technician receiving custody of evidence or property shall record their signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and in the property control system.

Any changes in the location of property held by the University of California Police Department, Berkeley shall be noted in the property control system.

802.6 PROPERTY CONTROL

Each time the Property / Evidence Technician receives property or releases property to another person, they shall enter this information in the property control system. Officers desiring property for court shall contact the Property / Evidence Technician at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property / Evidence Technician. This request may be filled out any time after booking of the property or evidence.

Property and Evidence

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property / Evidence Technician releasing the evidence must complete the required information in the property control system and the evidence container. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the member making the delivery will record the delivery time on both copies, and indicate the locker in which the item was placed or the person to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

Property to be transported to the crime laboratory need not be repackaged so long as the existing packaging method complies with department standards, which are intended to meet crime laboratory standards.

802.6.3 STATUS OF PROPERTY

The Property and Evidence Technician is responsible for the management of records showing the status of all found, recovered, and evidentiary property maintained by the Department.

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property control system, stating the date, time and to whom released.

The Property / Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any department member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the property control system, indicating date, time, and the person who returned the property.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigations Section shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and notify the rightful owner of found property or evidence not needed for an investigation. The Property and Evidence Technician is responsible for the identification and notification of the rightful owner, and documentation of attempts to do so, unless the collecting department member did so prior to booking the property. Depending on the specific situation, reasonable efforts to identify and notify the rightful owner may include a review of related police reports or other relevant and available department or public information, and attempted contact by telephone, email, written letter, or in-person.

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Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property / Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Bureau Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property and Evidence Section will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364. The Investigations supervisor will provide assistance as necessary.

Property and Evidence

802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property / Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the University of California Police Department, Berkeley determines that person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned

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should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property / Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

Final disposition shall be completed within twelve (12) months after legal requirements have been met for all found, recovered and evidentiary property maintained by the department.

802.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.7.2 UNCLAIMED MONEY

Unclaimed money will be processed in accordance with University of California, Berkeley policies.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Bureau Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

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- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Operations Division Commander

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Bureau Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Operations Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Operations Division Commander should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8 INSPECTION AND REVIEW OF THE PROPERTY AND EVIDENCE FACILITIES AND PROGRAM

- (a) Annually or more frequently, the supervisor of the Property / Evidence Technician shall make an inspection of the property and evidence storage facilities, conduct an inventory of all evidence and property storage areas, audit property and evidence records and review property and evidence practices to ensure adherence to appropriate policies and procedures.
- (b) Annually or more frequently, and in addition to the supervisor's annual inspection as described immediately above, the Chief of Police shall direct the completion of an unannounced inspection of all property and evidence storage facilities and an audit of property and evidence records, to be conducted by a department member not routinely or directly connected with the property and evidence function.
- (c) Whenever a Property and Evidence Technician is newly assigned to or removed from their job, their supervisor shall direct an inventory of all evidence and property storage areas, to be conducted jointly by the new or continuing Property and Evidence

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Technician and a department member not routinely or directly connected with the property and evidence function as designated by the Chief of Police.

- (d) Whenever a new Chief of Police is appointed, the Property and Evidence Technician Supervisor shall direct an inventory of all evidence and property storage areas, to be conducted jointly by the Property and Evidence Technician and a department member not routinely or directly connected with the property and evidence function as designated by the new Chief of Police.

Records Section

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the University of California Police Department, Berkeley Records Section. The policy addresses department file access and internal requests for case reports.

803.2 POLICY

It is the policy of the University of California Police Department, Berkeley to maintain department records securely, professionally, and efficiently.

803.3 RESPONSIBILITIES

803.3.1 RECORDS AND COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records and Communications Manager. The Records and Communications Manager shall be directly responsible to the Administration Division Commander or the authorized designee.

The responsibilities of the Records and Communications Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - 1. Homicides.
 - 2. Cases involving department members or public officials.
 - 3. Any case where restricted access is prudent.

803.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.

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- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - (a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - (b) Suspected hate crimes (Penal Code § 13023).
 - (c) Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - (d) Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - (e) Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 - (f) Anti-reproductive rights crime information required by Penal Code § 13777.
 - (g) Uniform Crime Report (UCR) data in compliance with National and California Incident Based Reporting Systems (NIBRS / CIBRS) requirements.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
 - (a) Officer suicides
 - (b) Officer misconduct
 - (c) Uses of force
 - (d) Officer deaths or assaults
 - (e) Crime incidents
 - (f) Deaths in custody
- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant

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to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

- (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
- (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- (l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

803.3.3 RECORDS SECTION PROCEDURE MANUAL

The Records and Communications Manager should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

803.4 RECORDS MANAGEMENT SYSTEM

The Records and Communications Manager shall ensure the computer-based Records Management System (RMS):

- (a) Automatically assigns a unique number to each event or report when generated,
- (b) Maintains a master name index that can be viewed alphabetically,
- (c) Accurately classifies and allows for the retrieval of event records by type and location,
- (d) Includes a local arrest history for all persons who have been summoned, cited, or placed under custodial arrest by the department.

803.4.1 RMS ADMINISTRATION

To ensure the accurate status, classification, dissemination and disposition of reports, the Records and Communications Manager or their designee will:

- (a) Review RMS each workday to verify that event and case numbers are properly assigned and accounted for.
- (b) Regularly monitor the report submission and supervisory approval process within RMS to ensure reports are consistently:

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1. Completed in a timely manner as specified within policy,
2. Inclusive of all information necessary to generate an accurate and complete Daily Crime Log,
3. Updated with an appropriate final disposition in a timely manner, and
4. In compliance all other expectations for timely, accurate and complete reporting of required information.

If report discrepancies or deficiencies of these types are found, the Records and Communications Manager is responsible for notifying and consulting with the appropriate Field Operations supervisor or manager to correct the issue.

803.5 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports, including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section.

Department members seeking information and/or copies of files secured in the Records Section (other than information which they are authorized to access via their CAD/RMS account) shall submit a request in writing, for review and consideration by the Records and Communications Manager or their designee. Access to such information and/or copies of files when Records Section staff is not available may be obtained through the Watch Commander, who is responsible to send the Records and Communications Manager a written notice of any such access that was granted without unnecessary delay, including the date and time that access was granted, the specific information and/or files that were obtained, and to whom the information and/or files were provided.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records and Communications Supervisor. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

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803.7 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

803.8 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the University of California Police Department, Berkeley and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administration Sergeant. The Administration Sergeant should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Sergeant should forward the petition to the Criminal Investigations Bureau Sergeant and the Campus Counsel for review. After such review and consultation with the Campus Counsel, the Criminal Investigations Bureau Sergeant and the Administration Sergeant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Sergeant shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Sergeant should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

803.9 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

Restoration of Firearm Serial Numbers

804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

804.2 PROCEDURE

Any firearm coming into the possession of the University of California Police Department, Berkeley as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

804.2.3 PROPERTY / EVIDENCE TECHNICIAN RESPONSIBILITY

The Property / Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

Restoration of Firearm Serial Numbers

804.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

804.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property / Evidence Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

804.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

805.2 POLICY

The University of California Police Department, Berkeley is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule for all agency records in accordance with Federal, state and University requirements, including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in

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a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

805.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

805.4.2 REQUESTS BY CAMPUS AFFILIATES AND AFFILIATE PARENT OR GUARDIAN

For purposes of the preceding section, "any member of the public" includes UC Berkeley faculty, staff, and students or other affiliates, as well as any parent or legal guardian of a student or other campus affiliate.

805.5 DISSEMINATION OF POLICE REPORTS AND OPERATIONAL RECORDS

The Records and Communications Manager is responsible to maintain a record of all requests for and distribution of police reports and other operational records.

No copies of reports or operational records (hardcopy or electronic) shall be disseminated outside of the department without approval from the Records and Communications Manager, Chief of Police, a member of the Command Staff, or their authorized designee.

"Operational Records" includes any retained hardcopy or electronic documentation of the receipt / discovery, response to, and/or disposition of a call for service or another official police field activity, such as notes made by call-takers, dispatchers or other department members during a call for service or field activity, communications between department members during a call for service or field activity, photos, departmental audio or video recordings captured during a call for service or field activity, CAD event records and unit history records, and other similar CAD/RMS information (whether singular or aggregated).

805.5.1 CAMPUS UNITS AND OFFICIALS

Certain police reports may be forwarded to UC Berkeley campus units or officials without the completion of a signed and written request, when in compliance with other relevant portions of this policy, and once redacted as necessary and appropriate. This includes:

- (a) Fire Marshal - reports involving unauthorized or unsafe fires on campus property
- (b) Environmental Health & Safety - reports involving possible laboratory, workplace, or foodservice safety deficiencies, and environmental protection deficiencies

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- (c) University Health Services - reports involving campus affiliates' medical needs (including mental health concerns)
- (d) Office for the Prevention of Harassment & Discrimination (OPHD) - reports involving potential UC Berkeley SVSH and/or Title IX violations
- (e) Housing - reports involving alleged misconduct by housing residents, and residence hall safety/security deficiencies
- (f) Student Conduct - reports involving alleged violations of the Code of Student Conduct
- (g) People & Culture - reports involving alleged violations of campus policy by staff
- (h) Risk Services - reports involving concerns for University premise liability

805.5.2 OUTSIDE AGENCIES

Requests for police reports or operational records by outside law enforcement agencies may be made by telephone or in writing. Approval for the distribution of police reports or operational records may only be made upon verification of the recipient's need and right to access the information requested.

805.5.3 INSURANCE COMPANIES AND BACKGROUND INVESTIGATORS

Insurance companies and agencies and companies conducting background investigations may request records in writing via US mail, email, or fax. Approval for the distribution of police reports may only be made upon verification of the recipient's need and right to access the information requested.

805.6 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

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- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
 - 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the Campus Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).

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- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

805.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, Campus Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

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Each audio/video recording released should include the department name and to whom the record was released.

805.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records and Communications Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

805.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records and Communications Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

805.10 SECURITY BREACHES

The Custodian of Records shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account

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3. Medical information
 4. Health insurance information
 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 6. Unique biometric data
 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

805.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
1. The date of the notice.
 2. Name and contact information for the University of California Police Department, Berkeley.
 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 4. The estimated date or date range within which the security breach occurred.
 5. Whether the notification was delayed as a result of a law enforcement investigation.
 6. A general description of the security breach.
 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the University of California Police Department, Berkeley has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect themselves (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
- (a) Notification may be provided electronically or in another form directing the person to promptly change either their password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

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- (b) When the breach involves an email address that was furnished by the University of California Police Department, Berkeley, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

805.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject persons.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
 - 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

805.11 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

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805.11.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

805.11.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

805.11.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

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805.11.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the University of California Police Department, Berkeley. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected Information - Any information or data that is collected, stored or accessed by members of the University of California Police Department, Berkeley and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the University of California Police Department, Berkeley will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Protected Information

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, University of California Police Department, Berkeley policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records and Communications Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

806.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

806.7 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

Computers and Digital Evidence

807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 - 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 - 1. Where the computer was located and whether or not it was in operation.
 - 2. Who was using it at the time.
 - 3. Who claimed ownership.
 - 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and

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disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

807.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer's hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

807.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property Bureau to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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807.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers shall use the Axon Capture application on their department issued Personal Communication Device (PCD) when collecting digital photograph, digital audio recording, non-Body Worn video and Community Requested digital evidence. When using Axon Capture the application should be allowed "to use your location" on the PCD. All collected digital photographs, digital audio recordings, and non-Body Worn videos evidence should have the associated case or incident number and category added to the evidence metadata prior to uploading the evidence. All digital evidence should be uploaded prior to the end of shift.

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once digital evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way. Digital evidence should be uploaded into Evidence.com when practical.

When collecting digital evidence from the community the Axon Capture, Community Request invitation should be used. Prior to sending a Community Request for digital evidence, a case or incident number and category must be added to the request. A description should be added whenever practical.

Campus Video (Genetec) should be uploaded into Evidence.com if the footage captures a specific and finite incident. If the campus video involves an extended timeline (30 minutes or greater), or footage from multiple cameras, the video should be copied onto a DVD or alternate media type, and packaged and booked according to established standards and procedures. If large capacity media is required, please contact the UCPD Berkeley IT Unit.

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807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) should be copied to a CD and the CD submitted into evidence as soon as possible.
- (b) Officers should copy memory cards to a CD prior to reviewing the memory card.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and copy the card to a CD. The CD should be placed into a sleeve and submitted into evidence. The camera operator shall write their name and the related case number on the CD prior to submission.

807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

807.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Jeanne Clery Campus Security Act

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

808.2 POLICY

The University of California Police Department, Berkeley encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any University of California Police Department, Berkeley facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the University of California Police Department, Berkeley to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the University of California Police Department, Berkeley and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

808.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the University of California Police Department, Berkeley establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

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3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the University of California Police Department, Berkeley of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the University of California Police Department, Berkeley of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
 - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
 - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
 - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

808.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:
 1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the University of California Police Department, Berkeley or the institution (Education Code § 67380).
 - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the University of California Police Department, Berkeley is necessary to contact or detain the assailant (Education Code § 67380).
 - 2. If the institution discloses the identity of the alleged assailant to the University of California Police Department, Berkeley, the institution must immediately inform the victim of that disclosure (Education Code § 67380).
- (e) Ensure the victim receives the following information:
 - 1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing
 - 2. How to access transportation to an examination site, including transportation options provided or arranged by the campus

808.4 RECORDS COLLECTION AND RETENTION

The Records and Communications Manager is responsible for maintaining University of California Police Department, Berkeley statistics and providing them to the Campus Clery Coordinator.

The Campus Clery Coordinator is responsible making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder

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2. Sex offenses
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 - (a) On campus.
 - (b) In or on a non-campus building or property.
 - (c) On public property.
 - (d) In dormitories or other on-campus, residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the University of California Police Department, Berkeley (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

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808.4.1 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records and Communications Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the University of California Police Department, Berkeley and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the University of California Police Department, Berkeley for which a written report is prepared.

808.4.2 DAILY CRIME LOG

The Records and Communications Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the University of California Police Department, Berkeley, including the nature, date, time and general location of each crime, the date the crime was reported, and the disposition of the criminal complaint, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

808.5 INFORMATION DISSEMINATION

It is the responsibility of the Campus Clery Coordinator to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

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- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Enforcement policies related to alcohol and illegal drugs.
 - 6. Locations where the campus community can obtain information about registered sex offenders.
 - 7. Emergency response and evacuation procedures.
 - 8. Missing student notification procedures.
 - 9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

808.6 AGENCY SPECIFIC CONTENT

808.6.1 EMERGENCY NOTIFICATION AND TIMELY WARNING PROCEDURE

See the Public Alerts policy for specific procedures for issuing emergency notifications and timely warnings.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the University of California Police Department, Berkeley for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Safety Checks - Direct, visual observation by a member of this department performed no less than every fifteen minutes, to provide for the health and welfare of adults in temporary custody.

Temporary Custody - The time period an adult is in custody at the University of California Police Department, Berkeley prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The University of California Police Department, Berkeley is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the University of California Police Department, Berkeley, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until

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evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

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No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to a jail facility or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will remain in temporary custody, be immediately released, or be transported to a jail or other facility.

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.

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- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the University of California Police Department, Berkeley, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Date and time of release from the University of California Police Department, Berkeley.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

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- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in department custody be injured or become ill, or is physically disabled beyond an officer's ability to assist, the handling officer should notify dispatch, request the patrol supervisor's response, and facilitate appropriate medical assistance without unnecessary delay. Officers should not initiate transport of such a prisoner prior to medical and/or supervisory evaluation, but if transport is already underway the officer may proceed to a nearby appropriate medical, fire or law enforcement facility.

Should a jail or other secure facility contact the department to request assistance with a prisoner who was booked by the department and now requires medical care that the facility is unable to provide, the patrol supervisor is responsible to determine if the prisoner should be released from custody (PC § 849) if appropriate given the nature of the offense, or if custody of the prisoner should be maintained during any necessary medical transport, evaluation and treatment. The supervisor shall assign one or more officers to facilitate either option.

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In both of the above situations, the patrol supervisor should evaluate the situation and determine the need for any additional action.. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital or a custodial facility with sufficient capacity for medical care. If the person is transported while still in custody, the person will be accompanied by an officer. The supervisor and handling officer(s) are responsible to ensure that any additional necessary documentation or notifications are completed in a timely manner.

Those who require medication while in temporary custody should not be held at the University of California Police Department, Berkeley. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

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1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other

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applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs may be removed when the person is in the interview room.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the University of California Police Department, Berkeley unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another

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person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the University of California Police Department, Berkeley. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Operations Division Commander
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the Campus Counsel
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.9 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.

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- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the University of California Police Department, Berkeley unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
- (a)
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.9.1 TRANSFER INTO JAIL OR HOLDING FACILITY

When a prisoner is transferred into custody at a jail or other appropriate holding facility, the member conducting the transfer should ensure the following:

- (a) As required for entry by the jail or other facility, firearms and other weapons are secured, whether in designated secure storage provided by the facility, or locked in the rear trunk (or another fixed and secure container) of a department vehicle parked within a secure parking lot.
- (b) Restraining devices are removed from a prisoner according to facility procedures or as directed by facility staff, and when the officer is certain the prisoner is properly controlled within a secure environment (i.e., holding cell, booking room).
- (c) Any known threat, danger or unusual security risk the prisoner may pose (e.g. escape risk, suicide potential, medical condition) is communicated to facility staff.
- (d) Any known use of prescribed medications, controlled substances or intoxicants by the prisoner are communicated to facility staff.
- (e) Any use of force utilized against the person in custody (i.e., use of a weapon, physical control techniques other than simple use of handcuffs), any known resultant injuries, and if the person was treated and cleared for custody by medical personnel.
- (f) Any required booking forms and/or declaration of probable cause is completed.
- (g) Documentation of the transfer (i.e. a receipt or completed booking form) is collected from the jail or other facility staff, whether physical or electronic.

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900.9.2 TRANSFER INTO A MEDICAL FACILITY

When a prisoner is transported to a medical facility and must be admitted for treatment, the member conducting the transfer should notify the on-duty patrol supervisor without unnecessary delay and determine how to proceed. Options may include, but are not limited to, the following:

- (a) Release the prisoner from custody (PC § 849) if appropriate given the nature of the offense.
- (b) If release from custody is not appropriate and the facility is non-secure, maintain uninterrupted observation of the prisoner during medical evaluation and treatment.
- (c) Identify an alternate secure facility qualified to provide any necessary medical care.
- (d) Utilize any secure / private treatment room or area that might be available within the medical facility.
- (e) If the prisoner is held securely by the facility, arrange for notification to the department when the prisoner is ready for pick-up.

Prisoners receiving medical evaluation and/or treatment in a non-secure facility should remain restrained except when necessary as directed by the treating medical provider, or with specific approval by the patrol supervisor. Within a secure facility, the use of prisoner restraints should be consistent with that facility's policies and procedures.

900.10 STATEWIDE OR REGIONAL DISASTERS

In cases of statewide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.11 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place their initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.12 TRANSPORT OF A PRISONER WITH A DISABILITY

Prior to the transport of a prisoner with a disability, the assigned officer shall determine if precautions or accommodations might be necessary to maintain safety and security during transport, and shall contact the patrol supervisor without unnecessary delay if a concern is identified.

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The patrol supervisor is responsible to evaluate the situation and help determine what proper and safe actions are needed. This evaluation should take into consideration the prisoner's own assessment of their capacities and limitations and may also include advice from a qualified medical provider or specialist. Options to consider may include paramedic transport or any specialized transport vehicles that may be available from another agency or service.

The jail or other facility where the prisoner with a disability is to be transported should be contacted in advance to verify they will be able to accept the prisoner.

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the University of California Police Department, Berkeley facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the jail facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as

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the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's University of California Police Department, Berkeley identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any University of California Police Department, Berkeley facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at University of California Police Department, Berkeley facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.

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8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted

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by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for all employment recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the University of California Police Department, Berkeley and that are promulgated and maintained by Office of People and Culture.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the University of California Police Department, Berkeley provides equal opportunities for applicants and department members regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, member, or group of members unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

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The Administration Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
 - (j) Review board or selection committee assessment
 - (k) Relevant national and state decertification records, if available
 - (l) Any relevant information in the National Law Enforcement Accountability Database

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough and documented background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the University of California Police Department, Berkeley (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the University of California Police Department, Berkeley, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.3 STATE NOTICES

If information disclosed in a candidate's Criminal Offender Record Information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.4 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR

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1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

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1000.5.6 COMPLETION AND APPROVAL

Background investigations must be complete and approved before a prospective department member begins performing the role(s) and responsibilities of the position for which they are under consideration.

To be considered complete, In addition to all other applicable requirements of this policy, every candidate's background investigation must include a thorough verification, review and evaluation of:

- (a) All qualifying credentials,
- (b) All prior criminal justice employment, including terms of separation,
- (c) Any criminal record, and
- (d) Statements / information from at least three professional references.

1000.5.7 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.8 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5.9 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence

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- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators (i.e. ratings criteria and/or minimum qualifications) for candidate evaluation and be administered, scored, and interpreted in a uniform manner. The Office of People and Culture should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

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- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

1000.7.3 MEDICAL EVALUATION

A pre-service medical evaluation performed by a licensed medical practitioner, prior to appointment, is required for all sworn officer positions and for all other positions with duties that include the enforcement of University rules and regulations.

1000.7.4 PSYCHOLOGICAL EVALUATION

A pre-service psychological evaluation performed by a licensed psychologist or psychiatrist, prior to appointment, is required for all sworn officer positions and public safety dispatcher positions.

1000.8 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the University of California, Berkeley Office of People and Culture to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Department Members

1001.1 PURPOSE AND SCOPE

The Department's department member performance evaluation system is designed to record work performance for both the Department and the member, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The University of California Police Department, Berkeley utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The performance evaluation report is intended to serve as a guide for work planning and review by the supervisor and the department member. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates department members in a non-discriminatory manner based upon job-related factors specific to the member's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each department member's immediate supervisor. Other supervisors directly familiar with the member's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and professional staff supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each department member they supervise at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of a member's job performance is an ongoing process. Continued coaching and feedback provides supervisors and members with opportunities to correct performance issues as they arise.

Non-probationary members demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Evaluation of Department Members

Department members who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.4 FULL TIME PROBATIONARY PERSONNEL

Professional Staff personnel, other than Public Safety Dispatchers, are on probation for six months before being eligible for certification as permanent department members. An evaluation is completed monthly for all full-time professional staff personnel during the probationary period.

Public Safety Dispatcher (PSD) personnel are on probation for 12 months before being eligible for certification as permanent department members. Probationary PSDs are evaluated weekly and monthly during the probationary period

Sworn personnel are on probation for 12 months before being eligible for certification as permanent department members. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent department members are subject to three types of performance evaluations:

Regular - A Performance Evaluation shall be completed once each year by the employee's immediate supervisor, during the month identified by the Office of People and Culture. The evaluation shall encompass the past twelve month period.

Transfer - If a department member is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to member performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS

When completing the performance evaluation report, the rater will place a check mark in the column that best describes the member's performance. The definition of each rating category is as follows:

Exceptional (or "Superior") - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards (or "More than Satisfactory") - Represents performance that is better than expected of a fully competent department member. It is superior to what is expected, but is not of such rare nature to warrant a rating of "Exceptional."

Meets Standards (or "Satisfactory") - Is the performance of a fully competent department member. It means satisfactory performance that meets the standards required of the position.

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Needs Improvement (or "Improvement Needed") - Is a level of performance less than that expected of a fully competent department member and less than the standards required of the position. A "Needs Improvement" rating must be thoroughly discussed with the member.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided in the rater comments section(s). This section allows the rater to document the department member's strengths, weaknesses, and to provide suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed their preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the department member. The supervisor should discuss the results of the just completed rating period and clarify any questions the member may have. If the member has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation report. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. Members may also write comments in the membercomments section of the performance evaluation report.

A non-probationary career member who receives an overall rating of less than "Meets Standards" may file a grievance in accordance with their applicable Memorandum of Understanding.

1001.7 EVALUATION REVIEW

Upon completing the preliminary evaluation process with a department member, the supervisor shall complete the evaluation report and forward it to the Division Commander, via the Chain of Command. Evaluations with an overall rating of "Meets Standards" or "Exceeds Standards" shall be returned to the appropriate supervisor for final review, and opportunity for signing by the evaluated member. Upon the member's signing (or refusal to sign), the evaluation report will be forwarded to the Chief of Police. Evaluations with an overall rating of "Unsatisfactory", "Needs Improvement" or "Exceptional" shall be forward to the Chief of Police, via the Chain of Command, prior to it being returned to the supervisor for the member's signature.

Supervisors shall meet individually with the department members they supervise to review and discuss evaluations prior to the member being asked to sign the evaluation report.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation report shall be maintained in the department member's personnel file in the office of the Chief of Police for the tenure of the member's employment. A copy will be provided to the member, upon request.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the University of California Police Department, Berkeley.

1002.2 POLICY

The University of California Police Department, Berkeley determines special assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications, and with the intent to provide an opportunity for department members to develop skills and gain experience that provide unique and/or redundant capacity for the department. Special assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Detective
- (b) Motorcycle officer
- (c) Field Training officer
- (d) Corporal
- (e) Crime Prevention Officer
- (f) Canine Handler
- (g) Bomb Technician
- (h) Systemwide Response Team Member
- (i) Other specialty assignments designated as Specialist by the Chief of Police

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Two years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by POST, law, and/or policy
- (d) Exceptional skills, experience, or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria should be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in their performance.
- (c) Expressed an interest in the assignment.

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- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner
- (e) Demonstrates the capability or potential to fulfill the responsibilities of the special assignment in question.

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police.

For every special assignment selection process,

- (a) All potentially eligible candidates shall be provided the opportunity to receive and review all applicable selection process announcements when issued.
- (b) The requirements for eligibility shall be clearly stated in the announcement.
- (c) The time limit to apply and/or complete any aspect of the selection process process shall be communicated to all potentially eligible candidates, with reasonably sufficient time to comply.

The components of a special assignment selection process shall consist of the following:

- (a) Supervisor recommendations - The candidate's current or most recent supervisor shall submit a recommendation. The candidate's past supervisor(s) may also or instead be required to submit a recommendation at the Division Commander's discretion.
 - 1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- (b) Division Commander interview - The Division Commander is responsible to ensure that interviews are scheduled with each candidate.
 - 1. Interviews should be conducted by a panel which includes the Division Commander and at least two other department members of equal or greater rank than the candidate who have relevant knowledge, skills, and/or experience. Additional panelists may be included at the Division Commander's discretion.
 - 2. Interviews should consist of a pre-determined set of questions that are uniformly presented to each candidate and evaluated according to a standard rubric.

Special Assignments and Promotions

3. The Division Commander shall ensure that all interview materials are preserved and submitted to the Office of the Chief for purposes of appropriate records retention.
4. Non-selected candidates may contact the Office of the Chief, who will identify the appropriate person from whom to receive feedback on their candidacy.
5. Additional job-related and non-discriminatory assessments or evaluative events may be utilized at the Division Commander's discretion.

Based on supervisor recommendations and the interview evaluation results, the Division Commander will submit their recommendations to the Chief of Police. The Chief of Police shall review and determine the outcome of the selection process, or may direct the Division Commander to conduct additional assessment or analysis prior to making a final decision.

The selection process for all special assignments may be waived for temporary assignments, emergency situations, or critical department training needs, at the discretion of the Chief of Police.

As an exception to this process, the Administrative Sergeant position may be appointed at the sole discretion of the Chief of Police.

1002.4 SPECIAL ASSIGNMENT TERM LENGTH

Special assignments are usually for the period of three years, then reviewed and renewable annually for up to an additional two years unless otherwise specified in the job description or job-specific order. They may be extended further based on performance or the needs of the Department. Renewal of assignments shall be based upon an evaluation of overall performance and a recommendation by the Division Commander, subject to approval by the Chief of Police.

New assignments will become effective on the date designated by the Chief of Police. Should a vacancy occur in a special assignment at a time other than the annual rotation, it will be filled by appointment by the Chief of Police upon completion of a selection process. If a department member has completed more than six months in the special assignment at the date of the next annual rotation, they will be considered to have completed a full year.

1002.5 PROMOTIONAL PROCESS REQUIREMENTS

Requirements and information regarding any promotional process are available at the University of California, Berkeley Office of People and Culture or from the Office of the Chief. For every promotional process:

- (a) All potentially eligible candidates shall be provided the opportunity to receive and review all applicable promotional announcements when issued.
- (b) The person with primary responsibility for administering the promotional process shall be identified in the announcement.
- (c) The requirements for eligibility shall be clearly stated in the announcement.
- (d) The time limit to apply and/or complete any aspect of the promotional process shall be communicated to all potentially eligible candidates, with reasonably sufficient time to comply.

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- (e) Any required or recommended reference materials, study guides, or other specific sources of skill or knowledge that will be evaluated shall be communicated to all potentially eligible candidates at the same time.
- (f) All evaluative categories, criteria and standards for any element of the promotional process shall be provided to every eligible candidate at least two (2) weeks in advance of their use.
- (g) Interviews, assessments or events required as part of the promotional process shall be scheduled at a time, location, and with sufficiently advance notice to ensure all eligible candidates have a reasonable opportunity to participate and arrange any necessary accommodations beforehand.
- (h) Previous promotional announcements and any established procedures, expectations or criteria for promotional positions will be made available to any potentially eligible candidate for review at any time.
- (i) All components, elements and criteria used in every promotional process shall be job-related and non-discriminatory.
- (j) Interviews should be conducted by one or more panels which include members who have relevant knowledge, skills, and/or experience.
 - 1. At least one panel shall include the Division Commander and at least two other department members of equal or greater rank than the candidate. Additional panelists may be included at the discretion of the person with primary responsibility for administering the promotional process.
- (k) Interviews should consist of a pre-determined set of questions that are uniformly presented to each candidate and evaluated according to a standard rubric.
- (l) The person with primary responsibility for administering the promotional process shall ensure that all interview materials are preserved and submitted to the Office of the Chief for purposes of appropriate records retention.
- (m) Non-selected candidates may contact the Office of People and Culture and/or the Office of the Chief, who will identify the appropriate person from whom to receive feedback on their candidacy.

1002.6 TRAINING UPON PROMOTION OR SPECIAL ASSIGNMENT SELECTION

Refer to the department Training policy for guidance on the training of department personnel who are newly promoted or selected for special assignments.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.2 PROCEDURE

All grievances will be handled in accordance with the appropriate bargaining unit Memorandum of Understanding and University of California, Berkeley Human Resources policy.

1003.3 GRIEVANCE AUDITS

The Training Manager shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Manager shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Manager should promptly notify the Chief of Police.

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1004.2 POLICY

The University of California Police Department, Berkeley has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

1004.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the University of California Assistant Vice Chancellor of People and Culture.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

Anti-Retaliation

- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

Anti-Retaliation

1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1004.8 RECORDS RETENTION AND RELEASE

The Administrative Services Division Commander shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1005.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Reporting of Employee Convictions

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1005.5.1 NOTIFICATION REQUIREMENTS

The Administration Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Supervisor shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1006.3.2 CANNABIS

Possession, use, or being under the influence of cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the University of California, Berkeley Office of People and Culture, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 SCREENING TESTS

A supervisor may request an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the University of California personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1007.2 POLICY

It is the policy of the University of California Police Department, Berkeley to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Patrol Sergeant, Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or Office of People and Culture as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1007.6 REQUIRED NOTICES

The Assistant Vice Chancellor of People and Culture shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1007.7 AGENCY SPECIFIC CONTENT

1007.8 SICK LEAVE REVIEW

Supervisors shall review sick leave records monthly and initiate a sick leave review whenever an employee has used more than 40 hours of sick leave within a six (6) month period or whenever there are indications of health neglect or possible sick leave abuse. The procedure will consist of a review and analysis of the employee's sick leave usage and a discussion with the employee concerning that record. Supervisors shall not inquire about specific medical information. Based on this review, the supervisor will make a decision as to appropriate action. This may include conducting an administrative investigation, informal referral to the employee assistance program, or requirement of proof of future claims of illness as provided in the following paragraphs.

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- (a) **Review and Discussion:** The supervisor will review and discuss the employee's sick leave record with the employee in an attempt to identify the cause or contributing factors to the use of sick leave. The goal is to assist the employee with appropriate remedies if possible.

1007.8.1 SICK LEAVE CATEGORY DETERMINATION

Following the review and discussion, the supervisor will prepare and forward a memo through the chain of command to the Division Commander outlining and analyzing the employee's sick leave record and include a recommendation as to appropriate department action.

In most instances, supervisor's recommendations will be based on one of three category determinations:

- (a) **Category #1 (Unavoidable):** The use of sick leave was unavoidable such as a one-time lengthy illness or injury and there are no factors to be considered which would lead to improvement.
- (b) **Category #2 (Avoidable):** The use of sick leave may have been avoidable. Included in this determination will be any factors that may be causing the sick leave and a recommendation to the employee to improve his/her sick leave record. Optional recommendations in this category may include referrals for medical examination, referrals to the employee assistance program, recommendations for reassignment and/or limitations on overtime and a requirement of medical verification.
- (c) **Category #3 (Abusive):** The use of sick leave appears to have been abusive or has potential for abuse based on the employee's record. The employee will be directed to obtain and submit a physician's certificate for any sick leave taken during the next six (6) months. Such certificates must be acceptable to the Department and will be a condition, not a guarantee, of the granting of sick leave with pay.

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable Disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the University of California Police Department, Berkeley. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The University of California Police Department, Berkeley is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the City of Berkeley Health Officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
- (g)

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the City of Berkeley Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the City of Berkeley Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult with Campus Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in University of California Police Department, Berkeley facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The University of California Police Department, Berkeley recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the University of California Police Department, Berkeley.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside University of California facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1009.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the University of California Police Department, Berkeley as well as complaints about department policies, procedures, or practices. For purposes of this policy, "department members" includes any volunteers or contract employees of the department.

This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The University of California Police Department, Berkeley takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept, document, investigate, and determine the appropriate resolution for all complaints of misconduct (including illegal activity) by the department or its members in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community and department members can report misconduct and provide other critical input without concern for reprisal or retaliation.

1010.3 PERSONNEL AND AGENCY COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance committed by one or more department members that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Agency complaints include any allegations of unlawful, significantly deficient, or otherwise inappropriate department policies, procedures, practices, or activities, and which do not involve any allegation of misconduct or improper job performance by any individual department members. Agency complaints may be generated only by the public. Department members with concerns about department policies, procedures, practices, or activities should address them via the chain of command or pursuant to the Grievance Procedure policy.

Allegations about department member conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall be considered an agency complaint rather than a personnel complaint. The resolution of such inquiries generally includes providing the complainant with clarification regarding policy, procedures or the response to specific incidents by the Department.

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Personnel Complaints

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified as either formal or informal. Agency complaints shall all be classified as informal.

Informal - A matter in which the applicable Division Commander is satisfied that appropriate action has been or can be taken by a supervisor (of rank greater than any accused member).

Formal - Any matter in which a supervisor determines that disciplinary action by the department against a department member may be warranted. Such complaints shall be referred to the Professional Standards Unit manager for review and any necessary investigation or other action.

Whether formal or informal, a complaint shall also be classified as incomplete or withdrawn as follows:

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable any time after lodging the complaint. At the discretion of the Professional Standards Unit manager, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Withdrawn - A matter in which the complaining party clearly communicates to the department they no longer wish to pursue an administrative outcome before one has been reached. At the discretion of the Professional Standards Unit manager, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of personnel and agency complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint intake based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

The Department makes available to the public procedures for filing complaints as follows.

1010.4.1 COMPLAINT PROCESS SYSTEMS AND FORMS

The Professional Standards Unit manager is responsible to ensure all complaint process systems, forms and documents are maintained and available at all times, including:

- (a) **Personnel / agency complaint forms and instructions** will be displayed in a clearly visible location in the public area of the police facility and be accessible through the

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department website. Forms and instructions may also be made available at other University of California locations.

- (b) **Complaint intake forms**, for use by supervisors and managers.
- (c) **Pre-written notices of members' rights and responsibilities**, for distribution by a supervisor or manager to an accused department member upon the assignment to investigate an informal complaint.
- (d) Any other system, form or document necessary for the intake, investigation, tracking, or resolution of a complaint.

Complaint process forms and documents in languages other than English should also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE OF COMPLAINTS

All complaints will be courteously accepted by any department member and promptly routed to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant.

The supervisor, upon the receipt of a complaint or contact with the complainant, shall complete and submit a complaint intake form. No more than one complaint intake form need be submitted for the same complainant per incident.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7), and the completion of this task shall be noted within the complaint intake form.

In the absence of an appropriate supervisor, any department manager may accept and handle a complaint in a manner consistent with this policy.

1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1010.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

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1010.5 DOCUMENTATION

Supervisors shall ensure that their receipt of all formal and informal complaints are documented on a complaint intake form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. The intake form shall include the date and time that the complaint was received, and the name and badge number of the supervisor who received the complaint.

- (a) This date of intake and the supervisor's badge number shall be used as a tracking number, in combination with the number of complaint intakes completed by that supervisor on that day, with the following format: MMDDYY - BADGE - #. For example, "020823-13-2" would be the tracking number for the second complaint intake completed by the supervisor with badge number 13 on February 8, 2023.
- (b) Without unnecessary delay, the supervisor shall submit the complaint intake form and any other relevant materials (including all materials submitted by the complainant) to the applicable Division Commander (or their designee) for review.

Upon receipt and review, the Division Commander shall forward all formal complaint forms and supplementary materials to the Professional Standards Unit manager without unnecessary delay.

Once an informal complaint is resolved or converted into a formal complaint, the Division Commander shall forward all such complaint forms and supplementary materials to the Professional Standards Unit manager without unnecessary delay.

Any subsequent complaint forms, statements or other materials presented to the department by the complainant or other parties to the complaint shall be routed in the same fashion, unless received directly by the assigned investigator, the Division Commander, or the Professional Standards Unit manager.

1010.5.1 CHIEF OF POLICE NOTIFICATION

The Professional Standards Unit manager, upon receipt of a formal or a resolved informal complaint, shall notify the Chief of Police and provide them with a copy of the complaint as soon as practical.

1010.5.2 COMPLAINT LOG

The Professional Standards Unit manager is responsible to record and track the status of all complaints in a log. At a minimum, this complaint log shall include all information required for a complaint log audit, as described herein.

1010.5.3 COMPLAINT LOG AUDITS

Annually, the Administration Division Commander is responsible for an audit of the complaint log, and to compile a report with a statistical summary of all complaints and related investigations. This report shall include any unresolved informal complaints that any Division Commander is actively managing. The statistical summary should include, at a minimum, the following:

- (a) The complaint intake form tracking number and any assigned Complaint File Number (CFN).

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- (b) Each complainant's affiliation to the University (student, staff, faculty, unaffiliated, unknown);
- (c) Type of complaint (personnel or agency);
- (d) For personnel complaints, the source (external or internal);
- (e) Classification of complaint (formal or informal, and if incomplete or withdrawn);
- (f) Each allegation, by type (unprofessional conduct, discrimination, dishonesty, excessive force, false detention/arrest, etc.);
- (g) Current investigative status of the complaint (active, submitted, approved); and
- (h) For resolved formal complaints only - the disposition of each allegation (sustained, not sustained, exonerated, unfounded).

Upon review and approval of this report by the Chief of Police, the Administration Division Commander shall make it available to the public and to all department members.

1010.6 ADMINISTRATIVE INVESTIGATIONS

The Professional Standards Unit manager has overall responsibility for the complaint investigation process, with the authority to report directly to the Chief of Police for this purpose.

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any complaint, a complaint intake form is completed.
 - 1. The complaint intake form will be directed to the Division Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those informal personnel and agency complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the complaint intake form or in a supplementary memo and forward it to the Division Commander.

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- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Professional Standards Unit manager and/or the Division Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel and agency complaints to the Division Commander, who will determine whether to continue to attempt informal investigation and resolution, or to route the complaint to the Professional Standards Unit manager.
- (g) Completing a complaint intake as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
 - 3. Providing the complainant with the complaint intake tracking number and their own name and badge number.
- (h) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (i) Ensuring interviews of the complainant and any other parties are generally conducted during reasonable hours.

1010.6.2 INFORMAL COMPLAINT INVESTIGATION ASSIGNMENTS

Upon receiving a complaint intake form, the Division Commander is responsible to confirm if the complaint should be classified as a formal complaint and routed to the Professional Standards Unit manager, or if it should be classified as an informal complaint and assigned to a supervisor for investigation and resolution.

In general, the primary responsibility for the investigation of an informal personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Division Commander or their authorized designee may direct that another supervisor investigate any complaint.

Informal personnel complaints should be resolved with five (5) business days and returned to the Division Commander. If unable to resolve, the complaint should be reclassified as formal and the Division Commander should forward it to the Professional Standards Unit manager without unnecessary delay.

An agency complaint may be assigned to any appropriate supervisor or manager for investigation and resolution. Agency complaints should be resolved within ten (10) business days and returned to the Division Commander for approval or any other necessary action. Once resolved, the Division Commander shall forward the agency complaint to the Professional Standards Unit manager without unnecessary delay.

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1010.6.3 FORMAL COMPLAINT INVESTIGATION ASSIGNMENTS

The Professional Standards Unit manager, in consultation with the Chief of Police or other Command Staff member(s) as necessary, shall review and assign all formal complaints for administrative investigation.

- (a) The assigned investigator may be a qualified supervisor or manager with appropriate training and who is not the complainant, not the ultimate decision-maker regarding disciplinary action that may be necessary, and who has no personal involvement regarding the alleged misconduct.
- (b) The Chief of Police or their authorized designee may direct that another appropriate department member investigate any complaint, and may approve the assignment of a formal complaint investigation to an independent authority when necessary. Any independent authority assigned to complete a formal complaint investigation is subject to all the same laws, policies and procedures relevant to the investigation as would be an assigned department member.

The Professional Standards Unit manager shall assign each formal complaint a Complaint File Number (CFN) according to a standardized format.

Within three (3) days of the assignment of a formal complaint, the Professional Standards Unit manager shall send official notice to each complainant which includes the CFN, the name and contact information of the assigned investigator, and any additional required or clarifying details.

1010.6.4 NOTIFICATION TO DEPARTMENT MEMBER

At the outset of an investigation, the accused member shall be provided a written notice of the allegations and the member's rights and responsibilities relative to the investigation, as follows:

- (a) Formal investigations - by the Professional Standards Unit manager
- (b) Informal investigations - by the assigned investigator, using a pre-written form provided by the Professional Standards Unit manager, with the complaint intake tracking number noted.

1010.6.5 INVESTIGATION PROCEDURES (POBR)

Whether during a formal or informal investigation, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the University of California Police Department, Berkeley or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

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- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1010.6.6 FORMAL INVESTIGATION REPORT FORMAT

Formal investigations of personnel complaints shall be thorough, complete and timely. The formal investigation report format shall include the following sections:

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Introduction - Including the Complaint File Number (CFN), the identity of the accused member(s), the identity of the assigned investigator(s), the dates of investigatory assignment and submission, and the name of the complainant or the source of the complaint.

Allegations - a point-by-point list of each allegation, including specific reference to policies that may have been violated.

Synopsis - Provide a summary of the facts giving rise to the investigation, including a description of the incident(s) and all physical evidence or documentation.

List of parties - A list of all persons contacted or identified as parties to the investigation, including those persons identified but not interviewed.

Interviews and statements - summaries of all interviews and statements.

Additional evidence - summaries and analysis of any other sources of information or evidence.

Summary of investigation - a description and log of investigatory actions and efforts, including time spent.

Findings - a point-by-point review of each allegation, including specific reference to policies that may have been violated, with a brief summary of the relevant facts as established during the investigation that either corroborate or contradict each allegation. This must include an effort to reconcile any conflicting facts.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.7 FORMAL COMPLAINT DISPOSITIONS

Each allegation within a resolved formal personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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1010.6.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1010.6.9 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate. If the investigation is likely to (or does) extend beyond thirty (30) days from the date of assignment, and for every subsequent thirty (30) day extension so required, the investigator shall notify the Professional Standards Unit manager, who shall send notice to the complainant of the extension and investigation status, until such time as the investigation is completed.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

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- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The University of California Police Department, Berkeley may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, the investigator shall submit their report and all supporting materials to the Professional Standards Unit manager.

The Professional Standards Unit manager should review the report, make an initial assessment as to the sufficiency of the investigation, and return it to the investigator for additional investigation if clearly necessary.

Otherwise, the Professional Standards Unit manager shall convene a Sufficiency Review Board (SRB) and schedule a SRB hearing.

1010.10.1 SUFFICIENCY REVIEW BOARD

The core members of the Sufficiency Review Board (SRB) are the Professional Standards Unit manager, the Division Commander of the accused member, and one other member of the command staff (except the Chief of Police). The Chief of Police may appoint an alternate for any core SRB member who might be the complainant, or have any personal involvement in the alleged misconduct, or have another apparent conflict of interest.

For external complaints only, when requested by the accused member, the Professional Standards Unit manager will appoint to the SRB a supervisor and/or a co-worker from a list of four of each as provided by the member. Their function will be limited to reviewing the sufficiency of the investigation.

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In cases involving violations of the University Sexual Violence and Sexual Harassment policy, the Chief of Police shall appoint the campus Title IX officer (or their designee) as a member of the SRB, with the sole purpose of reviewing the sufficiency of the investigation.

The assigned investigator may be requested to be present at the SRB hearing to explain aspects of the investigation but is not a member of the SRB and their function is limited only to answering SRB member questions.

1010.10.2 SRB HEARING PROCEDURES

All Sufficiency Review Board (SRB) members will have access to a confidential copy of the formal investigation report at least one (1) week in advance of the SRB hearing.

At the hearing, the Professional Standards Unit manager is designated as the chair, moderator and final arbitrator of any non-unanimous decisions.

The SRB will first determine if the investigation is sufficient. If not sufficient, the SRB shall identify what additional effort(s) should be attempted by the assigned investigator and reconvene upon completion of those efforts.

If the SRB determines the investigation is sufficient, all but the core SRB members shall be excused. The core SRB members shall then make a recommendation for the disposition for each allegation, and also make a recommendation for any necessary disciplinary action and/or other outcomes. The Professional Standards Unit manager shall complete a written summary of the SRB's recommendations and provide it to the Chief of Police, along with the investigation and all supporting materials.

1010.10.3 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may accept or modify any recommendation and/or may return the file to the Professional Standards Unit manager for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

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2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed their response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Professional Standards Unit manager or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1010.10.5 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused department member with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The member shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The member may suggest that further investigation could be conducted or the member may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the member shall be provided with the results prior to the imposition of any discipline.
- (e) The member may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by

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itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary department members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The member has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or applicable personnel rules.

In the event of punitive action against a member covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary department members and those members other than non-probationary members may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary members and those other than non-probationary members subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel and/or agency complaint records and investigations shall be securely maintained within the Professional Standards Unit, to protect confidentiality of the content and all involved parties. Complaint records and investigations, and requests for access thereof, will be retained in accordance with the established records retention schedule and in a manner consistent with department policies on the Records Section, Records Maintenance and Release, and Personnel Records.

1010.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

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- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the University of California Police Department, Berkeley based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

1010.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations
 - 2. Date and time of incidents
 - 3. Location of occurrence
 - 4. Any witness information, if available
 - 5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

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Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1010.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child Restraint System - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 POLICY

It is the policy of the University of California Police Department, Berkeley that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1011.5 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat

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belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.5.1 PRE-TRANSPORT SAFETY INSPECTION

Prior to the transport of any suspect, prisoner, or arrestee, the transporting officer shall inspect the rear compartment of the transporting vehicle to ensure the seat belt is operational and that the vehicle's doors and windows are not operable from the interior of the rear compartment (if so designed with that capacity).

1011.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers and unarmed department members with guidelines for the approval and proper use of body armor.

1012.2 POLICY

It is the policy of the University of California Police Department, Berkeley to maximize officer and unarmed department member safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Administration Sergeant shall ensure that body armor is issued to all officers when the officer begins service at the University of California Police Department, Berkeley and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration Sergeant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in a uniformed patrol capacity or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) Officers may be excused from wearing body armor when wearing the Class "A" uniform.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 FIREARMS COORDINATOR RESPONSIBILITIES

The Firearms Coordinator should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

1012.5 BODY ARMOR FOR UNARMED MEMBERS

Body armor is not required nor automatically issued to department members other than sworn officers. Unarmed department members who wish to utilize body armor in the course and scope of their duties must first obtain specific, written approval from the Chief of Police.

Upon such approval, unarmed department members may purchase body armor at their own expense. Body armor worn by unarmed department members while on-duty must meet or exceed NIJ standard Type II and is subject to all other applicable expectations for use, inspection and care as described in this policy.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 MANAGEMENT AND SUPERVISOR EVALUATION FILE

The Department may use "Guardian Tracking", a computerized software program for managers and supervisors to track comments, notes, notices to correct behavior, positive comments, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Employees may also make entries to document peer to peer performance and interactions. Supervisors making an entry into this program shall discuss the entry, with the employee, prior to or immediately following the entry. This system shall only contain information to be used in performance evaluations. Information related to Worker's Compensation, FMLA, or other personal information not used for evaluation purposes shall not be entered into this system. The system shall provide an opportunity for the employee to provide a response in accordance with Government Code § 3305 and Government Code § 3306. Entries made into the Guardian Tracking system will be maintained for two years from the date of entry. Entries should be purged after two years. The intent of this system is to provide a means to track behavior and discussions with employees. It is not intended or designed to replace the normal employee and supervision interaction.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the

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following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and may contain documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Vice Chancellor, Administration, Campus Counsel or other attorneys or representatives of the University of California in connection with official business.

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1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1013.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1013.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.

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- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 - 1. The discharge of a firearm at another person by an officer.
 - 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 - 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 - 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 - 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

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4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1013.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1013.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

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2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
 - (c) Administrative investigations
 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1013.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if

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disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1013.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine

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whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1014.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment memorandum via e-mail. The form should then be forwarded through the chain of command to their Division Commander.

1014.2.1 PURPOSE OF MEMORANDUM

The memorandum is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this memorandum.

All assignments an employee is interested in should be listed on the memorandum.

The Request for Change of Assignment memorandum will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request memorandum.

1014.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments attached to the e-mail before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Watch Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

For specialty assignments, supervisor must submit a recommendation via the Supervisors Recommendation form.

Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts by members of the University of California Police Department, Berkeley and individuals from the community.

1015.2 POLICY

It is the policy of the University of California Police Department, Berkeley to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

The Department will follow the guidelines outlined in Chapter 12 of the Universitywide Police Policies and Administrative Procedures (Gold Book).

[Universitywide Police Policies and Administrative Procedures](#)

Fitness for Duty

1016.1 PURPOSE AND SCOPE

All employees are required to be free from any physical, emotional, or mental condition which might adversely affect their ability to perform the functions of their job.

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers and civilian employees of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1016.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1016.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1016.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Office of People and Culture to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1016.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24 hour) period, followed by a rest period of 8 continuous hours or
- 32 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period
- members should not work more than six (6) consecutive days without at least a twenty-four (24) hour recovery period.

Except in very limited circumstances, members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

The Department recognizes that due to emergencies, demonstrations, and other unforeseen events, situations may exist where in order for the Department to accomplish its mission and provide essential service to its community, employees may be needed to work longer than the time limits outlined in this policy. Division Commanders may make exceptions to this policy in order to ensure that the Department can provide essential police service to the community.

1016.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all University of California employees that has been established by the Vice Chancellor, Administration.

1017.1.1 MEAL PERIODS

Sworn employees, dispatchers, Security Patrol Officers and other designated staff shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the University of California limits unless on assignment outside of the University of California.

The time spent for the meal period shall not exceed the authorized time allowed (30 minutes) and should not be taken within the first or last hour of the shift.

1017.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

Lactation Break Policy

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1018.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

Lactation Break Policy

1018.4.1 CAMPUS LACTATION ROOMS

The campus has a number of lactation rooms throughout campus. A number of locations are listed below.

- Birge Hall
- California Hall
- Energy Biosciences Building
- Eshleman Hall
- Dwinelle Hall
- Evans Hall
- Giannini Hall
- Haas School of Business
- Li Ka Shing Center
- Life Sciences Addition
- Moffitt Library
- RSSP
- Simon Hall
- Stanley Hall
- Tang Center
- University Hall
- Warren Hall
- Wheeler Hall

1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

1018.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under

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this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Payroll Records

1019.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1019.2 POLICY

The University of California Police Department, Berkeley maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1019.4 TIME REQUIREMENTS

Non-Exempt employees are paid on a bi-weekly basis. Exempt employees are paid on a monthly basis. Payroll records shall be completed on a daily basis and approved on the date specified for each pay period unless specified otherwise. Administration University of California

1019.5 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1020.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, sworn employees and Security Patrol Officers must make the appropriate entry into the CalTime system as soon as practical after overtime is worked. All other employees' overtime will be recorded by their card swipe or computer entry.

1020.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete an entry for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment in accordance with the employee's bargaining unit's applicable Memorandum of Understanding.

1020.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests (ETR's) to their immediate supervisor as soon as practicable for verification and approval.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1020.2.1 EMPLOYEE'S RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander.

1020.2.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Overtime Compensation Requests

1020.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., hours for Court).

1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON ETR & CalTime</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1020.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the overtime payment request (ETR).

Outside Employment

1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department members engaging in outside employment, all members shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those members who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval from the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the department member must submit a request to their immediate supervisor. The request will then be forwarded through the chain of command to the Chief of Police for consideration. A request shall not be unreasonably denied. Grounds for denial include proposed employment that is inconsistent, incompatible, or in conflict with the duties of a UCPD department member.

If approved, the member will be provided with a copy of the approved outside employment permit. Unless otherwise indicated in writing on the approved outside employment permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any member seeking to renew a permit shall submit a new request in a timely manner.

Any member seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the request at the time of the denial (Penal Code § 70(e)(3)). A written determination shall be issued by the Chief of Police within thirty calendar days of the submission of the request.

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If a department member's request for outside employment is denied by the Department, the member may file a written notice of appeal to the Chief of Police within ten (10) days of the date of denial.

If the member's appeal is denied, the member may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

Outside Employment

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should a department member's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at their discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the member's performance has been reestablished at a satisfactory level and their supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, a member's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked. This includes the department policy on Standards of Conduct, routine department work schedule expectations, and other work schedule expectations considered essential to meet department needs.
- (d) When a member is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the member's full time duties until the member has returned to a full duty status.

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any request for outside employment submitted by a department member seeking to engage in any activity which:

- (a) Involves the department member's use of department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the member's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the member, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of their duties as a member of this department.
- (c) Involves the performance of an act in other than the member's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (d) Involves time demands that would render performance of the member's duties for this department less efficient.

1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Outside Employment

1021.4 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the member's position with this department.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a department member terminates their outside employment during the period of a valid permit, the member shall promptly submit written notification of such termination to the Chief of Police through the appropriate channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform the Administrative Sergeant in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The Administrative Sergeant shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the member fails to promptly notify their supervisor of their intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved member, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the University of California's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The member's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the University of California Police Department, Berkeley, a request (in writing) may be made to the Chief of Police to restore the permit.

1021.7 INDEMNIFY AND HOLD HARMLESS AGREEMENT

As a condition for receiving an outside employment permit, the department member will need to facilitate the signing of the attached Indemnify and Hold Harmless Agreement between the

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prospective employer and the UC Regents. A sample of the outside employment permit is also attached for reference.

[Indemnify and Hold Harmless Agreement](#)

[Outside_Employment Form 01302023](#)

1021.8 OUTSIDE EMPLOYMENT COORDINATOR

The Administrative Sergeant is responsible for overseeing outside employment. This will include ensuring that a copy of the Outside Employment Permit and the Indemnify and Hold Harmless Agreement is on file for each member approved to engage in outside employment.

Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1023.2.1 HAIR

Hair shall be neat and clean while on duty. Uniformed employees shall not have their hair extend into their eyes so as to interfere with their vision or below the top edge of the uniform collar while assuming a normal stance. Extreme hair styles or extreme hair treatments/colors are inappropriate. In no event should the length of the hair or the style preclude the proper wearing of a helmet or gas mask. Wigs and hairpieces must conform to the same standards. The style must not present an officer safety problem.

1023.2.2 MUSTACHES AND GOATEE

A short and neatly trimmed mustache and / or goatee may be worn.

1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR

Beards may be worn but must neat and trimmed.

1023.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1023.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.

Personal Appearance Standards

- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.3 TATTOOS

Department members may display tattoos while on duty (including while in uniform) or while representing UCPD Berkeley or the University in an official capacity only in compliance with the following limitations:

- (a) Tattoos on the hands, head, face or neck are prohibited.
- (b) Visible tattoos with objectionable content are prohibited. This includes, but is not limited to words (in any language), symbols or images which are:
 - 1. Vulgar or profane;
 - 2. Violent or gory;
 - 3. Threatening or anti-social;
 - 4. Glorifying of criminal acts;
 - 5. Sexual in nature or include nudity;
 - 6. Demeaning or discriminatory to any person or group (including protected classes);
 - 7. Associated with criminal gangs, hate/terror groups or organizations that promote anti-American violence;
 - 8. Inclusive of any other content that is reasonably offensive in nature.
- (c) When wearing Class "A" uniform or equivalent attire, no tattoo shall be visible.

Permanent cosmetic tattoos that are otherwise consistent with department grooming standards are permitted without limitation.

Members working in an undercover capacity may, with the unit manager's permission, be granted exceptions to this policy

The Chief of Police (or their designee) has the sole right to determine whether or not the display of any specific tattoo is in compliance with this policy, and may revoke authorization at any time. Members are strongly advised to seek approval prior to the acquisition of any tattoo that might be within the purview of this policy.

Personal Appearance Standards

1023.3.1 CONCEALMENT OF PROHIBITED TATTOOS

Any department member with a prohibited tattoo (or prohibited branding or scarification) shall conceal it from view while on duty or when representing UCPD Berkeley or the University in an official capacity. A prohibited tattoo (or prohibited branding or scarification) that is not covered by clothing may be concealed by other means (e.g. bandage, compression sleeve, makeup) subject to department approval.

Brief, infrequent incidental exposure of a prohibited tattoo (or prohibited branding or scarification) is not considered a violation so long as the member took reasonable steps to comply with department policy.

1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.
- (e) Dental ornamentation, including metal or veneer caps, jewels, words, symbols, images or abnormal coloration.

1023.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform and Attire Regulations

1024.1 PURPOSE AND SCOPE

This policy is established to ensure Department members are readily identifiable and represent the Department in a professional and appropriate manner to the public through the proper use and wearing of uniforms and other attire. Members should also refer to the following associated policies:

- Line inspections
- Department Owned and Personal Property
- Personal Protective Equipment
- Body Armor
- Personal Appearance Standards
- Department Badges
- Uniform Specifications

Basic uniform and equipment requirements and specifications for sworn officers are detailed in Chapters 10 and 11 of the Universitywide Police Policy and Administrative Procedures (the PP&P or "Gold Book"):

- [Universitywide Police Policies and Administrative Procedures](#)

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police department members wear a uniform to be easily recognized by the public as a capable provider of public safety and law enforcement services, and a source of assistance in an emergency, crisis, or other time of need. Uniforms and equipment also provide the wearer with appropriate protection and tools to fulfill their responsibilities. To accomplish these purposes, uniforms must be professional in appearance, maintained in good condition and worn in a manner consistent with established standards.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All sworn officers shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code §13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

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- (f) Plain clothes attire shall not be worn in combination with any distinguishable part of the uniform without approval by the Chief of Police.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the member while off-duty.
- (i) Department members shall not purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses shall not be worn with any Department uniform.
- (k) Name plates, badges, patches, rank insignia, service stripes / stars, awards & medals, and other authorized pins, symbols or accessories shall be worn in a manner consistent with uniform specifications for sworn officers as described in PP&P Chapter 11.
- (l) Visible jewelry shall not be worn with the uniform except as described in the Personal Appearance Standards policy.

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each member an official department identification card bearing the member's name, identifying information and photo likeness. All members shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, members shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1024.3 UNIFORM & ATTIRE STANDARDS

1024.3.1 CLASS A STANDARD

The Class A standard is intended for formal and ceremonial representation of the Department upon occasions such as graduations, promotions, award ceremonies, dignitary visits, official inspections, funerals and memorials. Class A may also be worn for court appearances, and for other events at the direction or approval of the Department.

Sworn officers shall maintain a complete and serviceable Class A uniform available for use at all times.

The Class A uniform for sworn officers generally consists of the following:

- (a) Long sleeve 100% wool uniform shirt
- (b) 100% wool uniform pants
- (c) Polished black leather shoes or boots (pointed toes not permitted)

Uniform and Attire Regulations

- (d) Tie and tie bar
- (e) Dress jacket
- (f) Uniform hat
- (g) Dress white parade gloves
- (h) Polished black basket weave inner and dress belt, limited to the following accessories:
 - 1. Firearm in holster
 - 2. Magazine pouch / magazines
 - 3. Handcuff case/ handcuffs
 - 4. Four keepers

Uniformed professional staff should possess the following to wear as the Class A uniform when appropriate:

- (a) Long sleeve uniform shirt
- (b) Uniform pants
- (c) Polished black shoes or boots (pointed toes not permitted)
- (d) Tie and tie bar
- (e) Polished black basket weave inner and dress belt (if issued), limited to the following accessories:
 - 1. Handcuff case (if issued)
 - 2. Four keepers

If visible, socks must be plain black in color.

External body armor carriers are not permitted with the Class A uniform. Body armor is optional with Class A uniforms for ceremonial occasions.

Non-uniformed professional staff may wear a formal business suit as the equivalent to a Class A uniform. Sworn officers and other normally uniformed department members may wear a formal business suit as a Class A plainclothes option when required, approved or otherwise appropriate.

1024.3.2 CLASS B STANDARD

The Class B standard is intended for routine or daily professional representation of the Department.

All sworn officers and department members in uniformed positions shall maintain a complete and serviceable Class B uniform available for use at all times.

The Class B uniform generally consists of the following:

- (a) Long or short sleeve uniform shirt
- (b) Uniform pants
- (c) Black leather shoes or boots (pointed toes not permitted)

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- (d) Tie and tie bar (optional, to be worn with long sleeve shirt only)
- (e) Uniform sweater (optional)
- (f) Uniform hat or baseball cap (optional)
- (g) Black basket weave inner belt and dress belt with standard accessories (if issued)

The uniform shirt may be worn with the top button open. For sworn officers, only a navy blue or black crew neck t-shirt or turtleneck may be visible under the long sleeve uniform shirt, and only a navy blue or black crew-neck t-shirt may be visible under the short sleeve uniform shirt.

If visible, socks must be plain black in color.

External body armor carriers may be worn with the Class B uniform.

Department members may wear business casual attire as the equivalent to a Class B uniform when required or approved. With approval by the Chief of Police, department units may establish alternate Class B non-uniform standards.

1024.3.3 CLASS C STANDARD

The Class C "utility" standard is intended for professional representation of the Department in circumstances that pose increased risk of uniform damage, contamination or exposure such as inclement weather, rough terrain, harsh conditions, assignments likely to involve crowd control, and for other events at the direction or approval of the Department.

Sworn officers and Security Patrol Officers shall maintain a complete and serviceable Class C uniform available for use at all times.

The Class C uniform generally consists of the following:

- (a) Long sleeve utility uniform shirt
- (b) Short sleeve utility uniform shirt (optional)
- (c) Utility uniform pants
- (d) Black leather shoes or boots (pointed toes not permitted)
- (e) Baseball cap (optional)
- (f) Black nylon inner and duty belt with standard accessories (if issued)

A fabric nameplate and badge should be worn with the utility uniform shirt rather than metal. No metal pins or other non-fabric insignia should be worn on the utility uniform shirt.

The utility uniform shirt may be worn with the top button open. Only a navy blue or black crew neck t-shirt or turtleneck may be visible under the uniform shirt, and only a navy blue or black crew-neck t-shirt may be visible under the short sleeve uniform shirt.

If visible, socks must be plain black in color.

External body armor carriers may be worn with the Class C uniform.

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Department members may seek approval via the chain of command for temporary modification of uniform or plainclothes standards as necessary when assigned duties with increased risk of uniform or clothing damage,

The utility uniform or equivalent plainclothes standard should not be worn to court without specific approval from the chain of command.

1024.3.4 SPECIALIZED UNIFORMS

The Chief of Police may authorize other uniforms and equipment to be worn by department members in units or assignments such as EOD Technician, Bicycle Patrol, Motorcycle Patrol and other roles with functions that necessitate specialized uniforms.

The Bicycle Patrol uniform is authorized for wear by all sworn officers as an alternative to the Class B uniform.

1024.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets.
- (c) **The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform.**
- (d) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**
- (e) **Assignment Insignias** - Assignment insignias, (SRT, EOD, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate.
- (g) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.
- (i) **Department medals and ribbons** - Department medals and ribbons may be worn in accordance with Universitywide Police Policies and Administrative Procedures.

[Universitywide Police Policy and Administrative Procedures](#)

1024.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge as directed by the Office of the Chief. The following mourning periods will be observed:

- (a) **An officer of this department** - From the time of death until midnight on the 14th day after the death.

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- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1024.5 PLAINCLOTHES ATTIRE

When on duty in a non-uniformed role, all department members are expected to meet plainclothes attire standards (including sworn officers assigned to positions or duties that do not regularly require a uniform), as follows:

- (a) Department members shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) For occasions requiring a professional appearance similar to a Class A uniform, department members should wear a formal business suit or the equivalent.
- (c) For routine duty or other occasions requiring a professional appearance similar to a Class B uniform, department members should wear business casual attire or the equivalent.
 - 1. Appropriate jeans (see below for guidelines) may be approved by a supervisor as acceptable Class B plainclothes attire under limited circumstances. Jeans are never acceptable as court attire.
- (d) The following items are generally not considered appropriate for on-duty professional wear::
 - 1. T-shirts when worn without a professional outer shirt or jacket
 - 2. Jeans other than solid black or blue, or in poor condition (with rips, holes, frayed hems or excessive fading)
 - 3. Open toed shoes or sandals
 - 4. Athletic shoes (except when solid black, blue, brown or white)
 - 5. Swimsuits, tube tops, or halter tops
 - 6. Spandex type pants or see-through clothing
 - 7. Distasteful printed slogans, buttons or pins
- (e) For the purpose of authorized on-duty physical training, department members may wear athletic clothing and gear appropriate for the type of exercise they are conducting.
- (f) Variations from this order are allowed at the discretion of the Chief of Police or designee when the department member's assignment or current task is not conducive to the wearing of such clothing.
- (g) No item may be worn on duty that would adversely affect the reputation of the University of California Police Department, Berkeley or the morale of department members.

Uniform and Attire Regulations

1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, University of California Police Department, Berkeley members may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another department member, or identify themselves as a member of the University of California Police Department, Berkeley to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

University of California Police Department, Berkeley employees may not wear any uniform item, accessory, or attachment unless specifically authorized by policy or by the Chief of Police or designee.

University of California Police Department, Berkeley employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by policy or by the Chief of Police or designee.

Nepotism and Conflicting Relationships

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1025.1.1 DEFINITIONS

Business Relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal Relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public Official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. The Department shall avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1025.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1025.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Department Badges

1026.1 PURPOSE AND SCOPE

The University of California Police Department, Berkeley badge and uniform patch as well as the likeness of these items and the name of the University of California Police Department, Berkeley are property of the Department and their use shall be restricted as set forth in this policy.

1026.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of department 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.

1026.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at their own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge they purchased to another officer within the University of California Police Department, Berkeley with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, they shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep their flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for department members other than peace officers.

1026.2.2 PROFESSIONAL STAFF BADGES

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Security Patrol Officer, Records Technician, Dispatcher).

- (a) Department members other than peace officers shall not display any department badge except as a part of their uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Department members other than peace officers shall not display any department badge or represent themselves, on or off duty, in such a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1026.3 RETIREE BADGE AND IDENTIFICATION

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the University of California Police Department, Berkeley. This identification is separate and distinct

Department Badges

from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the University of California Police Department, Berkeley and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1026.3.1 RETIREE BADGE RESTRICTIONS

Upon honorable retirement, employees will be given their assigned duty badge with "Honorably Retired" on an upper ribbon for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1026.4 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 department members 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.

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 Chief of Police.

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

1026.5 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police 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 University of California Police Department, Berkeley. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, University of California rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the University of California Police Department, Berkeley may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1027.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the University of California Police Department, Berkeley shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with Office of People and Culture or Campus Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

Temporary Modified-Duty Assignments

1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the University of California's personnel rules and regulations regarding family and medical care leave.

1027.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

1027.10 AGENCY SPECIFIC CONTENT

1027.10.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the division commander / manager.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

Modified assignments are temporary and may be altered or ended by the Department at any time. Consistent with applicable policy or labor agreement, modified assignments may be offered for

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defined periods of up to 60 days, and then re-evaluated to determine if extension, modification or discontinuation is appropriate.

- (a) During a modified assignment, the employee is considered to be assigned to the Office of the Chief, and will normally be directed to report to a specific supervisor or manager in another unit for functional supervision and direction. The functional supervisor is responsible for defining the employee's role and expectations, and approving the employee's timesheet.
- (b) Employees in modified assignments are normally required to work according to an administrative schedule (Monday-Friday, 0800-1630 hours) and to wear attire that meets or exceeds Class "B" non-uniform standards (Policy 1046.5). Functional supervisors may modify the schedule and uniform requirements to suit the needs of the job.
- (c) Modified assignments for a single incident/condition shall not exceed 60 days in cumulative length without authorization from the Chief of Police.
- (d) Employees represented by a bargaining unit recognized by the University shall remain in that unit regardless of any modified assignment. The employee's salary level and classification during the modified assignment will be determined in accordance with applicable policy or labor agreement. This may be applicable to Pregnancy Disability Leave and/or worker's compensation cases.

1027.10.2 WORKER'S COMPENSATION MEDICAL APPOINTMENTS

After a worker's compensation claim has been accepted and an employee has returned to modified or full duty, University policy allows for up to 20 hours of administrative leave from duty for medical appointments and therapy. This leave must be approved by the employee's supervisor as any other leave would be.

- (a) The campus encourages employees to schedule appointments near the beginning or end of the workday, or on non-workdays. The department will try to accommodate any such appointments.
- (b) The employee's supervisor shall ensure the 20 hour limit is not exceeded and that the use of administrative leave with pay is entered into CalTime.
- (c) If more than 20 hours of leave is needed for medical appointments or therapy, the employee may draw upon additional banked time in a manner consistent with the applicable labor agreement.

Employee Speech, Expression and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1028.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1028.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the University of California Police Department, Berkeley will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1028.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the University of California Police Department, Berkeley employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the University of California Police Department, Berkeley or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the University of California Police Department, Berkeley and tends to compromise or damage the mission, function, reputation or professionalism of the University of California Police Department, Berkeley or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the University of California Police Department, Berkeley.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

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- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the University of California Police Department, Berkeley on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the University of California Police Department, Berkeley or identify themselves in any way that could be reasonably perceived as representing the University of California Police Department, Berkeley in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the University of California Police Department, Berkeley.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1028.5 PRIVACY EXPECTATION

Any access by the Department to an employee's electronic communications will be conducted in accordance with the University of California Office of the President Electronic Communications Policy.

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1028.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Illness and Injury Prevention

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the University of California Police Department, Berkeley, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related University of California, Berkeley and systemwide safety efforts.

1029.2 POLICY

The University of California Police Department, Berkeley is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will abide by UC Berkeley's illness and injury prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

Information on the University's illness and injury prevention program may be found on the EH&S website:

[UC Berkeley Workplace Safety Program](#)

1029.3 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention.
- (e) Notifying the Administration Division Commander when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.

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4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1029.4 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

1029.5 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1029.6 TRAINING

The Administration Division Commander should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1029.6.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Provisions for medical services and first aid.
- (e) Handling of bloodborne pathogens and other biological hazards.
- (f) Prevention of heat and cold stress.
- (g) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (h) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (i) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (j) Back exercises/stretchers and proper lifting techniques.
- (k) Avoidance of slips and falls.
- (l) Good housekeeping and fire prevention.
- (m) Other job-specific safety concerns.

1029.7 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the University of California Police Department, Berkeley in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the University of California Police Department, Berkeley to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.
 - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other University of California Police Department, Berkeley members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1030.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1030.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or University of California Police Department, Berkeley members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many University of California Police Department, Berkeley members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
 - 1. Education benefits (Education Code § 68120).
 - 2. Health benefits (Labor Code § 4856).
 - 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

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- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1030.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

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- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1030.8 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.10 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Leave Requests

1031.1 PURPOSE AND SCOPE

Use of accrued leave time is specified in collective bargaining agreements. The purpose of this policy is to specify the process for submission and approval of leave time that is not otherwise defined by contract.

1031.2 POLICY

It is the policy of UCPD to facilitate the use of employees' leave time when staffing and operational needs allow.

1031.3 REQUESTING THE USE OF LEAVE TIME

Leave time includes accrued vacation, holiday, and compensatory time. Use of leave time will only be approved when there is adequate staffing and no conflict with operational needs. When not otherwise specified by collective bargaining agreement, a vacation sign-up process will be performed annually within each unit or job classification. Vacation selections will be made based on seniority.

Employees with available leave time balances may request incremental days off during the year outside of the annual vacation sign-up by consulting with their supervisor. Approval of incremental days off will generally be on a first-come, first-served basis. If multiple employees simultaneously request incremental leave for the same date(s) and staffing or operational needs will not allow all of the requests to be approved, the priority for approval will be based on seniority.

Part-Time Officers

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to establish training requirements and standards to be met for part-time police officers.

1032.2 POLICY

UCPD may hire part-time officers when such positions can meet an identified need. Part-time officers must meet the same qualifications and receive the same training as full-time officers. They are expected to be able to perform all of the same job tasks as full-time officers.

1032.3 SELECTION AND TRAINING

- (a) The criteria for selecting part-time officers will be the same as for full-time officers.
- (b) Part-time officers must maintain POST certification.
- (c) Part-time officers must complete (or have previously completed) the department's Field Training Program, any outstanding refresher training and/or required recertification, and all other requisite in-service training prior to the performance of any enforcement duties. If retiree rehires are employed as part-time officers, they will not have to complete the FTO program a second time if there was no significant break in service between their retirement and resumption of duties as a retiree rehire.
- (d) Part-time officers may only be assigned to perform functions for which they have been trained.
- (e) Part-time officers must satisfy all the same training standards and expectations required of full-time officers, including California POST perishable skills and continuing professional training (CPT) mandates, defensive tactics and Use of Force policy training requirements, and all applicable weapons and control device proficiency qualifications.

Accountability System

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to identify means for addressing employee conduct for the purpose of improving performance.

1033.1.1 DEFINITION

Discipline - An action taken by the department that has an adverse effect on an employee's work status and/or pay. Discipline includes a letter of warning, suspension, reduction in pay, demotion, and termination. It does not include verbal or written counseling. The purpose of discipline is to address misconduct or the failure to perform assigned duties.

1033.2 POLICY

It is the policy of UCPD to administer discipline that is fair and timely. Supervisors are a critical component of the disciplinary process. They are expected to observe employee conduct and take corrective action when it is warranted. While discipline is necessary in some circumstances to address performance deficiencies, supervisors should also seek opportunities to improve employee performance that are non-punitive. These methods may include recognition of exemplary performance, training, coaching, and counseling. Supervisors should recommend discipline when it is warranted.

1033.3 EMPLOYEE RECOGNITION

Acknowledging positive contributions by employees is at least as important as addressing performance deficiencies. Supervisors are expected to be aware of the efforts of the employees they supervise and to recognize exceptional performance. There are several ways supervisors may communicate their support and appreciation for good work, including but not limited to:

- (a) Individual counseling and/or coaching with the employee
- (b) Documentation via Guardian Tracking
- (c) Inclusion in performance evaluations
- (d) Providing additional training in a topic of interest to the employee
- (e) Publicly highlighting the contribution through discussion in briefings, team meetings, or through end of watch notes
- (f) Submitting for additional departmental recognition through the chain of command. Additional recognition could take the form of an all personnel memo or a formal award. See the Commendations and Awards policy for additional details.

1033.4 TRAINING

UCPD views training as an effective method for expanding employees' knowledge, skills, and abilities. Training may be assigned when an employee has been identified as having a particular deficiency, or it may be assigned any time the topic is identified as beneficial for the employee's career development or productivity.

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Any employee may request training for themselves. Supervisors may request training for employees who report to them. See the Training Policy for additional details.

1033.5 COUNSELING

Supervisors should use counseling to correct performance deficiencies that are not significant enough to warrant discipline. Counseling may be provided verbally when the deficiency is minor and easily corrected. Supervisors should consider providing written counseling at times when the deficiency may be more significant, the performance issue has been persistent, there are multiple deficiencies noted at one time, or additional clarity is desired. When providing written counseling, the supervisor shall also discuss the document with the employee.

Employees who receive counseling are expected to correct all identified deficiencies. Failure to correct a deficiency may result in unfavorable performance reviews and/or discipline.

1033.6 ISSUING DISCIPLINE

Any employee may submit recommendations for corrective action through their chain of command regarding the performance of any other employee. Supervisors may administer commendations, training, and counseling to employees they supervise as described above. Supervisors who recommend disciplinary action must submit their recommendation through their chain of command. Only command staff may issue discipline. Once issued, all discipline is included in the employee's official personnel file.

1033.7 APPEALS OF DISCIPLINARY ACTION

Employees have certain rights pertaining to appealing or responding to disciplinary actions. Represented employees should refer to the relevant collective bargaining agreement and non-represented employees should refer to the University of California Personnel Policies for Staff Members for details.

Wellness Program

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1034.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1034.2 POLICY

It is the policy of the University of California Police Department, Berkeley to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1034.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Office of People and Culture, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
 1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling

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services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1034.4 DEPARTMENT PEER SUPPORT

1034.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1034.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1034.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1034.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

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Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1034.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program). **Confidentiality protections are provided to peer support members who are properly selected, appointed and trained, per Government Code Section 8669.1 et seq.**

1034.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1034.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

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1034.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Manager to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

Chapter 11 - Specifications

Uniform Specifications

1100.1 PURPOSE AND SCOPE

This document serves to establish, clarify and supplement Department uniform specifications and requirements for UCPD Berkeley sworn officers and professional staff.

1100.2 SWORN OFFICER UNIFORMS AND EQUIPMENT

Basic uniform and equipment requirements and specifications for sworn officers are detailed in Chapters 10 and 11 of the Universitywide Police Policy and Administrative Procedures (the PP&P or "GoldBook").

- [Universitywide Police Policies and Administrative Procedures](#)

Additional uniform and equipment regulations can be found in the following policies:

- Line Inspections
- Department Owned and Personal Property
- Personal Protective Equipment
- Body Armor
- Personal Appearance Standards
- Uniform Regulations
- Department Badges

1100.2.1 WASH AND WEAR OPTION

The Class B uniform shirt and pants for sworn officers shall be consistent with Chapter 11 of the PP&P, or the LAPD approved "wash and wear" equivalent:

- (a) Long sleeve shirt - Flying Cross (Fechheimer), style #48W6686, 65% Polyester/35% Rayon blend
- (b) Short sleeve shirt – Flying Cross (Fechheimer), style #98R6686, 65% Polyester/35% Rayon blend
- (c) Pants – Flying Cross (Fechheimer), style #32221, 100% Polyester

1100.2.2 UTILITY UNIFORM SPECIFICATIONS

The Class C (utility) uniform shirt and pants for sworn officers shall consist of the following:

- (a) Long sleeve shirt - 5.11 Tactical, dark navy (724), TDU style # (72002 rip-stop)
- (b) Short sleeve shirt (optional) - 5.11 Tactical, dark navy (724), TDU style # (71001 rip-stop)
- (c) Pants - 5.11 Tactical, dark navy (724), style # (74003 rip-stop)

1100.2.3 BICYCLE PATROL UNIFORM SPECIFICATIONS

The bicycle patrol uniform for sworn officers shall include the following:

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- (a) Long or short sleeve polo shirt, dark blue, issued by the Department
- (b) Bicycle shorts or pants, consistent with:
 - 1. 5.11 Bike Patrol 9-inch shorts (dark navy - 724), style #43057, nylon/elastane
 - 2. LawPro Zip-Off Bike Patrol pants (navy), style #TL015, nylon/elastane
- (c) Athletic shoes, black or mostly black
- (d) Socks, solid black or white
- (e) Black nylon duty belt (if issued), with standard items

The uniform sweater and uniform hat shall not be worn with the bicycle patrol uniform. All other applicable Class B uniform standards and options as described in the Uniform Regulation policy should be observed.

The bicycle patrol uniform is authorized for wear by all sworn officers as an alternative to the Class B uniform.

1100.2.4 MOTORCYCLE PATROL UNIFORM SPECIFICATIONS

Motorcycle patrol officer breeches shall be consistent with Chapter 11 of the PP&P or synthetic blend equivalent. Examples include 5.11 Tactical Style # 74407 and Intapol 5 Way Stretch Motorcycle Breeches.

1100.2.5 SWEATER SPECIFICATIONS

Sworn officers may augment the Class B uniform with the approved uniform sweater, unless otherwise directed.

The approved sweater is long sleeve, navy blue, consistent with Flying Cross Command Sweater style #700 or #710, with bade eyelets tab and nameplate eyelets tab.

The sweater may be worn over the Class B uniform shirt with or without a tie. If the sweater is worn as the outermost garment, the metal badge and metal nameplate shall be attached.

A UCPD patch shall be sewn on each shoulder, along with chevrons for sergeants. Service stripes and other rank, pins or insignia shall not be worn on the sweater. No other ornament shall be worn on the sweater without approval from the Chief of Police.

Sweaters shall not be worn with Class A, Class C or bicycle uniforms, nor over the top of an external body armor carrier.

1100.2.6 EXTERNAL BODY ARMOR CARRIERS

As an option, the Department will provide sworn officers with an external body armor carrier.

- (a) External body armor carriers may be worn over the Class B uniform shirt or the Class C utility uniform shirt
- (b) As part of a Class B uniform, officers using an external body armor carrier may wear a short or long sleeve uniform shirt specifically designed to wear underneath the carrier,

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consistent with 5.11 Tactical PDU Rapid Shirt, Midnight Navy, SM615 (long sleeve) or SM618 (short sleeve)

1100.2.7 JACKETS AND RAIN GEAR SPECIFICATIONS

Jackets for sworn officers shall be one of the following:

- (a) Black windbreaker style, consistent with Fechheimer's brand Wind Champ jacket style number 43150
- (b) Black waist length style, consistent with Fechheimer's brand Lawman jacket style number 32140
- (c) Black mid-length style consistent with Fechheimer's brand Protector jacket

The Department will provide sworn officers with rain jackets, black and/or yellow in color and with a reflective "police" logo on the back.

1100.3 SPO UNIFORMS AND EQUIPMENT

Uniforms for Security Patrol Officers shall meet the Uniform Regulations policy with the following clarifications and modifications:

- (a) Only a white crew neck t-shirt or a black turtleneck may be visible under the long sleeve uniform shirt
- (b) Only a white crew neck t-shirt may be visible under the short sleeve uniform shirt
- (c) Shoes or boots shall be black smooth leather, lace-up, with no ornamentation or pointed toe
- (d) Any metal elements including nameplate, badge, snaps, buckles and buttons should be chrome or black in color

SPOs may carry handcuffs, baton and / or OC spray upon successful completion of department-approved training and only in accordance with the Control Devices and Techniques policy

1100.3.1 SPO UNIFORM SPECIFICATIONS

The uniform shirt and pants for SPOs shall consist of the following:

- (a) Long or short sleeve shirt, light blue, either wool, or wash and wear material, consistent with "Flying Cross" style number 45W6625
- (b) Pants, dark blue, either wool or wash & wear material:
 - 1. Consistent with "Raeford Worsted Company" brand #1350601690, 16, 18, or 19 1/2 ounce wool; or
 - 2. Consistent with Flying Cross (Fechheimer), style #32221, 100% polyester (wash & wear)

1100.3.2 SPO UTILITY UNIFORM SPECIFICATIONS

The Class C (utility) uniform shirt and pants for SPOs shall consist of the following:

- (a) Long or short sleeve shirt, either
 - 1. The uniform (Class B) shirt; or

University of California Police Department, Berkeley

Policy Manual

Uniform Specifications

2. A utility uniform shirt, light blue, cotton or cotton/blend material consistent with "Lion" style #1540 or #1240
- (b) Utility uniform pants, dark blue, cotton or cotton/blend material consistent with U.S. style #101

1100.3.3 SPO BICYCLE PATROL UNIFORM SPECIFICATIONS

The bicycle patrol uniform for SPOs shall include the following;

- (a) Long or short sleeve polo shirt, royal blue, snag-proof tactical style
- (b) Bicycle shorts or pants, consistent with:
 - (a) LawPro Zip-Off Bike Patrol Pants (Navy), style #TL015, Nylon/elastane
 - (b) 5.11 Bike Patrol 9-inch Shorts (Dark Navy - 724), style #43057, Nylon/elastane
- (c) Athletic shoes, black or mostly black
- (d) Socks, solid black or white
- (e) Black nylon duty belt (if issued), with standard items

All other applicable Class B uniform standards and options as described in the Uniform Regulation policy should be observed.

1100.3.4 SPO EXTERNAL BODY ARMOR CARRIERS

Upon approval, the department may provide SPOs with body armor and an external body armor carrier.

- (a) External body armor carriers may be worn over the Class B uniform shirt or the Class C utility uniform shirt
- (b) The SPO external body armor carrier shall be light blue in color
- (c) As part of a Class B uniform, officers using an external body armor carrier may wear a short or long sleeve uniform shirt specifically designed to wear underneath the carrier, consistent with Armorskin medium blue polyester base shirt, style #8372

1100.3.5 SPO JACKETS AND RAIN GEAR SPECIFICATIONS

Jackets for SPOs shall be one of the following:

- (a) Black windbreaker style, consistent with Fechheimer's brand Wind Champ jacket style number 43150
- (b) Black waist length style, consistent with Fechheimer's brand Lawman jacket style number 32140
- (c) Black mid-length style consistent with Fechheimer's brand Protector jacket

The Department will provide SPOs with rain jackets, black and/or yellow in color and with a reflective "security" logo on the back.

Uniform Specifications

1100.4 PSD UNIFORMS AND EQUIPMENT

Uniforms for Public Safety Dispatchers shall meet the Uniform Regulations policy with the following clarifications and modifications:

- (a) Only a white crew neck t-shirt or a black turtleneck may be visible under the long sleeve uniform shirt
- (b) Only a white crew neck t-shirt may be visible under the short sleeve uniform shirt
- (c) Shoes or boots shall be black smooth leather, lace-up, with no ornamentation or pointed toe
- (d) Any metal elements including nameplate, badge, snaps, buckles and buttons should be chrome or black in color

1100.4.1 PSD UNIFORM SPECIFICATIONS

The uniform shirt and pants for PSDs shall consist of the following:

- (a) Long or short sleeve shirt, light blue, either wool, or wash and wear material, consistent with "Flying Cross" style number 45W6625
- (b) Pants, dark blue, either wool or wash & wear material:
 - 1. Consistent with "Raeford Worsted Company" brand #1350601690, 16, 18, or 19 1/2 ounce wool; or
 - 2. Consistent with Flying Cross (Fechheimer), style #32221, 100% polyester (wash & wear)

1100.4.2 PSD SWEATER SPECIFICATIONS

PSDs may augment the Class B uniform with the approved uniform sweater, unless otherwise directed.

The approved sweater is navy blue, 100% acrylic, consistent with the Broadway knit or School Apparel knit, either:

- (a) Long sleeve, button front cardigan; or
- (b) Long sleeve, v-neck pullover; or
- (c) Sleeveless v-neck pullover

The sweater may be worn over the Class B uniform shirt with or without a tie. If the sweater is worn as the outermost garment, the metal nameplate shall be attached on the right front in a position approximately over that of the nameplate on the uniform shirt.

A UCPD patch shall be sewn on each shoulder (except sleeveless sweaters). Service stripes and other rank, pins or insignia shall not be worn on the sweater. No other ornament shall be worn on the sweater without approval from the Chief of Police.

Sweaters shall not be worn with Class A or Class C uniforms.

1100.4.3 PSD JACKETS AND RAIN GEAR SPECIFICATIONS

Jackets for PSDs shall be one of the following:

Uniform Specifications

- (a) Black windbreaker style, consistent with Fechheimer's brand Wind Champ jacket style number 43150
- (b) Black waist length style, consistent with Fechheimer's brand Lawman jacket style number 32140
- (c) Black mid-length style consistent with Fechheimer's brand Protector jacket

1100.5 RECORDS TECHNICIAN UNIFORMS AND EQUIPMENT

Uniforms for Records Technicians shall meet the Uniform Regulations policy with the following clarifications and modifications:

- (a) Only a white crew neck t-shirt or a black turtleneck may be visible under the long sleeve uniform shirt
- (b) Only a white crew neck t-shirt may be visible under the short sleeve uniform shirt
- (c) Shoes or boots shall be black smooth leather, lace-up, with no ornamentation or pointed toe
- (d) Any metal elements including nameplate, badge, snaps, buckles and buttons should be chrome or black in color

1100.5.1 RECORDS TECHNICIAN UNIFORM SPECIFICATIONS

The standard uniform shirt and pants for Records Technicians shall consist of the following:

- (a) Long or short sleeve shirt, light blue, either wool, or wash and wear material, consistent with "Flying Cross" style number 45W6625
- (b) Pants, dark blue, either wool or wash & wear material:
 - 1. Consistent with "Raeford Worsted Company" brand #1350601690, 16, 18, or 19 1/2 ounce wool; or
 - 2. Consistent with Flying Cross (Fechheimer), style #32221, 100% polyester (wash & wear)

1100.5.2 RECORDS TECHNICIAN SWEATER SPECIFICATIONS

Records Technicians may augment the Class B uniform with the approved uniform sweater, unless otherwise directed.

The approved sweater is navy blue, 100% acrylic, consistent with the Broadway knit or School Apparel knit, either:

- (a) Long sleeve, button front cardigan; or
- (b) Long sleeve, v-neck pullover; or
- (c) Sleeveless v-neck pullover

The sweater may be worn over the Class B uniform shirt with or without a tie. If the sweater is worn as the outermost garment, the metal nameplate shall be attached on the right front in a position approximately over that of the nameplate on the uniform shirt.

Uniform Specifications

A UCPD patch shall be sewn on each shoulder (except sleeveless sweaters). Service stripes and other rank, pins or insignia shall not be worn on the sweater. No other ornament shall be worn on the sweater without approval from the Chief of Police.

Sweaters shall not be worn with Class A or Class C uniforms.

1100.5.3 RECORDS TECHNICIAN JACKETS AND RAIN GEAR SPECIFICATIONS

Jackets for Records Technicians shall be one of the following:

- (a) Black windbreaker style, consistent with Fechheimer's brand Wind Champ jacket style number 43150
- (b) Black waist length style, consistent with Fechheimer's brand Lawman jacket style number 32140
- (c) Black mid-length style consistent with Fechheimer's brand Protector jacket

1100.6 CSO UNIFORMS AND EQUIPMENT

Uniforms for Community Service Officers shall meet the Uniform Regulations policy with the following clarifications and modifications:

- (a) Only a white crew neck t-shirt or a black turtleneck may be visible under the long sleeve uniform shirt
- (b) Only a white crew neck t-shirt may be visible under the short sleeve uniform shirt
- (c) Shoes or boots shall be black smooth leather, lace-up, with no ornamentation or pointed toe

CSOs may carry OC spray upon successful completion of department-approved training and only in accordance with the Control Devices and Techniques policy

1100.6.1 CSO UNIFORM SPECIFICATIONS

Refer to the current CSO program Operational Policies and Procedures for guidance.

University of California Berkeley
Police Department Policy Manual
Policy Manual

Attachments

**OIS-Critical Incident Chiefs-Sheriff
Assoc Policy 14 SEP 17 rev.pdf**

Alameda County Chiefs of Police and Sheriffs Association

Policy Statement

Subject	Officer Involved Shootings/Critical Incidents District Attorney Investigations
Adopted	9 SEP 93
Revised	14 SEP 17

Policy	The purpose of this policy is to establish countywide guidelines for the investigation of Officer Involved Shootings/Critical Incidents in Alameda County.
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The agency and the District Attorney's Office will conduct separate, parallel investigations of the incident. The District Attorney investigation will be complete and independent of the police agency investigation and will include all efforts deemed necessary to decide whether or not charges are to be filed.

Definitions	Officer Involved Shootings/Critical Incidents:
-------------	--

1. Any discharge of a firearm by an officer which proximately causes death, or injury likely to produce death to another.
2. Intentional use of a deadly or dangerous weapon by an officer which proximately causes death, or injury likely to produce death to another.
3. An intentional act on the part of an officer which proximately causes death, or injury likely to produce death to another.
4. Any death of a person while in custody or under an officer's control.

Procedures	Member Agencies shall promptly notify the District Attorney's Office when an Officer Involved Shooting/Critical Incident occurs within Alameda County. Notification shall be initiated through the Alameda County Sheriff dispatch center to the District Attorney Officer Involved Shooting/Critical Incident on call team.
------------	--

Notification shall include a brief description of the circumstances, the parties involved, and the agency officer in charge of the investigation. The District Attorney will be responsible for notifying specific attorneys and investigators to be assigned to such investigations.

Upon notification of an incident involving the death of a person while in custody or under an officer's control, the District Attorney's Office will exercise discretion in determining whether to initiate a full-scale investigation pursuant to this policy. Absent unusual circumstances, the District Attorney's Office will not initiate a full-scale investigation for post-booking deaths of prisoners which occur in jails, hospitals or other facilities while the prisoner is under the care of a law enforcement agency medical care provider for diagnosed diseases or conditions which have been known and monitored and/or treated by the agency's medical care provider prior to death, and only when the deaths were medically expected and when custodial suicide, trauma or use of intoxicants was not involved.

The police agency will retain original and primary jurisdiction of the case but will cooperate with the District Attorney investigators. District Attorney investigative activities will not interfere with the agency's investigation.

The police agency will be responsible for making any initial statements regarding the incident. The District Attorney may confirm that an investigation is being conducted, but will make no other public statements regarding the incident or investigative conclusions until the District Attorney's inquiry is completed.

All investigative reports, documents and statements pertaining to the investigation will be shared by the police agency and the District Attorney.

Upon request, the U.S. Attorney will have access to all legally available District Attorney reports produced in the investigation and other investigative reports and materials as may be appropriate.

As soon as possible and consistent with agency responsibilities, the officer in charge at the scene of an Officer Involved Shooting/Critical Incident will provide District Attorney investigators with:

1. A summary of all available information pertinent to the investigation.
2. An opportunity to observe the scene and to take measurements and photographs.

3. An opportunity to observe and photograph all physical evidence.
4. An opportunity to interview all known relevant citizen witnesses.

As soon as practical and consistent with investigative requirements, the police agency will take formal, memorialized statements from the officer or officers involved in the Officer Involved Shooting/Critical Incident. The District Attorney investigators will be permitted to be present during the taking of statements and may participate in questioning.

The District Attorney investigators may take formal, recorded statements from all agency personnel who are witnesses or who have information relevant to the incident.

The officer in charge of the case will review the progress of the investigation with the assigned District Attorney personnel and will conduct any follow-up investigation which, upon consultation, appears to be appropriate. The District Attorney will provide all legal and investigative support needed for such investigation.

The District Attorney may provide a written report to the police agency when the District Attorney investigation is completed. The report will provide:

1. A narrative of the investigative findings as to the factual circumstances of the incident,
2. A statement of the relevant law, and
3. A conclusion as to whether or not charges will be filed.

All other relevant reports and investigative materials prepared or developed by District Attorney personnel will be retained by the District Attorney and will be available to the police agency upon request.

CCW Final 12 14 20.pdf

RETIRED OFFICERS – CARRY CONCEALED WEAPONS

1700. Each campus Chief of Police shall issue identification cards and Carry Concealed Weapons (CCW) endorsements or certifications for its Qualified Retired Peace Officers in accordance with the California Penal Code, including Sections 16690, 25450, 25455, 25460, 25465, 25470, and 26305.

1700.1 Qualified Retired Peace Officer – Definition

A “Qualified Retired Peace Officer” for purposes of issuance of a CCW endorsement or certification is defined as an officer who meets all of the following:

- (a) At the time of retirement, the officer was a full time sworn employee of a University of California Police Department who was authorized to, and did, carry a firearm during the course and scope of that employment; and
- (b) The officer honorably retired from the University directly from active service as a peace officer and receiving or is immediately eligible to receive benefits under the provisions of the University of California Retirement System.
 - (1) An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a “qualified retired and separated peace officer; and
- (c) The officer did not retire due to a psychological disability (Penal Code §26305(a)), and had no mental health incapacity limiting their ability to work as a sworn police officer preceding retirement in good standing; and
- (d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement; and
- (e) The officer meets their individual campus Police Department’s firearm proficiency qualification standard.

1700.2.2 Carry Concealed Weapons - General Rules and Responsibilities Retired badges, University of California Retired Officer Identification Cards (with or without carry concealed weapons endorsement), and other documentation or certification of carry concealed weapons privileges issued by any University of California campus shall remain the property of the University of California and may be revoked, recalled, or denied by that campus’ Chief of Police at any time.

- (a) Qualified Retired Peace Officers who elect not to exercise carry concealed weapons privileges may be issued ID cards that distinctly bear the text “Not CCW Approved.” Additional text shall further specify that the bearer is not authorized to

carry a concealed firearm. Cards of this type have no expiration date and otherwise resemble those described in Section 1700.4 of this Chapter.

- (b) The Chief of Police or designee will inquire whether a Qualified Retired Peace Officer wishes not to have an endorsement for carry concealed weapons privileges (Penal Code §26300(b)).
- (c) Qualified Retired Peace Officers who elect to and are approved to carry concealed weapons shall remain in the California Department of Justice Summary Criminal History Information Database pursuant to Penal Code §11105(k) (1).
- (d) Qualified Retired Peace Officers who exercise carry concealed weapon privileges must:
 - (1) Comply with all applicable provisions of law and Departmental policy: Qualified Retired Peace Officers exercising carry concealed weapon privileges remain subject to their former campus' rules and policies (Penal Code §26305(b)). Violation of law and/or Department policy, including failure to meet the appropriate firearm proficiency qualification standards, may be cause for revocation or denial of carry concealed weapon privileges and/or the recall of any issued badge, identification card or documentation of carry concealed weapons privileges and any other Department property.
 - (2) Notify their campus of any change in permanent resident address information within 30 days of change in permanent residence;
 - (3) Only carry a concealed firearm of the type for which they are qualified, and which is in good condition and proper working order;
 - (4) Refrain from being under the influence of alcohol (or any other intoxicating or hallucinatory drug or substance) when exercising carry concealed weapons privileges;
 - (5) Contact their campus to apply for renewal of identification cards;
 - (6) In the event that their retiree badge and/or University of California Retired Officer Identification Card is lost or stolen, as soon as practical, contact their former Department and make a police report, in addition to any police report filed with another jurisdiction;
 - (7) Immediately surrender any and all ID cards or carry concealed weapons certification documents, and any non-decorative badge or other property issued by their former campus, upon the demand of the campus Chief of Police.

Each campus may charge a fee as necessary to cover any reasonable expenses incurred during the process of issuing identification or certification to Qualified Retired Peace Officers (Penal Code §25455(b)).

1700.3 Firearms Qualifications Standards

A retiring officer shall successfully pass, within 180 days prior to retiring, a department-approved firearm proficiency qualification or off-duty qualification course.

1700.4 Identification and Qualification Documentation Identification cards issued to Qualified Retired Peace Officers qualifying for carry concealed weapons privileges in the State of California shall be in the following format and contain the information described below:

- (a) The ID card shall be on a 2x3 inch card, bear the photograph of the retiree, include the retiree's name, date of birth, the date that the retiree retired, and the name and address of the agency from which the retiree retired, and stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed (Penal Code §25460(c)).
- (b) The ID card shall display the date of expiration of the ID card and CCW privilege, which is initially required five years after the date of retirement, and every five years thereafter;
- (c) A statement on the reverse of the ID card shall describe the authority of the Department to issue the carry concealed weapons endorsement and to confiscate the card.

1700.5 Denial of Privilege Issuance of a University of California Retired Officer Identification Card may be denied by the campus Chief of Police prior to a hearing pursuant to Penal Code §26310.

- (a) If a hearing is not conducted prior to the denial of an endorsement, an officer may request an appeal hearing pursuant to this section only if they are Qualified Retired Peace Officer as defined in Section 817.1 of this Chapter.
- (b) Officers requesting an appeal hearing shall do so within 15 days of the denial. A retired peace officer who fails to request a hearing pursuant to this section shall forfeit the right to a hearing (Penal Code §26310).
- (c) Appeal hearings shall be held by a three-member hearing board. One member of the board shall be selected by the agency's Chief of Police and one member shall be selected by the retired peace officer or their employee organization. The third member shall be selected jointly by the agency and the retired peace officer or their employee organization (Penal Code §26320).
- (d) Appeal hearings may include an assessment of the facts outlined in the retiree's appeal, complete review of the retiree's personnel records including performance evaluations, internal affairs records, disciplinary documents, fitness for duty documentation, records of criminal convictions, separations documentation or any other documentation necessary to make an objective and appropriate recommendation.

1700.6 Revocation A retired officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if

violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency (Penal Code §26305(b)).

An identification certificate authorizing the retired officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the campus Police Department when the conduct of a retired officer compromises public safety (Penal Code §2305(c)).

Temporary or permanent revocation must be based on a showing of good cause, which shall be determined at a hearing, as specified in Section 1700.7 (Penal Code §26305(d)).

Notice of a temporary revocation shall be effective upon personal service or upon receipt of a notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence.

The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent.

A retired officer who fails to respond to the notice of hearing within the 15 day period shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing campus Police Department.

If a hearing is requested, good cause for permanent revocation shall be determined at a hearing as specified in Section 1700.7. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

A retiree may waive the right to a hearing and immediately return the identification certificate to the issuing campus Police Department.

1700.7 Review Board Any hearing conducted under this Chapter shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police of the issuing campus police department or their designee, and one member shall be selected by the retired officer or his or her employee organization. The third member shall be selected jointly by the Chief of Police or their designee and the retired officer or his or her employee organization (Penal Code §26320(a)).

Any decision by the board shall be binding on the department and the retired officer (Penal Code §26320(b)).

A retired officer, when notified of the revocation of the privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting the right to a hearing, shall immediately surrender to the issuing agency the officer's identification certificate (Penal Code §26325(a)).

The issuing agency shall reissue a new identification certificate without an endorsement (Penal Code §26325(b)).

UC Berkeley PD Naloxone Standing Order 2020.pdf

**University of California, Berkeley Police Department
Overdose Prevention and Naloxone Program**

STANDING ORDERS

Narcan (Naloxone HCl) is indicated for reversal of opioid overdose in the setting of respiratory depression or unresponsiveness. It may be delivered intra-nasally with the use of a mucosal atomizer device.


1. This standing order authorizes the University of California, Berkeley Police Department to maintain supplies of nasal naloxone kits for the purposes of responding to opioid overdose emergencies as part of the Overdose Prevention and Naloxone Program.
2. This standing order authorizes Opioid Overdose Trainers to possess and distribute nasal naloxone to Opioid Overdose Responders.
3. This standing order authorizes Opioid Overdose Responders, trained by Opioid Overdose Trainers, who are trained staffs of the University of California, Berkeley Police Department, to possess and administer nasal naloxone to person who is experiencing a drug overdose.
4. **Administration of nasal Narcan (Naloxone HCl):** Do not administer nasal Narcan (Naloxone HCl) to a person with known hypersensitivity to Narcan (Naloxone HCl). Administration of Narcan (Naloxone HCl) Nasal Spray 4mg to a person suspected of an opioid overdose with respiratory depression or unresponsiveness as follows: Use Narcan (Naloxone HCl) Nasal Spray for known or suspected opioid overdose in adults and children. Important: For use in the nose only.
 - Do not remove or test the Narcan (Naloxone HCl) Nasal Spray until ready to use.
 - Each Narcan (Naloxone HCl) Nasal Spray has 1 dose and cannot be reused.
 - You do not need to prime Narcan (Naloxone HCl) Nasal Spray.

How to use Narcan (Naloxone HCl) Nasal Spray:

- Step 1. Lay the person on their back to receive a dose of Narcan (Naloxone HCl) Nasal Spray.
- Step 2. Remove Narcan (Naloxone HCl) Nasal Spray from the box. Peel back the tab with the circle to open the Narcan (Naloxone HCl) Nasal Spray.
- Step 3. Hold the Narcan (Naloxone HCl) Nasal Spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
- Step 4. Tilt the person's head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into ONE NOSTRIL until your fingers on either side of the nozzle are against the bottom of the person's nose.
- Step 5. Press the plunger firmly to give the dose of Narcan (Naloxone HCl) Nasal Spray.
- Step 6. Remove the Narcan (Naloxone HCl) Nasal Spray from the nostril after giving the dose.
- Step 7. Get emergency medical help right away. Move the person on their side (recovery position) after giving Narcan (Naloxone HCl) Nasal Spray. Watch the person closely. If the person does not respond by waking up, to voice or touch, or begin breathing normally, another dose may be given. Narcan (Naloxone HCl) Nasal Spray may be dosed every 2 to 3 minutes, if available. Repeat Steps 2 through 6 using a new Narcan (Naloxone HCl) Nasal Spray to give another dose in the other nostril. If additional Narcan (Naloxone HCl)

Nasal Spray are available, Steps 2 through 6 may be repeated every 2 to 3 minutes until the person responds or emergency medical help is received.

- Step 8. Put the used Narcan (Naloxone HCl) Nasal Spray back into its box.
- Step 9. Throw away (dispose of) the used Narcan (Naloxone HCl) Nasal Spray in a place that is away from children.

	C042975	10 / 7 / 20
Physician's Signature and California Medical License #	Date	
Dr. Karl Sporer	EMS Medical Director	10 / 7 / 22
Physician's Name (Print)	Position	Order Expiration Date

Outside Employment Permit.pdf

DATE: _____

OFFICER

Re: Your Request for Outside Employment

I have received your request to take an additional job as a _____. I am granting you approval to engage in this outside employment.

My approval will be based upon the following conditions:

1. Your outside employment will neither conflict nor interfere with your position and duties as a University of California Police Officer, including in regard to special UCPD overtime assignments which you may be required and/or expected to work.
2. Your outside activity shall not deplete your energies or your ability to remain alert and perform your regular duties and manage your regular responsibilities in a safe manner.
3. You will not use University equipment, including but not limited to, computer equipment, copiers, supplies, telephone or fax lines, and University facilities.
4. Your request for outside employment is subject to annual review and may be terminated at any time.

Margo Bennett
Chief of Police

cc: Field Operations Captain
Personnel File

Received: _____ Date: _____

Indemnify and Hold Harmless Agreement.pdf



Police Department

ROOM 1 SPROUL HALL #1199
BERKELEY, CALIFORNIA 94720-1199

INDEMNIFY AND HOLD HARMLESS AGREEMENT AND EMPLOYEE ACKNOWLEDGEMENT

THIS AGREEMENT is entered into by and between _____ (hereinafter referred to as "Employer") and The Regents of the University of California (hereinafter referred to as "The Regents.")

RECITALS

1. The Regents' employee _____ (hereinafter referred to as "Employee") is currently employed by the University in the full-time capacity and position of Police Officer.
2. Employer wishes to obtain part-time employment of Employee in the capacity of _____.
3. The Regents do not want to be liable for or have to defend themselves against claims involving damages to persons and property, agents, as well as officers, employees and agents of The Regents, arising out of or in any way connected with Employee's performance of security or other services for private employers outside the course and scope of his/her duties as The Regents employee.

EMPLOYER AGREEMENT

The undersigned Employer agrees, therefore, as follows:

1. Employer shall totally indemnify and fully hold harmless The Regents, their officers, employees and agents from all claims, damages, and liability of any kind and nature, including personal injuries, property damage and wrongful death, arising out of Employee's performance of duties in the course and scope of his/her employment with Employer and which are hereby acknowledged to be outside the course and scope of Employee's duties with the University.
2. Employer agrees to undertake the complete legal defense of The Regents and Employee in the event any such claim or litigation is filed against The Regents and/or Employee, arising out of Employee's acts performed in the course and scope and pursuant to his/her duties of employment with Employer including any and all claims which go to the Employer's suitability or training for the particular employee.

INDEMNIFY AND HOLD HARMLESS AGREEMENT AND EMPLOYEE ACKNOWLEDGEMENT

Page 2

3. It is the intention of the undersigned parties that the terms of this contract shall apply in all cases where the services of The Regents' Employee are utilized outside the course and scope of his/her employment with The Regents, whether or not said services are determined to be as an employee of Employer or in the nature of an independent contractor, and whatever the nature of any third party's claim against The Regents (e.g., for negligent training or any other alleged theory of liability asserted against The Regents).
4. Employer understands and agrees that in no case shall the Employee, while working or performing services for the Employer, utilize in any manner equipment issued to him or her by The Regents, including but not limited to service weapons.
5. Employer understands and agrees that Employee, while working or performing services for Employer at all times, shall be acting solely in his/her capacity as a private citizen.
6. Employer understands and agrees that it shall be wholly responsible for all workers' compensation liability arising out of services performed on its behalf by Employee, and Employer agrees to indemnify totally and fully hold harmless The Regents from any and all liability arising under workers' compensation laws.

DATED: _____

BY: _____
(Employer Signature)

(Employer and Title) Print

Address: _____

Phone: _____

EMPLOYEE ACKNOWLEDGMENT

Employee hereby acknowledges and agrees that while working or performing services for Employer, he/she shall:

1. At no time use equipment issued by the University such as a service weapon;
2. Shall be acting solely in the capacity of a private citizen;
3. Shall be entitled to no workers' compensation, disability, retirement of other such benefits from The Regents;
4. Shall not be entitled to indemnification by the Regents for any award of damages, compensatory or punitive, under any provision of the California Government Code;
5. Shall notify his/her University supervisor promptly of any asserted or potential legal claims against him or her, arising out of services performed on behalf of Employer.

DATED: _____

BY: _____
(Employee Signature)

DATED: _____

BY: _____
(University Employee's Supervisor)

Parking Citation Notice of Correction.pdf

NOTICE OF CITATION CORRECTION

CVC § 40202(e)

Date of Correction: _____

Citation Number: _____

Type of Correction:

_____ Date:	Shown as: _____	Corrected to show: _____
_____ Time:	Shown as: _____	Corrected to show: _____
_____ Officer:	Shown as: _____	Corrected to show: _____
_____ Permit:	Shown as: _____	Corrected to show: _____
_____ Location:	Shown as: _____	Corrected to show: _____
_____ Meter:	Shown as: _____	Corrected to show: _____
_____ V Code:	Shown as: _____	Corrected to show: _____
_____ Penalty:	Shown as: _____	Corrected to show: _____
_____ License:	Shown as: _____	Corrected to show: _____
_____ Make:	Shown as: _____	Corrected to show: _____
_____ Color:	Shown as: _____	Corrected to show: _____
_____ Style:	Shown as: _____	Corrected to show: _____
_____ VIN:	Shown as: _____	Corrected to show: _____

_____ VOID Citation Reason: _____

Corrected by: _____ Signature: _____
Officer's Name & Badge Printed

Approved by: _____ Signature: _____
Shift Supervisor's Name & Badge Printed

SRT Final 12 14 20.pdf

Chapter 16: SYSTEMWIDE RESPONSE TEAM POLICY

PURPOSE

1601. The Systemwide Response Team (SRT) will prepare for, and professionally respond to unique situations and incidents that demand trained, equipped, experienced, and organized teams of sworn UC Police personnel beyond those resources available at one campus, as determined by the campus Chief of Police.

This document establishes the policies by which operations and services of the SRT will be conducted. Issues specifically not addressed in these policies will be handled in accordance with Universitywide Police Policies and Procedures and by the policies of the campus where the sworn officer is employed.

The SRT Activation Chart appended as Appendix A to this Chapter is to provide a visual reference for SRT activation. However, the policy itself in this Chapter shall prevail should there be any discrepancy.

MISSION STATEMENT

1602. The mission of the University of California SRT is to maintain a trained team of sworn personnel with the skills and equipment readily available to assist local campuses to:

- (a) Facilitate and protect the Constitutional Rights of all persons;
- (b) Keep the peace and protect life and property;
- (c) Protect lawful activity while identifying and isolating unlawful behavior;
- (d) Provide dignitary protection; and
- (e) Provide training and other assistance when requested and appropriate.

COMPOSITION AND CHAIN OF COMMAND OF THE SRT

1602. The composition and chain of command of the SRT shall be as follows:

1602.1 The UC Council of Chiefs. The UC Council of Chiefs is a duly constituted body consisting of the Chiefs of Police of the ten UC campuses. The Council meets on a regular basis for the purpose of establishing liaisons, reviewing University Police issues and promulgating policy and procedures through the office of Employee/Labor Relations. When requirements under law, including HEERA apply, the UC Council of Chiefs will comply with the provisions to meet and confer with the bargaining unit.

1602.2 The Chiefs' Liaison. The Chiefs' Liaison will be appointed with consensus of the UC Council of Chiefs to provide general oversight and accountability to the SRT and will coordinate SRT deployment, regular reporting, program assessment, and liaison to the UC Council of Chiefs on behalf of the SRT. The UC Council of Chiefs will identify an alternate Liaison to act in the absence of the Chief's Liaison.

1602.3 SRT Regional Coordinators. The SRT Regional Coordinators will be sworn police officers, generally of the rank of Captain or higher who report to the Chiefs' Liaison. The SRT Regional Coordinators are responsible for working with the Chief of Police or designee from the host UC campus to determine the appropriate deployment of SRT personnel. The SRT Coordinators may deploy as needed with SRT personnel to serve as a liaison with the Police Incident Management Team of the host campus.

The SRT Coordinators are responsible for ensuring training compliance with this policy. Individual training records will be maintained by the campus training coordinator and be made available for review by the SRT Coordinators. The SRT Coordinators will maintain the training records of all SRT training including the lesson plans, attendance records, certificates of the trainers etc.

The SRT Coordinators are also responsible for maintaining deployment records, performance documents and summaries. They will also assist the host campus with debriefings and developing and submitting after-action reports.

The SRT Coordinators are also responsible for maintaining an itemized inventory of all equipment affiliated with the SRT. This information should be forwarded to the Chiefs' Liaison, so planning and budgetary issues can be addressed.

1602.4 SRT Commanders. The SRT Commanders will be sworn police officers, generally of the rank of Lieutenant or higher who report to the Regional Coordinators.

SRT Commanders may act as liaisons to the host Chief of Police or designee, or may be deployed in the field to coordinate tactical deployments of the SRT members. The SRT Commanders are responsible for providing assignments and direction to the SRT members, consistent with the mission provided by the host campus. In the absence of both SRT Coordinators, a Commander(s) may be assigned as acting SRT Coordinator(s).

The SRT Commanders are responsible for ensuring SRT members are properly equipped, are proficient with all assigned equipment and maintain their equipment in good working order. The SRT Commanders are also responsible for identifying, organizing and planning team training for all SRT members.

SRT Commanders will serve as mobile field force leaders. A mobile field force will be two or more squads.

1602.5 SRT Teams and Squads. The SRT will be deployed in team/squad formations. The squads will generally consist of two sergeants and ten officers; a team will generally consist of a sergeant and five officers. However, based on circumstances, and with consultation of an SRT Commander, personnel may be assigned to other duties to meet operational needs (e.g., grenadiers). A Sergeant will be the squad leader and report directly to the SRT Commander, unless temporarily reassigned to another command element. A squad or team leader may also be an Officer in Charge (OIC).

SRT DEPLOYMENT

1603. SRT deployment will be in accordance with Universitywide Police Policies and Procedures Chapter 13: Universitywide Mutual Aid.

1603.1 Requests for SRT Deployment. Requests for SRT deployment should be made by the host Chief of Police to the Chiefs' Liaison and both SRT Coordinators, using the Universitywide Mutual Aid Request Form. The Chiefs' Liaison will assist and be responsible to the host Chief of Police for coordinating the deployment of the SRT personnel/equipment, and make notifications to additional campus Chiefs as necessary.

1603.2 Supervision and Command. Supervision and command of the SRT is the responsibility of the host campus Chief of Police or designee. Upon arrival to the host campus, the SRT Coordinator or Commander should report directly to the host campus Chief of Police or designee for assignment and instructions.

SRT SELECTION PROCESS

1604. It is the desire of the UC Chiefs of Police to organize and staff the SRT with personnel that demonstrate an interest and aptitude in the SRT concept and who have shown satisfactory work performance. Appointment to the SRT is done through a selection process and the time and duration of the appointment is the discretion of the individual member's Chief of Police. Performance and participation on the SRT shall be reviewed annually. After completing the duration of appointment, the member may reapply. The selection process remains a campus responsibility based on a competitive selection process. The criterion for application and selection is set forth in section 1604.

1604.1 SRT Coordinators. The SRT Coordinators will be sworn police officers, generally of the rank of Captain or higher who are selected by the UC Council of Chiefs. There will be two SRT Coordinators, one from each region (North and South), who serve at the discretion of the UC Council of Chiefs. Interested command officers shall obtain approval from their Chief of Police to be an SRT Coordinator and submit a letter of interest to the Chiefs' Liaison. SRT Coordinators are selected by the UC Council of Chiefs.

1604.2 SRT Commanders. The SRT Commanders will be sworn police officers, generally of the rank of Lieutenant or higher. Interested command officers shall submit a letter of interest to their Chief of Police, which upon approval, shall be forwarded to the Chiefs' Liaison for consideration. SRT Commanders are selected by the Chiefs' Liaison with the recommendation of the SRT Coordinator in their region. Generally, there shall be a minimum of six SRT Commanders.

The SRT Commanders will serve at the discretion of the Chiefs' Liaison and the members' campus Chief of Police.

1604.3 SRT Sergeants and Officers. The Chief of Police for the SRT members' campus will identify how many members of the department should be assigned to the SRT. SRT candidates will be selected by the SRT members' campus Chief of Police and command staff. Each campus will strive to commit at least twenty percent of their sworn personnel work force as SRT members.

Each campus will conduct a selection process for the SRT members from the department. The process should include a command level review of the applicants' qualifications, a supervisory recommendation, and a review of the SRT applicants' performance evaluations.

1604.3.1 Minimum Process for Selection of Sergeants and Officers. Applying members should refer to their campus Police Department's selection process which should minimally include:

- (a) Letter of interest to include relevant experience and training;
- (b) Supervisor feedback as determined by the Chief;
- (c) Completion of probation.

1604.3.2 Minimum Qualifications of Sergeants and Officers. Minimum qualifications include:

- (a) Three years of sworn experience with one of those years at a UC campus police department;
- (b) Experience and training in crowd management and control tactics.
- (c) Completion of probation
- (d) No sustained findings of excessive/unreasonable use of force
- (e) Training in de-escalation, Crisis Intervention Training and Mental Health
- (f) Knowledge of the 1st Amendment
- (g) Current in all required certifications (for example: Mental Health, First Aid/CPR, De-Escalation and Crisis Intervention Training).

1604.3.3 Review and Selection. Review, selection, and final approval of the team members will rest with the Chiefs' Liaison in consultation with the SRT Coordinators. SRT Sergeants and Officers serve at the discretion of their Campus Chief of Police, the Chiefs' Liaison, and the SRT Regional Coordinator.

Failure to be selected as a member of SRT, is not grievable.

1604.3.4 SRT Personnel Compensation. The Council of Chiefs has established SRT as a specialty assignment at all campuses owing to members' ongoing specialized training and commitment to respond to systemwide incidents and events. SRT specialty compensation for officers is established in the PA contract. SRT specialty compensation rate for non-represented sworn personnel (i.e., Sergeants, Lieutenants, Captains, Assistant Chiefs, and Chiefs of Police) shall be established, for application uniformly, by the Council of Chiefs and reviewed at least annually by the Council.

TRAINING

1605. Training is an essential part of SRT operations and a fundamental responsibility of every member of SRT. All training, training instructors and training curriculum shall be approved by the UC Council of Chiefs. All training shall be thoroughly documented.

1605.1 Physical Fitness. SRT members should note the importance of staying physically fit. It is reasonable to assume that SRT training or deployments may involve actions such as:

- (a) Running;
- (b) Properly executing squad movements or formations;
- (c) Standing for long periods of time;
- (d) Properly perform various arrest or rescue techniques;
- (e) The ability to use or retain duty weapons in a manner consistent with policy;
- (f) Maintaining discipline and professionalism in a stressful environment.

1605.2 Areas of Training. SRT training shall be based on a thorough assessment of the knowledge, skills, and abilities that SRT members need to possess in order to accomplish the missions of SRT. SRT Commanders are responsible for developing training guidelines in the following areas:

- (a) Tactical Communication;
- (b) Use of Force;
- (c) Crowd Management;
- (d) Intervention Strategies;
- (e) Dignitary Protection;
- (f) Incident Command System;
- (g) Arrest Techniques;
- (h) Authorized Equipment and Tools;
- (i) Relevant Case Law;
- (j) Command Level and Situational Awareness Training;
- (k) Other Contemporary Best Practices.

1605.3 Approved Lesson Plans. SRT training shall contain a curriculum based on approved lesson plans taught by approved, certified or expert instructors, hourly schedules, learning objectives, and performance-based testing.

1605.4 Annual Training Plan. SRT Coordinators shall set forth an annual training plan and schedule. The plan and schedule shall be distributed to the Chiefs' Liaison for review.

1605.5 Removal for Lack of Attendance. SRT members are required to attend mandatory training and participate in SRT call-outs unless excused by their Chief of Police. A recommendation to remove a SRT member who has a pattern of absences will be made by the Chiefs' Liaison to the member's campus Chief of Police who will address the issue.

1605.6 Consistent Systemwide Training. SRT Training shall be consistent systemwide, conforming to best practices and following POST guidelines on crowd management. Mandatory SRT training for all members should occur twice a year as scheduled. If an SRT member misses both mandatory training days within a calendar year, the SRT member may be removed from SRT. Each campus is encouraged to schedule two additional SRT training days at their campus, for their officers, each calendar year.

EQUIPMENT

1606. The SRT will be supplied with equipment approved by the UC Council of Chiefs. The Chiefs' Liaison with the assistance of the SRT Coordinators and SRT Commanders, will recommend the equipment to be utilized by the members of the SRT. The SRT Commanders and Sergeants will ensure that all equipment is periodically inspected and ready for field use prior to deployment of the SRT. SRT equipment, tools and their use shall be evaluated at least annually. SRT members are required to train with issued equipment at every scheduled training event.

1606.1 Issuance of Equipment. SRT Sergeants and Officers will use their department issued equipment and its deployment will be authorized based on their particular assignment. Replacement equipment or newly issued equipment is purchased by the individual member's department. Each SRT member will be issued:

- (1) Helmet with face shield and 36" baton;
- (2) Gas mask with extra filter and mask carrier;
- (3) Soft riot armor;
- (4) Flex cuffs with officer's badge number on the cuffs;
- (5) Peltor headset
- (6) Additional equipment as deemed necessary by the Council of Chiefs.

1606.2 Deployment of Equipment. Deployment of SRT equipment includes, but is not limited to:

- (a) Weapons:
 - (1) Kinetic energy projectiles;
 - (2) Chemical agents.

(b) Non-Weapons:

- (1) Backpack with first aid equipment;
- (2) Arrest kits;
- (3) Specialized equipment for defeating protestor devices;
- (4) Bullhorns/LRAD;
- (5) Gloves.

1606.3 Discretion of Host Campus Chief. The use of SRT weapons will remain at the discretion of the host campus Chief or designee and deployment conditions, use, or restrictions shall be clearly noted in the Operations Plan. Whenever practicable, the host campus Chief or designee should discuss the use of SRT weapons with SRT Commander(s) before deployment. SRT personnel will not be prevented from carrying and/or using non-SRT weapons that have been issued or approved by their home campus.

1606.4 Approval of Equipment. No equipment will be used by any member of the SRT unless the equipment has been approved by the UC Council of Chiefs and the officer has received the proper training to utilize the equipment and the training is documented.

INCIDENT COMMAND SYSTEM

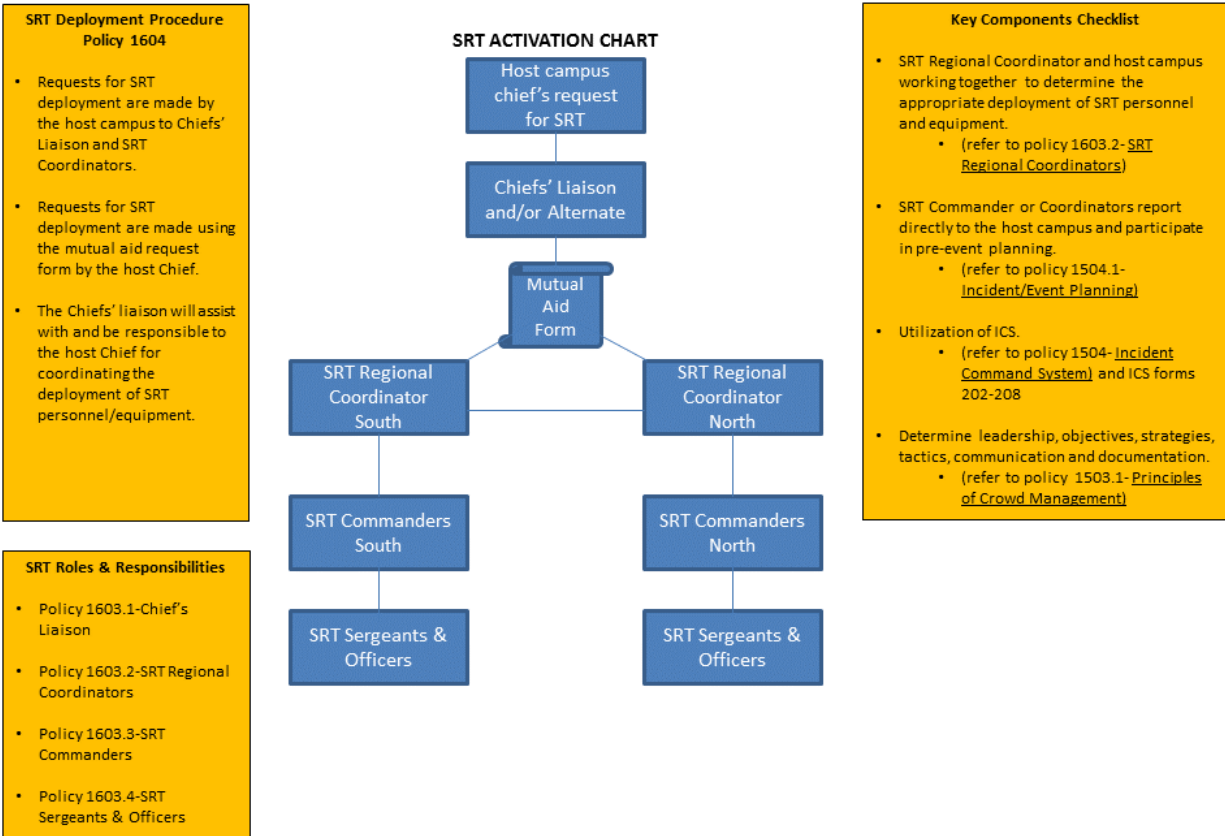
1607. During a SRT call out and prior to the team's arrival, the host agency is expected to manage the response to critical incidents using the principles of the Incident Command System. To the extent possible written operations plans shall be supplied in advance to SRT Commanders by the host campus and written on ICS compliant forms.

The host campus is responsible for debriefing, developing and submitting the after- action reports, including a summary of SRT resources used for the event, to the Chiefs' Liaison within thirty days, where practical.

Standardized operations plans and after action reports will be used by all campuses and should minimally include summary of the events, significant actions taken, training needs identified, and equipment needs identified with associated costs.

Chapter 16: SYSTEMWIDE RESPONSE TEAM POLICY

APPENDIX A



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Chapter 15: Body Worn Audio/Video Systems

DEFINITIONS

1500. The following definitions apply to this Chapter:

Activate – Any process that causes the body worn camera system to transmit or store video or audio data.

Body worn camera system, body worn camera, body worn video (BWV) – synonymous terms which refer to the camera system that captures audio and video signals, that is capable of wearing as part of the officer's uniform.

PURPOSE

1501. Body Worn Audio/Video Systems

The University of California is committed to officer safety and public safety. The University has equipped its police departments with body worn audio-visual cameras ("BWV's", "devices" or "cameras") for use as part of the officer's uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWV's provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department's community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer's actions in a particular situation. Evaluating an officer's actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event.

This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

For purposes of this Chapter, BWV (body worn video) and BWC (body worn camera) may be used interchangeably.

POLICY

1502. Required Users.

The following sworn personnel, from Lieutenant through Officer, are required to wear the BWV system while on duty, unless otherwise exempted by this Chapter, or by the Chief of Police or designee:

- (a) Uniformed personnel while on regular assignment or on overtime status;
- (b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
- (c) Personnel serving a search warrant, unless the use of the BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or tactics. Any exception to recording pursuant to this subsection (c) must receive prior approval from the Chief of Police or designee;
- (d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

1503. Department Issued Equipment Only.

Officers assigned a BWV camera must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

1504. Location of Body Worn Camera.

The BWV camera generally consists of a body-mounted camera with a built-in microphone. The BWV shall be worn on the outside of the outermost garment (e.g., load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

1505. Required Activation of Body Worn Camera.

Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWV device prior to initiating any criminal investigative or enforcement activity involving a member of the public as soon as practicable, including all:

- (a) Vehicle or bicycle enforcement stops;
- (b) Pedestrian stops;
- (c) Calls for service;
- (d) Foot pursuits;
- (e) Searches (except strip searches);
- (f) Arrests;
- (g) Uses of force;
- (h) In-custody transports, except when the in-car video system is recording the transport;
- (i) Witness or victim interviews;
- (j) Forced entry search warrants/tactical deployments;
- (k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
- (l) Any encounter that becomes adversarial after the initial contact;
- (m) Initial inventory of seized money or high value property;
- (n) Crowd management events if there is reason to believe that an event has the potential for unlawful activity or in the judgment of the Incident Commander that recording is appropriate;
- (o) Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

1506. Exceptions to Required Activation or Continued Recording.

Exceptions to required activation or continuation of the BWV recording are:

- (a) When, in the officer's judgment, activation, continuing to record, or changing the BWV functions would jeopardize their safety or the safety of the public. However, the officer shall activate or re-activate their BWV as soon as it is safe and practicable to do so unless other exceptional circumstances exist;
- (b) When, in the officer's judgment, a recording would interfere with their ability to conduct an investigation;
- (c) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;
- (d) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action or evaluation by the officer under W&I §5150 et seq. is being taken in these areas. If recording is necessary, officers shall make reasonable efforts to avoid recording individuals other than the subject;
- (e) Once a crime scene is secured and the officer no longer has an investigative role, and where the chance of encountering a suspect is unlikely;

- (f) Prior to or while discussing a case on scene with other officers or during on-scene tactical planning;
- (g) When, in the officer's judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;
- (h) When a call for service is a phone call or phone report only;
- (i) When ordered to stop recording by a supervisor;
- (j) When the recording of a person is in violation of the law.

1507. Discretionary Activation.

There are many enforcement or criminal investigation situations where the use of the BWV is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, officers should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.

1508. Assignments Temporarily Preventing BWV Use.

It is recognized that officers subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWV equipment prior to responding to a scene, or participating in an enforcement or criminal investigation. In these cases, officers should pick up their camera as soon as practicable.

1509. Recording of Entire Event.

Once activated, the BWV shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

1510. Documentation of Recordings, Failure to Activate, or Discontinuation of BWV Recordings

Officers shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an officer does not activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall notify their supervisor of the reason(s) and document the reason in the appropriate report.

1511. Notice to Members of the Public of BWV Recording.

Officers are not required by law or this Chapter to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place. However, officers may inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, officers entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWV is present before entering the area, unless: the officer enters the area pursuant to a warrant; such notice would, in the officer's judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

1512. Playback of BWV Recording.

Officers should not play back BWV recordings to allow members of the public to review the video footage in the field without supervisor approval, and any play back must be documented in the appropriate report.

1513. Prohibited BWV Recording.

The activation or use of the BWV is prohibited, unless otherwise authorized by this Chapter, during:

- (a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;
- (b) Non-work related activities or other activities not related to enforcement contact nor criminal investigation;
- (c) Private conversations with any other member of the Department without the written consent of all involved parties;
- (d) Department administrative investigations;
- (e) Public safety walk-through/statement, homicide or other major crime briefings;
- (f) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
- (g) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a subject or taking a subject, victim, or witness statement;
- (h) While inside jail facilities when prohibited by the jail facility;
- (i) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to preclude an officer activating the BWV when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated or interfere with the ability to otherwise openly audio record an interrogation pursuant to California Govt. Code §3303(g),

1514. Training.

Officers who are assigned the BWV must complete Department approved training in BWV policies, proper use, and maintenance of the device before using the system in the field. Supervisors must complete Department approved training in the supervision and management of the BWV system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWV system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision or management of the system.

1515. Inspection and Testing of Equipment.

Officers shall be responsible for inspecting and testing their BWV equipment at the start of their shift and shall ensure that the equipment is properly functioning. Officers shall notify their supervisor, in writing, if the BWV equipment is not properly functioning. For purposes of this Chapter “in writing” shall include e-mail.

1516. Assigned BWV Equipment.

No officer shall use BWV equipment not assigned to them, unless authorized by a supervisor.

1517. Damaged, Malfunctioning or Inoperable Equipment

The BWV equipment is the responsibility of the assigned officer and must be used with reasonable care to ensure proper functioning and reliability. If an officer’s BWV malfunctions or is damaged or inoperable, the officer shall notify the on-duty supervisor. Campuses shall develop and implement local policies on notification and documentation of such notification.

If feasible, the supervisor shall provide the officer with a functional BWV prior to the officer deploying to the field. However, the lack of a BWV unit shall not prevent an officer from working their shift or assignment.

An officer shall not be held financially responsible for damaged, malfunctioning or inoperable equipment unless abuse of the equipment by the officer is found to be the cause.

1518. Labeling, Categorizing and Uploading Recordings.

Officers shall label, categorize and upload their BWV recordings into the BWV data storage system in accordance with UCPD procedure(s).

1519. Viewing Recordings by Recording Officer.

Subject to the exceptions in this Chapter, officers should review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Officers must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

1520. Modification, Alteration, or Deletion.

No employee shall modify, alter, or delete video or audio once recorded by the BWV camera, except as authorized by Department policy.

1521. Request for Deletion of Accidental Recording.

In the event of an accidental activation of the BWV where the resulting recording is of no potential investigative or evidentiary value, the recording officer may request that the BWV file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

1522. Restriction of Personal or Sensitive Information.

In the event of a BWV recording that captures sensitive or personal information for which access should be restricted (“restricted recording”), an officer may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

1522.1 Access to Restricted Recording by Auditor or Investigator.

The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted pursuant to Section 1522 if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.

- (a) **Notification Prior to Access of Restricted Recording.** Prior to granting access, the Chief of Police or designee must notify the officer who originally requested that the recording be restricted. If the original officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure.

Once a final determination has been made, the original requesting officer will be notified in writing within fourteen days prior to release of the restricted information.

- (b) **Exception to Notification Requirement for Restricted Recording.** When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement in Section 1522.1(a) shall not apply if approved by the Chief of Police or designee.

1522.2 Access to Restricted Recording by Law Enforcement or by Legal Obligation.

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the officer who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

1523. Unauthorized Access to Recordings Prohibited.

Although the data captured by the BWV is not considered Criminal Offender Record Information (“CORI”), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWV data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWV data shall only be from Department authorized computers, Department work stations or the BWV cameras. However, administrative users of the BWV data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

1524. Copying of BWV Recording or Data

Personnel shall not make copies of any BWV recording for personal use or to share with unauthorized individuals or entities (including, but not limited to, the public, the media, and social media). Only department authorized devices shall be used to copy, view, share, or otherwise distribute BWV recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

1525. Review of BWV Recordings by Departmental Employees.

Access to BWV data shall be limited as follows, unless otherwise provided for in this Chapter:

- (a) Officers may view their own BWV data for official Department business;
- (b) Any employee may review BWV data as it relates to:
 - (1) Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
 - (2) Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
 - (3) Providing a statement in an administrative investigation.
 - (4) Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
 - (5) This section does not apply to sworn personnel providing a public safety statement following a critical incident.

- (c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of an injured officer;
- (d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;
- (e) Command staff may randomly review BWV recordings for the purposes of validity testing, including the review of one recording per officer per month. Any BWV system deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any criminal activity will be investigated;
- (f) To allow for necessary administrative functions such as BWV data management, system maintenance and repair, and evidence management;
- (g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWV recordings and data for legitimate and authorized purposes;
- (h) Supervisors may review BWV recordings, but not in violation of 1527, as follows:
 - (1) When necessary as part of their administrative duties (e.g., use of force reporting, etc.) and the report approval process.
 - (2) To ensure that the video and audio was properly captured, uploaded/downloaded;
 - (3) To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes;
 - (4) To conduct roll call training on expectations, use and maintenance of BWV equipment. Any use of BWV recordings for training must comply with Section 1527 of this Chapter;
 - (5) To debrief BWV-captured incidents of value after obtaining authorization from the Chief of Police or designee
 - (6) In order to resolve citizen complaints pursuant to 1525(d).

1526. Use of Recordings for Training.

A BWV recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

The Chief of Police or designee must notify the recording officer and any depicted officer of the intent to use the recording for training. If any such officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an officer's objection outweighs the training value.

1527. Restriction on Use for Monitoring for Violations of Policy/Law.

It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an officer's recordings pursuant to Section 1525(e) of this Chapter.

1528. Use of Deadly Force – Handling of Recording.

For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

- (a) The supervisor of the involved officer(s) must take possession of their BWV equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWV is transferred to the assigned investigator;
- (b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWV camera, and perform the upload process, if necessary;
- (c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWV recording prior to turning over the BWV equipment to the supervisor.
- (d) The involved officer shall be permitted to view the BWV video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the recording(s) after the initial statement has been taken and provide a supplemental statement if desired.
- (e) Prior to viewing the BWV, the officer must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (f) The fact that the officer was given the opportunity to review the BWV should be documented, as well as the time, date and location of any such viewing;
- (g) Supervisors shall not view the BWV recording without express permission from the Chief of Police or designee;
- (h) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (i) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

1529. Other Use of Force– Handling of Recording.

For any use of force not covered by Section 1528, the following shall apply:

- (a) Supervisors shall allow involved officer(s) to review their own BWV recordings;

- (b) Supervisors shall allow involved officer(s) to review other BWV recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;
- (c) Prior to viewing the BWV, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (d) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence or uploaded into the proper server;
- (e) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

1530. Retention.

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

1531. Technical Specifications and System Security.

The University of California Systemwide Coordinator of Police Services shall, in consultation with the Council of Police Chiefs, develop minimum technical standards and specifications and system functionalities for BWV systems. In addition, the security of the BWV data must be in compliance with University policy, regulations, and law..

1532. Production of BWV Recording as Required by Law

Production of BWV recordings to the public shall be in accordance with the law, and with the approval of the Chief of Police or designee.

Chapter 15: Body Worn Audio/Video Systems

ATTACHMENT A

Video/Audio Evidence Review Acknowledgment

In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall, and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it does not, that is fine also.

Read and Acknowledged:

Signature

Date and Time

Printed Name

Badge No.

Witnessed:

Signature

Date and Time

Printed Name

Title/Position

ab-481 Equipment List.pdf

****** Pending review by the Regents of the University of California ******

Categories and Descriptions	Totals
Category 1 - Unmanned, remote Piloted, Powered Aerial or Ground Vehicles	
<i>Remotec Andros F6A Robot (used solely by the bomb squad)</i>	1
Category 5 - Command and Control Vehicles that are either built or modified to facilitate operational control and direction of public safety units	
<i>Command Post - Vehicle</i>	1
Category 7 - Battering Rams, Slugs, and Breaching Apparatuses	
	0
Category 8 - Firearms and Ammunition of .50 caliber or greater, excluding standard issue shotguns and standard issue shotgun ammunition	
<i>Remington 870 12 Ga. Shotgun (Breaching or Bean Bag Use Only)</i>	13
Category 11 - Noise-Flash Diversionary Devices and Explosive Breaching Tools	
	0
Category 12 - Munitions Containing Tear Gas or OC Excluding Standard Service Issued Hand-Held Pepper Spray	
<i>FN Herstal 303-5 18mm Rounds (PAVA/OC)</i>	480
<i>Def-Tec 40mm Direct Impact Munition Model #6320 (OC)</i>	5
<i>Def-Tec 40mm Direct Impact Munition Model #6322 (CS)</i>	5
<i>Def-Tec MK-9 Pepper Spray (OC) Canisters, Model #5099</i>	8

Categories and Descriptions	
Category 13 - Taser Shockwave, Microwave Weapons, Water Cannons, and Long Range Acoustic Devices	
<i>Long Range Acoustic Device (LRAD)</i>	1
Category 14 - Kinetic Energy Weapons and Munitions	
<i>FN Herstal 303 Launcher</i>	5
<i>FN Herstal 303-3 18mm Rounds (Washable Paint)</i>	390
<i>Def-Tec/LMT 40mm Launcher (Models #1327, #1425, #1426, # ?)</i>	4

<i>Def-Tec 40mm eXact Impact Munition Model #6325</i>	<i>100</i>
<i>Def-Tec 12 Ga. Bean Bag Rounds Model #3027</i>	<i>625</i>

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Basic Course Workbook Series Student Materials

Learning Domain 30

Crime Scenes, Evidence, and Forensics

Version 5.0

**Basic Course Workbook Series
Student Materials
Learning Domain 30
Crime Scenes, Evidence, and Forensics
Version 5.0**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. We must also thank the California law enforcement agency executives who allowed their personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention and ultimately contribute to you becoming a peace officer committed to safety, and to the communities you will serve.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer.

MANUEL ALVAREZ, Jr.
Executive Director

LD 30: Crime Scenes, Evidence, and Forensics

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. You may use the workbook in several ways: for initial learning, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST training program and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Begin reading the text.
4	Complete the workbook learning activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined (e.g., <u>term</u>).

Chapter 1

Crime Scenes

Overview

Learning need

Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.

Learning objectives

The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">• identify the goal of a criminal investigation.	30.01.1
<ul style="list-style-type: none">• perform the steps of a preliminary criminal investigation including:<ul style="list-style-type: none">- proceed safely to the scene- determine need for emergency medical services and aid any injured persons- verify that a crime, if any, has occurred- identify and arrest the suspect(s), if appropriate- as soon as possible, provide dispatch with any suspect information including physical descriptions, direction of flight, mode of travel, and other pertinent information- contain and protect the crime scene, initiate a crime scene log and cause the proper collection of evidence- locate and interview victim(s) and/or witness(es) and identify other sources of information- collect all available information necessary to write a clear and accurate report (who, what, when, where, why and how)	30.01.2

Continued on next page

Overview, Continued

Learning objectives (continued)

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">demonstrate actions peace officers may employ to preserve possible evidence at a crime scene.	30.01.5
<ul style="list-style-type: none">identify the primary purpose of conducting a(n):<ul style="list-style-type: none">initial survey of a crime scene, andcrime scene search.	30.01.6 30.01.7
<ul style="list-style-type: none">identify criteria for allowing crime scene photographs to be admitted as evidence by the court.	30.01.9
<ul style="list-style-type: none">identify elements to be included on a crime scene diagram.	30.01.10

In this chapter

This chapter focuses on the documentation of a crime scene that must take place prior to the collection of evidence. Refer to the table below for a specific topic.

Topic	See Page
Preliminary Criminal Investigations	1-3
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Preliminary Criminal Investigations

Introduction

The role of responding peace officers to calls involving criminal activity goes well beyond that of making an arrest. The actions taken or not taken by peace officers can greatly influence the prosecutor's success in obtaining a conviction.

Types of investigations

An **investigation** is the systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.

Law enforcement agencies conduct a variety of different types of investigations including, but not limited to:

- background investigations (e.g., screening job applicants),
 - internal investigations (e.g., regarding conduct of officers),
 - permit investigations (e.g., prior to issuing business licenses), and
 - criminal investigations.
-

Criminal investigations

A **criminal investigation** is a systematic approach to the:

- establishment of a criminal violation,
- identification and arrest of a suspect, and
- gathering of evidence for presentation in a court of law.

The ultimate goal of a criminal investigation is to determine if a crime occurred, provide investigative leads, and assist in the successful prosecution of the guilty and exoneration of the innocent.

Continued on next page

Preliminary Criminal Investigations, Continued

Preliminary investigations

The investigation of a crime often takes place in a number of phases. It begins with the preliminary investigation and progresses through more in-depth follow-up investigations ultimately leading to the arrest or indictment of a suspect.

The **preliminary investigation** begins when the responding officers first receives the call. It continues through the writing and filing of the primary officer's investigative report.

Involved individuals

A number of individuals and organizations are involved in the preliminary investigation of a crime. Each person participating must understand and anticipate the needs and requirements of the other individuals involved.

Individuals involved in the investigative process may include, but are not limited to:

- reporting parties,
 - responding officers,
 - investigating officers,
 - victims,
 - witnesses,
 - evidence technicians,
 - medical examiners,
 - forensic scientists, and
 - attorneys.
-

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation

Although no two crime scenes are the same, the components of a preliminary criminal investigation remain similar. The extent that the responding officers are involved in each event is dependent on the nature of the crime, the availability of other officers or specialized personnel (e.g., evidence technicians, etc.), and agency policies.

The following table identifies the components common to all preliminary criminal investigations.

	Action(s)	Guidelines
Approach and arrival Initiate crime scene log	Proceed safely to the scene.	<ul style="list-style-type: none">• Scan area to identify potential physical evidence of reported crime while en route.• Scan scene(s) for occupational hazard(s).• Position vehicle in such a manner as not to compromise potential evidence and/or officer/public safety.• Stage emergency medical services and/or fire personnel.• Direct back up units.• Initiate a crime scene log for all personnel within the scene perimeter. <p>NOTE: For additional information regarding safely responding to a call, refer to LD 19: <i>Vehicle Operations</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
	Assessment	<ul style="list-style-type: none"> • Officers have a primary responsibility for the preservation of life that must supersede the apprehension of a suspect. • Officers should render first aid and request additional emergency medical services when needed. • While rendering aid, officers must also remain alert to: <ul style="list-style-type: none"> - officer safety, - record accidental destruction or alteration of evidence, and - the need to record any medical assistance rendered to injured parties by officers, medical personnel, or others. <p>NOTE: For additional information regarding rendering first aid refer to LD 34: <i>First Aid and CPR</i>.</p>
	Verify that a crime has occurred.	<ul style="list-style-type: none"> • Do not assume that the information that was dispatched will be a valid reflection of the actual event. Information initially given to the dispatcher may not have been complete or accurate. • Upon arrival officers should: <ul style="list-style-type: none"> - visually inspect the scene, - gather information from involved parties, and - establish the body or elements of the crime (<u>corpus delicti</u>) to determine if a crime has been committed and, if so, identify the specific crime.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)		Action(s)	Guidelines
	Assessment (continued)	Identify and arrest suspect(s), if appropriate.	<ul style="list-style-type: none">• Suspect identification may be based on:<ul style="list-style-type: none">- victim and/or witness statements,- spontaneous confessions and/or statements made by suspects themselves, or- physical, biological, trace, and impression evidence at the crime scene. (e.g., fingerprints, clothing, weapons, etc.)• If sufficient probable cause exists to believe the suspect is guilty of a crime, the suspect can be taken into custody.• A search of the suspect incident to the custodial arrest may include a full search of:<ul style="list-style-type: none">- the arrestee's person,- containers on the arrestee's person, and- the nearby physical area that was under the immediate control of the arrestee. <p>NOTE: Searches incident to arrest can be more inclusive than cursory/frisk searches for weapons only.</p> <p>NOTE: For additional information regarding searches and custody, refer to LD 15: <i>Laws of Arrest</i> and LD 16: <i>Search and Seizure</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
Assessment (continued)	Provide dispatch with pertinent information as soon as possible.	<ul style="list-style-type: none">• If suspect(s) have fled the scene, officers should provide the dispatcher and other field units with information such as:<ul style="list-style-type: none">- physical description(s), including clothing- direction(s) and route(s) of flight, and/or- mode of travel. (e.g., on foot, by vehicle, etc.)- time and location last observed- information regarding vehicles (if known)• Additional pertinent information may include:<ul style="list-style-type: none">- type of crime,- extent of injuries,- type of business, (if applicable)- location of occurrence,- time of occurrence,- description of vehicle, (if applicable)- description of weapon, (if applicable) and/or- description of property taken, (if applicable)- need for forensic personnel or criminalists at the scene• Additional broadcasts can be made if/when additional information is obtained during the preliminary investigation.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
Preliminary Investigation	Secure and protect the crime scene.	<ul style="list-style-type: none"> The primary responding officer to a crime is responsible for the integrity of the crime scene until that officer is relieved of that responsibility. Set up crime scene perimeter tape (if applicable).
	Determine jurisdiction	<ul style="list-style-type: none"> Make appropriate notifications based on agency policies and procedures.
	Identify and preserve possible evidence.	<ul style="list-style-type: none"> Proper crime scene management requires: <ul style="list-style-type: none"> preventing the contamination or destruction of evidence, initiating a crime scene log (if appropriate), documenting all personnel entering/exiting the scene documenting the crime scene, identifying and preserving evidence, and protecting the victim's property from damage or theft.
	Locate and interview victim(s), and or witness(es).	<ul style="list-style-type: none"> Officers should obtain and document information needed to: <ul style="list-style-type: none"> determine the crime, identify and locate the victim(s) or suspect(s), and generate additional crime broadcasts. Responding officers may be responsible for locating and interviewing all persons present at a crime scene.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
Preliminary Investigation (continued)	Identify other possible sources of information.	<ul style="list-style-type: none"> As quickly as possible, collect as much information as is available. <p>NOTE: A listing of possible sources of information is provided in the <i>Supplemental Materials</i> portion of this workbook.</p>
Report	Collect available information necessary to write a clear and effective investigative report.	<ul style="list-style-type: none"> Officers should begin taking field notes as soon as possible after arriving at the crime scene. Notes should reflect information needed to report on the who, what, where, when, how, and why of the crime. <p>NOTE: For additional detailed information regarding investigative reports refer to LD 18: <i>Investigative Report Writing</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

Follow-up investigations

Actions taken by officers involved in the preliminary investigation can have a direct impact on follow-up law enforcement actions. Further investigative actions that may be required include, but are not limited to:

- reviewing the original report to develop additional leads.
 - viewing all evidence seized and ensuring proper packaging and preservation for submissions to a crime laboratory.
 - conducting follow-up interviews with the reporting officer, victim(s), witness(es), and suspect(s).
 - evaluating statements, evidence, and laboratory results.
 - gathering additional evidence through surveillance.
 - identifying, locating, arresting, or seeking warrants for the arrest of suspect(s).
 - conducting custodial interviews.
 - compiling and conducting field show-ups and lineups.
 - seeking warrants for searches and recovering stolen property.
 - maintaining a liaison with the prosecutor.
 - complying with victim/witness obligations.
-

Preservation of a Crime Scene

Introduction

The crime scene itself is a form of evidence and should be treated by officers just as carefully as any other form of evidence.

Role of responding officer

It is the responsibility of the initial primary responding officer to secure and protect the integrity of the crime scene until officially and properly relieved.

Initially, officers should not touch anything or do anything that could alter a crime scene in any way except to preserve life or administer aid to a victim.

Contamination

When two objects touch each other, it is possible for trace substances of one to be transferred to the other. For example, whenever an individual enters a crime scene, it is possible for that individual to introduce physical evidence to the scene (e.g., fibers, hair, fingerprints, DNA, etc.) as well as to remove physical evidence from the scene (e.g., fibers on clothing, soil on shoes, etc.).

Such transfers can take place not only to potential suspects, but also peace officers who enter or leave a crime scene. For this reason, crime scenes must be carefully protected and personnel investigating the scene may need to wear protective gear to avoid any intentional or unintentional forms of contamination.

Continued on next page

Preservation of a Crime Scene, Continued

Protecting the crime scene

A crime scene encompasses not only the immediate area where a crime took place, but also other areas related to the crime (e.g., vehicles, escape routes, etc.). The following table identifies actions that can be taken by responding officers to protect the scene of a crime.

Action	Additional Information
Establish a perimeter.	<ul style="list-style-type: none">• An inner perimeter should include that area which contains specific evidence of the crime.• An outer perimeter may be established as a means of securing and controlling access to the inner perimeter.• Access to the inner perimeter should be limited to only those <i>authorized</i> individuals directly related to the criminal investigation.• Isolate the scene and deny entry.• A perimeter should be larger than is apparently necessary. One rule to follow is to double the distance from the center of the crime scene to the farthest location of any piece of evidence.• Prevent all unauthorized people from entering the scene (e.g., family members, neighbors, media, etc.).
Assign personnel.	<ul style="list-style-type: none">• The primary responding officer should assign law enforcement personnel to maintain inner and outer perimeters.• If necessary, assistance for perimeter containment may be obtained from those other than law enforcement personnel.

Continued on next page

Preservation of a Crime Scene, Continued

Protecting the crime scene (continued)

Action	Additional Information
Place fixed barriers.	<ul style="list-style-type: none">• Police barrier tape can be used to establish and identify clear boundaries to maintain crime scene integrity.• Use cones and other traffic barricades to restrict access to the area.• Vehicles or other items can be strategically positioned to block traffic.
Maintain a crime scene log.	<ul style="list-style-type: none">• Record information on who had access to the crime scene.• Include information such as:<ul style="list-style-type: none">- date,- time in and out,- name and rank,- badge or ID number,- agency, and- reason for entry.

Continued on next page

Preservation of a Crime Scene, Continued

Evidence protection

Evidence within a crime scene may be moved, damaged, or obliterated by even the smallest disturbance. Because of this, initial responding officers must take actions to protect physical evidence.

IF...	THEN...
<ul style="list-style-type: none">the crime scene may be affected by:<ul style="list-style-type: none">environmental factors, (e.g., rain, wind, etc.) orindividuals not authorized to participate in the investigation, (e.g., bystanders)	<ul style="list-style-type: none">action may be necessary to protect the evidence such as, but not limited to:<ul style="list-style-type: none">providing a tent covering to protect from rain or sunlight,erecting temporary walls or barriers to reduce wind contamination, orusing cardboard to temporarily cover tire tracks or footprints.
<ul style="list-style-type: none">movement of evidence, if required (e.g., to transfer a victim, officer safety, etc.)	<ul style="list-style-type: none">officers should:<ul style="list-style-type: none">verbally notify appropriate personnel of the action taken,document and photograph, if appropriate, and condition of the evidence, anddocument all actions taken.

Evidence tampering by peace officers

Penal Code Section 141(b) states a peace officer who knowingly, willfully, intentionally, and wrongfully alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter, digital image, or video recording will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry, is guilty of a felony punishable by two, three, or five years in the state prison.

Crime Scene Surveys and Searches

Introduction

Movements at a crime scene should be carefully planned. Prior to any crime scene search responding officers must determine if the crimes committed are major crimes or minor crimes and then develop a specific search plan.

During major crime investigations

The **initial survey** should consist of securing the scene, noting visible evidence, calling for necessary resources, and controlling entry into the scene until properly relieved.

A major scene is defined by the need for specialized investigators and forensic personnel.

Initial surveys

Once a crime scene has been secured, an initial survey should be undertaken to identify the kind and amount of evidence that *may* exist in the designated area. The purpose of conducting such a survey is to give responding officers an opportunity to assess the amount of time, equipment, and personnel that may be needed to actually collect and process the evidence.

Officers should proceed cautiously through the crime scene area, being careful *not to touch, step on or disturb, or remove* any possible evidence when conducting the initial survey.

NOTE: For personal protection and for the protection of the evidence itself, officers may be required to wear items such as latex gloves, shoe covers, or other forms of protective clothing when conducting an initial crime scene survey.

Crime scene search

A **crime scene search** is a systematic, coordinated effort conducted in order to:

- locate evidence (physical, trace, impression, or biological) that indicates a crime has taken place, and
 - identify individual(s) who were present at the scene or may have committed the crime.
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search plans

Prior to conducting a crime scene search, all involved law enforcement personnel should have a clear understanding of the search plan. Everyone assisting in the search for evidence should be made aware of the:

- type of crime that has taken place,
- type of items that may be associated with the crime,
- perimeters of the area to be searched, and
- searching pattern that will be used.

NOTE: Searching officers should not limit themselves to collecting only items that they *think* are evidence. They must keep in mind that everything found in the crime scene should be considered evidence.

Selecting a search pattern

There are a number of different search patterns that can be used when attempting to locate evidence at a crime scene. The selection of a specific search pattern used at a crime scene should be based on the:

- location and configuration of the crime scene,
 - number of personnel available for the search, and
 - personal preference.
-

Documentation

The condition of the crime scene along with the location and description of items of possible evidence identified during any search should be documented in:

- the officer's field notes,
 - photographs,
 - crime scene diagrams, and
 - the officers original report and other supplemental reports.
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search patterns

The following table identifies five such patterns commonly used.

Pattern	Description
Line	<ul style="list-style-type: none">• Officer begins at one corner of the crime scene and searches back and forth across the area, moving in parallel straight lines (in the same manner as if mowing grass).• The search can be modified for use by two or more officers walking side by side when the crime scene is a large open area (e.g., open field, street, etc.).
Quadrant	<ul style="list-style-type: none">• Crime scene area is divided into fourths or specified quadrants.• Quadrants are searched one at a time by the officer(s).
Grid	<ul style="list-style-type: none">• An imaginary grid is superimposed on the crime scene area.• All blocks within the grid are the same size.• Officer(s) begin searching at one corner and proceed, searching one block at a time. <p>NOTE: A variation of this pattern is the sector search where a large area is divided into designated sectors and searched one at a time (e.g., searching a building by floors or by rooms).</p>

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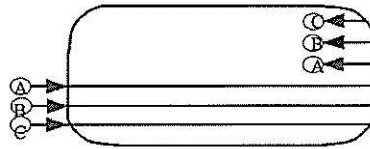
Crime Scene Surveys and Searches, Continued

Search patterns (continued)

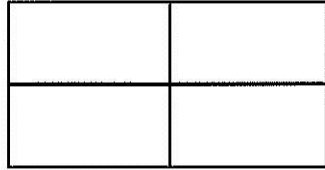
Pattern	Description
Spiral	<ul style="list-style-type: none">• Officer begins searching by circling the outer perimeter of the crime scene.• Officer continues spiraling in an ever-smaller circle toward the center of the crime scene area.• Useful when:<ul style="list-style-type: none">- searching a small crime scene area alone, or- it is believed that evidence that once was centrally located has been moved or hidden some distance from the original point of the crime.
Wheel	<ul style="list-style-type: none">• An imaginary circle is superimposed on the crime scene area.• The circle is divided into manageable pie-shaped wedges (or “spokes” as on a wheel).• Each wedge or section between spokes is searched one at a time.

Search Patterns

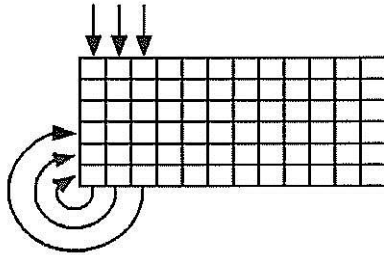
Line



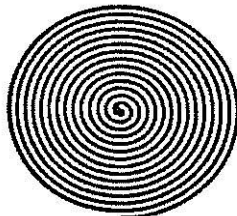
Quadrant



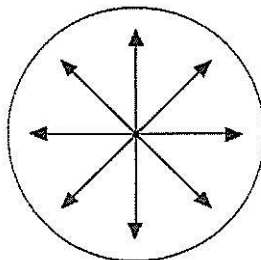
Grid



Spiral



Wheel



Photographs

Introduction

Photographs of a crime scene can record how the scene appeared and how the evidence was found at the scene.

Benefits

Crime scene photographs can:

- provide investigators with a visual record of the crime scene.
 - allow the court to visually see the crime scene and the position and the state of each item of evidence at the scene.
 - serve as a means of preserving fragile evidence.
 - be stored as evidence indefinitely and be readily available if needed later.
 - negate or validate statements made by suspects or witnesses.
-

Photographs as evidence

Crime scene photographs are often used in a court of law as a form of demonstrative evidence. Photographs may be admissible as evidence if they:

- show an object or person relevant to the crime,
 - accurately represent, without distortion, the object or scene photographed,
 - are marked properly to identify contents and location, and
 - are not used solely to appeal to the emotions or prejudice the court or jury.
-

Continued on next page

Photographs, Continued

Types of photographs

The following table identifies the four primary types of photographs taken to document a crime scene.

Type	Example
Location	<ul style="list-style-type: none">External view of the building, vehicle, or area where the crime has taken place (i.e., address, license plate).
Witnesses	<ul style="list-style-type: none">Candid photographs of groups of bystanders, witnesses, etc.
Evidence	<ul style="list-style-type: none">All visible items of evidence at the scene
Close-ups	<ul style="list-style-type: none">Close shots showing details of injuries, bodies, or individual items of evidence

General guidelines

Cameras can be used along with lighting equipment, tripods, and measuring devices to create images of the crime scene.

Peace officers should ensure the accuracy and credibility of all photographs taken at a crime scene.

Guidelines	Rationale/Description
Take photographs prior to conducting any detailed search for evidence.	<ul style="list-style-type: none">Such action helps ensure that the photographs record how the evidence was found at the crime scene.

Continued on next page

Photographs, Continued

General guidelines (continued)

Guidelines	Rationale/Description
Take numerous different types of photographs.	<ul style="list-style-type: none">• Include:<ul style="list-style-type: none">- location (e.g., scene address)- witnesses and bystanders,- items of evidence, and- close-up images of evidence showing details.
Use markers and scale measures in the photographs.	<ul style="list-style-type: none">• Take initial photographs prior to placement of any marker(s) and after placing markers.• Place sequentially indexed markers next to items to:<ul style="list-style-type: none">- identify and call attention to the items, and- identify the order in which the photographs were taken.• Place measuring devices next to items to show:<ul style="list-style-type: none">- relative size of the items,- distances between objects,- degree of photographic enlargement, or- to call attention to particular trace evidence.
Use a tripod when possible.	<ul style="list-style-type: none">• Use of tripods or other stable items can help hold the camera steady and improve the quality of the photograph.• Tripods are especially beneficial when taking close-up shots of evidence.

Continued on next page

Photographs, Continued

General guidelines (continued)

Guidelines	Rationale/Description
Prepare a written log of all photographs taken.	<ul style="list-style-type: none">• Do not rely on memory.• Accurately record all information that will be needed to properly label finished prints.
Avoid photographing extraneous persons.	<ul style="list-style-type: none">• Do not include persons in the shot except when specifically photographing:<ul style="list-style-type: none">- the body of a victim,- close-ups of an individual's injuries, or- onlookers and/or witnesses at a crime scene.

Photograph

For a photograph to be useful, the conditions under which it was taken must be properly documented.

	Guidelines
Photographer	<ul style="list-style-type: none">• Full name, rank, identification number
Time	<ul style="list-style-type: none">• Time and date the photograph was taken
Location	<ul style="list-style-type: none">• Address of the crime scene and where the particular photos were taken
Camera Position	<ul style="list-style-type: none">• Distance from the camera to the subject• Height of the camera from the ground when the photograph was taken

Continued on next page

Photographs, Continued

Photograph (continued)

	Guidelines
Equipment	<ul style="list-style-type: none">• Type of camera and lens• Camera settings (e.g., shutter speed, lens setting, etc.)• Light source (e.g., natural light, electronic flash attachment, etc.)
Other Information	<ul style="list-style-type: none">• Name of individual if appropriate (e.g., witness, victim, etc.)• Any additional remarks pertaining to the case

Digital photography

Digital photography often provides easy means for documenting a crime scene.

When digital photography is used, images should be preserved and their storage location clearly noted in the officer's documentation.

NOTE: It is unprofessional and creates a loss of public trust when officers take unofficial photographs.

Crime Scene Sketches and Diagrams

Introduction

While photographs capture the position and state of individual items of evidence, they do not offer a “bird’s eye view” of the layout or the relative position of items of evidence or the spatial relationship of items of evidence. Sketches and diagrams can be used to supplement photographs and provide this additional information regarding the crime scene.

Benefits

Crime scene sketches and diagrams can:

- display a crime scene as a whole or in part.
 - provide clear and concise descriptions of all pieces of evidence.
 - show the relationship of items to each other.
 - show measured distances between items.
 - illustrate positions and movement of involved parties (e.g., victims, suspects, witnesses).
 - provide a permanent record of the conditions not easily recorded in words.
 - aid in reconstructing the crime scene.
 - supplement written field notes.
 - assist the reporting officer in writing comprehensive investigative reports.
 - illustrate the crime scene without extra clutter.
-

Rough sketches

A **crime scene sketch** is a rough drawing created by an investigating officer at the crime scene. It contains details and measurements that will be used when the final accurate diagram is later drawn. Rough sketches should be included in an officer’s field notes.

A crime scene sketch should:

- be drawn at the crime scene,
 - be complete enough to stand alone, and
 - include measurements pinpointing the location of all major items of physical evidence and critical features of the scene (e.g., furniture, plants, personal possessions, etc.)
 - geographic direction arrow with “N” indicating where the “north” compass point would be.
-

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Crime Scene Sketches and Diagrams, Continued

Diagrams

A **crime scene diagram** is a measured drawing showing the location of all important items, particularly items of physical evidence.

A crime scene diagram should show the:

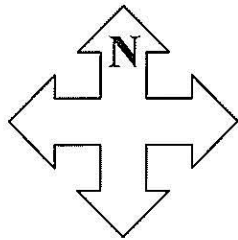
- layout of the entire scene,
- measured locations within the crime scene of each piece of evidence,
- locations of significant features of the scene, and
- spatial relationship between items.

Diagrams may be included with the officer's investigative report.

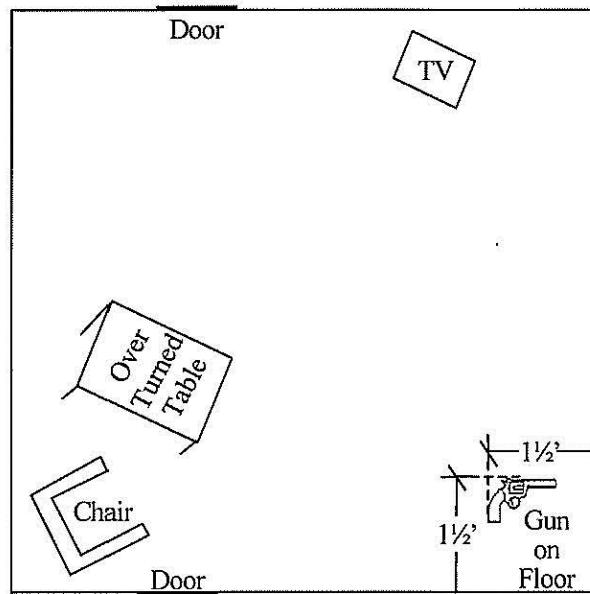
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Crime Scene Sketches and Diagrams, Continued

Overhead



Living Room

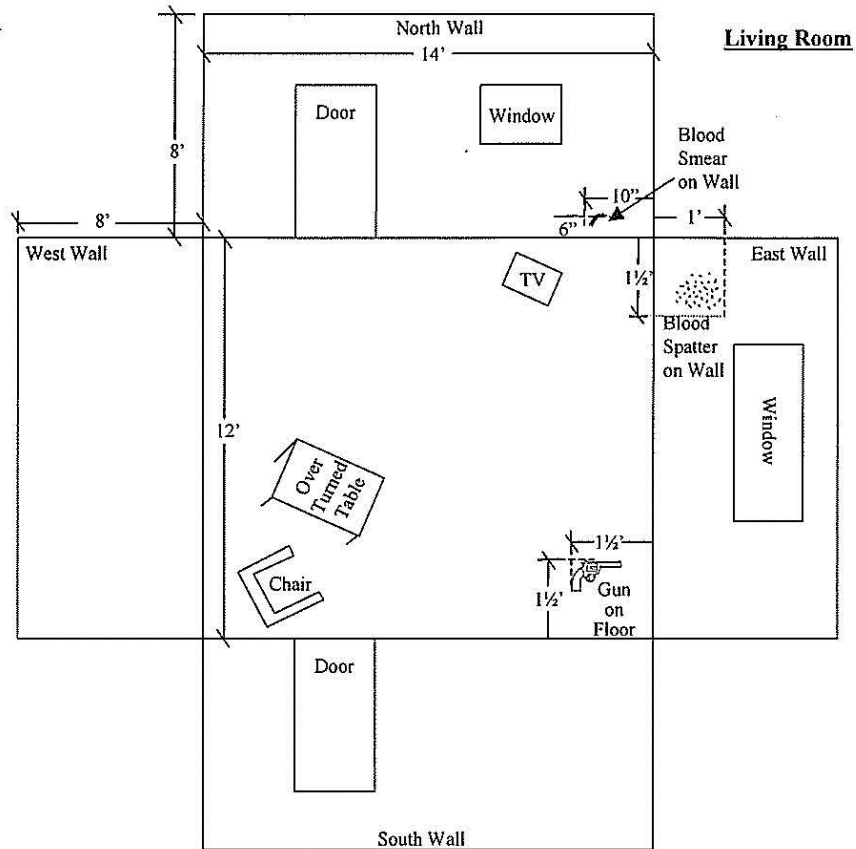
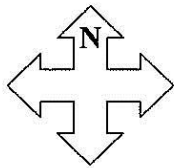


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Crime Scene Sketches and Diagrams, Continued

Exploded
view/Cross
section



(not drawn to scale)

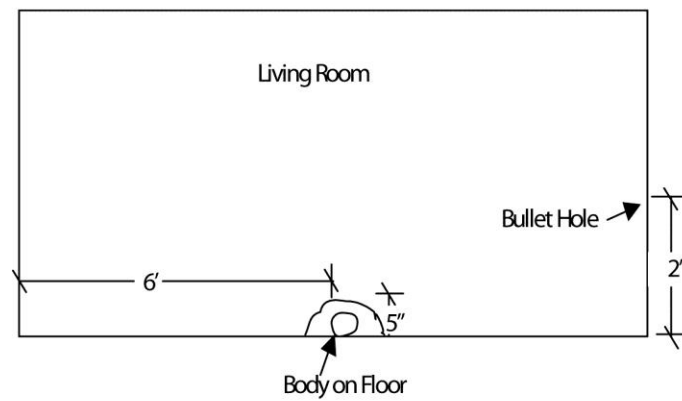
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Crime Scene Sketches and Diagrams, Continued

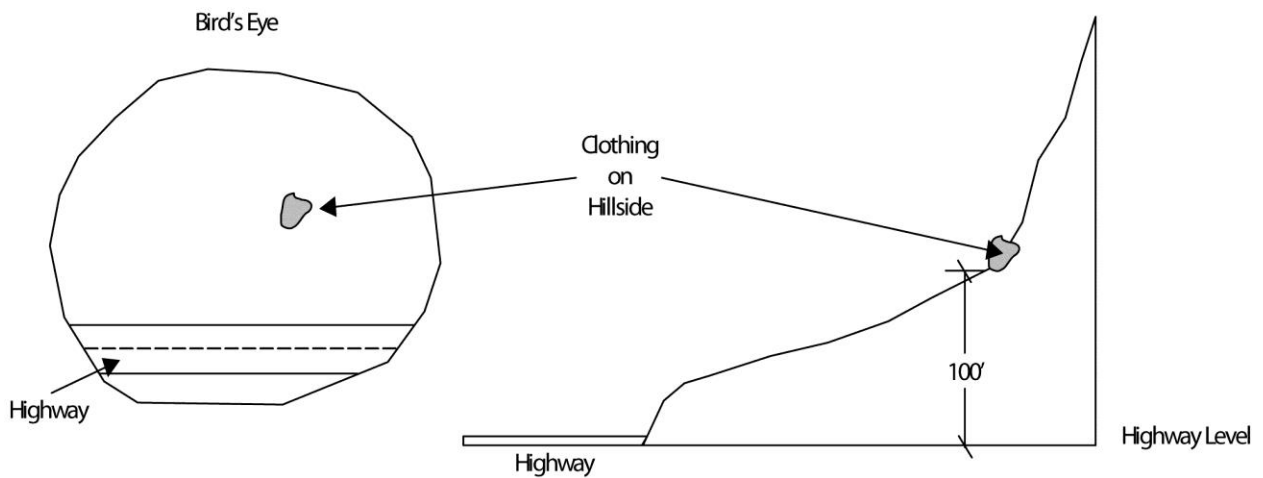
Elevation

Elevation

Example 1



Example 2

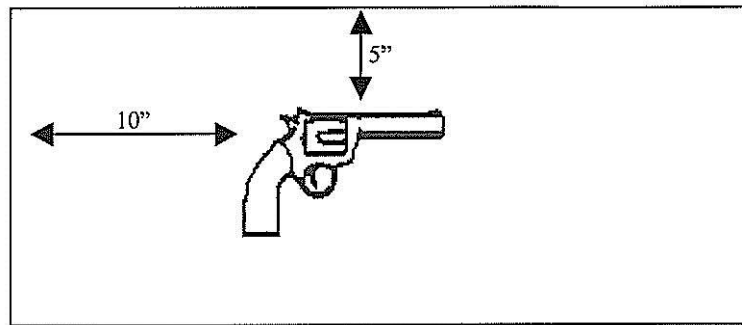


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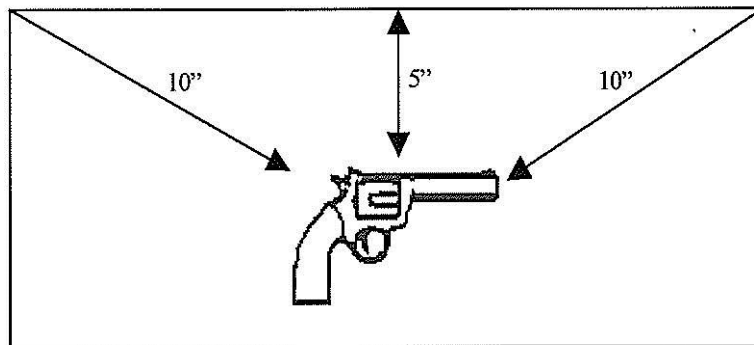
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Crime Scene Sketches and Diagrams, Continued

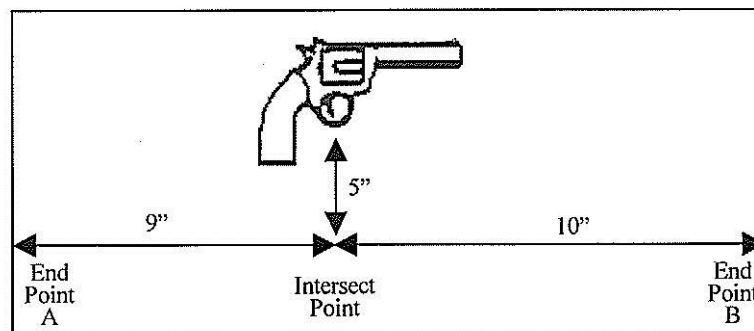
Rectangular coordination



Triangulation



Coordinate/ transect



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Crime Scene Sketches and Diagrams, Continued

Content elements

Final crime scene diagrams should include specific types of information. The following table identifies the information that should be noted at the time the initial sketch is drawn and included on the final diagram.

	Guidelines
Diagraming Officer	<ul style="list-style-type: none">• Full name• Rank• Identification number
Other Individuals	<ul style="list-style-type: none">• Full name of anyone assisting in taking measurements• Identity of victim(s)
Time	<ul style="list-style-type: none">• Time and date the initial crime scene sketch was drawn
Crime Identification	<ul style="list-style-type: none">• Crime classification (e.g., burglary, homicide, etc.)• Case number (if known)
Details	<ul style="list-style-type: none">• Major discernible items of physical evidence and critical features• All possible entrances and exits (e.g., doors, windows, attic access, etc.)• Not to scale• Crime scene location/address

Continued on next page

Crime Scene Sketches and Diagrams, Continued

**Content
elements
(continued)**

	Guidelines
Location and Position	<ul style="list-style-type: none">• Address of the crime scene• Position where the particular sketch was drawn• Scale of the drawing• Location of major discernible items of physical evidence and critical features• Compass direction (i.e., location of north on the sketch) <p>NOTE: If the scale is not known, a notation should be added stating that the drawing is not to scale.</p>
Other Information	<p>Legend (explaining any symbols used to identify objects) Any additional remarks pertaining to the case</p> <p>NOTE: Notations should be written using a consistent orientation of lettering in the diagram. Individuals should not be required to turn the drawing in order to read a notation.</p>

Chapter Synopsis

Learning need	Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.
Ultimate goal [30.01.1]	The ultimate goal of a criminal investigation is to determine if a crime occurred, provide investigative leads, and assist in the successful prosecution of the guilty and exoneration of the innocent.
Steps of a preliminary investigation [30.01.2]	Although no two crime scenes are the same, the basic components of a preliminary criminal investigation remain similar. Approach and arrival, assessment, scene preservation, preliminary investigation and the investigative report.
Preserving a crime scene [30.01.5]	A crime scene encompasses not only the immediate area where a crime took place, but also other areas related to the crime.
Crime scene surveys and searches [30.01.6, 30.01.7]	Initial survey is an initial visual sweep of a crime scene. Crime scene search is a planned and coordinated systematic search of a crime scene.
Crime scene photographs [30.01.9]	Photographs of a crime scene can record how the scene appeared and how the evidence was found at the scene.

Continued on next page

Chapter Synopsis, Continued

Components of a crime scene diagram [30.01.10]

A crime scene diagram may include:

- layout of the entire scene,
 - measurements within the crime scene for each piece of evidence, and the total measurement of the scene
 - reference points for two-point placement; triangulation placement, (reference points should be fixed points that will not change over time: (e.g., walls, curb lines, light standards)
 - locations of significant features of the scene, and
 - spatial relationships between items.
-

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Describe two circumstances under which a piece of physical evidence may be moved by the initial responding officers at a crime scene. What actions should officers take to protect the integrity of the scene under those circumstances? How might the officers document these actions in each of the circumstances you have described?

2. What advantages might crime scene photographs have over rough sketches and diagrams at a crime scene involving a kidnapping? Give an example of a situation involving a crime scene, when a sketch/diagram might be more advantageous than photographs.

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

3. At approximately 7:30 am, a lifeguard reporting for work discovered a body face down in the sand on the beach at the water's edge. You are called to the scene. Although there is blood visible on the victim's shirt, the mode of death is not obvious. There appears to be a trail in the sand that may indicate the body had been dragged to its current position from a public parking lot approximately 40 feet away. A number of people have begun to gather on the beach to see what is happening.

As the initial responding officer, where would you establish inner and outer perimeters of this crime scene? What actions would you take to secure each?

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 2

Evidence Collection

Overview

Learning need Peace officers must be aware of, and comply with, the general guidelines for the collection, packaging, and processing of physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Learning objectives The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">demonstrate appropriate precautions that should be taken prior to collection and removal of physical evidence from a crime scene.	30.02.1
<ul style="list-style-type: none">identify the purpose of collecting control/known samples.	30.02.2
<ul style="list-style-type: none">identify the primary reason for establishing a chain of custody record.	30.02.4
<ul style="list-style-type: none">prepare the information that should be noted on a chain of custody record.	30.02.5
<ul style="list-style-type: none">identify the three forms of fingerprint impressions that may be found at a crime scene.	30.02.6
<ul style="list-style-type: none">apply the basic steps for developing latent fingerprints	30.02.16
<ul style="list-style-type: none">identify general guidelines for collecting and processing physical evidence that may be located at a crime scene.	30.02.15

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the handling of specific forms of evidence collected at a crime scene. Refer to the table below for a specific topic.

Topic	See Page
Handling Evidence	2-3
Chain of Custody	2-17
Fingerprints	2-20
Developing Latent Prints	2-24
Collecting and Processing Evidence	2-30
Chapter Synopsis	2-85
Workbook Learning Activities	2-87

Handling Evidence

Introduction

Evidence can take any size, shape, or form. It may be obvious or imperceptible to the naked eye. Even if an item may not have obvious evidentiary value to an officer, it should be properly secured and identified.

Common errors

The most common errors made in the handling of evidence at a crime scene include the **failure to**:

- identify items of possible evidentiary value,
 - use the appropriate techniques for properly collecting and labeling a specific type of evidence,
 - submit sufficient quantities of evidence,
 - protect evidence from contamination,
 - submit control/known standard to be used for comparison purposes, and
 - maintain the chain of custody.
-

Precautions

The collection of evidence should proceed slowly and cautiously, no evidence should be overlooked or compromised. Prior to beginning the actual collection process, officers should consider:

- photographing all potential items of evidence to demonstrate their appearance and location when found.
 - diagraming the location and position of items of evidence to aid in later reconstructions of the scene.
 - taking notes regarding the physical appearance of evidence to document the condition in which it was found (i.e., “wet”, “dry”, “dirty”, “dusty”).
 - wearing appropriate clothing such as disposable gloves and nonrestrictive, noninterfering clothing to include booties or shoe covers.
-

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Handling Evidence, Continued

Perishable/ fragile evidence

The first officers at a crime scene should immediately observe and record any evidence that could be easily lost, damaged, contaminated, or destroyed by environmental elements or the presence of other individuals. Such perishable/fragile evidence should be noted, photographed, documented, and collected first.

Examples of evidence include, but are not limited to:

- fingerprints,
 - biological fluids, stains, DNA
 - gunshot residue,
 - hairs and fibers,
 - botanical materials
 - flammable liquids and accelerant,
 - shoe, foot, or tire impressions, etc.
-

Trace and transfer evidence

Trace evidence is evidence that is very small and usually cannot be seen with the naked eye. Oblique lighting may assist with visualization of trace evidence.

Transfer evidence is evidence that is transferred or passed when two objects come into contact with one another.

There can be numerous types of trace and transfer evidence at a crime scene. Examples include, but are not limited to:

- hair, fibers
 - latent fingerprints,
 - soil,
 - paint chips,
 - glass fragments,
 - biological fluids, etc.
-

Continued on next page

Handling Evidence, Continued

Areas to examine

The searching officer should examine the object or area from an angle. Possible areas or objects to examine may include, but are not limited to:

- suspected points of entry or direct contact (e.g., window sills, broken glass, door or metal associated with hit-and-run cases, etc.).
 - points of direct contact (e.g., furniture, carpeting, bedding, or clothing).
-

Locating trace and transfer evidence

Special considerations may arise when searching for trace and transfer evidence at a crime scene. Search techniques may include:

- examining the area carefully using:
 - the naked eye,
 - a magnifying lens,
 - oblique lighting (e.g., flashlight held at an angle),
 - using an evidence vacuum, and/or
 - specialized light.
-

Officer observations

Rain, snow, heat, humidity, wind, cold, or crowds and spectators can quickly destroy or compromise an officer's ability to locate physical evidence. The first officer on the scene should make note of such environmental conditions.

Depending on the nature of the crime and the conditions, responding officers may need to take action to protect perishable/fragile evidence until it can be properly documented and collected. For example, shoe prints or tire tracks may need to be covered by something that will not compromise or destroy the evidence.

NOTE: Although environmental conditions *may* be harmful to evidence, officers should *not* automatically assume that evidence has been destroyed because such conditions exist.

Continued on next page

Handling Evidence, Continued

Control/ known standard

In order to establish a link between a piece of evidence and a person or a crime scene, the unique identity of the object must be shown to the exclusion of all other similar objects. This can be done by collecting **control standard** and **known standard** samples at the crime scene.

	An item of evidence from a <i>known</i> source used to...	Examples
Control Standard	<ul style="list-style-type: none">demonstrate a normal condition of a surface or other object.	<ul style="list-style-type: none">To determine the significance of a fluid on a particular cloth, it may be necessary to collect a control sample of an adjacent portion of the cloth that has not been contaminated by the fluid.When investigating a hit and run incident, a control sample may be collected from undamaged portions of the vehicle to demonstrate the normal paint on a vehicle before impact. A known standard of any transferred paint may also be collected from damaged portions to be compared with paint on other portions of the vehicle.

Continued on next page

Handling Evidence, Continued

Control/ known standard (continued)

	An item of evidence from a <i>known</i> source used to...	Examples
Known Standard	<ul style="list-style-type: none">compare with items of evidence from an <i>unknown</i> source.	<ul style="list-style-type: none">Fibers from a carpet at the crime scene (known standard) can be collected and compared with fibers found in a person's automobile (evidence of unknown source).A known individual's fingerprints (known standard) can be collected and compared with the fingerprints collected at the crime scene (evidence of unknown source).

NOTE: A known standard may also be referred to as an *exemplar*.

Collecting known standards and controls

Peace officers should use the same care and precautions when collecting, packaging, and marking known standards and controls as they would for any other form of evidence. This includes maintaining the proper chain of custody.

Continued on next page

Handling Evidence, Continued

Equipment

The ability to properly collect and preserve evidence may depend on officers having access to the appropriate equipment. A basic crime scene equipment kit may include, at a minimum, the following items.

NOTE: The following lists are *not* intended to be all inclusive. Requirements vary depending on the nature of the crime scene and available equipment.

	Examples
Camera Equipment	<ul style="list-style-type: none">• Camera (e.g., film, instant processing, video, digital, etc.)• Fingerprint camera• Photographic lighting equipment• Detachable flash to provide oblique lighting• Extra batteries• Tripod
Measuring Equipment	<ul style="list-style-type: none">• Tape measures• Rulers• Markers• Compass• L-shaped measures (that show dimension in two directions)
Documentation Materials	<ul style="list-style-type: none">• Property/evidence collection forms• Evidence labels• Graph paper• Templates for drawing• Writing implements (e.g., pens, pencils, etc.)
Lighting Equipment	<ul style="list-style-type: none">• Flashlights• Flood lamps• Black lights• Batteries/power source

Continued on next page

Handling Evidence, Continued

Equipment
(continued)

	Examples
Collection Equipment	<ul style="list-style-type: none">• Latex gloves• Shoe covers• Sterile swabs or swatch material (for collecting liquids)• Scraper/scalpel• Magnifying device• Casting materials and rubber containers• Brushes and other tools (e.g., pliers, screwdriver, putty knife, etc.)
Packaging Equipment	<ul style="list-style-type: none">• Various sizes of manila envelopes• Various sizes of paper bags• Plastic bags for “wet” evidence transport from scene• Various bags including paper, polyethylene, and plastic• Clear air tight containers• Cardboard boxes and pieces of cardboard• Other clean evidence containers of various types and sizes• Puncture proof containers (for sharp objects)• Glassen paper• Permanent marking instruments (e.g., felt-tipped pens, sharp-tipped stylus, etc.)• Evidence tape

Continued on next page

Handling Evidence, Continued

Equipment
(continued)

	Examples
Specialty Kits or Equipment	<ul style="list-style-type: none">• Fingerprint kit• Drug testing kit (presumptive)• Blood field kit (to test for the presence of blood)• Paraffin test kit (to test for gunshot residue)
Other	<ul style="list-style-type: none">• Distilled water• Soft paper (i.e., paper towels)• Large roll or sheets of butcher paper• String or cord• Rubber bands, paper clips

Continued on next page

Handling Evidence, Continued

Packaging evidence

Physical evidence can be damaged, lost, contaminated, or changed during handling and transportation. All pieces of evidence must be carefully packaged separately, using new and clean containers and packaging materials. The following table identifies general procedures for packaging whole objects.

IF the item is...	then...
large, bulky, or heavy	<ul style="list-style-type: none">• place the item on wood or heavy cardboard.• prevent shifting and contact with other items by fastening the item down firmly with string or wire passed through perforations in the supporting material. <p>NOTE: Organic plant materials should be packaged in paper (e.g., marijuana).</p>
small, light weight, or fragile	<ul style="list-style-type: none">• wrap the item lightly with soft paper, taking care not to damage any evidence.• place the item in a small box or other container, as soon as possible, for transport.

NOTE: Additional information regarding packaging specific types of evidence is addressed later in this workbook.

Continued on next page

Handling Evidence, Continued

Containers

Being aware of the types of containers that can be used with specific types of evidence will aid officers in making the appropriate selections during the collection process. The following table identifies common containers and the types of evidence with which they can be used.

	can be used for packaging...	Examples
Paper	<ul style="list-style-type: none">• most dry items.	<ul style="list-style-type: none">• Sheets, bags, envelopes, etc.• Best type of container to use• Easy to store• Allows items to “breathe”• Easy to write on• Can be transferred to other containers, if necessary• Organic plant material (e.g., marijuana, mushrooms)
Cardboard	<ul style="list-style-type: none">• firearms or• items that need protection such as:<ul style="list-style-type: none">- bloody clothing or- knives or other weapons with dried blood or tissue on them- shoe casts	<ul style="list-style-type: none">• Boxes, flat pieces, etc.• Item should be carefully placed in an appropriate sized box.

Continued on next page

Handling Evidence, Continued

Containers (continued)

	can be used for packaging...	Examples
Metal	<ul style="list-style-type: none">chemicals oritems with flammable fluids on them (e.g., gasoline-soaked rags).	<ul style="list-style-type: none">Small tins, larger containers, etc.Should be airtight and sturdy enough to prevent leakage or easy damageOther packaging materials should not be included within the can (e.g., paper, bubble wrap, etc.).
Plastic	<ul style="list-style-type: none">paper orsmall amounts of narcotics or drugs.	<ul style="list-style-type: none">Bags, containers, etc.Do not use with items that are wet or damp and could mildew quickly. (Plastic is nonporous and will not allow air to get in.)

NOTE: For more information on packaging of narcotics and drugs refer to LD 12: *Controlled Substances*.

Continued on next page

Handling Evidence, Continued

Sealing evidence

To maintain the chain of custody, each container containing a piece of evidence should be properly sealed.

Evidence tape can be used to seal all containers (i.e., boxes, envelopes, vials, etc.) in such a way that they cannot be opened without breaking the seal. The person packaging the evidence should sign or initial and date the seal using permanent ink so that the marking extends from the seal onto the container.

Marking and labeling evidence

To ensure that evidence presented in court is the same evidence collected at the crime scene, the outside of each container or wrapped item should be identified and labeled separately.

If the item is not packaged inside some form of container that can then be marked, an evidence tag should be carefully attached to the item. Care must be taken to tape the tag to the item in such a way as to not alter, scratch, or prevent the processing or examination of the item.

Using permanent ink, the following information should be carefully and legibly noted on the evidence label or tag.

- Collecting officer's name
 - Collecting officer's identification number (i.e., serial/badge number)
 - Time and date the evidence was collected
 - Location where the evidence was collected
 - Content description (including quantity and size)
 - Type of crime (e.g., burglary, homicide)
-

Continued on next page

Handling Evidence, Continued

Marking and labeling evidence (continued)

- Any other related information such as:
 - case control number, or
 - witness(es) to the collection
- Collecting officer's signature

NOTE: Unless agency policy is to the contrary, officers should not place any markings directly on an item of evidence itself. Marking evidence in this manner may affect or even destroy its evidentiary value.

Submitting evidence

After each collected sample has been properly photographed, collected, marked, packaged, and labeled, it is ready to be transported to the local property room or office and "submitted into evidence." At that time, the evidence becomes the responsibility of the property and evidence manager.

Specific agency policy will dictate which items may be recorded on a single property form. The property form becomes the chain of custody record for that item, documenting when, why, how, and by whom the item has been handled.

Evidence collection teams

Evidence technicians are specially trained individuals who respond to the crime scene at the request of the officer. Once at the scene, they may be involved in collecting, preserving, and transporting physical evidence.

Larger urban law enforcement agencies may be equipped with evidence collection technicians and large investigative units including mobile crime unit.

Officers in smaller or rural jurisdictions may not have evidence teams available to them. It becomes the officer's responsibility to determine how an item of evidence is best collected, packaged, and transported.

Continued on next page

Handling Evidence, Continued

Specific agency policies

Policies and procedures can vary for different law enforcement agencies.

Peace officers are responsible for being aware of and complying with their own agency's policies and procedures regarding the handling and collection of physical evidence related to a crime scene.

Chain of Custody

Introduction

For any piece of evidence to be considered valid and reliable by the court, it must be accounted for from the time it is collected at the scene until it is presented in court.

Court testimony

Individuals within the judicial process who have handled a piece of evidence (e.g., investigating officers, evidence technicians, etc.) may be asked in court to positively identify that evidence and testify regarding:

- who had contact with the evidence,
 - when or during what time periods the evidence was handled,
 - under what circumstances the evidence was handled, and
 - what changes, if any, were made to the evidence.
-

Definition

The **chain of custody** is the written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence. A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

Continued on next page

Chain of Custody, Continued

Property

Different categories of property may require a recorded chain of custody. The following table describes a number of such categories.

Category	Description	Example(s)
Evidence	<ul style="list-style-type: none">Property which may:<ul style="list-style-type: none">- be related to a crime or investigation, or- implicate or clear a person of a criminal charge	<ul style="list-style-type: none">ToolsFingerprintsHair or fibersPhysical evidence
Non-evidence	<ul style="list-style-type: none">Property that comes into law enforcement custody, but cannot be connected to a crimeProperty that may be submitted by an officer or any other individual	<ul style="list-style-type: none">Found property (e.g., bicycles)Weapons held in safe keeping
Personal Property	<ul style="list-style-type: none">Property which a person had in possession at the time of arrest that has no evidentiary value	<ul style="list-style-type: none">BillfoldMoneyClothing

Chain of custody record

The chain of custody begins when an item is first collected as evidence. From this time, supplying complete, clear, concise information and using appropriate documentation techniques will aid in keeping the chain of custody intact.

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Chain of Custody, Continued

Chain of custody record (continued)

Although the format of property forms may vary, each will require specific information including:

- the report number,
 - who initially found the item,
 - where and when the item was found,
 - a description of the item,
 - who recovered, packaged, and labeled the item,
 - who transported the item,
 - where it was submitted, and
 - where, how, and when the item was secured.
-

Handling evidence

Anyone who handles evidence officially accepts custody of that evidence by signing the chain of custody record.

Individuals who may become involved in maintaining the chain of custody include, but are not limited to:

- responding officers,
- investigating officers,
- evidence technicians,
- property personnel,
- laboratory personnel, or
- individuals from the district attorney's office.
- defense experts
- medical professionals.

NOTE: It is important to limit the number of individuals in the chain of custody in order to maintain accountability and integrity of evidence.

Fingerprints

Introduction

In 1946, the California Supreme Court stated that “fingerprints are the strongest evidence to prove the identity of a person and under the circumstances of a case may alone be sufficient to identify the defendant as the criminal.” Today, fingerprints are still the most common form of physical evidence found at a crime scene.

Description

A **fingerprint** is a copy or impression of the ridges and valleys present on the outermost layer of human skin. These ridges and valleys can be found not only on the tips of the fingers, but also below the first digit and sides of fingers, and on palms, feet, and toes. Each pattern that makes up a fingerprint is unique to that specific individual. These patterns first appear on human appendages between 100 and 120 days after conception and, except for size or some form of external permanent damage, will remain the same throughout the person’s lifetime.

Continued on next page

Fingerprints, Continued

Locations

Most crime scenes are likely to contain some form of fingerprint evidence. When searching for possible fingerprints, officers should first concentrate on all possible places a person may have touched. The following table identifies a number of such locations.

Location	Additional Information	Examples
Entry points/ exit points	<ul style="list-style-type: none">• Best source of fingerprints• Person may have touched something to gain entry or exit to the building, room, or vehicle.	<ul style="list-style-type: none">• Window frames and sills• Door handles, surfaces, or frames
Objects that required movement	<ul style="list-style-type: none">• Person may have had to touch, move, or open something in order to gain access or reach a particular item or to carry out a specific crime.	<ul style="list-style-type: none">• Counter tops• Steering wheel• Drawers
Objects used during the crime	<ul style="list-style-type: none">• Person may have had to use tools or other items in order to commit the actual crime.	<ul style="list-style-type: none">• Screwdriver, crow bar, or other forms of tools

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Fingerprints, Continued

Precautions

Fingerprints are a form of perishable/fragile evidence that can be easily smeared or destroyed. Because of this, officers at a crime scene should always:

- handle items as little as possible,
- pick up items by holding areas least likely to contain a print (i.e., on rough surfaces),
- keep in mind that wearing gloves or using handkerchiefs, while keeping their own prints off an item, may also wipe away any prints already on the item, and
- bring any portable object with fingerprints on it to the lab whenever possible, rather than attempting to process the object for fingerprints at the crime scene.

NOTE: If an item is large or bulky, the portion bearing the fingerprints may be detached and brought to the lab (e.g., drawer, window panes, etc.).

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Fingerprints, Continued

Forms of fingerprints

There are three forms of fingerprint evidence that can be found at a crime scene: **visible fingerprints**, **plastic fingerprints**, and **latent fingerprints**. Each form requires different techniques for identification and collection. The following table identifies each form.

Form	Description	Collection Technique
Visible	<ul style="list-style-type: none">• Impression was left behind in blood, paint, grease, oil, or similar materials.	<ul style="list-style-type: none">• When possible, allow print to dry.• Photograph print with a special fingerprint camera. (A fingerprint camera will produce a 1:1 ratio original-size photograph.)• Describe and document the location for each print in field notes.• Collect the object or portion of the object on which the visible print appears. (This should be done only if movement will not damage the print.)
Plastic	<ul style="list-style-type: none">• Impression was left on soft substances such as heavy grease, melted candle wax, soap, putty around a window, or similar materials.	
Latent	<ul style="list-style-type: none">• Impression was left by secretions from perspiration or oils on the skin.• Most commonly found at a crime scene• Invisible to the naked eye until developed	<ul style="list-style-type: none">• Techniques vary depending on the nature of the surface where the fingerprint was left.

NOTE: If a fingerprint camera is not available, a standard camera can be used by including a scale for size next to the fingerprint image

Developing Latent Prints

Introduction

Fingerprints left on a nonporous surface may be developed (made visible to the naked eye) by the use of special powders which adhere to the fingerprint itself or by chemicals.

Fingerprints left on a porous surface will require chemical development procedures which should be done by trained personnel.

Latent fingerprints on nonporous surfaces

A **nonporous surface** is any surface that does not absorb liquids or oils (e.g., plastic, glass, etc.). The following table describes one process used for developing a latent fingerprint on a nonporous surface.

Basic Steps	General Guidelines
Identify possible locations where prints may have been left.	<ul style="list-style-type: none">• Identify surfaces likely to have latent prints.• Identify which of these surfaces might be threatened by contamination (such surfaces should be developed first.)• If possible, retrieve the entire item for further examination at a laboratory.• If item, or the relevant portion of the item cannot be transported, take close-up photographs of each identified surface.
Prepare equipment (brush, powder, etc.).	<ul style="list-style-type: none">• Select the appropriate color of powder. (Black is the most common color used.)

Continued on next page

Developing Latent Prints, Continued

Latent fingerprints on nonporous surfaces
(continued)

Basic Steps	General Guidelines
Lightly dust surface.	<ul style="list-style-type: none">• Carefully touch brush to powder and lightly dust each surface with a small amount of powder.• If necessary, add more powder gradually in small amounts.• After powder has been absorbed and all print details have been developed, gently brush away excess powder to “clean” the rest of the surface.
Photograph revealed fingerprint in place.	<ul style="list-style-type: none">• Photograph print with a special fingerprint camera.• If a fingerprint camera is not available, a standard camera can be used by including a scale for size next to the fingerprint image.

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Developing Latent Prints, Continued

Latent fingerprints on porous surfaces

A **porous surface** is any surface that will absorb liquids or oils (e.g., paper, fabric, leather, wood, etc.).

Officers who believe latent prints exist on an item with a porous surface should:

- handle porous surfaces with gloves to avoid cross-contamination of the evidence collector to the evidence item.
- avoid “overwriting” of a porous object (e.g., “demand note” in paper bag and collector writes on paper bag, transferring writing to evidence item).
- carefully place each item in a separate container to avoid contamination.
- mark, seal, and label the container, noting “to be processed for latent prints” clearly on the label.
- document the collection in their notes and in the investigative report.

NOTE: Refer to the guidelines for collecting *documents* later in this chapter.

Developing latent prints on porous materials

Specialized technicians have a number of techniques which can be selected for developing a latent print on a porous surface. Each technique relies on an interaction between the perspiration or oil in the latent fingerprint and the chemical that has been applied.

Continued on next page

Developing Latent Prints, Continued

Lifting latent fingerprints

Lifting a latent fingerprint refers to the process of removing a developed latent fingerprint from the surface where it was found. The following table identifies techniques for lifting latent prints from a nonporous surface.

Technique	General Guidelines
Fingerprint tape	<ul style="list-style-type: none">• Make sure tape begins with a ¼ inch section folder over.• Affix the loose end of a roll of appropriate size transparent cellulose tape (e.g., two-inch-wide) next to the developed fingerprint with one hand while holding onto the roll with the other hand.
	<ul style="list-style-type: none">• Beginning at the affixed end, slide thumb along tape to <i>gently</i> force it down over the developed fingerprint.
	<ul style="list-style-type: none">• Beginning at the affixed roll end, carefully peel the tape from the surface.
	<ul style="list-style-type: none">• Place the tape containing the lifted fingerprint onto a latent fingerprint lift card.• When developed fingerprint is properly secured to the card, sever the remaining tape from the roll.
Preassembled lifter	<ul style="list-style-type: none">• Apply and peel off lifter “patch” to the surface containing the developed latent print using the same initial technique as with cellulose tape.

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Developing Latent Prints, Continued

Lifting latent fingerprints (continued)

Technique	General Guidelines
Preassembled lifter (continued)	<ul style="list-style-type: none">Place cellophane tape over the adhesive (“sticky”) side of the lifter to protect the print.
	<ul style="list-style-type: none">If the lifter is opaque, examine and photograph the lifted fingerprint on the reverse side only. (Photographs should be printed with the negatives reversed.)

NOTE: Latent prints should be photographed in place prior to any attempt to lift the fingerprint from the surface.

Latent fingerprint cards

Lifted prints are placed on special latent print cards. The color of the card selected should be in contrast with the color of the powder used (black, white, or transparent).

Each card should be labeled with the following information.

- Date/time
 - Case title or number
 - Collector’s name and signature
 - Sketch of exact location where latent fingerprint was found
 - Description of item that latent fingerprint was found on
 - Any other required identification numbers (e.g., case number, evidence item number, etc.)
 - Diagram of the location of the latent fingerprint on the surface area and direction of the latent on the surface area.
-

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Developing Latent Prints, Continued

Packaging

Latent fingerprint cards should be placed in envelopes, sealed, and labeled appropriately as evidence.

All latent fingerprint cards should also be noted in the officer's field notes as well as in the investigative report.

Rolling fingerprint/ known standards

To be useful, fingerprints from an unknown source found at the crime scene must be matched with fingerprints from a known source (fingerprint known/standard).

The collecting and recording of the fingerprints of a known individual is often referred to as **rolling** the fingerprints. Rolled fingerprints may be obtained from individuals who are considered suspects or from individuals to be eliminated as suspects (e.g., victims, witnesses, initial responding officers, etc.).

Collecting and Processing Evidence

Introduction

Numerous other forms of evidence can be identified at any crime scene. Although specific techniques may differ, basic principles regarding the documentation, collection, and processing of evidence remain the same.

General guidelines

The following general guidelines should be followed consistently when collecting all forms of evidence.

- Be aware of and comply with specific agency policies and procedures for evidence collection and packaging.
- Document the existence, condition, and location of each piece of evidence within the crime scene using photographs, sketches/diagrams, and written entries in the field notes. Include information regarding exact location, color, pattern, size, shape, etc.
- Collect and package all evidence in an appropriate manner, using techniques that will not harm or compromise the evidentiary value of the item.
- After each piece of evidence is packaged, seal with evidence tape, label, and process according to specific agency policies and procedures.
- Document the collection of each piece of evidence collected, along with the techniques used for collection and packaging in field notes and investigative report.
- When applicable, collect, package and process control/known standard samples in the same manner as the corresponding evidence samples from the crime scene.

NOTE: The remainder of this lesson contains information regarding the application of the guidelines noted above to specific forms of evidence that may be located at a crime scene.

Continued on next page

Collecting and Processing Evidence, Continued

Basic equipment

The following table identifies the basic equipment that will be required in order to roll a person's fingerprints for comparison purposes.

Equipment	Description
Fingerprint ink	<ul style="list-style-type: none">• Printer's ink• Contains a mixture of oils that permits the print to dry rapidly
Slab	<ul style="list-style-type: none">• A piece of plate glass or other nonporous surface that holds ink• Should be 4" x 10" in size
Rubber roller	<ul style="list-style-type: none">• Made of hard rubber• One inch in diameter and four inches in length• Used to spread ink evenly on the slab
Fingerprint card	<ul style="list-style-type: none">• Standard FBI or other law enforcement form with designated spaces for:<ul style="list-style-type: none">- single and grouped fingerprints- description data on the person- signatures
Card holder	<ul style="list-style-type: none">• A piece of wood with metal strips that hold the fingerprint card in place

NOTE: Officers may also use portable ink or "inkless" pads for rolling fingerprints.

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Collecting and Processing Evidence, Continued

Recording process

The following table identifies the steps involved in obtaining a legible set of rolled fingerprints.

Basic Steps	General Guidelines
Prepare person's hands.	<ul style="list-style-type: none">• Clean the person's hands of dirt, grease, or perspiration by wiping them with a small cotton ball dipped in carbon tetrachloride or other acceptable cleaner. <p>NOTE: If there is gunshot residue or blood on the person's hands, this evidence should be collected before recording the person's fingerprints.</p>
Prepare fingerprint card.	<ul style="list-style-type: none">• Fill in fingerprint card with requested data relating to the person<ul style="list-style-type: none">- Full name- Description- Date- Signature of member of the submitting agency who can testify in court as to the origin of the fingerprints• Have the person sign a full name on the card within the signature block.• Place a fingerprint card in a holder.
Prepare equipment (slab, ink, etc.).	<ul style="list-style-type: none">• Place a few drops of clean, fresh fingerprint ink on a clean glass/stainless steel slab.• Use a back and forth motion with the roller to spread ink evenly over the slab.

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Collecting and Processing Evidence, Continued

Recording process (continued)

Basic Steps	General Guidelines
Record rolled fingerprints from right hand one at a time.	<ul style="list-style-type: none">• Instruct the person to look away from card, relax fingers, and let the officer do all the work.• Roll person's thumb on the inked slab in a 180 degree arc (from nail edge to nail edge), so that the thumb is inked from below the first joint to the tip.• Grip the person's inked thumb between the first and second joint with right hand.• Control the pressure with the officer's left hand and guide the movement of the person's thumb on the appropriate block on the card; roll the inked thumb inward toward the center of the person's body (in 180 degree arc).• Place each finger, one at a time on inked slab just as the thumb was placed.• On the corresponding block on the fingerprint card, roll each finger away from the center of the person's body.
Record pressed fingerprints from right hand one at a time.	<ul style="list-style-type: none">• Press thumb on the inked slab.• Without rolling, press inked thumb on the bottom of the card in the appropriate space.• Press all four fingers simultaneously on the inked slab.• Without rolling, press all four fingers on the bottom of the card in the appropriate space.

Continued on next page

Collecting and Processing Evidence, Continued

Recording process (continued)

Basic Steps	General Guidelines
Record rolled and pressed fingerprints from left hand.	<ul style="list-style-type: none">• Repeat the same steps as for the right hand.
Document process.	<ul style="list-style-type: none">• Document in the officer's notes and investigative report that fingerprints have been obtained.

Palm prints

If palm prints were found at the crime scene, palm prints can be recorded from a known individual by using the following process.

- Roll a layer of ink directly on the person's palm with ink roller.
- Press palm down on a palm print card.
- Record all required information just as with fingerprints.

Fingerprint patterns

Fingerprints from unknown sources are matched with known standard fingerprints by a means of comparing fingerprint pattern characteristics. To determine if a fingerprint is identifiable with a known standard, individual points of identification must match.

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Collecting and Processing Evidence, Continued

Fingerprint patterns (continued)

There are a number of common overall pattern characteristics that are the basis for all classification coding systems.

Pattern Characteristics	Description
Arch	<ul style="list-style-type: none">• Composed of ridges that enter from one side of the print, then flow, or tend to flow, to the opposite side• May contain plain small arches without much angle all the way to sharp angled tented arches
Loop	<ul style="list-style-type: none">• Composed of ridges that enter from one side of the print, recurve, then flow out on the same side as they entered
Whorl	<ul style="list-style-type: none">• Any pattern that does not fit into a loop or arch
Scarred or mutilated	<ul style="list-style-type: none">• Used only if ridge pattern cannot be identified due to scars or some other form of physical damage to the fingerprint

State classification system

Agency fingerprint examination personnel are trained to compare fingerprints from a known individual with those collected at the scene of a crime or from items related to a crime.

If no match is initially obtained, the crime scene prints may be submitted to the state's **Automated Fingerprint Identification System (AFIS)**. Full or partial fingerprints can be compared with state rolled fingerprint files.

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Collecting and Processing Evidence, Continued

Human biological fluids and stains

Human **biological fluids** and stains (i.e., blood, semen, vaginal secretions, saliva, fingerprint residue, touch DNA, perspiration) may be found at any crime scene, not just those crime scenes associated with violent crimes.

DNA genetic identification

Deoxyribonucleic Acid (DNA) is a substance that is found in the chromosomes in the nucleus of all human cells. It provides the genetic coding information that determines characteristics that are unique to each individual.

Techniques have been developed that enable forensic scientists to isolate strands of DNA from cells contained in blood, semen, ear wax, perspiration, latent fingerprint residue, hair roots, cut hair, skin, and other human tissue. It may also be possible to obtain DNA from samples of saliva collected from chewing gum, stamps or envelopes, or other items.

Once processed, portions of DNA from a control/known standard (e.g., a person) can be compared with corresponding portions of DNA information collected from blood, semen, or another unknown source that relates to a crime.

NOTE: Identical twins will have the same DNA profile.

Continued on next page

Collecting and Processing Evidence, Continued

DNA databases

All 50 states have passed legislation granting the authority to collect samples for DNA analysis from all felons convicted of violent crimes to be entered into local, state and federal CODIS DNA databases. The CODIS database can link perpetrators to forensic evidence recovered at the crime scene and can provide case-to-case hits, linking forensic evidence from different crime scenes and jurisdictions. CODIS is a national database. This information, along with information from DNA analysis of crime-related evidence from unknown sources (e.g., sperm collected from a rape victim), is organized in computer databases at the state and federal levels.

Access to this information is limited to *law enforcement investigative purposes only*.

NOTE: Some states have granted the authority to collect samples for DNA testing from individuals who have been arrested, but not yet convicted of certain specified violent crimes.

Continued on next page

Collecting and Processing Evidence, Continued

Evidentiary value

Blood and other biological fluids collected at a crime scene can provide valuable information for officers. The following table provides some examples of the types of information that may be obtained.

The identification and analysis of...	may...
blood	<ul style="list-style-type: none">• identify an individual's DNA.• indicate the direction of movement by an individual.• indicate where a victim actually died.• identify a weapon and a possible method in which it was used (if it is a blunt instrument).• aid in determining direction, velocity, distance of travel, or angle of impact.• show whether or not an individual had consumed alcohol or used certain drugs.• establish the individual blood type
Semen	<ul style="list-style-type: none">• identify an individual's DNA.• indicate whether or not the individual has had a vasectomy.• establish the individual blood type.
vaginal secretions	<ul style="list-style-type: none">• identify an individual's DNA.• indicate the presence of sperm (and possibly information leading to identification of male sexual partner(s)).• establish the individual blood type.
saliva, perspiration, urine, or other biological fluids	<ul style="list-style-type: none">• identify an individual's DNA.• establish blood type.

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Collecting and Processing Evidence, Continued

Collection of fluids/stains

The collection and preservation of blood and other biological fluids require special precautions and considerations on the part of officers. The specific technique to use for collection and preservation of the evidence is dependent on the location and condition of the substance. Officers working around biological evidence can contaminate the evidence by talking, sneezing, coughing, or perspiring.

The following table presents general guidelines for the collection and preservation of biological fluids collected from a crime scene.

Basic Steps	General Guidelines
Take appropriate safety precautions	<ul style="list-style-type: none">• All biological fluids should be considered infectious and handled with care.• There is always a risk that blood and other biological fluids can transmit infectious diseases (e.g., HIV, hepatitis, etc.).• Wear latex gloves, masks, and eye protection when handling biological fluids.
Document location and appearance of evidence	<ul style="list-style-type: none">• Photograph the item in place prior to collection.• Describe location and condition of fluid or stain in notes.• Use sketches and diagrams if necessary.
Collect stained item or portion of the item	<ul style="list-style-type: none">• Collect the entire object on which the substance appears (e.g., bloody clothing, stained cushions, etc.).• If the entire object cannot be collected, remove and collect the portion of the item containing the stain.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of fluids/stains (continued)

Basic Steps	General Guidelines	
If the stained item/ portion cannot be collected, collect samples	Swabbing	<ul style="list-style-type: none"> • Moisten small amount of clean gauze/cotton swab in distilled water. • Dab the wet area with the moistened gauze to absorb the fluid. • <i>Air dry</i> gauze. • Wrap collected item in clean paper.
	Scraping	<ul style="list-style-type: none"> • Scrape fragments/flakes onto a clean paper. • Fold the paper carefully several times (i.e., <u>bundle</u>).
Package dried sample using appropriate container.	<ul style="list-style-type: none"> • When possible, wet or damp collectable items should be dried at room temperature before packaging. <ul style="list-style-type: none"> - Artificial heat (e.g., hair dryer) should not be used to dry item. • Each item should be placed in a separate container to avoid contamination. • Evidence should be placed (e.g., whole or portion of item, gauze/cotton swab, bundle containing dry scrapings, etc.) in a porous container such as a paper envelope, paper bag, or cardboard box. <p>NOTE: Items should <i>never</i> be placed in airtight containers where moisture can build and promote bacterial growth.</p>	

NOTE: If the substance is on a person it may be collected by swabbing or scraping.

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Collecting and Processing Evidence, Continued

Collection of fluids/stains (continued)

Basic Steps	General Guidelines
Process according to specific agency policies or procedures.	<ul style="list-style-type: none">• Seal each container and label properly as evidence.• Freeze/refrigerate "dry" samples as soon as possible.
Document process in field notes and investigative reports.	<ul style="list-style-type: none">• Identify all items or samples collected.• Describe technique used for collection, packaging, and processing each item or sample.

Control/known standard

For comparison purposes, control samples of unstained items (e.g., unstained carpet sample) and known samples of biological fluids from individuals whose identity is known (e.g., suspect(s), victim(s), etc.) should also be obtained.

Samples collected from individuals must be collected in a medically approved manner and processed according to specific agency policies or procedures.

NOTE: Each specimen that is maintained in a liquid state (e.g., vials of blood, semen sample) should be refrigerated, if it cannot be immediately transported. Known standards for comparison against biological evidence recovered from the crime scene or crime scene evidence can be obtained by collecting a "Buccal" or "cheek swab" from a known subject. This is collected using sterile cotton swabs and, once dried, must be stored appropriately pending analysis by a crime laboratory.

NOTE: If the collection procedure is considered invasive (e.g., drawing blood) officers may be required to show probable cause and obtain a search warrant prior to collecting the sample. For additional information regarding such requirements, refer to LD 16: *Search and Seizure*.

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Collecting and Processing Evidence, Continued

Blood stain patterns

Blood stain patterns (e.g., spatter) left at a crime scene may provide valuable information regarding the sequence of events, the nature of the event that caused the bleeding (e.g., force, velocity, direction, etc.), and movement of persons or objects.

Responding officers who encounter blood spatters and patterns should:

- recognize their potential for providing critical information,
 - request a blood spatter analyst, if needed, to assist with the crime scene investigation.
 - take necessary steps to protect the area without disturbing the spatter or pattern itself,
 - document the location and describe the spatter or pattern within their field notes, and
 - take photographs of the spatter or pattern.
-

Semen or vaginal secretions

Seminal fluid and vaginal secretion stains collected at a crime scene or from a victim may provide evidence leading to the identification or elimination of possible suspects.

Possible locations for such stains at a crime scene include, but are not limited to:

- bedding, floors, furniture,
- articles of discarded clothing,
- towels, napkins, tissues, and washcloths,
- condoms, or
- vehicles.

NOTE: Any item collected should be allowed to air dry, if necessary, and packaged and preserved accordingly.

Continued on next page

Collecting and Processing Evidence, Continued

Saliva

During an investigation, it may be necessary to collect an Oral Reference Sample from an individual.

To obtain an Oral Reference Sample, officers can:

- use a sterile cotton swab, swab inside of the cheek, swabbing both sides of the inner cheek walls, capturing epithelial cells,
 - allow the swab to air dry completely,
 - place the swab into a porous container (e.g., paper envelope, cardboard box, etc.), and
 - package, seal, and label each container for processing.
-

Continued on next page

Collecting and Processing Evidence, Continued

Firearms and ammunition

A great deal of evidence may be obtained from firearms or ammunition associated with a crime. Because of this, the use of appropriate techniques when collecting and handling firearms related evidence is critical.

Related terms

To better understand the techniques required for proper collection of firearm related evidence, peace officers need to become familiar with the following terms.

A **semiautomatic pistol** is a handgun that features a **magazine** which holds cartridges that self-load automatically into the firing chamber of the weapon. A **revolver** is a handgun equipped with a revolving **cylinder** that can contain several cartridges and can be fired repeatedly without being reloaded until the cylinder is empty.

A **cartridge** is a self-contained unit which includes a projectile and propellant capable of firing the projectile through the barrel of a handgun. A **bullet** is the projectile that is expelled from the cartridge. A single cartridge is also called a **round**.

A **cartridge case** is an empty container left after the round has been fired.

A **shotgun** is a smooth-bored firearm designed to be fired from the shoulder. Shotguns are primarily intended for firing multiple projectiles at one time.

A **rifle** is a gun with spiral grooves cut into the inner surface of the barrel. Some rifles may have a smooth-bored barrel.

A single cartridge used in a shotgun is referred to as a **shotgun shell**. Rather than a single projectile, a shotgun shell contains a number of small round projectiles referred to as **shot**. The projectiles that are contained in the shell are often referred to as the load.

NOTE: Some states have granted the authority to collect samples for DNA testing from individuals who have been arrested, but not yet convicted of certain specified violent crimes.

Continued on next page

Collecting and Processing Evidence, Continued

Evidentiary value

Several types of physical evidence can be related to the discharge of ammunition from a firearm. The following table provides some examples of the types of information that may be obtained.

The recovery of...	may lead to...
a spent bullet or cartridge case	<ul style="list-style-type: none">• identification of the type, manufacturer and condition of the firearm from which it was fired.• determination of the position of the shooter at the time the weapon was fired.• identification from the fingerprints of the individual who has loaded the firearm.• identification of the exact firearm from which it was fired from microscopic markings left by that firearm's barrel, striker pin, ejector, or other internal components.• linking of crime scenes using data from expended cartridge cases through the National Integrated Ballistic Information Network (NIBIN).
a firearm	<ul style="list-style-type: none">• evidence regarding whether or not it had been recently fired.• fingerprints or DNA leading to the identification of an individual who has loaded the firearm.• serial numbers leading to identification of ownership of the firearm.• markings within the barrel, on the striker pin, or other internal components that could be matched with markings on a particular bullet or cartridge case.• matching unspent ammunition with spent bullets or expelled cartridge cases.
Gun shot residue on a person's hand(s) or clothing	<ul style="list-style-type: none">• evidence that the individual may have discharged a firearm or handled a discharged firearm.• An estimate of the distance from a fired weapon to an individual, surface area or article of clothing.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of firearms

When a firearm is discovered at a crime scene, specific steps should be taken to ensure that potential evidence is not damaged or destroyed. The following table identifies guidelines for this process.

Basic Steps	General Guidelines
Take all appropriate safety precautions.	<ul style="list-style-type: none">• Treat all firearms as if they are loaded.• Ask for assistance from someone more knowledgeable when dealing with an unfamiliar type of firearm.• Comply with all local agency safety rules and guidelines.• Be aware of evidence contamination by the officer, fingerprint, or DNA.
Document location and general appearance of the firearm.	<ul style="list-style-type: none">• When appropriate, <i>before</i> touching any firearm, take photographs, and draw sketches.• Make notations in field notes regarding the:<ul style="list-style-type: none">- exact location of the firearm relative to fixed reference point(s) at the scene.- physical appearance of the firearm.

Continued on next page

Collecting and Processing Evidence, Continued

Firearm evidence collection

Basic Steps	Guidelines
Pick up the firearm carefully	<ul style="list-style-type: none">• Handle the firearm as little as possible.• Handle in such a way as not to destroy latent fingerprints or touch DNA that may be present.<ul style="list-style-type: none">- Lift the firearm by grasping a textured surface (i.e., handle grip) where fingerprints are not likely to be recoverable.• Never attempt to lift a firearm by placing something (i.e., pencil, pen) inside the firearm's barrel, or through the trigger guard.• Always keep the firearm pointed in the safest possible direction.• Always keep fingers or any other objects away from the trigger. <p>NOTE: Due to the sensitivity of firearms DNA analysis, DNA profiles may be developed from firearms, they should be handled while wearing fresh latex gloves.</p>
Conduct an initial examination of the firearm to determine if the firearm is loaded.	<ul style="list-style-type: none">• Note whether or not the safety is on and the hammer is cocked.• Make a record in field notes regarding:<ul style="list-style-type: none">- the position of safety, hammer, slide or bolt, etc.- location and number of unspent rounds in cylinder/magazine. (For revolvers, note whether rounds have been fired and their location within the cylinder.)

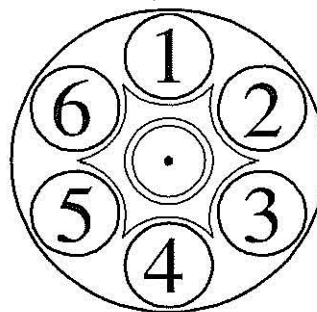
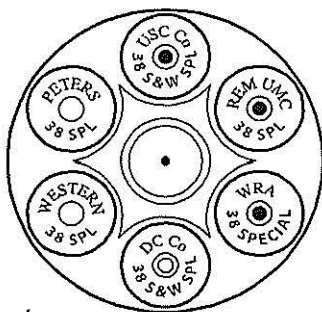
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Collecting and Processing Evidence, Continued

**Facing
rear of
cylinder**

Appearance of cylinder as
recovered

Diagram to be made by officer
recovering weapon



EXAMPLE NOTES

<u>Chamber Position</u>	<u>Condition</u>	<u>Cartridge Headstamp</u>
1	Fired	U.S.C. Co.
2	Fired	REM-UMC
3	Fired	WRA
4	Misfired	D.C. Co.
5	Loaded	WESTERN
6	Loaded	PETERS

Continued on next page

Collecting and Processing Evidence, Continued

Firearm evidence collection (continued)

Basic Steps	Guidelines
Render the firearm safe.	<ul style="list-style-type: none">• If the firearm is loaded, have an officer who is qualified to handle that type of weapon render the firearm safe.• Use care to collect any unspent cartridges.• If a firearm cannot be rendered safe because of rust, damage, or for any other reason, officers should refer to their specific agency policies and procedures before taking further action. <p>NOTE: Additional information regarding the appropriate actions for rendering firearms safe can be located in LD 35: <i>Firearms/Chemical Agents</i>.</p>
Conduct a more thorough examination of the firearm.	<ul style="list-style-type: none">• Use care not to harm possible fingerprints or touch DNA left on the firearm.• Note the make, model, serial number, manufacturer, caliber, barrel length, and finish of the firearm. Older rifles and shotguns may not have serial numbers. If this is the case, officers should note the lack of a serial number in their notes and report.• Check for the presence or absence of stains, dust, or any trace evidence.• Make a detailed sketch in field notes indicating the location of any trace evidence that is found on the firearm.• Record all observations in field notes.

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Collecting and Processing Evidence, Continued

Firearm evidence collection (continued)

Basic Steps	Guidelines
Collect and process the firearm per specific agency policies and procedures.	<ul style="list-style-type: none">• Carefully package, seal, and label firearm appropriately.• Comply with all agency policies and guidelines regarding the further disposition of the collected firearm.• If necessary, use appropriate techniques to process for latent fingerprints that may be present on the firearm.
Document collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Document who rendered the firearm safe.• Identify manner in which firearm was packaged and processed.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm

Live cartridges found in revolvers or semiautomatic pistols can contain latent fingerprints or touch DNA of the person who loaded the weapon. Their position within the firearm, chamber, or magazine can also provide important information for investigating officers. For this reason, firearms and unspent rounds should be handled in such a way as not to destroy latent fingerprints or DNA that may be present.

The following table presents guidelines for preserving evidence associated with unfired ammunition found within a handgun.

Basic Steps	Revolvers	Semiautomatic Pistols
Examine and document condition and location of ammunition within the firearm.	<ul style="list-style-type: none">• Follow all fundamental rules of firearms safety.• Open cylinder.• Identify and document the position and condition (loaded, empty, fired) of every chamber.	<ul style="list-style-type: none">• Follow all fundamental rules of firearms safety.• Note the position of a control feature (e.g., safety, cocking indicator, selector, etc.).• Carefully release and remove magazine.• Identify and document the position and condition of rounds within the magazine.
Remove unspent cartridges/magazine from firearm.	<ul style="list-style-type: none">• Carefully remove cartridges one at a time from cylinder.	<ul style="list-style-type: none">• Eject any cartridge that may still be in the pistol's chamber.• Lock slide to the rear (open).• Visually and physically verify that there is no round in the chamber.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm (continued)

Basic Steps	Revolvers	Semiautomatic Pistols
Package and preserve each cartridge/magazine separately.	<ul style="list-style-type: none">• Do not apply any marks directly to bullet or cartridge.• Package each extracted cartridge in appropriate <i>separate packaging</i>.• Label each container with the same number as the chamber from which the cartridge was removed.• Package firearm separately.• Seal, label, and dispose of evidence according to agency policy or procedures.• Document all items collected and packaged in field notes and investigative report.	<ul style="list-style-type: none">• Document the ejection of any cartridge in field notes.• Process magazine for latent fingerprints.• Do not to remove unspent cartridges from magazine.• Package magazine, and any extracted rounds in appropriate separate containers.• Seal, label, and secure evidence according to agency policy or procedures.• Document all items collected and packaged in field notes and investigative report.

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Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm (continued)

Basic Steps	Revolvers	Semiautomatic Pistols
Document collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Identify manner in which cartridges/magazine was packaged and processed.	

NOTE: If a firearm appears to be jammed, officers should not attempt to clear the jam. Instead, they should comply with agency policy or guidelines regarding such situations.

Spent bullets and casings

Unique microscopic striation markings are created when the bullet is fired or the case is expelled from the firearm. When compared with the markings on a known firearm, such markings may provide conclusive evidence that the spent ammunition was fired from a single weapon to the exclusion of all other weapons.

Examples of markings on bullets and/or cases include, but are not limited to:

- striation marks on the cartridge case created by the firing pin,
 - extractor and ejector marks,
 - marks left by the lips of the magazine, or
 - striation marks or scratches on the bullet created as it was fired through the barrel.
-

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Collecting and Processing Evidence, Continued

Spent shotgun ammunition

A shotgun shell can contain a number of projectiles (i.e., shot). Expelled shotgun projectiles *cannot* be traced to a specific weapon. A spent bullet or cartridge case can be traced to a certain weapon. The ejected shotgun shells can lead to evidence regarding characteristics or bore size (**gauge**) of the type of shotgun used.

Shotgun shells also contain material used to separate the shot pellets from the powder charge (gun powder) within the shell. This material, usually made of cardboard, felt, or plastic, is the **shot wad**. The wad is expelled through the barrel behind the shot pellets.

Collecting expelled wad at a crime scene can aid in determining the gauge of the firearm and possibly the manufacturer of the ammunition. It can also help identify the location of the shooter when the weapon was fired.

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Collecting and Processing Evidence, Continued

Collecting spent ammunition

Special care is required when recovering and handling spent ammunition from a crime scene. The following table identifies general guidelines to follow in order not to damage or contaminate any evidence.

Basic Steps	General Guidelines
Identify and document	<ul style="list-style-type: none">• Locate and record as notes and sketches in field notes, and photograph the exact location and position of each bullet, cartridge case, or shot wad found.
Collect	<ul style="list-style-type: none">• Pick up items carefully while wearing disposable gloves.• If an item is embedded in hard material, (i.e., wood, plaster, etc.), it should not be removed from that material. Instead, if possible:<ul style="list-style-type: none">- the entire object containing the embedded item should be collected as evidence, or- some of the material surrounding the item should be removed with the item. (Also collect a control sample of the material for comparison purposes.)
Package and preserve	<ul style="list-style-type: none">• Do not place any markings on expended bullets or cartridge cases.• Individually wrap each item separately in tissue, soft cotton, or paper padding and place it in separate containers or envelopes.• Appropriately seal and label each container and note the location where the item was found.

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Collecting and Processing Evidence, Continued

Gunshot residue

Whenever a firearm is discharged, particles of unburned powder and gases are blown through openings in the firearm's cylinder, ejection port, or through the barrel itself. Such residue is made up of the elements barium, lead, and antimony and is not visible by the naked eye.

Trace residue of this material may be left on the palm area and back of the shooter's hand(s) and between the web of the fingers. The actual amount of residue deposited can vary depending on the type of firearm and ammunition used, and the conditions when the firearm was discharged.

Precautions

Gunshot residue (GSR) on the skin is an especially transient form of microscopic trace evidence. For successful lab analysis and identification, samples should be collected from the person's hands *as soon as possible*. To help preserve gunshot residue evidence, the individual's hands can be protected with paper bags.

To avoid the possibility of loss or transfer of residue material, officers **should not**:

- allow anyone or anything to have physical contact with the person's hands,
- place hands inside pants pockets or jacket pockets
- let the person wash his or her hands, or
- fingerprint the person prior to taking samples.

NOTE: Unless officer safety issues demand otherwise, a person should not be handcuffed until after gunshot residue samples have been collected.

NOTE: Long sleeve clothing such as jackets and shirts may also contain gun shot residue and should be considered during the investigation.

NOTE: If the gun residue test is not going to be administered in the field the individuals' hands should be covered with paper bags as soon as possible to preserve evidence.

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Collecting and Processing Evidence, Continued

Hairs and fibers

The location of hairs or fibers at a crime scene may indicate some form of contact between a person and the point of entry, an object, or the victim.

Hairs

Hairs collected at a crime scene cannot be used to identify a particular individual (with the exception of DNA analysis), but they may be used to eliminate or identify general characteristics of individuals (e.g., color, whether the hair is natural, bleached, or tinted, length, fine or coarse texture, synthetic, etc.).

DNA identification of an individual can occur when hair analysis is conducted.

Example: Hairs embedded in the windshield on the driver's side may assist officers in determining who was driving the vehicle at the time of impact.

Fibers

Criminal activity often involves some type of direct contact between a person and some object (e.g., point of entry). During this contact, evidence may be transferred from the person to the object. Air currents may also transfer fibers to other areas.

Most fiber can be classified in the laboratory as:

- animal (e.g., wool, etc.),
- plant fiber (e.g., cotton, linen, etc.), or
- synthetic (e.g., nylon, polyester, rayon, etc.).

Matching the fibers with control/known standards taken from a crime scene or from a person can aid in linking a fiber with an object, location, or person.

DNA can identify people and can be used to assist in placing suspect(s), witness(es), and victim(s) at a crime scene.

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Collecting and Processing Evidence, Continued

Protecting trace and transfer evidence

Because of its size and delicate nature, trace and transfer evidence such as hairs and fibers can be easily lost, damaged, or destroyed at the crime scene and while being transported. The following table identifies precautions officers should be aware of when handling either form of evidence.

Officers should...	Officers should not...
<ul style="list-style-type: none">• control access to a crime scene.• close windows or shield areas which may contain hairs and fibers, to protect from wind, movement, moisture, etc.• avoid cross-contamination between fiber samples and control/known standards.• select packaging containers that will protect the evidence and allow laboratory technicians to easily locate the evidence within the package.• document in field notes any actions taken to protect hairs and fibers.	<ul style="list-style-type: none">• fold or bend hairs or fibers when handling or packaging them.• seal packages containing wet hair or fibers until they have air dried.• place hairs or scrape fibers directly into an envelope. (Samples can easily fall out of unsealed corners.)• place hairs or scrape fibers directly into a plastic bag. (Static electricity may cause fibers to stick to the interior of the bag.)

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Collecting and Processing Evidence, Continued

Collecting hairs and fibers

Officers must be extra cautious when collecting strands of hair or fibers from a crime scene. The following table identifies guidelines for this process.

Basic Steps	General Guidelines
Document location and appearance of hairs/fibers.	<ul style="list-style-type: none">• Photograph the hairs or fibers in the location found.• Describe and draw sketches within field notes of the exact location on the object or area within the crime scene.
Collect individual hairs/fibers using appropriate techniques.	<ul style="list-style-type: none">• If visible and firmly attached to an object (e.g., clothing, pillow, etc):<ul style="list-style-type: none">- Leave hairs or fibers intact and collect the entire object.- Handle the object carefully and as little as possible to avoid disturbing any other trace or transferred evidence that may be on the item.- If necessary, air dry the article being sure to protect it from air currents that may disturb hairs/fibers.
Tape lifts of hair and fiber evidence	<ul style="list-style-type: none">• If loosely attached, or attached to an object or surface, carefully remove each hair or fiber with gloved hands or tape lifts.

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Collecting and Processing Evidence, Continued

Collecting hairs and fibers (continued)

Basic Steps	General Guidelines
Package and process each item separately.	<ul style="list-style-type: none">• Select packaging that will properly protect the trace evidence.<ul style="list-style-type: none">- Package collected objects so that hairs or fibers will not become dislodged during transportation.- Package individual hairs by carefully placing them into a bindle. (Be sure not to bend or fold the hair when forming the bindle.)• Seal and label each container.• Process the evidence according to specific agency policy and procedures.
Document the collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Identify manner in which each hair/fiber sample was packaged and processed.

Collecting control/ known standard

For comparison purposes control/known standard samples of hair should be collected from sources associated with the crime (e.g., people, victims, carpet, items of clothing, etc.). Control/known standards should be collected as soon as possible. Individuals can easily change their hair color, length, etc. over time. Known standards must be collected lawfully

Do not cut samples of hair from the individual. Hair should be **pulled out** in order to obtain the hair's root.

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Collecting and Processing Evidence, Continued

Collecting control/known standard (continued)

The following table identifies general guidelines for collecting control/known standards from individuals.

	General Guidelines
Head/scalp hair	<ul style="list-style-type: none">• Use a new, unused plastic comb to <i>briskly</i> back comb all parts of the individual's scalp including:<ul style="list-style-type: none">- left and right temples,- crown, and- base of the neck.• A minimum of 15-20 hairs should be collected from each area of the scalp.• If hairs vary in color, obtain samples of all colors.• Seal and label noting any additional information such as the individual's:<ul style="list-style-type: none">- general overall hair color,- age, and/or- signs of hair treatment (dying, highlighting, bleaching, etc.).
Body hair	<ul style="list-style-type: none">• Collect 15-20 hairs from other parts of the body such as:<ul style="list-style-type: none">- face (if applicable),- pubic area,- chest, or- underarm.• If hairs vary in color, obtain samples of all colors.

NOTE: Depending on specific agency policy and guidelines, control/known standard involving head/scalp or body hair may be collected by medical personnel rather than peace officers.

NOTE: Under certain circumstances, it may be necessary to collect a known sample of a known standard from animals (e.g., family pets) that may have been at the crime scene.

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Collecting and Processing Evidence, Continued

Fingernail swabbing, scraping, and evidence collection

If a crime has involved a physical encounter, material may have been transferred beneath the victim's or individual's fingernails. This material may be useful as evidence connecting an individual to a crime.

Until fingernail swabbing and scrapings can be taken, the individual's hands should be enclosed by a paper bag and taped closed at the individual's wrist to preserve any at-risk evidence. The following table identifies guidelines for collecting evidence from the fingernail of an individual.

	General Guidelines
Fingernail swabbing and scrapings	<ul style="list-style-type: none">• Collect scraping from each finger on a separate piece of paper. If swabs are taken, use a clean, sterile swab to collect the material; document the area and package separately.• Carefully fold the paper into a bundle.• Label each bundle as to the finger the scraping was taken from and place in a separate envelope.• Seal and label each envelope.• Process according to specific agency policy or crime laboratory procedures.• Document in field notes and investigative report.

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Collecting and Processing Evidence, Continued

Tool marks and tools

When a hard object, such as a metal tool, comes into contact with a softer object, and force is applied, an impression is left on the softer object. Comparing the tool marks left at the scene of a crime with the unique characteristics and imperfections of a particular tool, may provide conclusive evidence linking that tool to the crime.

Tool marks

A **tool mark** is an impression, scratch, gouge, cut, or striation/abrasion on an object that is the result of a tool forcibly coming into contact with the object.

There are three basic types of tool marks:

- Impressions (stamped indentations in the object),
 - Striation/abrasion marks (marks caused by the friction of the tool being forced across the object), and
 - Combination marks (including both impressions and striations/abrasions).
-

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Collecting and Processing Evidence, Continued

Identification and documentation

The most likely location for tool marks is at the point of any forced entry to a building, room, container, vehicle, etc.

Once located, all tool marks should be carefully documented. The following table identifies recommendations for documenting tool marks at a crime scene.

Documentation	Description
Over-all photographs	<ul style="list-style-type: none">• Depict the entire object that bears the tool mark.• Show the physical location and arrangement within the crime scene of the object bearing the mark.
Close-up photographs	<ul style="list-style-type: none">• Show the detail of the actual tool mark revealing the direction, depth and other characteristics.• Include an L-shaped scale/ruler in the photograph to show relative size. <p>NOTE: Close-up photographs are for identification and orientation purposes only. They are not used for actual comparisons.</p>
Written notes and sketches	<ul style="list-style-type: none">• Document within field notes the location and brief description of the marks.• Include sketches that accurately reflect the position of all marks in relation to fixed reference points (e.g., height from the floor, distance from window frame, etc.).

NOTE: Officers should not open, close, or otherwise handle doors or windows at a crime scene before first examining such areas for the existence of trace or transfer evidence or fingerprints.

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Collecting and Processing Evidence, Continued

Trace and transfer evidence

Tool marks themselves should be examined carefully for evidence, such as hair, fibers, small amounts of blood, paint chips, metal shavings, etc. All particles of evidence that loosely adhere to the tool mark should be removed and processed using techniques that are appropriate for each form of evidence.

Collecting tool marks

The technique used for collecting tool marks is dependent on the area and/or the item where the marks are located. If an object or section has been broken or detached by force, the entire item should be collected and processed as evidence. Often, tool marks will appear on items that are still attached to the original structure.

NOTE: **Do not** attempt to place a tool back into a tool mark to identify whether or not they match.

Continued on next page

Collecting and Processing Evidence, Continued

Collecting tool marks (continued)

The following table presents guidelines for collecting tool marks based on their location.

Possible Item/Area	Guidelines
Twisted door knob	<ul style="list-style-type: none">• Channel lock pliers, vise grips, or wrenches can be used to forcefully twist open door knobs. Such tools often leave friction/striation marks.• Mark the original position of the knob relative to the door (e.g., top).• Carefully remove the door knob from the door.• Gently cover the knob with soft paper to protect surfaces, then place in a strong wrapper.
Pried knob bolt	<ul style="list-style-type: none">• Screwdrivers can be used to pry open the bolt on a door knob, leaving friction/striation marks. (Screwdrivers can be used in similar ways to pry open windows.)• Remove the striker plate and screws as well as the door knob bolt, if possible.• Mark each item indicating the top and front of its position prior to removal.• Gently cover each item with soft paper to protect surfaces, then place each in a separate container.

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Collecting and Processing Evidence, Continued

Collecting tool marks (continued)

Item/Area	Guidelines
Metal window or door frames	<ul style="list-style-type: none">• When merited by the severity of a crime, the entire window or door frame may need to be removed and processed as evidence.• Once removed, areas containing impression and/or friction/striation marks should be gently covered with soft paper.• Mark the frame indicating top and front as it was positioned prior to removal.• If marking is not possible, include a separate sketch.• Wrap the entire frame in strong paper. <p>NOTE: If an object is too large or heavy for complete removal, samples of metal may be removed from the object to be used as known reference standards.</p>
Wooden window or door frames	<ul style="list-style-type: none">• Using a small saw, cut away the piece of frame containing the tool mark(s) and surrounding surface.• Mark the collected item as to position of the sample with the original frame.• If marking is not possible, include a separate sketch.• Gently cover the item with soft paper to protect surfaces, then place in a container.• Collect known reference standards of other pieces of wood and paint scrapings. Such standards may be used for comparisons with any wood or paint particles found on a suspected tool.

NOTE: There may be conditions where the collection of an item containing a tool mark is not practical. Under such conditions, casting material may be used to make a reverse impression of the area.

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Collecting and Processing Evidence, Continued

Tools

If the tool suspected of making the tool mark is located at the crime scene, special steps to preserve the tool for evidence processing should be followed to preserve evidence such as latent prints or DNA.

Markings left on suspected tools themselves may be fragile and easily damaged during transportation. Care should be given to preserve trace evidence through packaging or collect by tape lifting prior to packaging.

The following table identifies general guidelines for the collection and preservation of tools located at a crime scene.

Basic Steps	General Guidelines
Document the location and condition of the tool.	<ul style="list-style-type: none">• Photograph the tool in the location it was found.• Describe location and condition of the tool in notes.• Use sketches and diagrams if necessary.
Collect tool in a manner that preserves evidence.	<ul style="list-style-type: none">• After examining the item for trace and transfer evidence, secure any moving parts against movement (i.e., jaws of pliers, wrenches, etc.).• Wrap the jaws of pliers, wrenches, etc. separately with soft paper to protect surfaces.• Tape a paper bag over the tip of the tool to prevent loss or contamination of trace evidence. (If blood is found on the tool, follow procedures noted for the collection of biological fluids.)
Package and process each item separately.	<ul style="list-style-type: none">• Carefully wrap each tool in packaging bag or box.• Place each in an appropriate sized container (bag or box) to prevent movement.• Process the evidence according to specific agency policy or procedures.

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Collecting and Processing Evidence, Continued

Tools (continued)

Basic Steps	General Guidelines
Document the collection process in field notes and investigative reports.	<ul style="list-style-type: none">Identify each tool that was collected, how it was collected, and how it was packaged and processed.

Alcohol

When alcohol is discovered at the scene of a crime, the courts may require that a sample of the alcohol be made available.

The following table identifies general guidelines for the collection of alcoholic beverages found at the scene of a crime.

	General Guidelines
Collection	<ul style="list-style-type: none">If <i>open containers</i> of alcohol are found in a vehicle on the roadway:<ul style="list-style-type: none">mark level of liquid in each container.fill a separate plastic container <i>to capacity</i> with samples of the contents from each open container.
	<ul style="list-style-type: none">If it must be shown that alcoholic beverages have been <i>consumed by an individual</i>, have a qualified medical person draw a blood sample from the individual. (This process should be witnessed, preferably by the officer.)

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Collecting and Processing Evidence, Continued

Alcohol (continued)

	General Guidelines
Packaging	<ul style="list-style-type: none">• Package alcohol containers separately from other samples.• Vials of collected blood samples should be labeled and identify the person who drew the sample, the witness, and the date and time the sample was taken.• Place each vial of collected alcohol or blood in a separate container.

NOTE: For additional information regarding actions pertaining to alcohol, refer to LD 13: *ABC Laws*.

Bite marks

The following table identifies general guidelines for the collection and processing of bite marks found at the scene of a crime on victims, food, or other items at a crime scene.

	General Guidelines
Documentation	<ul style="list-style-type: none">• Photograph the area:<ul style="list-style-type: none">- with and without showing a scale within the photograph.• Photographs should be at a 90 degree or perpendicular angle to the bite mark.

Continued on next page

Collecting and Processing Evidence, Continued

Bite marks (continued)

	General Guidelines
Collection	<ul style="list-style-type: none">• Collect any saliva near the bite mark by swabbing the area with a clean cotton swab moistened with distilled water.• Collect a control sample of the area adjacent to the bite mark by using another clean cotton gauze moistened with distilled water.• Allow all swabs to thoroughly air dry.
Packaging	<ul style="list-style-type: none">• Once “dried”, place swabs in separate paper envelopes labeled with victim name, collector, date, time.• If evidence cannot be immediately processed, it should be stored frozen. <p>NOTE: Bite marks found on food should be processed immediately.</p> <p>NOTE: Other instrumentalities of a crime scene could contain bite marks.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Clothing

Items of clothing associated with a crime scene may contain both obvious (e.g., large blood stains) and hidden (e.g., fine paint particles) forms of evidence. General guidelines regarding the collection of clothing as evidence are noted in the following table.

	General Guidelines
Collection	<ul style="list-style-type: none">• Wear gloves when packaging clothing.• Avoid shaking, excessive folding, or unnecessary handling.• Do not disturb the contents of pockets, cuffs, hems, or pleats.• Place each clothing item in a clean paper bag.
	<ul style="list-style-type: none">• If clothing is being collected directly from a person:<ul style="list-style-type: none">- have the person stand on a large sheet of white paper.- ask the individual to remove clothing and shoes.- place each item in a separate paper bag.- provide the individual with a jail jump suit or other clothing to wear.- carefully fold up the paper.- place folded sheet of paper and items of clothing in separate clean paper bags.
	<ul style="list-style-type: none">• If clothing is dry:<ul style="list-style-type: none">- fold dry clothing as little as possible, keeping stained areas on top.- place each item in a separate clean paper bag.- if item cannot be immediately processed, freeze as soon as possible.

Continued on next page

Collecting and Processing Evidence, Continued

Clothing (continued)

	General Guidelines
Collection (continued)	<ul style="list-style-type: none">• If clothing is wet, let the item air dry thoroughly, then follow the same procedures as for dry clothing.
	<ul style="list-style-type: none">• If clothing has been obtained from a hospital:<ul style="list-style-type: none">- remove each item from hospital container, dry if still wet and, once dry, repack in separate clean paper bags.
Packaging	<ul style="list-style-type: none">• Keep each person's clothing in separate containers.• Do not place clothing in plastic or airtight containers which may promote bacterial growth.

Cloth fragments

General guidelines regarding the collection of cloth fragments as evidence are noted in the following table.

	General Guidelines
Collection	<ul style="list-style-type: none">• Collect small fragments using gloved hands or tape lifts. Avoid folding the item.• Collect large fragments by handling them as little as possible.• If fragment is wet, allow to air dry prior to packaging.
Packaging	<ul style="list-style-type: none">• Package each fragment separately.• Place in clean paper bags.

Continued on next page

Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia

Officers may encounter numerous types of controlled substances and drug paraphernalia at a crime scene. Responding officers should be aware that drugs can come in many different colors, sizes, and forms such as powders, liquids, pills, or capsules.

Depending on specific agency policy, officers may be equipped with **presumptive narcotic field testing kits**. Use of such kits can help officers determine if a drug is present and make a preliminary identification of the type of drug found. The immediate results obtained from presumptive field tests can provide sufficient probable cause for an arrest. Although, all results must be confirmed by a forensic laboratory before evidence can be admissible in court.

NOTE: Officer safety must be a priority when handling evidence involving controlled substances, drug paraphernalia, or when investigating clandestine laboratories.

NOTE: For additional information regarding narcotics, other drugs, and drug paraphernalia, refer to LD 12: *Controlled Substances*.

Continued on next page

Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia (continued)

The following table identifies general guidelines for the collection of controlled substances and drug paraphernalia at a crime scene.

Collection	General Guidelines
	<ul style="list-style-type: none">• Wear latex gloves and masks.• Special care should be taken when handling drug paraphernalia to avoid possible transfer of infectious diseases.• Handle any original packaging with care so possible trace evidence and latent fingerprints will not be destroyed or damaged.
	<ul style="list-style-type: none">• For PCP:<ul style="list-style-type: none">- Handle with extreme caution. PCP can be extremely volatile.- Place the amount found on each person, or in each area, in a separate clean glass vial with a lid.- Seal each vial in a heat sealed plastic bag.- Place sealed envelope into a second heat sealed plastic bag and seal.
	<ul style="list-style-type: none">• For most other drugs:<ul style="list-style-type: none">- Place the amount found on each person, or in each area, in a separate container.- <i>Do not</i> place marijuana in any airtight container.
	<ul style="list-style-type: none">• For syringes and other drug paraphernalia:<ul style="list-style-type: none">- Place each in puncture resistant containers.- Place a warning label on the face of the evidence envelope.

NOTE: Some drugs, such as PCP, can be absorbed through skin; Fentanyl particles, if disturbed, can be accidentally inhaled; if Fentanyl is suspected, exit the scene and contact Fire Department and Hazardous Materials Unit.

Continued on next page

Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia (continued)

	General Guidelines
Packaging	<ul style="list-style-type: none">• Place each item collected from each person in separate containers.• Cushion glass vials with packing material to prevent breakage.• Properly seal and label all containers. <p>NOTE: Do not use slang expressions or conclusive statements as to the contents when labeling containers and envelopes. The exact nature of each substance must be determined or confirmed by the laboratory.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Documents

During a search of a crime scene, officers may discover documents that have bearing on the investigation of the crime. Laboratory examination of the technique used to create the document (handwritten, typed, etc.) as well as the paper and ink may provide information relating to identification, authenticity, and dating of the material.

The following table identifies general guidelines for the collection of documents from a crime scene.

	General Guidelines
Collection	<ul style="list-style-type: none">• Avoid any excessive handling or folding to guard against damage or alteration to possible latent fingerprints or impression marks (i.e., indentations left from writing on another document that has been placed on top of the document being collected).• If the original document was written using a typewriter or printed on a word processor or printer attached to a computer system, collect the entire instrument, storage devices, and paper that remains in the instrument.
Packaging	<ul style="list-style-type: none">• Label the envelope/plastic cover <i>before</i> placing the document inside (to protect document from officer labeling impression marks).• Place the document in the envelope/plastic cover.• Place the envelope/plastic cover between two sheets of stiff cardboard.• Wrap cardboard with paper or place in an appropriate container.

Continued on next page

Collecting and Processing Evidence, Continued

Documents (continued)

	General Guidelines
Control/ Known Standards	<ul style="list-style-type: none">• Obtain a control/known standard when possible.• Control/known standard samples may be in the form of:<ul style="list-style-type: none">- other similar documents prepared by the person at a previous time or- documents prepared by the person at the request of an investigating officer.• When requesting a control/known standard involving <i>handwriting</i>:<ul style="list-style-type: none">- simulate the original document as much as possible. (e.g., same type of paper, writing instrument, etc.)- <i>do not</i> show the original document to the person.- dictate the text to be written.- offer no suggestions regarding spelling, punctuation, style, or format.- remove the first sample from the person's sight and request a second be prepared. <p>NOTE: If it is not known whether the individual is left or right handed, the officer may wish to request that a sample be written using each hand.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Glass

By examining and analyzing glass fragments from a crime scene, it may be possible to determine a point of impact, direction and angle of impact, number and order of bullets fired through the glass, or source and origin of the glass. Trace and transfer evidence (e.g., latent fingerprints) may also be present. Examples of the different types of glass that may be found at a crime scene include, but are not limited to:

- window glass,
- plate glass (usually used for store fronts),
- tempered glass (e.g., shower doors, storm doors, vehicle side windows, etc.),
- safety glass, (vehicle windshield)
- glass bottles, or
- colored or clear lenses (e.g., glasses, camera lenses, headlight lenses, watch crystals, etc.).

All broken glass should be handled carefully to protect any transfer biological evidence, touch DNA, or suspect blood from the break and avoid cuts or injury to collector, further breakage, contamination, or damage to any existing latent fingerprints. The following table identifies general guidelines for the collection of glass and glass fragments at a crime scene.

Continued on next page

Collecting and Processing Evidence, Continued

Glass (continued)

	General Guidelines
Documentation	<ul style="list-style-type: none">• If a window has been shattered (e.g., bullet holes, tools, bricks, spark plug piece), photograph the fracture patterns.
Collection	<ul style="list-style-type: none">• Carefully examine glass fragments for blood evidence and preserve for fingerprint or trace evidence processing.
	<ul style="list-style-type: none">• If the direction of force is in question, collect all glass fragments.• If direction of force is not a concern, collect only one sample of glass from each broken object.
Packaging	<ul style="list-style-type: none">• Package glass found inside separately from glass found outside.
	<ul style="list-style-type: none">• Place fragments into an appropriate container.

Impressions (shoe, feet, tire, etc.)

Shoes, feet, or tire treads may leave impressions on soft surfaces such as soil, mud, snow, etc. Impressions may also be found on hard surfaces such as floors, glass, paper, or doors. By comparing crime scene impressions with features of a particular person's shoes, feet, or tires, it may be possible to implicate or eliminate an individual's involvement with a crime. Preserve shoe and tire impressions at the scene for photographs and casting of the impression.

Soft and hard surface impressions require different collection techniques. The selection of a specific technique and the actual collection should be done only by law enforcement personnel who have been trained to do so.

Continued on next page

Collecting and Processing Evidence, Continued

Money

Money that is found at the scene of a crime may be a valuable source of evidence. Depending on how it had been handled, money may be contaminated by trace evidence such as drug residue. Although rare, currency may also contain latent fingerprints. The following table identifies general guidelines for handling money from a crime scene.

	General Guidelines
Documentation	<ul style="list-style-type: none">• Officers should note the denominations and total amount of money collected in their field notes and investigative reports.
Collection	<ul style="list-style-type: none">• <i>Do not</i> place any marks on bills or coins. (Bills can be identified by serial number.)• If wet, allow bills to air dry prior to packaging.• Carefully place money in a special money envelope.• If trace or transfer evidence is on currency, handle each bill in the same manner as with other documents.
Packaging	<ul style="list-style-type: none">• Seal envelope and note the denominations and amount of money on the outside of the envelope.• All money (domestic and/or foreign) should be processed separately from all other forms of evidence and property.

NOTE: A witness signature should be required to verify the amount of money being submitted. Officers should comply with their agency's policy and procedures when processing money.

Continued on next page

Collecting and Processing Evidence, Continued

Paint

Paint is another form of physical evidence that can be found when investigating burglaries, vehicular hit-and-run crimes, or numerous other investigations. Paint can be found at a crime scene in the form of chips (from dry paint), smears (from wet paint), or a combination of both.

Although paint can be individualized, matches can be used to imply identifications based on the number of layers, color consistency, and composition. It may be possible to identify the manufacture and year of a vehicle from a collected paint sample.

The following table identifies general guidelines for collecting paint samples at a crime scene

	General Guidelines
Collection	<ul style="list-style-type: none">• Paint should be collected only after tool marks, trace evidence, latent fingerprints, etc. have been documented and collected.• If paint sample is small or difficult to remove, collect the entire object on which the paint appears, if possible.
	<ul style="list-style-type: none">• Flake paint chips off surface by bending the item slightly, if possible. Collect the flakes into one end of a clean paper bundle. (Flaking is most applicable with metal surfaces.)• Collect any appropriate paint chips that may be on the ground outside a point of entry or surrounding the scene of a vehicle collision.

Continued on next page

Collecting and Processing Evidence, Continued

Paint (continued)

	General Guidelines
Collection (continued)	<ul style="list-style-type: none">• If flaking is not possible, use a clean bladed instrument to scrape paint from surface into one end of a clean paper bindle.• Include all layers of paint present, down to the original surface.• Use a separate clean blade for each sample collected.
Packaging	<ul style="list-style-type: none">• Seal and label each envelope. (If the paint is from a vehicle, include a description and the license plate number of the vehicle.)• Package and submit blade used with each evidence sample. (Mark evidence envelope as <i>hazardous</i> when sharp blade is included.)

Continued on next page

Collecting and Processing Evidence, Continued

Tape

Different types of tape (e.g., duct, electrical, adhesive, etc.) found at a crime scene may contain latent fingerprints, DNA, fibers, hairs, or other evidence associated with a crime and link a suspect to the tape.

The following table identifies general guidelines for the collection of tape at a crime scene.

Basic Steps	General Guidelines
Collection	<ul style="list-style-type: none">• Handle tape as little as possible.• Preserve the ends of the tape where the suspect might have touched to preserve for DNA and fingerprint processing.• Examine tape for the presence of trace or transfer evidence that may be adhering to the tape. If trace or transfer evidence is found, remove from the tape and package separately according to the guidelines appropriate for that particular form of evidence.• <i>Do not</i> crumple tape into a ball.• If tape is on a weapon or some other object (e.g., narcotics container), <i>do not</i> attempt to remove it. Collect the entire object as evidence.• Do not attempt to match torn or cut edges. Collect the entire roll as evidence.
Packaging	<ul style="list-style-type: none">• Do not place tape directly onto or into paper.• Place sample into a nonporous container (e.g., plastic, glass, wax paper)• Each sample should be placed in a separate container.• Label each container, then place the container into a paper bag, envelope, or cardboard box.• Seal and label outer packaging.

Chapter Synopsis

Learning need	Peace officers must be aware of and comply with the general guidelines for the collection, packaging, and processing physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.
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Precautions [30.02.1]	<p>Prior to beginning the actual collection process, officers should consider:</p> <ul style="list-style-type: none">• photographing evidence.• sketching the location and position of items of evidence.• taking notes regarding the physical appearance of evidence to document the condition in which it was found.• wearing appropriate clothing, such as disposable gloves, masks and nonrestrictive, noninterfering clothing.• avoid officer contamination of evidence.
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Control/ known standard [30.02.2]	To establish a link between a piece of evidence and a person or a crime scene, the unique identity of the object must be shown to the exclusion of all other similar objects.
--	---

Chain of custody [30.02.4]	A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.
---	--

Chain of custody record [30.02.5]	The chain of custody begins when an item is first collected as evidence.
--	--

Continued on next page

Chapter Synopsis, Continued

Forms of fingerprints [30.02.6]

Three types of fingerprints can be found at a crime scene. They include visible, plastic and latent.

General collection guidelines [30.02.15]

Numerous other forms of evidence can be identified at any crime scene. Although specific techniques may differ, basic principles regarding the documentation, collection, and processing of evidence remain the same.

Developing latent fingerprints [30.02.16]

Specialized technicians have a number of techniques which can be selected for developing a latent print. Each technique relies on an interaction between the perspiration or oil in the latent fingerprint and the chemical that has been applied.

Introduction

Activity questions

1. Officers meet homeowners at the scene of a burglary. The homeowners tell officers that when they arrived home and turned on the lights, they heard a scuffle in the kitchen. When they entered, they found the back door open and their stereo, computer equipment, two small televisions, and a VCR on the kitchen table. They also report that someone has gone through all the drawers of the two dressers in their master bedroom. List all the locations where officers might search for latent fingerprints.
2. Describe step-by-step how an officer should safely collect and document a handgun discovered in a nightstand drawer at a crime scene.

LD 30: Chapter 2 – Evidence Collection

Workbook Learning Activities, Continued

Activity questions (continued)

3. Complete the chart below by filling in appropriate packaging containers and evidence.

Type of Evidence	Appropriate Packaging
blood or other biological fluids	
	paper bags
	glass vials
individual hair or fibers	
PCP	
money	
	plastic containers
marijuana	
cartridge cases	

4. List three common errors officers make in collecting and handling evidence. For each error, explain the possible consequences that could occur.

Continued on next page

Activity questions (continued)

- Continued on next page*

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Officers respond to an automobile accident in which a pedestrian was struck and killed. Officers find the driver slumped over the wheel and an open can of beer on the seat. The driver smells strongly of beer. List the types of evidence officers should attempt to collect and the purpose of each. For each piece of physical evidence listed, describe appropriate handling, packaging, and processing procedures.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Workbook Corrections, Continued

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Supplemental Material

Graphic Illustrations

In this section Refer to the following table for specific reference documents included in this section.

Graphic Illustrations	See Page
Sources of Investigative Information	S-2

Sources of Investigative Information

Introduction

In the course of an investigation, officers must recognize and use all possible sources of information available to them. Worthwhile information may be obtained from:

- informants, and/or
 - written documents and reference materials.
-

Motivation

Officers who use information supplied by an informant need to be aware of why that person is willing to offer information. Possible motives include, but are not limited to:

- civic responsibility or feeling of duty,
 - desire for monetary compensation for furnishing information,
 - desire to gain present or future law enforcement favor,
 - fear of impending arrest,
 - fear of possible personal harm by a criminal element,
 - jealousy of one who will be affected by the information,
 - elimination of criminal competition, or
 - revenge against someone who may have taken advantage of them.
-

Written documents

Written documents can include private and public records and numerous other written sources.

There are a number of private organizations and businesses records capable of providing information. Most private organizations will cooperate with a request for information from law enforcement, if tactfully approached. Officers should assure the responsible party that the source will be kept confidential.

In the event the information is needed as evidence in a court of law, officers should seek a subpoena for the records rather than compromise any informant from within an organization.

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Sources of Investigative Information, Continued

Written documents and references

The following table presents a number of possible sources of private records that may provide valuable information. Officers should not limit themselves to only those noted in the table.

Source	Types of Information
Apartment housing and other housing projects	<ul style="list-style-type: none">• Record of present and former tenants• Possible forwarding addresses
Auto rental or leasing companies	<ul style="list-style-type: none">• Identity of persons leasing cars• Driver's license information• Make, model or car used• Mileage traveled
Banks and loan agencies	<ul style="list-style-type: none">• Records on bank accounts and deposits• Loan information• Credit record• In order to obtain this information, it may be necessary to get a search warrant (privacy interests seem to be increasing).
City directories and telephone directories	<ul style="list-style-type: none">• Names, addresses, telephone numbers• City directories generally list occupation• May alphabetically list all streets in the city with street numbers and with the identity of each building occupant• Usually list telephone numbers in sequence and the individual's identity

Continued on next page

Sources of Investigative Information, Continued

Written
documents
and
references
(continued)

Source	Types of Information
Commercial credit agencies	<ul style="list-style-type: none"> • Files on those who have applied for credit • Residence history of applicant • Employment history of applicant • Other charge accounts • Debts • Personal history
Dun and Bradstreet Ratings (99 Church St. New York, N.Y. 10007)	<ul style="list-style-type: none"> • Records on businesses including financial data credit and organizational data • Stock brokers, wholesale and retail dealers
Hotel association	<ul style="list-style-type: none"> • Files on bad checks, gamblers, and employees at hotels and motels • Security personnel may be able to furnish this information
Laundry and dry cleaning businesses	<ul style="list-style-type: none"> • Many have their own markings • Records on when services were rendered <ul style="list-style-type: none"> - Names - Addresses
Lawyers' directory	<ul style="list-style-type: none"> • Arranged by city and state • Lawyers in United States by name and background data
Macrame's Blue Book	<ul style="list-style-type: none"> • Source for all manufactures of industrial equipment, products, and materials • List of manufacturers in alphabetical order by company name, product classification and trade name

Continued on next page

Sources of Investigative Information, Continued

Written
documents
and
references
(continued)

Source	Types of Information
Military registers (Army, Air Force, Navy and Marine)	<ul style="list-style-type: none"> • Name, serial number, date of birth, date of rank • Commissioned and warrant officers only
Moving companies	<ul style="list-style-type: none"> • Person moving or storing furniture • Destinations, dates, and addresses
National Association of Life Underwriter (11 West 42nd ST., New York, N.Y.)	<ul style="list-style-type: none"> • Insurance company clearinghouse • General biographical data on all persons who have had life insurance policies
National Board of Fire Underwriters	<ul style="list-style-type: none"> • General information on persons who have or have had a fire insurance policy
Newspapers	<ul style="list-style-type: none"> • Back issues
Poor's Register of Corporations, Directors and Executives	<ul style="list-style-type: none"> • Available in public libraries • Gives listing of executives, corporations, firms, products • Approximately 30,000 listings
Public utilities	<ul style="list-style-type: none"> • Maintain application for service • Often, records are kept by name • Usually have record of person who had service previously at the same address • Companies may have a special agent's office which can offer assistance

Continued on next page

Sources of Investigative Information, Continued

Written
documents
and
references
(continued)

Source	Types of Information
Real estate companies	<ul style="list-style-type: none">• Records of residents and former tenants of rental property• Records of buyers and sellers of property
School and college records	<ul style="list-style-type: none">• Biographical data• Sample handwriting and student signature• Educational achievements• School yearbooks<ul style="list-style-type: none">- Names- Activities- Pictures
Taxicab companies	<ul style="list-style-type: none">• Records of trips kept by drivers on each customer• List time, date, location from and destination
Travel agency and other transportation companies	<ul style="list-style-type: none">• Names, addresses of passengers• Dates of ticket purchase• Dates of travel• Points of disembarkment• Hotel accommodations• Itineraries

Glossary

Introduction **The following glossary terms apply only to Learning Domain 30: Crime Scene, Evidence, and Forensics.**

Automated Fingerprint Identification System (AFIS) Statewide file of full or partial rolled fingerprints collected from known individuals; can be referred to compare with fingerprints from unknown source collected at a crime scene

bindle A sheet of paper folded several times to create a holder resembling an envelope.

biological fluids Human bodily fluid such as blood, semen, vaginal secretions, saliva, perspiration, etc.

bullet A projectile that is expelled from a cartridge

cartridge A self-contained unit which includes a projectile and propellant capable of firing the projectile through the barrel of a firearm

cartridge case An empty container left after cartridge has been fired

chain of custody The written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence

control standard A piece of evidence that can be used to demonstrate a normal condition of a surface or object

Continued on next page

Glossary, Continued

corpus delicti	The established body or elements of a crime
coroner	A public official who investigates by inquest any death not due to natural causes
crime scene diagram	A measured drawing showing the location of all important items, particularly items of physical evidence; shows layout of the entire scene, measured locations within the crime scene of each piece of evidence, locations of significant features of the scene, and spatial relationship between items
crime scene search	A planned, systematic, coordinated effort conducted for the purpose of locating physical evidence that a crime has taken place and to identify the individuals who committed the crime
crime scene sketch	A rough drawing created by an investigating officer at the crime scene; contains details and measurements that will be used when the final accurate diagram is later drawn
criminal investigation	A systematic approach to the establishment of a criminal violation, identification and arrest of a suspect, and gathering of evidence for presentation in a court of law
custodial arrest	An arrest in which the suspect will be transported to a law enforcement facility such as a station, jail, or detox center
cylinder	Round device found on a revolver which contains a series of chambers; rotates to place each chamber, holding a single cartridge, into a firing position

Continued on next page

Glossary, Continued

Deoxyribo-nucleic Acid (DNA)	A substance found in the chromosomes in the nucleus of human cells that provides genetic coding information unique to every person
fingerprint	A copy or impression of the ridges and valleys present on the outermost layer of human skin; these ridges and valleys can be found on the tips of fingers, length and sides of fingers, palms, feet, and toes
forensic pathologist	Doctor of pathology as it relates to the courts
gauge	Measurement that refers to the bore size of a shotgun
initial survey	The first sweep of a crime scene; allows responding officer(s) the opportunity to establish the kinds and amount of evidence that exists and the amount of time, equipment and personnel that will be required to process the scene
inner perimeter	Designated area which contains specific evidence of a crime and is under the control of law enforcement officers
investigation	The systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.
known standard	An item of evidence which has a known source that can be used to compare with an item from an unknown source (also referred to as an exemplar)
latent fingerprint	Impression left by secretions from perspiration or oils on the skin; <i>not</i> visible to the naked eye without special treatment or development

Continued on next page

Glossary, Continued

lifting	The process of removing a developed latent fingerprint from the surface where it was found
magazine	A container that holds cartridges and fits inside the magazine well of a semiautomatic pistol or rifle
manner of death	A board classification of the cause of death
medical examiner coroner	An appointed medical physician specializing in forensic pathology with the responsibility of investigating all sudden, unexplained, unnatural, or suspicious deaths; duties include conducting autopsies and assisting in law enforcement investigations
nonporous surface	Any surface that does <i>not</i> absorb liquids or oils (e.g., plastic, glass, etc.)
outer perimeter	Designated area which surrounds an inner perimeter and is used as a means of securing and controlling access to an inner perimeter
plastic fingerprint	Impression left when a finger is pressed into a soft substance such as heavy grease, melted candle wax, soap, or window putty; does not require any treatment in order to be visible to the naked eye
porous surface	Any surface that absorbs liquids or oils (e.g., cloth, unfinished wood)

Continued on next page

Glossary, Continued

preliminary investigation	The initial phase of a criminal investigation which establishes whether a crime has been committed; begins when responding officer(s) arrive at the scene and culminates with the filing of an investigative report
Presumptive narcotic field testing kit	Prepackaged kit containing the materials necessary for an officer at a crime scene to determine if a drug is present and make a preliminary identification of the type of drug found
probable cause	When the totality of the circumstances causes a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime
revolver	Any handgun equipped with a revolving cylinder that can contain several cartridges and be fired repeatedly without being reloaded until the cylinder is empty
rifle	A gun fired from the shoulder with spiral grooves cut into the inner surface of the barrel
rolling	Collecting and recording of the fingerprints of a known individual
round	A single cartridge
semiautomatic pistol	Any handgun that features a magazine which holds cartridges that self-load automatically into the firing chamber of the weapon
shot	Small round projectiles contained within a shotgun shell (also referred to as the load)

Continued on next page

Glossary, Continued

shotgun	A smooth-bored firearm designed to be fired from the shoulder with two hands; primarily intended to fire multiple projectiles
shotgun shell	A single cartridge used in a shotgun
shot wad	Material contained within a shotgun shell that separates the shot from the powder charge
tool mark	An impression, scratch, gouge, cut, or abrasion on an object that is the result of a tool forcibly coming into contact with the object
trace evidence	Any evidence that is very small; it usually cannot be seen with the naked eye without close scrutiny
transfer evidence	Any evidence that is easily transferred or passed when two objects touch
visible fingerprint	An impression left behind in blood, paint, or other similarly colored liquid that does not require any treatment in order to be visible to the naked eye

apd-ucpd_operational_agreement.pdf

OPERATIONAL AGREEMENT
between the
CITY OF ALBANY POLICE DEPARTMENT
and the

UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY

A. PURPOSE

This Operational Agreement reflects the ongoing cooperative and professional association between the City of Albany Police Department (APD) and the University of California Police Department, Berkeley (UCPD), and establishes guidelines and procedures for the exercise of concurrent policing jurisdiction. This Operational Agreement serves to meet the statutory requirements established by AB 1433 (Gatto, 2014) (Government Code 67380 – 67386), requiring covered institutions to adopt and implement written policies and procedures to ensure that reports of Part 1 violent crimes, hate crimes, or sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement. Additionally, this Operational Agreement serves to promote collaboration between the City of Albany Police Department (APD) and the University of California Police Department, Berkeley (UCPD) to enhance the reporting, investigation, and appropriate response to sexual assault and other covered crimes.

The purpose of this association has been, and continues to be, the effective and collaborative provision of public safety services and the mutual promotion of common law enforcement goals in areas of shared jurisdiction and interest. To this end, each agency adopts the jurisdictional protocols and operational procedures described in this document.

B. LEGAL AUTHORITIES AND JURISDICTION

Sworn officers employed by both agencies have peace officer authority pursuant to California Penal Code §830.1 or §830.2. Additionally, UCPD's primary jurisdiction is described in Education Code §92600. This agreement is not intended to abrogate or exceed the legal authority or jurisdiction of either agency.

Pursuant to the 2003 Jurisdictional Consent agreement of the Alameda County Chiefs of Police and Sheriff's Association, both agencies recognize the ability for police officers from either agency to exercise peace officer powers and to enforce state and local laws at any time within the jurisdiction each agency represents, to the extent allowed by law.

APD officers do not have the authority to enforce administrative rules established by the University, but they may forward information or reports of such violations to UCPD for investigation and action.

This Operational Agreement is maintained in compliance with Education Code §67381 (The Kristin Smart Campus Safety Act of 1998).

C. DEFINITIONS

Administrative Responsibility – the duty of an agency to fulfill legal and ethical obligations including organizational oversight and internal discipline.

Campus Security Authority – an individual who is responsible under the Clery Act for reporting specified crimes to UCPD. Campus Security Authorities include police officers, as well as other officials on campus designated as having a responsibility for security and officials who have significant responsibility for student activities.

Clery Act – the federal law that requires universities that participate in federal financial aid programs to record and disclose information about crime on and near campus (20 U.S.C. § 1092(f)).

Geographic Responsibility – a physical location or area where an agency is identified as having operational responsibility.

Operational Responsibility – the duty of an agency to exercise jurisdictional authority as the primary provider or manager of law enforcement and public safety services in a particular area or situation.

D. ADMINISTRATIVE RESPONSIBILITIES

1. Ongoing communication and exchange of reports and statistical data

APD and UCPD acknowledge the importance of timely, regular communication at all levels, and commit to implement procedures to ensure this continues.

APD and UCPD should exchange copies of crime reports or reports of significant contacts with possible criminal suspects whenever such reports may be of benefit or interest to the other agency. When appropriate, immediate notification should be made to expedite the sharing of important information.

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request, provide the other with relevant information to facilitate accurate and comprehensive administrative tracking.

APD and UCPD criminal investigators should confer regularly on any case, or regarding subjects, of mutual interest. APD and UCPD supervisory and command staff should confer periodically to ensure high levels of cooperation and coordination between the two agencies.

This Agreement is not intended to in any way restrict the provision of general assistance or the lawful and necessary sharing of information between agencies in the course of normal law enforcement activity, in accordance with industry standards and professional courtesy.

2. Administrative investigations

Allegations of misconduct arising out of joint police operations will be investigated by the agency against whose employee the allegation is made.

3. Reporting Obligations

UCPD and APD agree to the following procedures through which each department will transmit reports it receives to the other. These reports shall comply with the confidentiality requirements described in Subsection 5 below, and shall not identify the victim or the alleged assailant unless the victim has consented to being identified.

a. UCPD Reports to APD

UCPD will report immediately or as soon as practicably possible to APD all reports received by a Campus Security Authority of any Part 1 violent crime, sexual assault, or hate crime, committed on or off campus, which occurred in the City of Albany. This includes reports victims make directly to Campus Security Authorities (CSAs) as well as reports victims make to other Campus employees that are then conveyed to the CSAs. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police report documenting the investigation being conducted by the jurisdictional agency.

All such notifications to APD will be documented in UCPD records. In addition, UCPD will maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. The log should be accessible to the public during normal business hours.

b. APD Reports to UCPD

Pursuant to the Clery Act, UCPD must report aggregate data concerning certain enumerated crimes. To enable UCPD to fulfill this requirement, APD shall provide statistics on at least an annual basis to UCPD on all crimes listed in 20 U.S.C. § 1092(f)(1)(F) for which APD acted as a first responder or had geographic responsibility that occurred in the University Village and mixed-use parcels.

APD will promptly notify UCPD when students or employees are identified as the victims or suspects of any Part 1 violent crime, sexual assault, or hate crime that occurs within APD's jurisdiction in the University Village and mixed-use parcels, and/or when APD acts as first responder to an incident in the Village. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency.

All such notifications to UCPD will be documented in APD records.

APD will promptly notify UCPD if it has referred the incident to the Alameda County District Attorney (ACDA) for charges to be filed, and of any charging decisions made by ACDA.

4. Clery Warnings

The Clery Act requires UCPD to issue timely warnings for Clery crimes on- and off-campus that pose a serious or continuing threat to students and employees and emergency notifications for a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

To facilitate the issuance of Clery Act-required timely warnings and emergency notifications, UCPD and APD agree to coordinate the sharing of information as described above. APD acknowledges that UCPD need not obtain the approval of an outside law enforcement agency to issue any warnings/notifications, nor is UCPD required to seek preclearance of the content of any warning/notification. However, UCPD will inform APD about such warnings as soon as practicable.

5. Confidentiality Requirements

UCPD and APD will comply with applicable law and guidance regarding anonymous and confidential reporting of sexual violence, including when, how, and what information can or must be disclosed to each other.

UCPD and APD agree that if a victim requests confidentiality regarding a reportable incident, each department will take all reasonable steps to comply with the victim's request or inform the victim when the department cannot ensure confidentiality. Neither department will disclose the name of the victim to the other unless the victim provides consent to being identified after being informed of their right to have identifying information withheld.

UCPD and APD agree to inform the victim that they can agree to engage with law enforcement and participate in the investigation and prosecution using a pseudonym (*i.e.*, Jane or John Doe) instead of their legal name. In that case, the name of the alleged perpetrator may be disclosed to other law enforcement (if known) while protecting the identity of the victim from public disclosure.

6. Collaboration on Campus Community Training

UCPD and APD agree to collaborate to provide outreach and training for the campus community within the City of Albany in the University Village about the awareness, prevention, intervention, investigation, and response to sexual assaults and other crimes of violence and to work with community or campus-based resources and experts, including victim advocates, to provide these programs.

E. GEOGRAPHIC RESPONSIBILITIES

Generally, UCPD has geographic responsibility in the buildings and on the grounds of the Gill Tract, the University Village of Albany (UVA), and UVA sports fields.

Generally, APD has geographic responsibility for all other areas within the City of Albany, including non-affiliate entities occupying mixed-use parcels.

Within these respective geographic areas (which are outlined in the following pages), each agency will be responsible for the prevention of crime, the preservation of peace and order, the enforcement of criminal laws, and for providing such other police services as the regulations, policies, or orders of the respective Departments may require.

Officers of both agencies may provide routine law enforcement services in either area of geographic responsibility as described, but should share information and coordinate efforts with the other agency as appropriate for the situation and as described elsewhere in this document.

F. OPERATIONAL RESPONSIBILITIES

1. Response to public safety emergencies and in-progress crimes

Reports of public safety emergencies or in-progress crimes in UCPD's area of geographic responsibility should immediately be relayed to UCPD if received by APD.

The agency that receives the first or simultaneous report of a public safety emergency or in-progress crime near UVA should respond and take initial action as appropriate for the situation. For purposes of this agreement, "UVA" is roughly the area bounded by Ohlone Avenue on the north, West End Way on the west, Red Oak Avenue on the southwest, Monroe Avenue on the southeast, and San Pablo Avenue on the east (as shown below in yellow). Reports of public safety emergencies or in-progress crimes outside of this area should immediately be relayed to APD if received by UCPD.



Regardless of location, an on-duty peace officer of either agency who on-views or discovers a public safety emergency or in-progress crime should take responsibility for the initial response to the situation. If occurring in the other agency's area of

geographic responsibility, the duty to manage the incident shall remain with the initiating officer/agency until officially transferred to the other agency for their completion and/or investigation.

2. Response to non-emergency incidents and late-reported crimes

The agency that receives the first or simultaneous report of a non-emergency incident or late-reported crime occurring within the other agency's area of geographic responsibility should relay that call or information to the other agency for response.

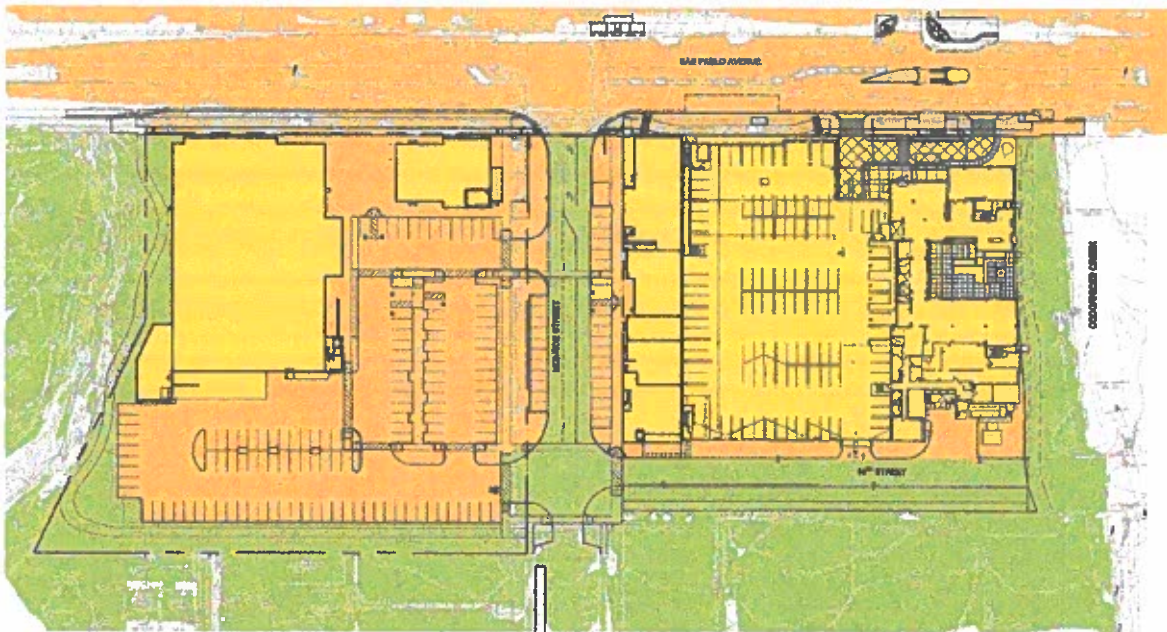
An on-duty peace officer of either agency who on-views or discovers a non-emergency incident or late-reported crime in the other agency's area of geographic responsibility shall either ensure prompt notification of the other department for response or take appropriate initial action to resolve, investigate and/or document the situation. In the latter case, the handling officer / agency should ensure the other agency is notified of the incident and its resolution, and should forward to the other agency a copy of any arrest, crime or incident report that results.

3. Communication during emergency events of mutual impact

Each agency's communications center should, without unnecessary delay, inform the other of any public safety emergency or in-progress crime to which the staff of that agency is responding, if that situation appears likely to affect or to require the deployment of resources from the other agency. Field supervisors, commanders and communications center staff should continue to share updated information including ongoing actions or plans and should facilitate any necessary communication and coordination between responding field units until the situation is resolved.

4. Mixed-Use parcels near Monroe Street and San Pablo Avenue

Two mixed-use parcels on UC lands have been leased to private non-affiliate entities. The parcels and lease agreements include the buildings and associated on-street parking stalls. Within the yellow and orange areas below, APD has jurisdiction for the areas. UCPD has jurisdiction for the UC lands surrounding the properties, such as the path and open space north of the façade of Sprouts Market, the roadway of Monroe Street, and the roadway and east sidewalk area of Tenth Street. The UC lands are below in green.



5. Response to Intrusion alarms

Aside from the areas within the mixed-use parcels, UCPD is responsible for any necessary response to facilities or locations in UCPD's area of geographic responsibility.

6. Response to emergency (9-1-1) telephone calls

Emergency (9-1-1) telephone routing should correspond with the division of APD/UCPD geographic responsibility as described above, to the extent this is possible.

Regardless of routing status, 9-1-1 calls that require an emergency response should be handled by the receiving agency as described above.

7. Medical or Fire Department response to University property

APD communications center staff should notify UCPD without delay after dispatching medical or fire personnel to a location in UCPD's area of geographic responsibility, if that call for service did not originate from the UCPD communications center.

8. Special event notifications

The agency with knowledge or information of any large public gathering, demonstration or other group act of civil disobedience, or special event planned on or occurring in their area of geographic responsibility which appears likely to affect or to require the deployment of resources from the other agency should notify the other agency at the earliest practical opportunity.

9. City or University-owned vehicle collisions

If a City of Albany or University-owned vehicle is involved in a traffic collision, the agency with geographic responsibility will respond, investigate and document the incident in a manner and format consistent with SWITRS procedures and that agency's report writing policy. However, if the vehicle involved is driven by an on-duty employee of UCPD or APD in the other agency's area of geographic responsibility and the collision involves injuries or fatalities, either agency may opt to contact the California Highway Patrol for investigation and documentation assistance.

10. Ticketed or paid-admission events

On-duty employees from either agency should not enter the venue of a ticketed or paid-admission event (including sporting events, lectures, concerts and other performances) outside their area of geographic or operational responsibility unless assigned or specifically requested, or in response to an emergency or a criminal investigation in progress. Nothing in this agreement is intended to restrict the ability of an off-duty employee to enter an event venue according to the same procedures as the public.

G. JOINT POLICING OPERATIONS

1. Incident command and control

When operating jointly, the ranking officer of the Department with operational responsibility will have command and control responsibility for the incident, except as described elsewhere in this Agreement or as required by law or policy. However, incident command and control may be shared or transferred by mutual agreement of agency supervisors or managers if doing so is in the interest of public safety or law enforcement effectiveness.

During a joint operation, employees of each agency remain subject to the policies, orders and procedures established by their own Department, and shall not take action(s) that conflict with such policies, orders or procedures. Employees should notify a supervisor without delay if they anticipate or encounter such a conflict.

When responding to an "Officer Needs Help" (11-99) broadcast, the responding agency should act at the direction of the requesting agency, regardless of geography.

When a formal Incident Command Structure has been established, both agencies will participate in the incident response in accordance with standard SEMS/NIMS protocols.

2. Use of outside agency police radio channels

Employees of either department should only utilize the other agency's radio channels to directly coordinate response and share relevant information during emergencies, in-progress crimes and other urgent situations. Non-emergency and routine information should be handled via the communication center or telephone. When broadcasting on

the other agency's radio channels, staff should identify themselves by department and badge number.

This provision is not intended to restrict other approved and appropriate shared use of police department or common radio channels by employees of either agency.

3. Joint crowd management activity

Each Department is responsible for response to crowd situations occurring within their respective areas of geographic responsibility. Both Departments should provide their officers with crowd management and control training of similar content and philosophy to the Alameda County standard, so to facilitate effective joint operations.

Each Department will maintain close communications with the other regarding crowd situations likely to require a police response from both Departments. Where there is advance knowledge of a potential crowd situation likely to require a joint agency response, representatives from each Department will be designated to act as liaisons.

The senior ranking officer of the agency having geographic responsibility at the scene of any crowd situation shall have overall responsibility for police action. It is expected that, whenever possible, the senior ranking officer from the lead agency will consult with the senior ranking officer from the other agency before any joint action is taken.

Where individual or organizational sponsors of events are known in advance, the lead agency will attempt to contact and work with crowd/event leaders to identify and resolve potential problems.

4. Explosive ordinance investigation and disposal

UCPD will provide explosive ordinance investigation and disposal expertise and assistance to the other agency, as available and requested.

When a suspected explosive device is reported to either agency, the Communication Center of the agency having operational responsibility should handle the report according to department policy and procedures.

H. OPERATIONAL/JURISDICTIONAL CONFLICT, RESOLUTION

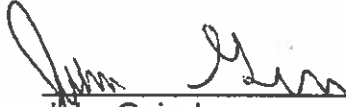
If during the course of field activity a dispute arises between the agencies regarding administrative, geographic or operational responsibility, and it cannot be resolved by referring to the terms of this agreement, the agency with initial responsibility for the situation shall retain that responsibility. The other agency should provide reasonable cooperation and resources in support of the situation, consistent with its other policing priorities and constraints. The agency with responsibility for the situation should accommodate a request from the other agency to conduct a parallel or joint response and/or criminal investigation.

As soon as necessary, or within five (5) business days, involved personnel from each agency should communicate the issue(s) in dispute to their respective Chief of Police.

At the earliest opportunity following notification, APD and UCPD Chiefs of Police or their designated representatives shall review the disputed case to clarify responsibility for similar situations in the future.

I. AUTHORIZATION OF AGREEMENT

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated. It will remain in effect until amended, revised, or terminated by mutual agreement.

 10/24/10

John Geissberger
Chief of Police
Albany Police Department
(date)

 10/28/2010

Margo Bennett
Chief of Police
University of California Police Department
(date)

CHP-UCPD operational-agreement-2022.pdf

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Business Services Section
Contract Services Unit
601 N. 7th Street
Sacramento, CA 95811
(916) 843-3610
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



October 3, 2022

University of California Berkeley
1 Sproul Hall
Berkeley, CA 94720

Subject: Agreement Number [21R370007-0](#)

The agreement for the CHP Oakland Area Office, General Law Enforcement Services has been approved.

- ___ STD. 213, Standard Agreement with attached exhibits. Sign the first page of the STD. 213, sign the additional single STD. 213, and return both copies.
- ___ STD. 213A, Standard Agreement Amendment. Sign the first page of the STD. 213A, sign the additional single STD. 213A, and return both copies.
- ___ STD. 210, Short Form Contract. Sign and return both copies.
- ___ STD. 204, Payee Data Record. Complete and return.
- ___ CCC, Contractor Certification Clauses. Complete and return.
- ___ Obtain and forward the liability insurance certificate required by the terms of the Agreement.
- ___ Resolution, motion, order, or ordinance from the local governing body authorizing this Agreement.
- ___ STD. 807, Payment Bond. Complete and return one copy.
- ___ CHP 28, Voluntary Statistical Data. Complete and return.
- ___ CHP 78V, Conflict of Interest & CHP 116, Darfur Certification
- ___ Letter of Agreement. Sign and return both copies.

Contract status.

- ☒ The enclosed agreement is signed on behalf of the Department of California Highway Patrol.
- ☒ The enclosed approved agreement is for your records. You are now authorized to provide services.

[KRISTAL GOODELL](#)
Contract Analyst

Enclosures

Safety, Service, and Security



An Internationally Accredited Agency

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER

21R370007

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of California Highway Patrol

CONTRACTOR NAME

University of California, Berkeley

2. The term of this Agreement is:

START DATE

05/01/2022

THROUGH END DATE

05/01/2027

3. The maximum amount of this Agreement is:

\$2,950,550.00 (Two Million Nine Hundred Fifty Thousand Five Hundred Fifty Dollars and Zero Cents)

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Pages
Exhibit A	Scope of Work	2
Exhibit B	Budget Detail and Payment Provisions	1
Exhibit C *	General Terms and Conditions (4/2017)	*
Exhibit D	Special Terms and Conditions	1

Items shown with an asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (If other than an individual, state whether a corporation, partnership, etc.)

University of California, Berkeley

CONTRACTOR BUSINESS ADDRESS

1 Sproul Hall

CITY

Berkeley

STATE

CA

ZIP

94720

PRINTED NAME OF PERSON SIGNING

Amber Sanchez

Margo Bennett

TITLE

Business Services Manager Chief of Police

CONTRACTOR AUTHORIZED SIGNATURE

Amber Sanchez

DocuSigned by:

Margo Bennett

DATE SIGNED

9/16/2022

9/16/2022

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

Department of California Highway Patrol

CONTRACTING AGENCY ADDRESS

601 N. 7th Street

CITY

Sacramento

STATE

CA

ZIP

95811

PRINTED NAME OF PERSON SIGNING

J.D. SACCANI

TITLE

CHIEF, ASD

CONTRACTING AGENCY AUTHORIZED SIGNATURE

J.D. SACCANI

DATE SIGNED

9/21/2022

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

SCM Vol 1, 4.04 A.2

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

1. The University of California, Berkeley shall reimburse the Department of California Highway Patrol (CHP), Oakland Area office for **General Law Enforcement Services** for the University of California, Berkeley Police Department (UCBPD).
2. The services shall be provided during:

The hours of duty performed by CHP officer(s) under this Agreement are those mutually agreed upon by the representatives listed below, or designees. Any changes to the proposed plan, such as additional hours, dates, and sites, can be requested and/or on an "as needed" basis, and must be mutually agreed upon by the CHP Oakland Area office and the University of California, Berkeley representatives or designees.

3. The representatives during the term of this Agreement will be:

STATE AGENCY		CONTRACTOR	
Department of California Highway Patrol Oakland Area Office		University of California, Berkeley	
NAME		NAME	
Steven Fajardin, Sergeant		Amber Sanchez, Business Services Manager	
ADDRESS		ADDRESS	
3601 Telegraph Ave, Oakland, CA 94609		1 Sproul Hall Berkeley, CA 94720	
TELEPHONE NUMBER	EMAIL	TELEPHONE NUMBER	EMAIL
(510) 457-2875	sfajardin@chp.ca.gov	(510) 642-4303	ambersan@berkeley.edu
Direct all inquiries to:			
STATE AGENCY		CONTRACTEE	
Department of California Highway Patrol		University of California, Berkeley	
SECTION/UNIT		SECTION/UNIT	
Business Services Section/Contract Services Unit			
ATTENTION		ATTENTION	
Kristal Goodell, Contract Analyst		Amber Sanchez, Business Services Manager	
ADDRESS		ADDRESS	
601 N. 7 th Street Sacramento, CA 95811		1 Sproul Hall Berkeley, CA 94720	
TELEPHONE NUMBER	EMAIL	TELEPHONE NUMBER	EMAIL
(916) 843-4352	kristal.goodell@chp.ca.gov	(510) 642-4303	ambersan@berkeley.edu

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

4. Detailed description of work to be performed:

- A. Provide assistance to UC Berkeley Police Department (UCB PD) with emergency or non-emergency law enforcement events that arise in UCBPD's jurisdiction.
- B. The services to be performed by CHP officer(s) under this Agreement, including the standards of performance, discipline and control thereof, shall be the responsibility of CHP.
- C. It is understood by the University of California, Berkeley that billing of CHP officer(s) time shall be from portal to portal (CHP Area office to the service location and return to CHP Area office) except as specified in Item D.
- D. If the CHP officer(s) have reported to the assigned location and have worked less than four (4) hours, the University of California, Berkeley agrees to pay every assigned CHP officer(s) a minimum of four (4) hours overtime. Exception: This does not apply to those cases when the hours worked is part of an extended shift.
- E. If CHP officer(s) report to an assigned service location, and for any reason CHP reassigns the officer(s) away from the service location, the University of California, Berkeley will be billed only for the officer(s) actual time incurred from the CHP Area office to the service location and for the time spent at the assigned service location covered under this Agreement.

5. Cancellation of Services

- A. University of California, Berkeley shall not be charged for service cancellations made more than twenty-four (24) hours prior to the scheduled assignment.
- B. University of California, Berkeley agrees that if service cancellation is made within twenty-four (24) hours prior to the scheduled assignment and the assigned CHP officer(s) cannot be notified of such service cancellation, a minimum of four (4) hours overtime shall be charged for each assigned CHP officer.
- C. University of California, Berkeley agrees that if service cancellation is made within twenty-four (24) hours prior to the scheduled assignment and CHP officer(s) are notified of such service cancellation, University of California, Berkeley shall only be charged a short notice service cancellation fee of \$50.00 per assigned CHP officer(s).
- D. All service cancellation notices to CHP must be made during normal CHP business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays.
- E. CHP agrees to make reasonable efforts to notify the assigned CHP officer(s) of the service cancellation.

EXHIBIT B
(Standard Agreement)

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. CHP shall provide the University of California, Berkeley with an itemized invoice which details all CHP costs for escort services under this Agreement.

Upon completion of services, an itemized invoice will be submitted in duplicate to:

University of California, Berkeley
Attn: Amber Sanchez, Business Services Manager
1 Sproul Hall
Berkeley, CA 94720

University of California, Berkeley agrees to pay CHP within thirty (30) days after the date of the invoice.

- B. In consideration for the CHP **General Law Enforcement Services** contained herein, the University of California, Berkeley agrees to reimburse CHP upon receipt of an itemized invoice, for hours worked by CHP officers at the overtime rate, described below, and at the time services are provided. The rates indicated in this Agreement are for estimate purposes only. It is understood by both parties that rate increases in salary and benefits are governed by collective bargaining agreements and/or statute and that no advance written notification is necessary prior to implementing the increased rates. In the event CHP is granted a rate increase, the University of California, Berkeley agrees to pay the increased rate. The following information is the CHP officer and sergeant overtime rates effective Fiscal Year 21/22, until superseded:

CHP Classifications	Total Estimated Number of O/T Hours	Reimbursable Hourly Rates	Total Estimated Amount
Sergeant	3,000	\$128.84	\$386,520.00
Officer	19,000	\$105.91	\$2,012,290.00
M/C Sergeant	4,000	\$133.97	\$535,880.00
M/C Miles	11,000	1.31	\$14,410.00
Automobile Miles	1,000	1.45	\$1,450.00

Total:

\$2,950,550.00

EXHIBIT D
(Standard Agreement)

SPECIAL TERMS AND CONDITIONS

1. The CHP and University of California, Berkeley agree this Agreement may be cancelled by either party with thirty (30) days advance written notice.
2. In the event of an emergency, this Agreement may be canceled by either party without prior notice.
3. The CHP and University of California, Berkeley agree that this Agreement may be amended by written mutual consent of the parties hereto.
4. Unforeseen events may require CHP officer(s) to expend hours in excess of the original estimate. Any costs in excess of the original estimated amount will be processed by appropriate amendment to the Agreement, to reflect the actual costs incurred.
5. Additional charges may be assessed for CHP supplies, additional equipment utilized, damage to property repaired or replaced at state expense, which are directly related to the services provided herein, but only to the extent such supplies or additional equipment are specifically requested in writing by University of California, Berkeley or such need for repair or replacement of property arises directly from University of California, Berkeley's gross misconduct or willful negligence with respect to the property.
6. Gifts, donations, or gratuities may not be accepted by CHP employees in their own behalf or in behalf of the Department, informal squad club, or other local funds.
7. Any dispute concerning a question of fact arising under the terms of this Agreement, which is not disposed within ten (10) days by the parties normally responsible for the administration of this Agreement, shall be brought to the attention of the Administrative Services Officer (or designated representative) of each organization for joint resolution.
8. Contractor agrees to provide CHP with a resolution, motion, order or ordinance of the governing body, which authorizes execution of this Agreement, and indicates the individual who is authorized to sign the Agreement on behalf of the University of California, Berkeley.

Outside_Employment Form 01302023.pdf

DATE: _____

OFFICER

Re: Your Request for Outside Employment

I have received your request to take an additional job as a _____. I am granting you approval to engage in this outside employment.

My approval will be based upon the following conditions:

1. Your outside employment will neither conflict nor interfere with your position and duties as a University of California Police Officer, including in regard to special UCPD overtime assignments which you may be required and/or expected to work.
2. Your outside activity shall not deplete your energies or your ability to remain alert and perform your regular duties and manage your regular responsibilities in a safe manner.
3. You will not use University equipment, including but not limited to, computer equipment, copiers, supplies, telephone or fax lines, and University facilities.
4. Your request for outside employment is subject to annual review and may be terminated at any time.

Chief of Police

cc: Field Operations Captain
Personnel File

Received: _____ Date: _____

Universitywide Use of Force Policy 06-08-20.pdf

Chapter 8: USE OF FORCE

PURPOSE

801. This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use objectively reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations of such authority. This is especially true with respect to dealing with non-compliant and/or resistive subjects while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use objectively reasonable force and to protect the public safety and welfare requires monitoring, evaluation and a careful balancing of all interests.

This policy also provides requirements for the approval, training and carrying of firearms and control devices/techniques.

Additional policies apply to the use of force in crowd management, intervention, and control situations. Refer to Crowd Management, Intervention and Control, Chapter 15.

DEFINITIONS

802. For purposes of this chapter, the following definitions shall apply:

Active Resistance: The subject is intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner; Examples may include bracing, tensed muscles, interlocked arms/legs, pushing, kicking, breaching police lines, pushing over police barricades, running away or other actions to evade or escape etc.

Assaultive Resistance: A form of Active Resistance where the subject uses aggressive or combative behavior to attempt, threaten, or commit a violent injury on an officer or other person.

Chemical Agents: Devices utilized by law enforcement agencies, which may include CS, CN, oleoresin capsicum (OC), and HC.

Compliant: A person contacted by an officer who acknowledges direction or lawful orders given and offers no non-verbal/verbal, passive/active, or assaultive resistance.

Conducted Energy Device (CED): A CED is a device designed to use electrical energy to induce pain in drive stun mode or to immobilize or incapacitate a person in probe mode thus enabling officers to gain control of a subject.

Control Devices: The application of devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include batons, Conducted Energy Device (CED), oleoresin capicum (OC) spray, chemical agents, restraints, projectile devices, and kinetic energy devices (KE).

Control Strikes: Impact-oriented strikes with personal body weapons such as knees, elbows, hands or fists, and feet.

Deadly force: Any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm. (Penal Code §835a(e)(1).

Force: The application of physical force, chemical agents or weapons to another person. It is not a use of force when a subject allows themselves to be searched, escorted, handcuffed or restrained.

Kinetic Energy Projectile: See Projectile Devices.

Non-Verbal and Verbal Non-Compliance: The subject expresses intentions not to comply through verbal and/or non-verbal means. Statements by a subject ranging from pleading to physical threats may be encountered. This also includes physical gestures, stances, and observable mannerisms.

Pain Compliance: Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject causing that subject to comply with lawful directives.

Non-Compliant: The subject refuses to comply with officer's lawful commands or cooperate with an officer's directions. Includes passive resistance where subject uses dead weight to prevent being taken into custody. Examples include subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest.

Professional Presence: The displays of visual images of authority as well as a professional demeanor and manner are typically present at every encounter between officers and subjects. This includes symbols of police authority including the badge, uniform, and/or marked police vehicle.

Projectile Devices: Devices designed to expel or propel impact projectiles or chemical agents by any action, mechanism, or process (e.g., FN 303, 12 gauge specialty impact device, Pepperball, and 40 mm).

Restraints: Restraints include handcuffs, belly chains, shackles, hobbles, flex cuffs, wrap, or other

devices designed to restrain the movement of a person.

Verbal and Non-Verbal Communications: Verbal and non-verbal communications are often a critical component of any potential use of force situation. This type of control includes any verbal and non-verbal requests, directions, or commands from an officer to a subject. Verbal and non-verbal interaction is typically present at every level of resistance, but it is not necessary for an officer to exhaust verbal and non-verbal dialogue or commands before using physical force when necessary.

USE OF FORCE

803. Officers shall use only that amount of force that is objectively reasonable under the totality of the circumstances known to the officer at the time the force is used. Force may appear necessary at the time the force is used given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of an objectively reasonable officer in the same situation, based on the totality of evidence known to or perceived by the officer at the time. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable, and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose under the totality of the circumstances.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to find the least intrusive or optimal response or to retreat or be exposed to possible physical injury before applying reasonable force.

804. Duty to Intercede. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

805. De-escalation. When reasonable and practicable, officers should consider attempts to de-escalate situations in their interactions with subjects, through the use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.

806. Verbal and Visual Warnings. A verbal or visual warning of the intended use of force should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply with an officer's direction.
- (b) Provide other officers and individuals with a warning that a control device or weapon may be deployed.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the control device, method or weapon in the related report.

807. Use of Force to Effect an Arrest. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested nor shall an officer be deemed the aggressor or lose the right to self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a(d)).

For purposes of this Section 807, "retreat" does not mean tactical repositioning or other de-escalation techniques. (Penal Code §835a(d)).

808. Factors Used to Determine the Reasonableness of Force. When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others;
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time including whether the individual was actively resisting;
- (c) The time available to the officer to make a decision;
- (d) Seriousness of the suspected offense or reason for contact with the individual;
- (e) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer;

- (f) Proximity to weapons or dangerous improvised devices;
- (g) Officer/subject factors including:
 - (1) Age, size, relative strength;
 - (2) Skill level;
 - (3) Injuries sustained or level of exhaustion or fatigue;
 - (4) The number of officers available vs. subjects;
 - (5) Prior contacts with the subject or awareness of any propensity for violence;
 - (6) Effects of drugs or alcohol;
 - (7) Environmental factors such as footing, lighting, sound and crowd conditions.
- (h) The degree to which the subject has been effectively restrained and the subject's ability to resist despite being restrained;
- (i) The availability of other options and their possible effectiveness;
- (j) Training and experience of the officer;
- (k) Potential for injury to officers, suspects and others;
- (l) The risk and reasonably foreseeable consequences of escape;
- (m) The apparent need for immediate control of the subject or a prompt resolution of the situation;
- (n) Individuals who are known to be pregnant;
- (o) Elderly individuals or obvious juveniles;
- (p) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray;
- (q) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles);

- (r) Individuals with physical, mental health, developmental, or intellectual disabilities who may be limited in their abilities to understand and comply with officer commands;
- (s) Other exigent circumstances.

809. Pain Compliance Techniques. Pain compliance techniques may be very effective in controlling a non-compliant or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the use of such a technique appears objectively reasonable to further a legitimate law enforcement purpose.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

810. Intermediate Force Application. Intermediate force options are neither likely nor intended to cause death, but have a significant risk of bodily injury or harm. In situations where a subject is actively resisting and poses a threat to the safety of officers or the public, officer may use intermediate force where such force would be objectively reasonable under the totality of the circumstances. Intermediate force is typically appropriate to compel compliance by a subject displaying assaultive resistance. This force option includes devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include for example: batons, conducted energy devices (CED), oleoresin capicum (OC) spray, chemical agents, restraints, and kinetic energy projectiles (KE).

811. Deadly Force Applications. A peace officer may use deadly force only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person. (Penal Code §835a(c)(1)(a)).

A peace officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force against such fleeing suspect, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. (Penal Code §835a(c)(1)(B)).

A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person. (Penal Code §835a(c)(2))

As used in this Section 811, the following terms have the following meanings:

- (a) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force (Penal Code §835a(e)(3));
- (b) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. (Penal Code §835a(e)(2)).

PROCEDURES FOLLOWING THE USE OF FORCE

812. Medical Attention. Prior to booking or release, medical attention shall be obtained for any person to whom force has been applied who:

- (a) Exhibits signs of physical distress;
- (b) Has sustained visible injury;
- (c) Expresses a complaint of injury or continuing pain; or
- (d) Was rendered unconscious.

In such situations, officers shall ensure that the person is monitored until medical attention is obtained.

813. Medical Emergencies. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who experience a protracted physical encounter with multiple officers to be brought under control, may necessitate special medical consideration.

- (a) Calls involving these persons may be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

814. Providers of Medical Attention. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical attention may consist of examination by fire personnel, EMT's, paramedics, hospital staff or medical staff at the jail.

815. Refusal of Medical Attention. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

816. Notification. When an officer reasonably believes that there is a medical risk to a person following any use of force, the on-scene supervisor, or if unavailable, the primary handling officer shall ensure that any person providing medical care or receiving custody of such person is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

REPORTING THE USE OF FORCE

817. Documentation. Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

818. Supervisory Notification. Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) Use of deadly force;
- (b) Use of any control device;
- (c) Use of force which causes any visible injury or apparent physical injury;
- (d) Any person alleges excessive use of force;
- (e) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort;
- (f) The individual subjected to the force complained of injury or continuing pain;
- (g) The individual indicates intent to pursue litigation;
- (h) Any application of a restraint device other than handcuffs, shackles or belly chains;
- (i) The individual subjected to the force was rendered unconscious;
- (j) An individual was struck or kicked;

- (k) Any person alleges any of the above has occurred;
- (l) Property is damaged as a result of the force used;
- (m) A Non-Injury or Property Damage Intentional Discharge of a Firearm Incident (which includes an intentional discharge at anything other than a person, such as a dog);
- (n) Unintentional Discharge of a firearm or control device;

818.1 Supervisor's Administrative Reporting. Once notified, the supervisor shall respond to the scene in a timely manner in every instance described in Section 818 of this Chapter. The supervisor will investigate the incident and complete a Supervisor's Use of Force Review form. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as much of the Supervisor's Use of Force Review form as circumstances permit.

818.2 Supervisor's Responsibilities. The supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties;
- (b) Ensure that any injured parties are examined and treated;
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. A determination must be made if *Miranda* rights are applicable. If *Miranda* rights are not applicable, the following shall apply:
 - (1) The content of the interview shall be summarized or included in any related criminal charges;
 - (2) The fact that a recorded interview was conducted shall be documented in the appropriate report(s);
 - (3) The recording of the interview shall be distinctly marked for retention until all potential for civil litigation has expired.
- (d) If *Miranda* rights are applicable, then no interview with the subject upon whom the force was applied shall be conducted unless the subject waives his/her rights;
- (e) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired;

- (f) Identify any witnesses not already included in related reports;
- (g) Review and approve all related reports;
- (h) Should the supervisor determine that any application of force was not within policy, the Chief of Police or designee will determine the appropriate next steps.

COMMAND LEVEL REVIEW

819. The Chief of Police or designee shall assign a member of his or her command staff to review each use of force by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible to review the Use of Force Report package (e.g. Supervisor's Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Office of the Chief of Police will ensure that custody and storage of the Use of Force Report package complies with legal statutes and policies.

REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

820. The Chief of Police or designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code §12525.2.

FIREARMS

821. Firearm safety shall be a primary concern of all sworn personnel whether on or off duty.

822. All firearms deployed and in use by UCPD officers shall be in compliance with the UCPD Systemwide Weapons Inventory List. Weapons not approved for use by the University of California shall not be deployed. The list of approved weapons shall be reviewed and updated annually by the Council of Police Chiefs. Each campus Chief of Police shall personally approve the specific weapons available to the department's officers from the UCPD Systemwide Weapons Inventory List.

822.1 Approval. Each campus Chief of Police shall approve the specific weapons available to the department's officers from the UCPD Systemwide Weapons Inventory List.

822.2 Authorization. Firearms shall be used only by department personnel who have been authorized by the Chief of Police, trained, and who are qualified in their proficient operation. While on duty, authorized personnel shall carry only firearms and ammunition issued or approved by the department and in accordance with the Systemwide Weapons Inventory List.

822.3 Inter-campus Use. Officers who are authorized to carry a weapon at their home campus shall not be precluded from carrying that weapon when working at another campus.

823. Carrying by Plainclothes Officers. Plainclothes officers carrying firearms shall also carry their badges, except as authorized by the Chief of Police. If carrying their firearms displayed, plainclothes officers shall also prominently display their badges.

824. Registration. Authorized personnel shall register with the department all personally owned firearms carried or used in the performance of their duties.

825. Off-Duty Firearms. Officers shall not be required to carry firearms while off duty.

826. Firearms, Personal Use. It is not intended that these Universitywide Police Policies and Administrative Procedures, specifically those in this chapter, preclude police officers from using personally owned firearms in hunting or in recognized sports activities in which firearms are customarily used.

827. Off Duty Firearms--Non-Sworn. Nothing in this Chapter is intended to authorize non-sworn personnel to carry firearms while on or off duty.

828. Authorized Firearms--Off Duty. If an officer chooses to carry a weapon other than that approved for on-duty use while off duty, the officer shall obtain written approval from the Chief of Police.

829. Off Duty Firearms Proficiency. The Chief of Police shall establish a policy relating to proficiency requirements for off-duty firearms.

830. Display of Firearms. Officers shall not unnecessarily draw, display or carelessly handle a firearm at any time, while on or off duty.

830.1 Drawing or Exhibiting Firearms. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of the public, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding an incident creates a reasonable belief that it may be necessary to use the firearm in conformance with the policies on the use of firearms. When a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented.

830.2 Shooting at or from Moving Vehicles. Shots fired at or from a moving vehicle are rarely effective. Where feasible, officers should attempt to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

831. Reporting the Discharge of Firearms. Except as provided in the policy or during training or lawful recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make an oral report to a ranking officer as soon as circumstances permit, and shall file a written report in addition to any police report, as soon as possible, describing the incident fully. Officers participating in training or lawful recreational use shall report a discharge resulting in injury or death.

832. Inappropriate Use of Firearms – Disciplinary Action. An officer shall be subject to corrective action or dismissal should the discharge or public display of a firearm by the officer involve the following:

- (a) A violation of the law;
- (b) A violation of a University Police order relating to the discharge or display of firearms;
- (c) A wanton disregard for public safety;
- (d) Misconduct, including but not limited to:
 - (1) Being under the influence of alcohol or drugs;
 - (2) Unjustified display of authority;
 - (3) Use of official position for personal advantage;
 - (4) Dereliction of duty;
 - (5) The accidental discharge of a firearm through carelessness or misbehavior;
 - (6) Any other misuse of a firearm.

833. Firearms Proficiency. Every peace officer shall achieve and maintain firearms proficiency in accordance with the requirements of this section.

833.1 Proficiency Requirement. All officers shall demonstrate firearms proficiency at least annually on a departmental approved police shooting course. This includes the primary duty firearm, any secondary firearm, any off duty firearm, as well as approved rifles and shotguns used on-duty.

833.2 Failure to Report. Officers who fail to report for scheduled firearms training without a valid excuse may be subject to corrective action.

833.3 Course Rules. Proficiency scores shall be attained in conformance with all course rules.

833.4 Record Retention. Records of qualifications shall be held for a minimum of-2 years.

833.5 Firearms-Accessories Requirement. Proficiency scores shall be attained using the departmentally approved firearm, holster and loading devices usually carried by the officer.

833.6 Special Weapons--Requirement. Proficiency must be attained at least once a year as a condition of approval to carry non-regulation or special weapons on or off duty. Officers requesting permission to carry non-regulation firearms off duty must purchase all ammunition at their own expense.

833.7 Failure to Demonstrate Proficiency. Failure to meet the required standard is considered unsatisfactory performance and may be subject to corrective action or dismissal in accordance with applicable personnel policies.

833.8 Exceptions. Exceptions to this Section 833 may be made only by the Chief of Police.

CONTROL DEVICES - GENERAL

834. In order to control subjects who are violent or who demonstrate the intent to be violent, the University of California authorizes officers to use selected control devices in accordance with the guidelines in this policy. Control devices include batons, Conducted Energy Devices (CED), oleoresin capicum (OC) spray, chemical agents, restraints, projectile devices, and kinetic energy projectiles.

834.1. Approval and Issuance. Control devices described in this policy may be carried and used only if the device has been issued by the Department or approved by the Chief of Police or the designee.

834.2. Training. Sworn members of the Department deploying control devices must have satisfactorily completed a training course conducted by the Department in the appropriate use of the specific firearm and control device. Recertification of proficiency in the use of the specific firearms and control devices will be conducted at regular intervals or as specified by the firearms and control device manufacturer, if applicable. Appropriate training records will be maintained by each department and will comply with POST guidelines for roster retention and submission.

The Chief of Police or designee shall ensure that all personnel who are authorized to carry a firearm and control device have been properly trained and certified to carry the specific firearm and control device and are retrained or recertified as necessary. Additionally, the Chief of Police or designee will ensure:

- (a) Proficiency training shall be monitored and documented by a certified instructor;
- (b) All training and proficiency will be documented in the officer's training file;

- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of the Department's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a specific control device or knowledge of the Use of Force Policy after remedial training, the officer will be restricted from carrying the delivery system and may be subject to discipline.

834.3. Inspection. Officers will inspect the authorized control devices assigned to them to ensure that the device is in proper working order before use.

834.4. Use of Control Devices. Control devices may be used when a decision has been made to restrain, arrest or gain control of an individual or group of individuals who are engaging in, or have demonstrated the intent to engage in violent behavior and reasonably appear to have the potential to harm officers, themselves or others, and the use of the device appears objectively reasonable under the circumstances.

834.5 Use of Control Devices in Crowd Control Situations. Unless exigent circumstances exist, the use of force in crowd control situations should be authorized by the Chief of Police or the designee after consultation with the Chancellor or their designee.

834.6 Impact Areas. When using control devices, officers should carefully consider potential impact areas and foreseeable injuries and avoid unintentional targets.

834.7 Warnings. When reasonable and practicable, a warning and opportunity to comply should precede the use of these devices.

834.8 Drawing or exhibiting control devices. When a control device is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented. A baton held in port arms position does not need to be documented.

CONTROL DEVICES - CHEMICAL AGENTS

835. Chemical agents may include CS, CN, oleoresin capicum (OC), and HC.

835.1 Authorization. Only the Chief of Police, Watch Commander, or Incident Commander may authorize the delivery and use of chemical agents other than OC, and only after evaluating all conditions known at the time and determining that such force appears to be objectively reasonable under the totality of the circumstances.

835.2 Use for Dispersal. Chemical agents should not be used against individuals or groups who merely fail to disperse and do not reasonably appear to present a risk to the safety of officers or the public.

835.3 Notification of Fire Personnel. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and/or to assist in providing medical aid or gas evacuation if needed.

835.4 Post-Exposure Assistance. Persons who have been sprayed with or otherwise affected by the use of chemical agents should be promptly provided with sufficient clean water to thoroughly flush the affected area(s) when practicable.

835.5 Post-Exposure Notice. Whenever chemical agents have been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

CONTROL DEVICES - POLICE BATONS

836. When carrying a baton, uniformed personnel shall carry the baton in its authorized holder. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

836.1 Baton Use. The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an immediate threat of serious bodily injury or death to the officer or others.

836.2 Baton Use in Crowd Control Situations. During crowd control situations, subjects may be encountered who refuse to disperse or respond to verbal directions. When this type of behavior confronts officers, the baton may be used as a pushing instrument to gain compliance. It may also be used as an impact weapon depending on the degree of active resistance or assaultive resistance demonstrated by the subject. In both circumstances, officers shall use only that amount of force that is objectively reasonable, and verbalization of commands should continue throughout this situation.

CONTROL DEVICES - CONDUCTED ENERGY DEVICES (CED's)

837. Use of CED: The appropriate use of such a device is intended to result in fewer serious injuries to officers and suspects.

837.1 Authorization and Training. Only members who have successfully completed department-approved training may be issued and carry the CED. Officers shall only use the CED and cartridges that have been issued by the Department.

837.2 Carrying of CED. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. When in uniform, officers shall carry the CED device in a weak-side holster on the side opposite the duty weapon.

837.3 Additional CED Policies. For those UC Police Departments who authorize their officers to carry CED's, there may be additional policies and procedures that apply. Refer to the respective UC Police Department's policies regarding the ~~carrying and use of a~~ CED, if applicable.

CONTROL DEVICES - PROJECTILE DEVICES

838. Projectile devices may de-escalate a dangerous or potentially deadly situation, and may compel an individual to cease their actions when such projectile devices present a reasonable option, as described below.

838.1 Approval. Only approved impact projectile devices shall be carried and deployed.

838.2 Use of Projectile Devices. Officers are not required or compelled to use projectile devices in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for proper application of approved munitions;
- (b) The suspect has made credible threats to harm themselves or others;
- (c) The suspect is engaged in aggressive or violent behavior, or is throwing rocks, bottles or other dangerous projectiles at people and/or officers;
- (d) In crowd control situations when the Chief of Police, Incident Commander or designee authorizes the delivery and use of the device.

838.3 Pre-Deployment Inspection. Officers will inspect the delivery system and impact projectiles assigned to them before use to ensure that the device is in proper working order, and that the impact projectiles are of the approved type and appear to be free from defects.

838.4 Storage. When it is not deployed, the delivery system and impact projectiles will be unloaded and securely stored.

CAROTID CONTROL HOLD

839. The carotid control hold is not authorized as a control technique.

839.1 Post-Application Assistance. Although the carotid hold is not authorized as a control technique by this policy, there may be situations where another agency or person has applied a

carotid hold, or other similar technique, to an individual. When any UCPD officer is involved in such an incident, that officer shall ensure that the person promptly receives medical attention, and ensure that the person is monitored until that takes place. The use of the carotid control hold, or similar technique, by another agency or person shall be thoroughly documented by the officer in any related reports.

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HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____		<input type="checkbox"/> Known to victim	
Taken by: _____ Serial #: _____				

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos	<input type="checkbox"/> Tattoos
	<input type="checkbox"/> Shaking	<input type="checkbox"/> Shaking
	<input type="checkbox"/> Unresponsive	<input type="checkbox"/> Unresponsive
	<input type="checkbox"/> Crying	<input type="checkbox"/> Crying
<input type="checkbox"/> Scared	<input type="checkbox"/> Scared	
<input type="checkbox"/> Angry	<input type="checkbox"/> Angry	
<input type="checkbox"/> Fearful	<input type="checkbox"/> Fearful	
<input type="checkbox"/> Calm	<input type="checkbox"/> Calm	
<input type="checkbox"/> Agitated	<input type="checkbox"/> Agitated	
<input type="checkbox"/> Nervous	<input type="checkbox"/> Nervous	
<input type="checkbox"/> Threatening	<input type="checkbox"/> Threatening	
<input type="checkbox"/> Apologetic	<input type="checkbox"/> Apologetic	
<input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Other observations: _____	

<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>		
Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		
--	--	--

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

UCPD Intranasal Naloxone usage report (1).pdf

University of California Berkeley Police Department

Intranasal Narcan (Naloxone) Usage Report

Date:	Police Department:	Time of Arrival:	Case Number:
Location of Incident (Number, Street, Business):		Name of Police Officer Administering:	
Name of Victim:	Address: (no., street, city/town, state)	D.O.B:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unk.
Victim status prior to administering Intranasal Narcan: (Check one in each section) <i>Level of consciousness-Victim responds to:</i> <input type="checkbox"/> Alert <input type="checkbox"/> Verbal Stimulus <input type="checkbox"/> Painful Stimulus <input type="checkbox"/> Unresponsive <input type="checkbox"/> Other:(specify) _____ <i>Breathing:</i> <input type="checkbox"/> Rapidly (>24 BPM) <input type="checkbox"/> Slowly (<10 BPM) <input type="checkbox"/> Normally (12-20 BPM) <input type="checkbox"/> Not Breathing <i>Pulse:</i> <input type="checkbox"/> Rapid (>100) <input type="checkbox"/> Slow (<60) <input type="checkbox"/> Normal (60-100) <input type="checkbox"/> No Pulse <input type="checkbox"/> Did not check pulse <i>Constricted Pupils (Pinpoint):</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Other Indicators:</i> _____			
Evidence of Opioid Usage: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify below in comments		If drug packages found at scene, describe stamp or marking:	
Victim overdosed on what drugs? (Check all that apply) <input type="checkbox"/> Heroin <input type="checkbox"/> Morphine <input type="checkbox"/> Codeine <input type="checkbox"/> Methadone <input type="checkbox"/> Suboxone <input type="checkbox"/> Unknown Pills <input type="checkbox"/> Unknown Injection <input type="checkbox"/> Fentanyl <input type="checkbox"/> Prescription Medication <input type="checkbox"/> Unknown <input type="checkbox"/> Other: (specify) _____			
Time Intranasal Narcan was administered:	Number of vials of Intranasal Narcan used: <input type="checkbox"/> Half <input type="checkbox"/> One <input type="checkbox"/> Two		
If Narcan worked, how long did Intranasal Narcan take to work? <input type="checkbox"/> Less than 1 minute <input type="checkbox"/> 1-3 minute(s) <input type="checkbox"/> 3-5 minutes <input type="checkbox"/> more than 5 minutes <input type="checkbox"/> Unknown <input type="checkbox"/> Did not work			
Victim's response to Intranasal Narcan being administered: <input type="checkbox"/> No Response to Narcan <input type="checkbox"/> Responsive but Sedated <input type="checkbox"/> Responsive and Alert <input type="checkbox"/> Responsive and Angry <input type="checkbox"/> Combative <input type="checkbox"/> Other: _____			
Post-Intranasal Narcan responses: (Check all that apply) <input type="checkbox"/> None <input type="checkbox"/> Opiate Withdrawal (e.g. nauseated, muscle aches, runny nose and/or watery eyes, shivering, and sweating) <input type="checkbox"/> Respiratory Distress <input type="checkbox"/> Seizure <input type="checkbox"/> Vomiting <input type="checkbox"/> Other: (specify) _____			
What else was done by the police officer? (check all that apply) <input type="checkbox"/> Verbal Stimulus <input type="checkbox"/> Tactile Stimulus <input type="checkbox"/> Recovery Position <input type="checkbox"/> Bag Valve Mask <input type="checkbox"/> Mouth to Mask <input type="checkbox"/> Mouth to Mouth <input type="checkbox"/> Defibrillator: (If checked, indicate status of shock) <input type="checkbox"/> Defibrillator - no shock <input type="checkbox"/> Defibrillator - shock administered <input type="checkbox"/> Chest Compressions <input type="checkbox"/> Oxygen <input type="checkbox"/> Other: (specify) _____			
Was Intranasal Narcan administered by anyone else at the scene? <input type="checkbox"/> Yes (If yes, check all that apply) <input type="checkbox"/> No <input type="checkbox"/> EMS <input type="checkbox"/> Bystander <input type="checkbox"/> Other:(specify) _____			
Disposition: (check one) <input type="checkbox"/> Care transferred to EMS <input type="checkbox"/> Other (specify) _____			
Was a paramedic on scene prior to being transported? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Did the person live? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
Transported to which Hospital:		Transporting Ambulance:	
Comments: <input type="checkbox"/> Cross-referenced related case number: _____			

For Training Manager Use Only

Lot Number:	Expiration Date:
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2014 BPD and UCPD Operational Agreement (1).pdf

OPERATIONAL AGREEMENT

between the

CITY OF BERKELEY POLICE DEPARTMENT

and the

UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY

A. PURPOSE

This Operational Agreement reflects the ongoing cooperative and professional association between the City of Berkeley Police Department (BPD) and the University of California Police Department, Berkeley (UCPD), and establishes guidelines and procedures for the exercise of concurrent policing jurisdiction. The purpose of this association has been, and continues to be, the effective and collaborative provision of public safety services and the mutual promotion of common law enforcement goals in areas of shared jurisdiction and interest. To this end, each agency adopts the jurisdictional protocols and operational procedures described in this document.

B. LEGAL AUTHORITIES AND JURISDICTION

Sworn officers employed by both agencies have peace officer authority pursuant to California Penal Code §830.1 or §830.2. Additionally, UCPD's primary jurisdiction is described in Education Code §92600. This agreement is not intended to abrogate or exceed the legal authority or jurisdiction of either agency.

Pursuant to the 2003 Jurisdictional Consent agreement of the Alameda County Chiefs of Police and Sheriff's Association, both agencies recognize the ability for police officers from either agency to exercise peace officer powers and to enforce state and local laws at any time within the jurisdiction each agency represents, to the extent allowed by law.

BPD officers do not have the authority to enforce administrative rules established by the University, but they may forward information or reports of such violations to UCPD for investigation and action.

This Operational Agreement is maintained in compliance with Education Code §67381 (The Kristin Smart Campus Safety Act of 1998).

C. DEFINITIONS

Administrative Responsibility – the duty of an agency to fulfill legal and ethical obligations including organizational oversight and internal discipline.

Geographic Responsibility – a physical location or area where an agency is identified as having operational responsibility.

Operational Responsibility – the duty of an agency to exercise jurisdictional authority as the primary provider or manager of law enforcement and public safety services in a particular area or situation.

D. ADMINISTRATIVE RESPONSIBILITIES

1. Ongoing communication and exchange of reports and statistical data

BPD and UCPD acknowledge the importance of timely, regular communication at all levels, and commit to implement procedures to ensure this continues.

BPD and UCPD will exchange copies of crime reports or reports of significant contacts with possible criminal suspects whenever such reports may be of benefit or interest to the other agency. When appropriate, immediate notification should be made to expedite the sharing of important information.

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request, provide the other with relevant information to facilitate accurate and comprehensive administrative tracking.

BPD and UCPD criminal investigators should confer regularly on any case, or regarding subjects, of mutual interest. The detective commanders from each agency should confer regularly (e.g., quarterly) to review statistical reports and analyze any significant trends. BPD and UCPD supervisory and command staff should confer periodically to ensure high levels of cooperation and coordination between the two agencies.

This Agreement is not intended to in any way restrict the provision of general assistance or the lawful and necessary sharing of information between agencies in the course of normal law enforcement activity, in accordance with industry standards and professional courtesy.

2. Administrative investigations

Each Chief of Police will insure their employee(s) give full cooperation, in all administrative investigations conducted by sworn staff of either department.

Allegations of misconduct arising out of joint police operations will be investigated by the agency against whose employee the allegation is made. Where no specific officers or agency are identified, the investigation will be conducted by the agency having operational responsibility for the joint activity.

E. GEOGRAPHIC RESPONSIBILITIES

Generally, UCPD has geographic responsibility in the buildings and on the grounds of the UC Berkeley campus (see CAMPUS BOUNDARIES below), and on the adjacent property occupied by the Lawrence Berkeley National Laboratory (LBNL). In addition, UCPD will have geographic responsibility for all properties and facilities as described in APPENDIX 1 and APPENDIX 2.

Generally, BPD has geographic responsibility for all other areas within the City of Berkeley, including off-campus properties and facilities owned, operated or controlled by

the University, except for those properties and facilities as described in APPENDIX 1 and APPENDIX 2.

Within these respective geographic areas, each agency will be responsible for the prevention of crime, the preservation of peace and order, the enforcement of criminal offenses, and for providing such other police services as the regulations or orders of the respective Departments may require.

Officers of both agencies may provide routine law enforcement services in either area of geographic responsibility as described, but should share information and coordinate efforts with the other agency as appropriate for the situation and as described elsewhere in this document.

F. OPERATIONAL RESPONSIBILITIES

1. Response to public safety emergencies and in-progress crimes

Reports of public safety emergencies or in-progress crimes in UCPD's area of geographic responsibility should immediately be relayed to UCPD if received by BPD.

The agency that receives the first or simultaneous report of a public safety emergency or in-progress crime near the central UC Berkeley campus should respond and take initial action as appropriate for the situation. For purposes of this agreement, "near the central UC Berkeley campus" is roughly the area bounded by Virginia Street on the north, Shattuck Avenue on the west, Dwight Way from Shattuck Avenue to Telegraph Avenue on the southwest, and Derby Street from Telegraph Avenue to Belrose Avenue on the southeast. Reports of public safety emergencies or in-progress crimes outside of this area should immediately be relayed to BPD if received by UCPD.

Regardless of location, an on-duty peace officer of either agency who on-views or discovers a public safety emergency or in-progress crime should take responsibility for the initial response to and/or investigation of the situation. If occurring in the other agency's area of geographic responsibility, the duty to manage the incident shall remain with the initiating officer/agency until officially transferred to the other agency.

2. Response to non-emergency incidents and late-reported crimes

The agency that receives the first or simultaneous report of a non-emergency incident or late-reported crime occurring within the other agency's area of geographic responsibility should relay that call or information to the other agency for response.

An on-duty peace officer of either agency who on-views or discovers a non-emergency incident or late-reported crime in the other agency's area of geographic responsibility shall either ensure prompt notification of the other department for response or take appropriate initial action to resolve, investigate and/or document the situation. In the latter case, the handling officer / agency should ensure the other agency is notified of the incident and its resolution, and should forward to the other agency a copy of any arrest, crime or incident report that results.

3. Communication during emergency events of mutual impact

Each agency's communications center should, without unnecessary delay, inform the other of any public safety emergency or in-progress crime to which the staff of that agency is responding, if that situation appears likely to affect or to require the deployment of resources from the other agency. Field supervisors, commanders and communications center staff should continue to share updated information including ongoing actions or plans and should facilitate any necessary communication and coordination between responding field units until the situation is resolved.

4. People's Park

"People's Park" is an open space area defined by the south sidewalk of Haste Street, west sidewalk of Bowditch Street, north sidewalk of Dwight Way, and east property lines of commercial parcels associated with the east side of the 2450 block of Telegraph Avenue, south side of the 2500 block of Haste Street, and north side of the 2500 block of Dwight Way. The People's Park Lease, dated March 1, 1991, made by and between the University and City of Berkeley, expired on March 20, 1996, returning geographic responsibility to UCPD.

Although UCPD has geographic responsibility for People's Park, its location is such that there is significant overlap between the public safety goals and interests of both agencies. BPD officers are encouraged to provide additional presence, initiate law enforcement services, and conduct investigations in People's Park. BPD officers should provide UCPD with sufficient advance notice of planned operations, and should include UCPD personnel whenever possible. BPD records staff should route copies of police reports involving crimes or arrests in People's Park to UCPD.

5. Response to University alarms

UCPD is responsible for any necessary response to facilities or locations in UCPD's area of geographic responsibility (including off-campus properties as described in APPENDIX 1 & APPENDIX 2) that have been equipped with an intrusion alarm or other emergency alert system. If UCPD responds to an alarm or alert and discovers that the source is in fact outside UCPD's geographic and operational responsibility, BPD is responsible for any necessary investigation or follow-up actions.

6. Response to emergency (9-1-1) telephone calls

Emergency (9-1-1) telephone routing should correspond with the division of BPD/UCPD geographic responsibility as described above (section E.), to the extent this is possible.

At an off-campus location where UCPD has partial geographic responsibility, and where 9-1-1 telephone routing cannot be divided more precisely than street address, one agency shall be selected to receive 9-1-1 calls and to route them to the other agency as appropriate, according to the descriptions in APPENDIX 1 and APPENDIX 2.

Regardless of routing status, 9-1-1 calls that require an emergency response should be handled by the receiving agency as described above (section F.1.).

7. Medical or Fire Department response to University property

BPD communications center staff should notify UCPD without delay after dispatching medical or fire personnel to a location in UCPD's area of geographic responsibility, if that call for service did not originate from the UCPD communications center.

8. Special event notifications

The agency with knowledge or information of any large public gathering, demonstration or other group act of civil disobedience, or special event planned on or occurring in their area of geographic responsibility which appears likely to affect or to require the deployment of resources from the other agency should notify the other agency at the soonest practical opportunity.

9. City or University-owned vehicle collisions

If a City of Berkeley or University-owned vehicle is involved in a traffic collision, the agency with geographic responsibility will respond, investigate and document the incident in a manner and format consistent with SWITRS procedures and that agency's report writing policy. However, if the vehicle involved is driven by an on-duty employee of UCPD or BPD in the other agency's area of geographic responsibility and the collision involves injuries or fatalities, either agency may opt to contact the California Highway Patrol for investigation and documentation assistance.

10. Ticketed or paid-admission events

On-duty employees from either agency should not enter the venue of a ticketed or paid-admission event (including sporting events, lectures, concerts and other performances) outside their area of geographic or operational responsibility unless assigned or specifically requested, or in response to an emergency or a criminal investigation in progress. Nothing in this agreement is intended to restrict the ability of an off-duty employee to enter an event venue according to the same procedures as the public.

G. JOINT POLICING OPERATIONS

1. Incident command and control

When operating jointly, the ranking officer of the Department with operational responsibility will have command and control responsibility for the incident, except as described elsewhere in this Agreement or as required by law or policy. However, incident command and control may be shared or transferred by mutual agreement of agency supervisors or managers if doing so is in the interest of public safety or law enforcement effectiveness.

During a joint operation, employees of each agency remain subject to the policies, orders and procedures established by their own Department, and shall not take action(s) that conflict with such policies, orders or procedures. Employees should notify a supervisor without delay if they anticipate or encounter such a conflict.

When responding to an "Officer Needs Help" (11-99) broadcast, the responding agency should act at the direction of the requesting agency, regardless of geography.

When a formal Incident Command Structure has been established, both agencies will participate in the incident response in accordance with standard SEMS/NIMS protocols.

2. Use of outside agency police radio channels

Employees of either department should only utilize the other agency's radio channels to directly coordinate response and share relevant information during emergencies, in-progress crimes and other urgent situations. Non-emergency and routine information should be handled via the communication center or telephone. When broadcasting on the other agency's radio channels, staff should identify themselves by department and badge number.

This provision is not intended to restrict other approved and appropriate shared use of police department or common radio channels by employees of either agency.

3. Telegraph Avenue patrol / South campus patrol

By mutual agreement on December 4, 1969, the Berkeley City Council and the University of California authorized funds for a joint UCPD/BPD Patrol in the area south of the central UC Berkeley campus, intended as a cooperative venture to reduce the high incidence of serious crime and disorder. Over the years this program evolved into Telegraph Avenue Patrol (TAP), consisting of officers from both agencies working together, exclusively dedicated to patrolling the south campus using a variety of directed patrol techniques and problem-solving methods.

TAP officers are expected to embrace the community involved policing concept, and are responsible for identifying problems and using outreach and innovation to solve them.

As staffing allows, BPD and UCPD should each designate up to four dedicated TAP officers with hours of work coordinated to meet the needs of the assignment. The primary focus of TAP should be the area bounded by Bancroft Avenue on the north, Derby Street and Willard Park on the south, Fulton Street on the west, and Warring Street on the east. In addition to their regular duties, TAP officers will patrol People's Park on a daily basis and handle calls for service there.

4. Memorial Stadium events

During football games and other large events held at Memorial Stadium, UCPD will be responsible for law enforcement and public safety services on University property inside and near the stadium. Upon request of UCPD, BPD will provide traffic, pedestrian and parking control services in support of football games and other large events at Memorial Stadium. In general, BPD will operate in areas exterior of University property, and specifically, outside of the fence-enclosed boundaries of Memorial Stadium. The particular scope of services will conform to the nature of the event and collaborative pre-event planning determinations.

In a letter to the City of Berkeley Council dated November 17, 1922 (ref. APPENDIX 3), the University affirmed its interest in cooperation regarding the management of vehicular and pedestrian traffic associated with events occurring at Memorial Stadium, and acknowledged responsibility for costs related to BPD personnel assigned and assisting with management of such an event. BPD is responsible for maintaining a detailed account of BPD personnel assigned to, and their time spent in support of, joint operations at University/Memorial Stadium events.

5. Joint crowd management activity

Each Department is responsible for response to crowd situations occurring within their respective areas of geographic responsibility. Both Departments should provide their officers with crowd management and control training of similar content and philosophy to the Alameda County standard, so to facilitate effective joint operations.

Each Department will maintain close communications with the other regarding crowd situations likely to require a police response from both Departments. Where there is advance knowledge of a potential crowd situation likely to require a joint agency response, representatives from each Department will be designated to act as liaisons.

The senior ranking officer of the agency having geographic responsibility at the scene of any crowd situation shall have overall responsibility for police action. It is expected that, whenever possible, the senior ranking officer from the lead agency will consult with the senior ranking officer from the other agency before any joint action is taken.

Where individual or organizational sponsors of events are known in advance, the lead agency will attempt to contact and work with crowd/event leaders to identify and resolve potential problems.

6. Explosive ordinance investigation and disposal

BPD and UCPD will both provide explosive ordinance investigation and disposal expertise and assistance to the other agency, as available and requested.

When a suspected explosive device is reported to either agency, the Communication Center of the agency having operational responsibility should handle the report according to department policy and procedures, and notify their Explosive Ordinance Disposal technician(s) if appropriate. Responding technicians will make a cursory examination of the device and decide if the situation requires additional technicians to resolve. If requested by the initially responding technicians, that agency's Communication Center should relay a request for assistance to the other agency. The initially responding technicians shall remain in charge of rendering safe and disposal of the suspected device unless relieved of this duty by a Commanding Officer of their Department.

Should EOD technicians from the agency having operational responsibility be unavailable for an initial response to a suspected device, that agency may request an initial response from the other agency's technicians. Under these circumstances, technicians from the responding agency shall remain in charge of rendering safe and

disposal of the suspected device unless relieved of this duty by a Commanding Officer of either Department.

When operating jointly, BPD and UCPD technicians shall share access to and use of all EOD equipment and material as may be at their disposal.

When operating jointly, each department shall be responsible for the compensation, welfare and care of their respective technicians. Neither Department shall charge the other for responding and providing assistance or for the costs of normal materials and supplies.

Should BPD Bomb Technicians need to conduct an emergency transport and counter charge operation on a suspected explosive device, they will be allowed to transport and conduct disposal operations at the University of California's Russell Research Center at 2947 Happy Valley Road in Lafayette. Per this agreement the University of California Police Department will dispatch a UCPD EOD Technician to the Russell Research Center to provide access to BPD Bomb Technicians.

Notifications prior to transport will be as follows:

- **BPD shall contact UCPD Communications for access to the Russell Research Center.**
- **BPD will be responsible for notifications to Transportation Management Center (TMC) at (510)286-6923 for CalTrans/CHP if required.**
- **BPD will be responsible for all LE jurisdiction notifications for transport route.**
- **UCPD will be responsible to notify the Russell Research Center point of contact of the disposal activity in accordance with UCPD General Order O-3.**
- **UCPD will be responsible to notify the staff at the UC Observatory at the Russell Research Center of the disposal activity in accordance with UCPD General Order O-3.**
- **UCPD will be responsible to contact Contra Costa County Sheriff's Office prior to any disposal activity and request Contra Costa County Consolidated Fire District to dispatch a fire unit to the Russell Research Center for a fire stand-by in accordance with UCPD General Order O-3. ****

7. Tactical operations

BPD and UCPD will both provide tactical operations team expertise and assistance to the other agency, as available and requested.

As time and resources permit, BPD's Barricaded Subject Hostage Negotiation Team (BSHNT) and UCPD's Negotiation and Entry Team (NET) should conduct mutual training, including the exchange of instructors as needed.

Should an incident within the area of operational responsibility of one Department result in the activation of that agency's tactical response team, and it is determined by that agency's command personnel that special operations assistance is needed from the other agency, a request will be made through the assisting agency's on-duty Watch Commander. The assisting agency will direct their tactical response team to the location indicated and will provide necessary assistance to the requesting agency.

During a joint operation, command and control of the critical incident will remain with the agency having operational responsibility, unless otherwise decided by mutual agreement of agency command personnel.

When operating jointly, BSHNT and NET shall share access to and use of all special operations equipment and material as may be at their disposal.

When operating jointly, each department shall be responsible for the compensation, welfare and care of their respective special operations team members. Neither Department shall charge the other for responding and providing assistance or for the costs of normal equipment and supplies.

H. PRISONER BOOKING AND HOUSING

In a letter from UCPD to BPD dated December 13, 1994 (ref. APPENDIX 4), both agencies entered into a services agreement regarding booking and housing UCPD prisoners in the Berkeley City Jail, according to the applicable fee schedule established by the Berkeley City Council (most recently updated in Resolution No. 62,066 dated May 20, 2003, ref. APPENDIX 5). Refer to the appendices for details.

I. OPERATIONAL/JURISDICTIONAL CONFLICT, RESOLUTION

If during the course of field activity a dispute arises between the agencies regarding administrative, geographic or operational responsibility, and it cannot be resolved by referring to the terms of this agreement, the agency with initial responsibility for the situation shall retain that responsibility. The other agency should provide reasonable cooperation and resources in support of the situation, consistent with its other policing priorities and constraints. The agency with responsibility for the situation should accommodate a request from the other agency to conduct a parallel or joint response and/or criminal investigation.

As soon as necessary, or within five (5) business days, involved personnel from each agency should communicate the issue(s) in dispute to their respective Chief of Police. At the earliest opportunity following notification, BPD and UCPD Chiefs of Police or their designated representatives shall review the disputed case to clarify responsibility for similar situations in the future.

J. CENTRAL CAMPUS BOUNDARIES

The University central campus boundaries described below are intended to be the actual boundaries for the purpose of determining geographic responsibility between BPD and UCPD on a daily basis. To facilitate identification, these boundaries are described using physical lines of demarcation (such as sidewalks, fences and curb lines) in place of precise geographic measurements.

North & east from Hearst Avenue and Highland Place	UC fence lines
Hearst Avenue south side, west from the extended east curb line of Highland Place to the east side of Gayley Road*	South curb line
<i>*BPD shall have geographic responsibility north of the extended south edge of the south sidewalk through the intersection of Hearst Avenue/Gayley Road.</i>	
Hearst Avenue south side, west from the west side of Gayley Road to the east end of the fence at 2468 Hearst Avenue (north border of University House)	South edge of sidewalk.
Hearst Avenue south side, west from the east end of the fence at 2468 Hearst Avenue (north border of University House) to 2400 Hearst Avenue	UC fence line
Hearst Avenue south side, west from the 2400 Hearst Avenue to the northwest corner of the east wing of Tolman Hall, at the line extended from sidewalk drain to curb	South curb line

Hearst Avenue south side, west from the northwest corner of east wing of Tolman Hall at the line extended from sidewalk drain to curb, to the west side of MacFarlane Lane.	Ten (10) feet south of south curb line
Hearst Avenue south side, west from the west side of MacFarlane Lane to Oxford Street.	South edge of south sidewalk
Oxford and Fulton Streets east side, south from Hearst Avenue to Bancroft Way	East edge of east sidewalk
Bancroft Way north side, east from Fulton Street to the west side of Piedmont Avenue.	North edge of north sidewalk*
<i>*Where the edge or extension of the sidewalk is not clearly defined, ten (10) feet north of the north curb line.</i>	
Piedmont Avenue west side, north from Bancroft Way to the south line of the crosswalk north of 2220 Piedmont Avenue.	West edge of west sidewalk
South edge of the south painted line of the crosswalk north of 2220 Piedmont Avenue, from Piedmont Avenue west side to Piedmont Avenue east side.	South line of crosswalk
Piedmont Avenue east side, south from the south line of the crosswalk north of 2220 Piedmont Avenue to the north side of Bancroft Way (at southwest corner of International House).	East edge of east sidewalk
Bancroft Way north side, east from Piedmont Avenue to the east side of Warring Street at the west property line of 2833 Bancroft Steps.	North edge of north sidewalk
West property line of 2833 Bancroft Steps, north from Warring Street at Bancroft Steps and along the west and then north property line of 2250 Prospect Street.*	Private property line
<i>*BPD has geographic responsibility for 2833 Bancroft Steps and 2250 Prospect Street.</i>	
Prospect Street west side, south from the extended north property line of 2250 Prospect Street to the extension of the north curb of Bancroft Way.	West curb line
Extension of & north curb of Bancroft Way, east from the west curb line of Prospect Street to Canyon Road	North curb line

West curb of Canyon Road, north from Bancroft Way to Stadium Rimway	West curb line
Extension of the north side of Canyon Road across Stadium Rimway and the north side of Canyon Road east from Stadium Rimway to the extended east property line of 55 Canyon Road.	UC property line
East end of Canyon Road	UC property line

K. CLARK KERR CAMPUS / SMYTH-FERNWALD HOUSING BOUNDARIES

The Clark Kerr Campus is the property south of Dwight Way, east of Warring Street and north of Derby Street (excluding 2951 Derby Street (Redwood Gardens senior residential facility))	Stone perimeter wall and extension thereof at points of vehicle and pedestrian access
Smyth/Fernwald Student Housing is the property east of Hillside Avenue (south of 2425 Hillside Avenue) and north of Dwight Way	Stone retaining wall, or ten (10) feet east of the east curb line (Hillside Ave.); North edge of north sidewalk (Dwight Way)
*BPD has geographic responsibility for the private homes and properties located on Dwight Way east of Fernwald Road.	

L. HISTORY & AMENDMENTS

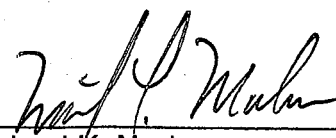
This is the 20th revision of a written jurisdictional agreement first established May 1, 1958 between the City of Berkeley Police Department and the University of California Police Department.

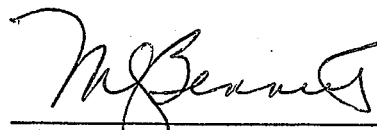
This agreement will be reviewed and amended regularly and as needed to better serve the ever-changing needs of the City and the University.

APPENDIX 1, 2 and 4 may be revised more frequently by mutual agreement of the Chiefs of Police and such changes do not require re-issuance of the full operational agreement.

M. AUTHORIZATION OF AGREEMENT

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated. It will remain in effect until amended, revised, or terminated by mutual agreement.

 04/24/2014
Michael K. Meehan (date)
Chief of Police
Berkeley Police Department

 4/24/2014
Margo Bennett (date)
Chief of Police
University of California Police Department

cc: Original #1, Berkeley Police Department
Original #2, University of California Police Department

Addendum to Operational Agreement BPD UCPD MOU (1).pdf

**ADDENDUM
To
OPERATIONAL AGREEMENT
between the
CITY OF BERKELEY POLICE DEPARTMENT
and the
UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY**

A. PURPOSE

The purpose of this addendum is to meet the statutory requirements established by AB 1433 (Gatto, 2014), requiring covered institutions to adopt and implement written policies and procedures to ensure that reports of Part 1 violent crimes, hate crimes, or sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement.

It is further the purpose of this addendum to promote collaboration between the City of Berkeley Police Department (BPD) and the University of California Police Department, Berkeley (UCPD) to enhance the reporting, investigation, and appropriate response to sexual assault and other covered crimes.

B. REPORTING OBLIGATIONS

UCPD and BPD agree to the following procedures through which each department will transmit reports it receives to the other. These reports shall comply with the confidentiality requirements described in Section D below, and shall not identify the victim or the alleged assailant unless the victim has consented to being identified.

1. UCPD Reports to BPD

UCPD will report immediately or as soon as practicably possible to BPD all reports received by a Campus Security Authority of any Part 1 violent crime, sexual assault, or hate crime, committed on or off campus. This includes reports victims make directly to Campus Security Authorities (CSAs) as well as reports victims make to other Campus employees that are then conveyed to the CSAs. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police report documenting the investigation being conducted by the jurisdictional agency.

All such notifications to BPD will be documented in UCPD records. In addition, UCPD will maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. The log should be accessible to the public during normal business hours.

2. BPD Reports to UCPD

Pursuant to the Clery Act, UCPD must report aggregate data concerning certain enumerated crimes. To enable UCPD to fulfill this requirement, BPD shall provide statistics on at least an annual basis to UCPD on all crimes listed in 20 U.S.C. § 1092(f)(1)(F) for which BPD acted as a first responder or had geographic responsibility.

BPD will promptly notify UCPD when students or employees are identified as the victims or suspects of any Part 1 violent crime, sexual assault, or hate crime that occurs within BPD's jurisdiction, and/or when BPD acts as first responder to an incident. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency.

All such notifications to UCPD will be documented in BPD incident reports.

BPD will promptly notify UCPD if it has referred the incident to the Alameda County District Attorney (ACDA) for charges to be filed, and of any charging decisions made by ACDA.

C. CLERY WARNINGS

The Clery Act requires UCPD to issue timely warnings for Clery crimes on- and off-campus that pose a serious or continuing threat to students and employees and emergency notifications for a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

To facilitate the issuance of Clery Act-required timely warnings and emergency notifications, UCPD and BPD agree to coordinate the sharing of information as described above. BPD acknowledges that UCPD need not obtain the approval of an outside law enforcement agency to issue any warnings/notifications, nor is UCPD required to seek preclearance of the content of any warning/notification. However, UCPD will inform BPD about such warnings as soon as practicable.

D. CONFIDENTIALITY REQUIREMENTS

UCPD and BPD will comply with applicable law and guidance regarding anonymous and confidential reporting of sexual violence, including when, how, and what information can or must be disclosed to each other.


UCPD and BPD agree that if a victim requests confidentiality regarding a reportable incident, each department will take all reasonable steps to comply with the victim's request or inform the victim when the department cannot ensure confidentiality. Neither department will disclose the

name of the victim to the other unless the victim provides consent to being identified after being informed of their right to have identifying information withheld.

UCPD and BPD agree to inform the victim that they can agree to engage with law enforcement and participate in the investigation and prosecution using a pseudonym (*i.e.*, Jane or John Doe) instead of their legal name. In that case, the name of the alleged perpetrator may be disclosed to other law enforcement (if known) while protecting the identity of the victim from public disclosure.

E. COLLABORATION ON CAMPUS COMMUNITY TRAINING

UCPD and BPD agree to collaborate to provide outreach and training for the campus community about the awareness, prevention, intervention, investigation, and response to sexual assaults and other crimes of violence and to work with community or campus-based resources and experts, including victim advocates, to provide these programs.

	
_____ Michael K. Meehan (date) Chief of Police Berkeley Police Department	_____ July 1, 2015 Margo Bennett (date) Chief of Police University of California Police Department

Reimbursement for damaged uniform or equipment (sworn).pdf

University of California, Berkeley Police Department

Request for reimbursement

Replacement or repair of damaged uniforms or approved equipment

I hereby request consideration for the repair, loss or replacement of my uniform or approved equipment as set forth in the Department Regulations, sections DR 701 and 702.

The damage or loss occurred in the performance of my duties and was documented in a numbered case report.

Date/time of loss/damage: _____

Equipment damaged: _____

Case number: _____

Brief description of how damage/loss occurred: _____

Officer: _____

Estimate/amount of loss: _____

Receipts attached ☐ Yes ☐ No

Received by: _____

Date: _____

Reimbursement accepted ☐ Yes ☐ No

Reimbursement amount: _____

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The background of the page features a large, faint, light-orange watermark of the official seal of the Peace Officer Standards and Training (POST) Commission. The seal is a seven-pointed star. At the top point is a torch with a flame. The central circle of the star contains a detailed scene: a Minuteman soldier stands in the center, holding a long rifle. To his left is a sailing ship on the water, and to his right is a plow. In the foreground, a bear stands on the left, and a miner is shown on the right. The words "PEACE OFFICER STANDARDS AND TRAINING" are inscribed around the perimeter of the central circle, with a small star at each of the four main points of the star.

POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.
- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

-
2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- (b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- ☐ Message from the law enforcement's agency's chief executive is included
 - ☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - ☐ Definition of "hate crime" included from:
 - ☐ CPC 422.55
 - ☐ CPC 422.56
 - ☐ CPC 422.6
 - ☐ Title by title specific protocol regarding:
 - ☐ Prevention
 - ☐ Is contact is established with identified persons and/or communities who are likely targets?
 - ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - ☐ Response
 - ☐ Requirement that all hate crimes be properly investigated and supervised
 - ☐ Requirement that any hate crimes committed under the color of authority are investigated
 - ☐ Accessing Assistance
 - ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - ☐ Victim assistance and follow-up
 - ☐ Reporting
 - ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - ☐ Training
 - ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - ☐ Does the checklist include first responder responsibilities include:
 - ☐ Determining the need for additional resources if necessary?
 - ☐ Referral information for appropriate community and legal services?
 - ☐ The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - ☐ Information regarding bias motivation from CPC 422.87
 - ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- ☐ Definitions of terms used in the policy are listed
- ☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- ☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- ☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____		<input type="checkbox"/> Known to victim	
Taken by: _____ Serial #: _____				

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____ Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Org Chart 07 20 20.pptx

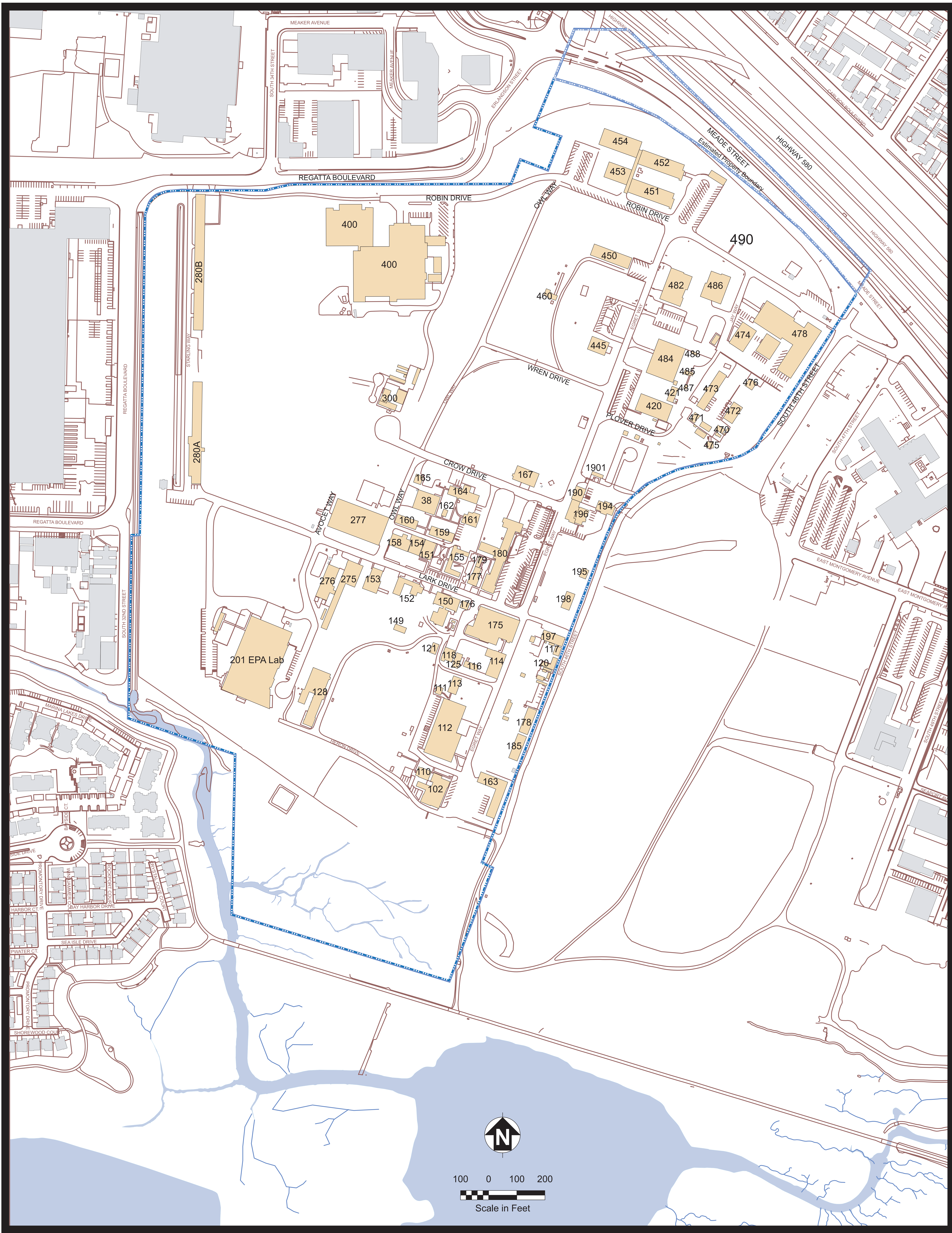
UC_Berkeley_Campus_Map.pdf

UC BERKELEY CAMPUS MAP KEY

Alumni House, D-5
Andersen Auditorium (Haas School of Business), C-2
Anthony Hall, C/D-4
Architects and Engineers (A&E), D-4
Bancroft Library, C-4
Banway Bldg., D-7
Barker Hall, A/B-6
Barrow Lane, D-4
Barrows Hall, D-4
BART Station, C-7
Bechtel Engineering Center, B-3/4
Berkeley Art Museum, C-6/7
Berkeley Way West, A/B-7
Birge Hall, C-3
Blum Hall, A/B-4
Boalt Hall, D-2
Botanical Garden, C-1
Brain Imaging Center, B-5
C.V. Starr East Asian Library, B-4
California Hall, C-4
California Memorial Stadium, C/D-1/2
Calvin Laboratory, D-2
Campanile (Sather Tower), C-3
Campbell Hall, B/C-3
Career Center, D/E-5
Chan Shun Auditorium
(Valley Life Sciences Bldg.), C-5
Chávez Student Center, D-4/5
Cheit Hall, C-2
Chou Hall, C-2
Clark Kerr Campus, F-1
Class of 1914 Fountain, D-3
Class of '54 Gate, A/B-4
Cory Hall, A/B-3
Cyclotron Rd., B-2
Davis Hall, B-3/4
Doe Memorial Library, C-4
Donner Lab, B-3
Durant Hall, C-4
Durham Studio Theatre (Dwinelle Hall), C-5
Dwinelle Annex, C/D-5
Dwinelle Hall, C-4/5
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Eshleman Hall, D-4/5
Etcheverry Hall, A-4
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Evans Hall, B-3
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Eye Center (Tang Center), D/E-6
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Faculty Glade, C-3
Founders' Rock, A/B-3
Fox Cottage, E-3/4
Frank Schlessinger Way, C-6
Gayley Rd., B/C-2
Genetics and Plant Biology Bldg., B-6
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Giauque Hall, C-3
Gilman Hall, C-3
Golden Bear Recreation Center, F-2
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Goldman Plaza, D-1/2
Goldman School of Public Policy, A-3
Greenhouse, A-7
Grinnell Natural Area, C-6
Haas Pavilion, D-5
Haas School of Business, C-2
Hargrove Music Library, D-3
Haste Street Child Development Center, F-5
Haviland Hall, B-4/5
Hazardous Materials Facility, C-6
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Hearst Memorial Gymnasium, D-3/4
Hearst Memorial Mining Bldg., B-3
Hearst Mining Circle, B-3
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Hertz Hall, C/D-3
Hesse Hall, B-4
Hewlett-Packard Auditorium (Soda Hall), A-3/4
Hildebrand Hall, C-3
Hilgard Hall, B-5
Insectary, A-7
International House, D-2
Ishi Court, C-5
Jacobs Hall, A-4
Jones Child Study Center, E-6
Kleeberger Field House, D-6
Koshland Hall, A/B-6
Kroeber Hall, D-3
Krutch Theater, F-2
Latimer Hall, B/C-3
Lawrence Berkeley National Laboratory, A/B-1/2
Lawrence Hall of Science, C-1
LeConte Hall, C-3
Legends Aquatic Center, D/E-6
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Lewis Hall, B/C-3
Life Sciences Addition, C-5
Lower Sproul Plaza, D-4/5
Martin Luther King Jr. Student Union, D-4
Mathematical Sciences Research Institute, C-1
Maxwell Family Field, C-2
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McLaughlin Hall, B-4
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D-3, D-5, D-7, E-4, E/F-3, E/F-5/6
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Ida Louise Jackson Graduate House, E-2/3
Martinez Commons E/F-4
Stern Hall, B-2/3
Unit 1, E-3
Unit 2, F-3
Unit 3, E-5
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Sather Gate, D-4
Sather Rd., C-4
Sather Tower (Campanile), C-3/4
Senior Hall, C-3
Sibley Auditorium (Bechtel Engineering
Center), B-3/4
Silver Space Sciences Laboratory, C-1
Simon Hall, D-2
Simpson Center, C/D-1/2
Soda Hall, A-3/4
South Hall, C-4
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Spieker Plaza, D-5
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Stanley Hall, B-3
Stephens Hall, C-3/4
Strawberry Canyon Recreation Area, C-1
Sutardja Dai Hall, A/B-3/4
Tan Hall, B/C-3
Tang Center, E-6
UC Berkeley Extension, B-7
Underhill Playing Field, E-3
University Hall, B/C-6
University Health Services, D/E-6
University House, A/B-5
Valley Life Sciences Bldg., C-5
Visitor Center (Memorial Stadium), D-2
Warren Hall, A-6/7
Wellman Hall, B-5
West Circle, B/C-5/6
West Gate, C-6
Wheeler Hall, C-4
Wickson Natural Area, B-5
Witter Field, C-1
Women's Faculty Club, C-2/3
Woo Hon Fai Hall, D/E-3
Wurster Hall, D-2/3
Zellerbach Hall, D-5
Zellerbach Playhouse, D-5



Richmond_Field_Station_Map.pdf



Lawrence_Berkeley_Lab_Map.pdf



University_Village_Albany_Map.jpg

Clark_Kerr_Campus_Map.pdf

Clark Kerr Campus Map

RESIDENTIAL AND STUDENT SERVICE PROGRAMS



1. Administration
 - Front Desk
 - Academic Center
 - Conference Services Office
 - D-1 Conference Room
2. Suites
3. Residence Hall
4. Residence Hall
5. Child Care
6. Residence Hall
7. Residence Hall
8. Residence Hall
9. Suites
10. Dining Center
 - Garden Room
 - Great Hall
 - Executive Dining Room
11. Suites
12. Residence Hall
13. Steam Plant
14. Clark Kerr Campus Center
 - Joseph Wood Krutch Theatre
 - Conference Rooms
102, 104, 203, and 204
15. Child Care Center
16. Suites
17. Suites
18. Faculty House
19. Faculty Apartments
20. Faculty Apartments
21. Archives
22. Archives
23. Archives
24. Recreation Maintenance
25. Golden Bear Recreation Center

▲ - Indicates Building Entrance

Supplemental Hate Crime Report.pdf

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

☐ Individual

Legal name (Last, First): _____

Date of Birth	Age	Sex	Race

☐ School, business or organization

Name: _____

Type: _____
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: _____

Faith: _____

☐ Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense

(e.g., 9/11, holy days)

☐ Association with a person or group with one or more of these characteristics (actual or perceived)

☐ Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

POST 2-365 (01/2023) Page 2 of 2

HISTORY**SUSPECT INFORMATION**Legal name (Last, First):
_____Other Names used (AKA):

Date of Birth	Age	Sex	Race

Relationship to Victim:
_____**RELATIONSHIP BETWEEN SUSPECT & VICTIM**Suspect known to victim: ☐ Yes ☐ NoNature of relationship:

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown**WEAPONS/FORCE**Weapon(s) used during incident? ☐ Yes ☐ No Type: _____Force used during incident? ☐ Yes ☐ No Type: _____**EVIDENCE**Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ NoEvidence collected? ☐ Yes ☐ No Recordings: ☐ Video ☐ Audio ☐ BookedPhotos taken? ☐ Yes ☐ No Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known**RESOURCES**Resources offered at scene: ☐ Yes ☐ No☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____**MEDICAL****Victim****Suspect**☐☐

Declined medical treatment

☐☐

Will seek own medical treatment

☐☐

Received medical treatment

☐☐

Injuries observed

Completed by**Date**

Name/Title/ID number

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