

BERKELEY POLICE DEPARTMENT

DATE ISSUED: TBD

GENERAL ORDER W-01

Draft

SUBJECT: THE RIGHT TO WATCH

COMMUNICATION No. 1299

PURPOSE

- 1 - The purpose of this Order is to adopt policies and procedures regarding citizen's right to observe, photograph or video record officers during the course of their public duties.

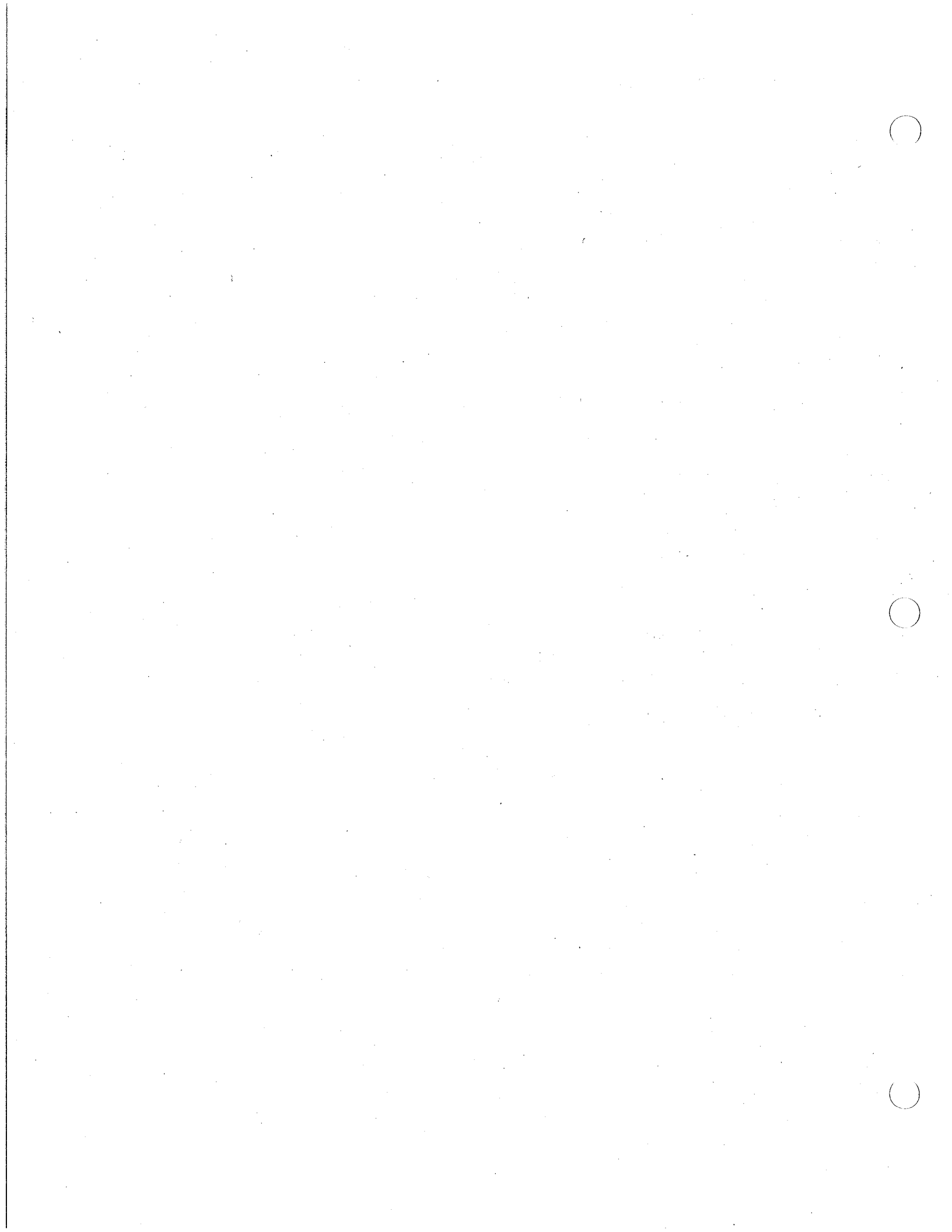
POLICY

- 2 - It shall be the policy of this Department to set the least possible restriction on public observation, photographing or video recording of police officer's performing their duties.

In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously. Officers should restrict the practice of requesting onlookers to withdraw only to those instances where a threat to safety is involved.

PROCEDURES

- 3 - At the scene of an arrest or other inquiry being conducted by police officers in public, citizens have the right to observe; photograph and video record the behavior of officers. These persons also have the right to communicate with the detained person, provided, however:
 - a. that the observer does not interfere physically or verbally with the investigation being conducted by the officer. Penal Code Section 148 prohibits delaying or obstructing any peace officer engaged in the duties of his/her office.
 - b. that the observer's actions do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's investigation. An officer may instruct an observer to maintain a safe distance from the scene.
 - c. that the confidentiality of the matter being discussed with a suspect/victim/witness is not compromised except with concurrence of the citizen and the officer involved.



BERKELEY POLICE DEPARTMENT

DATE ISSUED: July 21, 2015

GENERAL ORDER W-01

SUBJECT: THE RIGHT TO WATCH

PURPOSE

- 1 - The purpose of this General Order is to adopt policies and procedures regarding a citizen's right to observe, photograph or video record officers during the course of the officers' public duties.

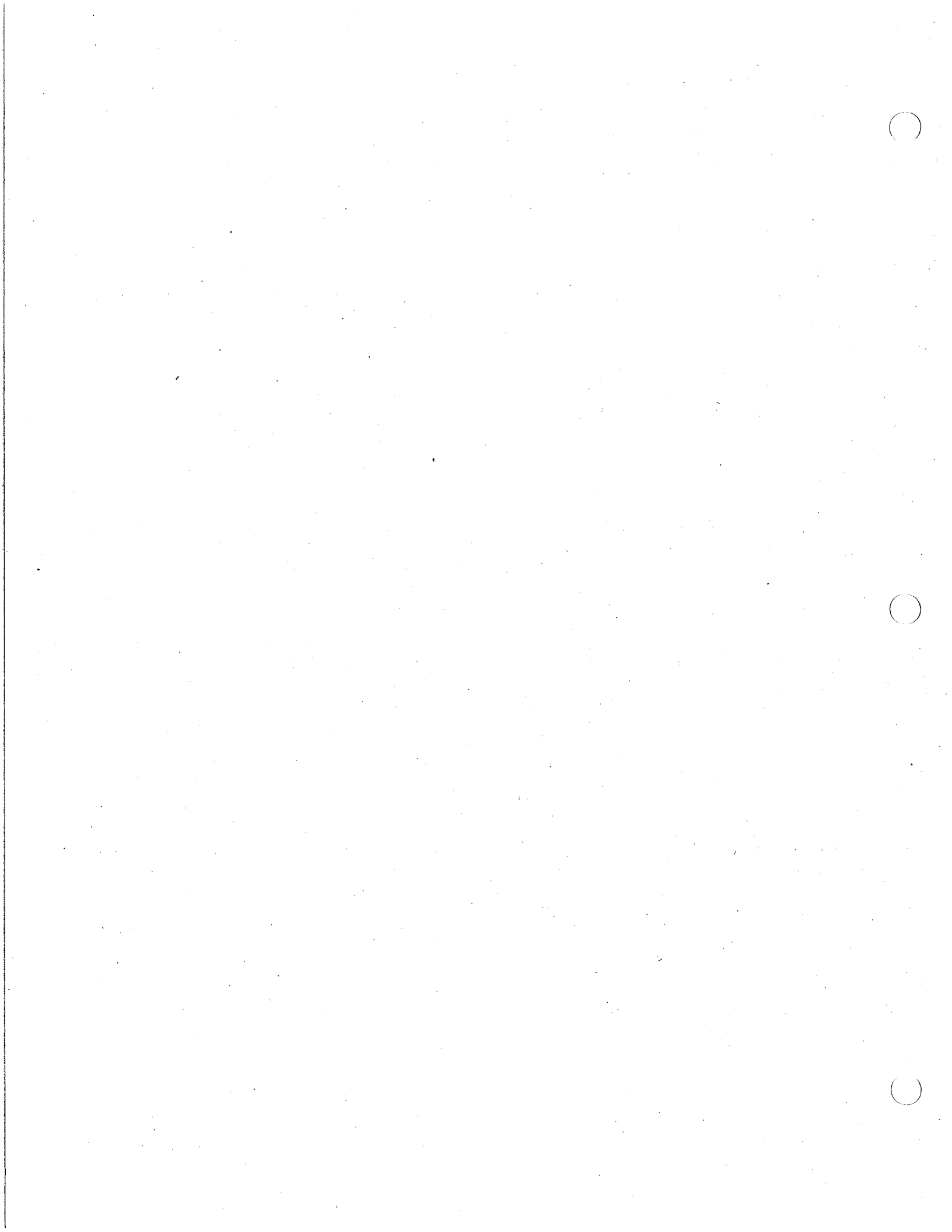
POLICY

- 2 - It shall be the policy of the Berkeley Police Department to ~~minimize restrictions~~ *set the least possible restriction* on public observation, photographing or video recording of police officers' performance of their duties, while ~~ensuring the safety of the public and the officers:~~

In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously. Officers should restrict the practice of requesting that onlookers withdraw only to those instances where a potential threat to safety is involved.

PROCEDURES

- 3 - At the scene of an arrest or other inquiry being conducted by police officers in public, citizens have the right to observe; photograph and video record the *behavior of* ~~officers from a safe distance.~~ Citizens also have the right to communicate with the detained person, provided, however:
 - a. that the observer does not interfere physically or verbally with the investigation being conducted by the officer. Penal Code Section 148 prohibits delaying or obstructing any peace officer engaged in the duties of his/her office.
 - b. that the observer's actions or communications do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's attention. *investigation* An officer may instruct an observer to maintain a safe distance from the scene, ~~with the understanding that what constitutes a "safe" distance may vary depending on the circumstances.~~
 - c. that the confidentiality of the matter being discussed with a suspect, victim, witness, or reporting party is not compromised except with concurrence of the citizen and the officer involved.



BERKELEY POLICE DEPARTMENT TRAINING AND INFORMATION BULLETIN



DATE: August 23, 1983

NUMBER: 91

SUBJECT: THE RIGHT TO WATCH

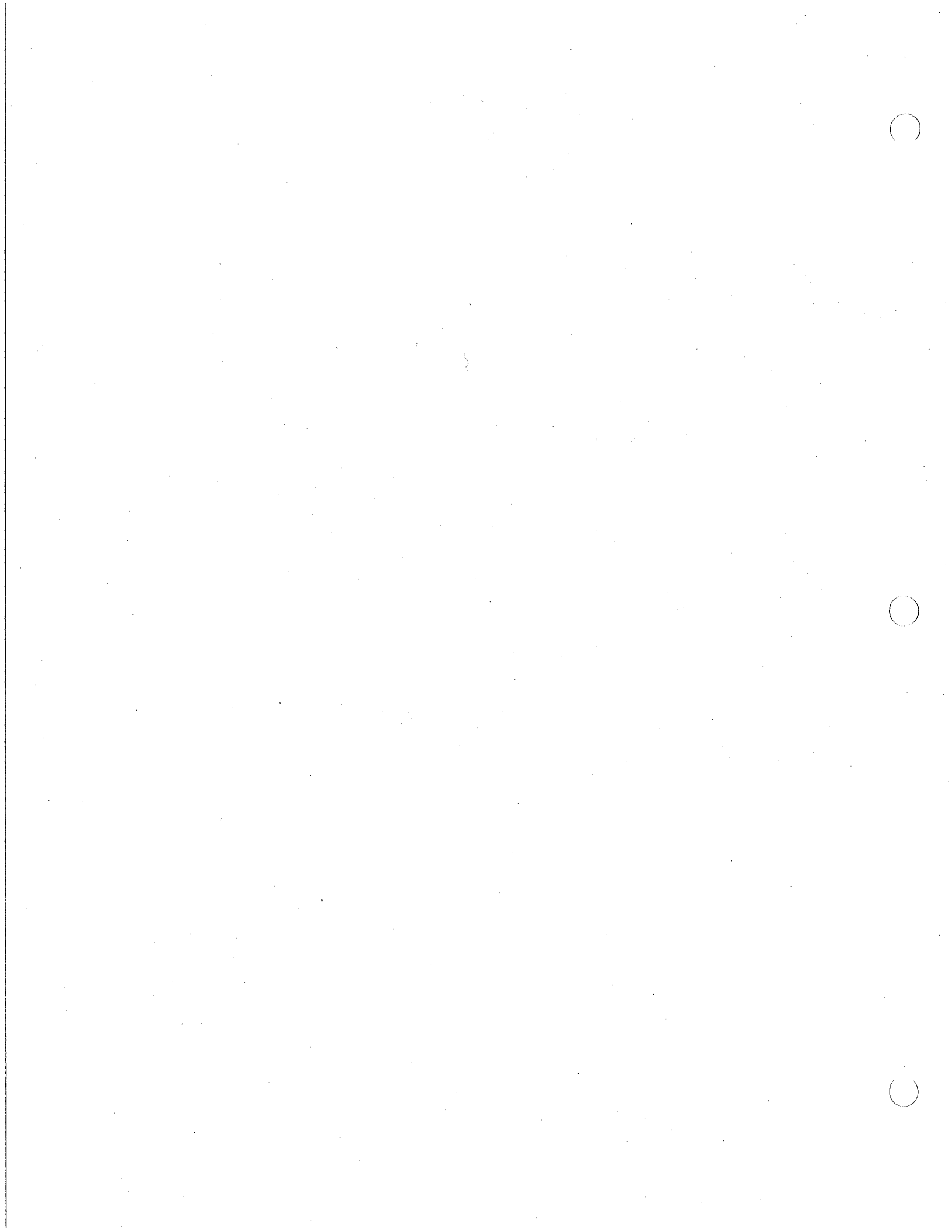
At the scene of an arrest or other inquiry being conducted by police officers in public, citizens have the right to observe the behavior of officers. These persons also have the right to communicate with the detained person, provided, however:

- that the observer does not interfere physically or verbally with the investigation being conducted by the officer. Penal Code Section 148 prohibits delaying or obstructing any public officer engaged in the duties of his/her office.
- that the observer's actions do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's investigation.
- that the confidentiality of the matter being discussed with a suspect/victim/witness is not compromised except with concurrence of the citizen and the officer involved.

It is Departmental policy to set the least possible restriction on public observation of police officer conduct.

In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously officers should restrict the practice of requesting onlookers to withdraw only to those instances where a threat to safety is involved.

RONALD D. NELSON
Chief of Police



Berkeley Police Must Respect the Right to Observe

The whole policy needs to be revised with the help of community input

A new Berkeley Police Department General Order (W-01) issued on July 21, 2015 marks a serious abridgement of the right to observe in Berkeley even though it looks much like a training bulletin that has been around for years. The previous training bulletin on "The Right To Watch (Training Bulletin 91 issued in 1983 and reissued by Chief Meehan) required officers to put the **"least possible restriction on citizen observation of police officer conduct."** In the new general order, the language is changed to say that officers should "minimize restrictions on public observation", but it doesn't say to what degree they should do this. This change has big implications for Copwatchers in the streets trying to record citizen-police interactions.

The old training bulletin meant that police were expected to make every effort to accommodate citizen observation of police. The new general order makes it sound like our ability to observe is going to be up to each officer depending on the situation. What in this policy will protect us from officers who claim that there is a threat to safety when really they just want to prevent us from observing?

The policy also includes some problematic language such as "citizens have the right to observe; photograph and video record the officers **from a safe distance.**" Copwatch does not believe that it is the officers who should get to decide what is a "safe distance". There is no legal definition of "safe distance" and, as we have seen numerous times, some police believe that a "safe distance" is farther (sometimes several blocks away) from the scene. There is already a law (Penal Code 148) against interfering with police officers. BPD officers have routinely threatened observers and copwatchers for merely witnessing scenes and have often demanded that observers remove themselves even when no credible threat to safety existed.

(This copwatch video from 8-5-15 demonstrates how the new policy might impact the right to observe and raises many important issues that the PRC and City Council must decide:

<https://www.youtube.com/watch?v=Aeg2SD1A6LA>)

Worst of all, is the third section of the General Order that says that citizens can observe police but that "the confidentiality of the matter being discussed with a suspect, victim, witness, or reporting party is not compromised except with concurrence of the citizen and the officer involved." This policy suggests that citizens can't witness a conversation between a cop and a detainee if the cop doesn't give consent. This is not acceptable and it is not constitutional. BPD needs to get familiar with current legal interpretations.

Two court cases have been decided by Federal courts that affirm the 1st Amendment protection of our right to "petition the government for a redress of grievances". The first one was Simon Glik vs. City of Boston. The other case was from ACLU vs. Alvarez coming out of Chicago and challenged the anti-video interpretation of wiretapping statutes. In both cases, the court found that we have RIGHTS that are not subject to the consent of any police officer and we can videotape so long as we don't interfere.

Berkeley Copwatch urges the Berkeley City Council and the Police Review Commission to do all in their power to protect the right of all our citizens to watch police and to punish officers who threaten, harass or intimidate people from copwatching and documenting officer conduct in our city. Copwatch organizers are calling on members of the public to read and help to rewrite the new General Order and demand that the Police Review Commission hold a public hearing on this issue.

Thanks for your consideration of this important issue,

Andrea Prichett
Berkeley Copwatch

From: Andrea Prichett [mailto:prichett@locrian.com]
Sent: Monday, February 22, 2016 9:57 PM
To: PRC (Police Review Commission) <prcmailbox@ci.berkeley.ca.us>; Berkeley Copwatch <berkeleycopwatch@yahoo.com>
Subject: Fwd: Right to Watch

To the PRC,

Although it is six months later, I am still interested in having a public hearing on this issue. Let's move forward and discuss what the people want from the department in regards to the right to watch.

Also, please note that Governor Jerry Brown signed into law AB411 in August which makes it legal to observe police and to record them. While some of us already believed we had that right, it is nice to have another source to affirm our right.

<http://lbpost.com/news/2000006811-right-to-record-act-clarifies-civilians-recording-of-public-safety-officers-is-lawful>.

Please also note:

1. Two federal courts have upheld copwatching as a right.
2. California State Law now says that the public has a right to record police.
3. There is already a law against interfering with a police officer (PC 148). Thus, there doesn't need to be an even more restrictive environment for copwatchers than there already is. If the new General Order w-1 goes through, it will provide a thin layer of justification for restricting our right to copwatch.
4. The BPD doesn't need to establish a new standard for observing- we already have this right as given to us by the Constitution, affirmed by two federal courts, and affirmed yet again by state law.

Thanks for your consideration,

Andrea Prichett

----- Forwarded Message -----

Subject: Right to Watch
Date: Sun, 23 Aug 2015 16:22:26 -0700
From: Andrea Prichett <prichett@locrian.com>
To: prc@cityofberkeley.info, PRC (Police Review Commission) <prcmailbox@ci.berkeley.ca.us>

Dear Police Review Commission,

I am writing to ask you to consider the "Right To Watch" General Order (W-0) and to examine its impact on citizen monitoring of the police.

BPD AND PRC RECOMMENDATIONS FOLLOWING REVIEW/INVESTIGATION OF BPD RESPONSE DEC. 6, 2014
 (PRC recommendations edited for length)

Communication

| Notes | BPD | PRC |
|----------------------------------|---|--|
| GO C-64 subcomm. | | <p>New Recommendation as a preamble to the Communication section: Police officers will seek to navigate complex and confusing crowd situations which may have mixed elements of legal and illegal, peaceful and violent behavior. Facilitation of free expression, de-escalation of tension, and peaceful conflict resolution are primary goals of police-crowd interaction. BPD should investigate the availability of regional radio interoperability for common tactical and recorded radio channels to improve communications with mutual aid partners during large scale events; BPD should communicate directly with EBRCS and ask for a speedy resolution to these questions and any necessary training.</p> |
| BPD task. | <p>Recommendation #1 We recommend the Department get clarity on the availability of regional radio interoperability for common encrypted radio channels to improve communications with mutual aid partners during large scale events.</p> | |
| GO C-64 subcomm. (and BPD task?) | <p>Recommendation #2 We recommend the Department use social media proactively before and during the event to communicate with participants. As dispersal orders are given over the loud speaker social media could be used to communicate more detailed information to the crowd.</p> | <p>PRC endorsed BPD's recommendation and added: all communications [via social media] be clearly identified as coming from BPD. We urge the City to adopt rules for BPD's use of social media as quickly as possible.</p> |
| GO C-64 subcomm. | <p>Recommendation #3 Explore the use of BPD Negotiators to enhance communication with the crowd and crowd leadership before and throughout the event.</p> | <p>The BPD should focus on enhancing tools for communication during a demonstration to ensure it is peaceful; the tools should include the use of BPD negotiators. PRC urges a focus on two-way communications to facilitate peaceful demonstrations.</p> |
| Agreement. BPD task. | <p>Recommendation #4 BPD should acquire a high quality mobile mounted public address system. This equipment would also be an asset during natural disasters.</p> | <p>The PRC endorsed BPD's Recommendation #4 as written.</p> |

Tactical Command

| Notes | BPD | PRC |
|-------------------|---|--|
| GO C-64 subcomm.? | <p>Recommendation #5 Tactical command decision making and responsibility should be relocated from the Department Operations Center to the field. We recommend coordination of squad movements happen in the field.</p> | <p>The PRC endorsed BPD's Recommendation #4 as written.</p> |
| GO C-64 subcomm. | <p>Recommendation #6 Command should make efforts to ensure as much mission clarity as possible when resources are dispatched.</p> | <p><i>(This recommendation is an alternative to both #6 and #7.)</i> The PRC agrees that a lack of mission clarity hampered the BPD's success on December 6; specifically, a strategic lack of clarity. Deployments during demonstrations should include clear and specific objectives. Field Commanders should be given specific guidelines and priorities to consider in deployment decisions, including whether a given police action will improve the situation, or escalate tension and confrontation between police and protesters, and should make redeployment decisions proactively based on known situational awareness and the approved guidelines.</p> |
| GO C-64 subcomm. | <p>Recommendation #7 We recommend commanders in the field make redeployment decisions proactively based on known situational awareness.</p> | |
| GO C-64 subcomm. | <p>Recommendation #8 Opportunities for the police to deescalate from crowd control to crowd management tactics need to be recognized and seized.</p> | <p>1) The City considers non-violent demonstrations of concern about community issues to be positive and healthy activities and will interact with such events as ones to be facilitated, not as public safety threats.</p> <p>2) Heavily armed, massed police using crowd control tactics may inflame and incite rather than prevent violence. They can intimidate peaceful demonstrators and promote alienation and confrontation. The need for sufficient police resources must be balanced against the chilling effect of a large and visible police presence.</p> <p>3) As BPD orders call for protecting First Amendment activities, police must win the trust of the assembly that they can demonstrate in safety.</p> <p>4) Police interaction with a demonstration or other public event should begin in a crowd management posture, unless it starts as an illegal assembly. Under BPD policy, non-violent civil disobedience is not grounds for declaring an unlawful assembly. If police must move to a crowd control posture, the goal should be to de-escalate back down to crowd management. Police officers must make every effort to reduce tension and de-escalate conflict, with support from non-sworn City staff and elected/appointed officials.</p> <p>5) a) It is essential to recognize that all members of a crowd of demonstrators are not the same. b) Even when some in a crowd are violent or destructive, others are not. Once some become violent, the situation often turns chaotic, and many of the peaceful individuals may be blocked from leaving because the crowd is so large or because they are afraid they will move into a more dangerous position. c) This does not mean BPD cannot take enforcement action against the crowd as policy allows, but BPD shall seek to minimize the use of force against, and arrests of, innocent persons.</p> |

Deployment

| Notes | BPD | PRC |
|------------------------------|---|---|
| GO C-64 subcomm. | <p>Recommendation #9 Deploy resources flexibly in crowd management roles designed to keep events peaceful.</p> | <p><i>(This recommendation is an alternative to both #9 and #10.)</i> BPD should review its operational deployment of resources, such as bicycle, and parking enforcement officers, in crowd management roles to provide greater mobility, flexibility and accessibility. The review should focus on opportunities for the peaceful maintenance of events, crowd/departments communication and violent element identifications. BPD should develop training and resource proposals to achieve this end, and review them with the PRC.</p> |
| GO C-64 subcomm. | <p>Recommendation #10 Increase staffing of bicycle officers, motorcycle officers and parking enforcement officers for large scale crowd management events.</p> | |
| Agreement - GO C-64 subcomm. | <p>Recommendation #11 Deploy joint police and fire scout teams to manage small fires and scout medical calls.</p> | <p>The PRC endorsed BPD's Recommendation #11 as written.</p> |

Maneuver

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| GO C-64 subcomm. | <p>Recommendation #12 Have a contingent of officers to move with the crowd, so that violent elements in the crowd will see a continuous police presence.</p> | <p>As an alternative to this Recommendation #12, reference is made to PRC Recommendations #8 and #9 above.</p> |
| Agreement - GO C-64 | <p>Recommendation #13 Deploy squads with dedicated drivers who remain with the vehicles to facilitate maneuvers and vehicle security.</p> | <p>The PRC endorsed BPD's Recommendation #13 as written.</p> |

Situational Awareness

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| BPD task. | <p>Recommendation #14 Explore technology that can improve the quality and timeliness of information available to decision makers.</p> | <p>Before BPD implements the use of any additional surveillance and data gathering technology, the use of that technology shall be brought to PRC and the City Council for approval.</p> |
| Policy issue | <p>Recommendation #15 Consider proposing changes to the City Council Resolution 51, 408-N.S., to permit the use of helicopters in instances of significant civil unrest.</p> | <p>The PRC recommends that the current City policy regarding the use of helicopters should be retained.</p> |

Dispersal Orders

| Notes | BPD | PRC |
|------------------|---|--|
| GO C-64 subcomm. | <p>Recommendation #16 Issue fewer dispersal orders and record evidence that the crowd was able to hear the orders.</p> | <p>Consistent with existing policy, dispersal orders should be given only if there is clear evidence that the focus of the crowd has become violent. When a dispersal order is necessary, BPD should give several quality orders, make sure that they are audible to the entire crowd, and record the orders to establish that they were heard. If a crowd later reassembles in a different location, that new location must be reevaluated to determine if it is an unlawful assembly, and a new dispersal order given. BPD should discontinue the practice of continuous dispersal orders.</p> |
| GO C-64 subcomm. | <p>Recommendation #17 Revise the dispersal order script to include specific types of force that may be used to disperse the crowd including the use of CS gas.</p> | <p>Revise the dispersal order script to include specific types of force that may be used to disperse the crowd including the use of CS gas; the PRC should review the proposed new script before it becomes BPD policy.</p> |

Use of Force

| Notes | BPD | PRC |
|-----------------------------|---|--|
| GO C-64, U-2 subcomm. | <p>Recommendation #18 We recommend that BPD review its policy regarding the use of CS gas and batons in crowd control situations.</p> | <p>BPD, with the PRC, should review its policy regarding the use of CS gas and batons during crowd control and crowd management, with particular attention to the kind of authorized baton strikes, to include the use of jabs, rakes or overhead strikes, and with the intent of putting substantial constraints on the use of CS gas in crowd control and crowd management.</p> |
| GO C-64, U-2, M-2 subcomm. | <p>Recommendation #19 Less Lethal operators should be briefed regarding the rules of engagement prior to deployment. Command should review the use of force as it relates to accomplishing mission objectives with less lethal operators, prior to deployment.</p> | <p>BPD's policy on the use of less-lethal munitions should be revised: they should only be direct-fired at a specific target, may never be used indiscriminately against a crowd or group, and may be used only against a specific individual engaged in conduct that poses an immediate threat of loss of life or serious bodily injury. Before deployment, Command should brief all less-lethal operators, including mutual aid responders, on the rules of engagement for the specific mission and on the use of force.</p> |
| Agreement- GO C-64 subcomm. | <p>Recommendation #20 Skirmish lines should be deployed only in situations where the use of force that may be necessary to enforce the line is warranted by the objective of deploying the line.</p> | <p>The PRC endorsed BPD's Recommendation #20 as written.</p> |

| Notes | BPD | PRC |
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| GO C-64, U-2 subcomm. | <p>Recommendation #21 We recommend that the Department continue to train and reinforce disciplined use of baton strikes by officers to avoid striking people in no strike zones.</p> | <p>The numerous reports from peaceful and lawfully demonstrating civilians of being struck by batons are of significant concern. BPD, with the PRC, should review its policy on the use of batons during crowd control and crowd management, with particular attention to the kind of authorized baton strikes, including jabs and rakes. Overhead strikes should be prohibited in crowd control and crowd management.</p> <p>The use of CS gas on December 6 is a cause of major concern, as it is unclear whether the crowd's actions warranted the initial and continued use, and how decisions were made to continue to deploy CS gas. BPD, with PRC, must review and revise the policy on CS gas use to delineate when and how CS gas may be used in crowd control.</p> <p>When CS gas is deployed, a public announcement regarding the impending use should be made, as well as a radio broadcast to all law enforcement personnel.</p> |
| GO C-64, U-2 subcomm. | <p>Recommendation #22 Preparatory orders warning officers of the impending use of chemical agents should be announced over the radio.</p> | <p>Prior to the planned deployment of CS Gas, medical aid should be on scene and available to respond to treat people who might be affected by CS Gas.</p> |
| GO C-64, U-2 subcomm. | <p>Recommendation #23 Prior to the planned deployment of CS Gas, medical aid should be on scene and available to respond to treat people who might be affected by CS Gas.</p> | <p>Prior to the planned deployment of CS Gas, medical aid should be on scene and available to respond to treat people who might be affected by CS Gas. An operational policy regarding the use of CS gas should be established that delineates a removal and transport process and provides for establishing a secure triage area to treat affected personnel and members of the public.</p> |

Accountability

| | | |
|------------------------------|--|---|
| Agreement - GO C-64 subcomm. | <p>Recommendation #24 To comply with our existing policies an After Action Report (AAR) should be written after each incident even if only in summary form.</p> | <p>BPD should comply with its existing policies and an After Action Report (AAR) should be written after each incident, even if only in summary form, within 72 hours.</p> |
| GO C-64, U-2 subcomm. | <p>Recommendation #25 Improve accountability for the deployment and use of less lethal munitions and CS gas. Use of less lethal munitions should be recorded in the after action report and the policy should be updated to include this requirement.</p> | <p>To improve accountability, BPD and mutual aid responders should perform an inventory of less-lethal munitions and CS gas both before and after deployment in a crowd control situation and, whenever an officer uses less-lethal force during crowd control, that officer should prepare an individual report of such use within 72 hours.</p> |

Training

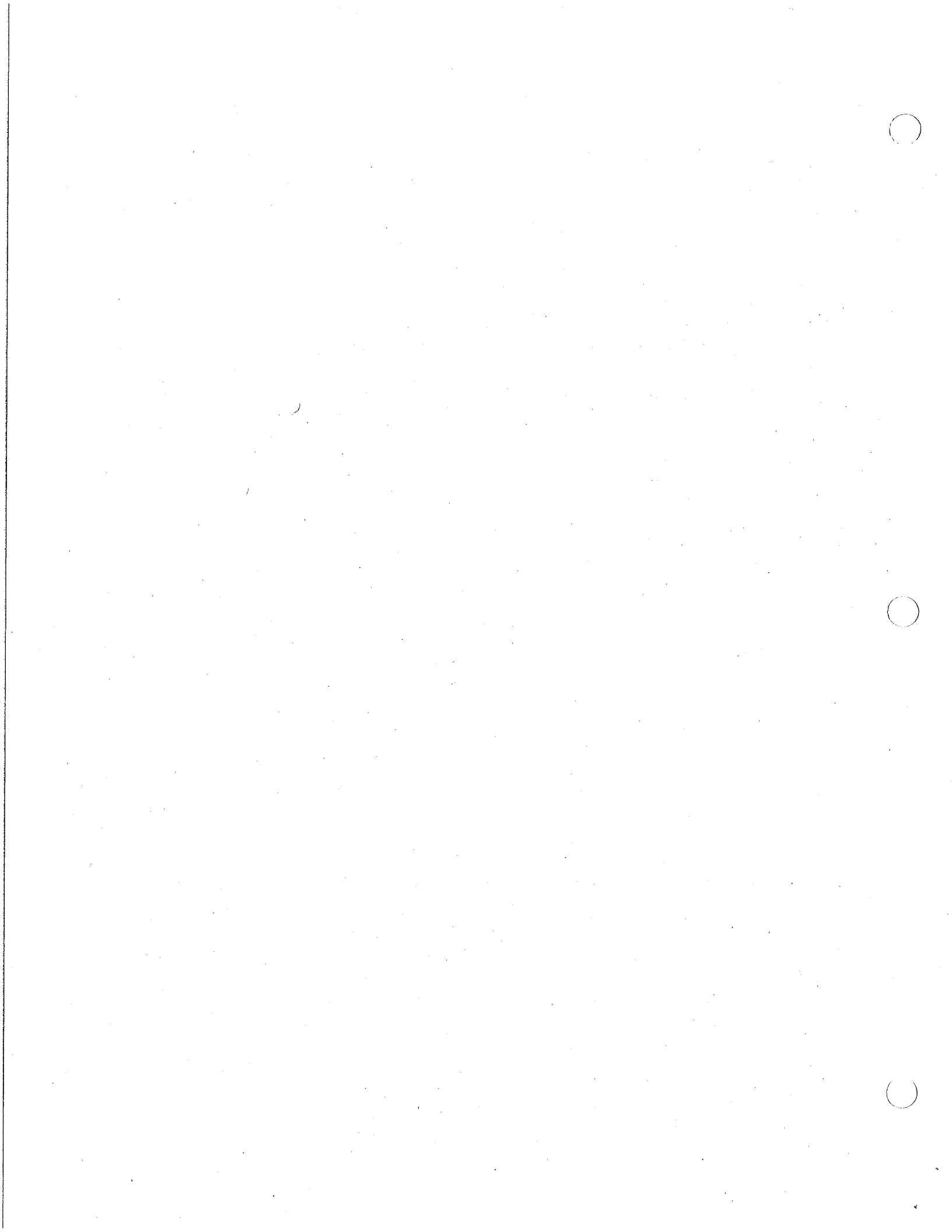
| Notes | BPD | PRC |
|--|---|--|
| <p>Recommendation #26 All officers should continue to receive crowd management training every two years. We recommend the following trainings be developed:</p> <ul style="list-style-type: none"> • Commanders should conduct crowd management table top exercises, in addition to departmental training, to explore topics such as planning, command and control, mutual aid management, tactics, and operations center logistics. • All crowd management trainings should include legal update training in the area of crowd management case law as well as a review of first amendment case law. • Mobile Field Force training with regards to conducting targeted arrests. Including a tactical review of how to deploy in order to better support a mission of targeted arrests while maintaining the ability to transition into crowd control formations. <p>Train sufficient personnel to use higher quality camera systems to gather better video evidence at protests.</p> | <p>Recommendation #27 Commanders should attend training to improve their understanding of BPD's current capabilities and limitations in crowd management and control which should enhance planning and tactics.</p> <p>Recommendation #28 We recommend the creation of a document on BPD website which will provide information on how to conduct or participate in a protest in a safe and legal manner.</p> | <p>All officers should continue to receive crowd management training every two years. We recommend the following trainings be developed in conjunction with the PRC, and that these trainings include de-escalation tactics:</p> <p><i>[remainder of PRC recommendation same as BPD recommendation]</i></p> |
| <p>Agreement - GO C-64 subcomm.? BPD done; PRC to review</p> | <p>Recommendation #29 We recommend the BPD Public Information Officer investigate the viability of establishing a regional media credentialing system.</p> <p>Recommendation #30 We recommend the Department develop a collaborative training for press to enhance their safety and safeguard the First Amendment right of a free press.</p> | <p>The PRC endorsed BPD's Recommendation #27 as written.</p> <p>The PRC should work in collaboration with BPD to develop a website and other informational materials to inform the public about the BPD's approach to protests, ground rules for them, and details of the warning and dispersal system.</p> |
| <p><u>Media</u></p> <p>PRC Media Credentialing Subcomm.</p> | <p>Recommendation #29 We recommend the BPD Public Information Officer investigate the viability of establishing a regional media credentialing system.</p> <p>Recommendation #30 We recommend the Department develop a collaborative training for press to enhance their safety and safeguard the First Amendment right of a free press.</p> | <p>(This recommendation is an alternative to both Recommendations #29 and #30 of the BPD.) This is a complicated issue that requires input from all stakeholders. It is the PRC's position that no policy should be implemented until the matter has been referred back to the PRC to establish a subcommittee to allow for a full discussion and formulation of a policy.</p> |

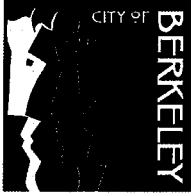
Equipment

| Notes | BPD | PRC |
|---|---|---|
| <p>BPD has purchased new video cameras.</p> <p>Info-gathering for request to Council?</p> | <p>Recommendation #31 <i>We recommend the Department invest in quality video cameras, live stream capability and video capture software to improve situational awareness.</i></p> | <p>BPD needs to make better-informed decisions in crowd control situations; therefore, BPD needs access to real time surveillance tools. Gathering such information will require some degree of surveillance, which raises concerns regarding civilians' privacy. We recommend that the Council make a determination of what, if any, surveillance tools should be considered for use, and then refer the matter to the PRC to obtain community input and work with the BPD to establish the appropriate guidelines for such use.</p> |
| <p>Agreement – BPD to do</p> | <p>Recommendation #32 <i>The Department should investigate the use of body armor to be worn underneath a uniform of the day, to protect officers from projectiles while minimizing the projection of force to protestors.</i></p> | <p>The PRC endorsed BPD's Recommendation #32 as written.</p> |

New Recommendation regarding mutual aid

| Notes | PRC |
|------------------------|--|
| <p>GO M-2 subcomm.</p> | <p>The conduct of mutual aid responders in their crowd control roles during the events of December 6 was a primary concern that the PRC heard from the public. The PRC believes that state law and existing mutual aid pacts require each agency to follow its own policies re use of force. We therefore believe that the BPD cannot enforce its use-of-force policies on mutual aid responders. We believe it is critical for BPD to communicate to mutual aid responders the values of the COB, including de-escalation tactics, before and during a crowd event. BPD should continue to review its briefing and communication practices to make every effort for mutual aid responders with our policies. We request that the BPD make specific recommendations on strategies and procedures to achieve these goals.</p> |





Police Review Commission
Standing Rules
(As of 2.10.2016)

A. PURPOSE

These Standing Rules are established by the Police Review Commission to ensure transparency and efficiency of our operations.

B. AMENDMENTS AND REVISIONS

Amendments and revisions to these Standing Rules shall be adopted by a majority vote of the Police Review Commission, except that the Commission may not adopt rules that conflict with the enabling Ordinance, Commissioners' Manual, or Regulations for Handling Complaints Against Members of the Police Department.

C. AGENDA ITEMS – REGULAR MEETINGS

Individual commissioners shall submit agenda items to the commission secretary by 12:00 noon one week before the meeting date. (This will almost always be a Wednesday.)

D. COMMUNICATIONS

Individual commissioners shall submit communications to be included in the agenda packet to the commission secretary by 12:00 noon one week before the meeting date to ensure inclusion in the packet. Communications received after this deadline and before 3:00 p.m. on the meeting day will be distributed in hard copy at the meeting, and may also be distributed to commissioners via email. If communications are received after 3:00 p.m. on the meeting day, the commission secretary will make every effort, but cannot guarantee, to have hard copies available at the meeting.

E. MEETING PROCEDURES

1. Agenda items shall be introduced by the commission member or staff member who proposed the item. The Chair shall allow an initial period for discussion. When a motion is introduced and seconded, the Chair may set a time limit of no less than two minutes for each commissioner for additional comments before putting the matter to a vote.
2. A pending motion may be modified by a "friendly amendment"; that is, by a proposed amendment that is accepted by the maker and seconder of the motion.

3. During discussion of a motion, the Chair shall make every attempt to allow alternating positions to be heard.
4. Action on a motion may be by either voice or general consent. In either case, the Chair shall ask the commission secretary to repeat the motion before the action.
5. Guest speakers who are not on the agenda may address the commission only by general consent, or upon a formal motion.
6. None of these procedural rules shall supersede the procedures set forth in Robert's Rules of Order.

F. PUBLIC COMMENT

1. The Chair, subject to the consent of the commission, may determine the time limit for each speaker and the total number of speakers.
2. Before an agenda item is heard, the Chair or Vice-Chair may poll members of the public present to determine if a significant number of them wish to speak on a particular agenda item. If so, the Chair or Vice-Chair may move that public comment on that item can be heard just before the item.

G. POLICY COMPLAINTS AND REVIEWS

1. An inquiry into a policy, when initiated by a civilian filing a policy complaint form, is a "policy complaint."
 - a) The procedures for handling a policy complaint are set forth in Section II.A.4.b. of the Regulations for Handling Complaints Against Members of the Police Department.
 - b) Additionally, a public comment period shall be agendized immediately preceding consideration of the policy complaint, limited to comments on that complaint. Policy complainants will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes; the time allotted is subject to the discretion of the Chair, who will consider the number of persons wishing to speak. Commissioners may ask policy complainants brief questions. The BPD will be given an opportunity to respond to the commission.
2. A commission-initiated policy review may commence upon a majority vote of the commissioners.
 - a) Commissioners shall then determine how to proceed. Possible actions include, but are not limited to: considering the issue as whole commission, assigning a commissioner to research the issue, asking staff to investigate or research, or establishing a subcommittee. If a subcommittee is created it will seek BPD involvement in its policy review

and, upon completing its review, will present its conclusions and recommendations to the full commission.

- b) The full commission may recommend to the BPD, City Manager, or City Council that the BPD adopt a new policy, revise an existing policy, or take no action.

H. REGULAR MEETINGS

Regular meetings shall be held on the second and fourth Wednesday of the month, except in the months of August, November, and December. The commission shall not meet in August, and shall meet only on one Wednesday of the month in November and December. Exceptions shall be made when a meeting day falls on a religious holiday.

Regular meetings shall commence at 7:00 p.m., and shall be held at the South Berkeley Senior Center and other locations as may be determined by the commission.

I. ELECTIONS

The elections for Chair and Vice-Chair shall occur at the first regular meeting in January whenever possible.

J. APPOINTMENT OF MEMBERS OF THE PUBLIC TO SUBCOMMITTEES

1. In accordance with the PRC Ordinance, the Chair may appoint members of the public to subcommittees in which they have expressed an interest, subject to approval of the commission. Members of the public seeking to serve on a subcommittee must present themselves at a commission meeting before or at the time of the appointment and speak on the public record on intent to serve and what they will bring to the subcommittee work and deliberations.
2. Members of the public appointed to subcommittees shall enjoy the same voting rights and privileges on the subcommittee, as that of PRC commissioners appointed to the subcommittee, except that public members may not be selected to be the subcommittee Chair.
3. Commission members must constitute a majority of the membership of any subcommittee, but a subcommittee may convene and conduct business even if commissioners are not a majority of subcommittee members present.
4. The term of appointment for members of the public appointed to subcommittees shall not exceed the life of the subcommittee. If a subcommittee must be reauthorized, any members of the public serving on the subcommittee must be reappointed by the Chair, subject to the approval of the commission.

5. A public member of a subcommittee who is absent from two consecutive subcommittee meetings is automatically removed from the subcommittee, but may be reinstated by the Chair if good cause for the absences is shown.
6. The Chair, subject to the approval of the commission, may remove a member of the public from a subcommittee for good cause. Examples of good cause are: failure to work cooperatively with subcommittee members; unruly or disruptive behavior at meetings; or failure to participate in the work of the subcommittee.
7. All actions by the Chair to appoint, reappoint, or remove a member of a public to or from a subcommittee shall occur at a commission meeting.

K. MUTUAL AID AGREEMENTS

The commission shall constitute a mutual aid subcommittee no later than the first meeting in February of each year to review the pacts between the BPD and other law enforcement entities.

L. ANNUAL REPORT

The commission secretary shall endeavor to present the annual report for the commission's approval no later than June 1 of each year. The Foreword shall be written by the commissioner who served as Chair in the year of the report.

M. FAMILIARITY WITH BERKELEY POLICE DEPARTMENT

Within the first 6 months of their appointment, newly-appointed commissioners shall endeavor to:

- 1) complete a ride-along with a sworn police officer, and
- 2) meet with Chief of Police and his/her command staff.

N. KNOWLEDGE OF APPLICABLE LAWS AND RULES

Commissioners should be generally knowledgeable of the Police Review Commission's enabling Ordinance (Ordinance No. 4644-N.S.; B.M.C. Chapter 3.32), the Regulations for Handling Complaints Against Members of the Police Department, and these Standing Rules. They should also bring copies of these documents to all commission meetings.

2015 Crime Report

Berkeley Police Department

March 8, 2016

Chief Michael Meehan
Captain Andrew Greenwood
Captain Dave Frankel
Captain Cynthia Harris



February 2016 – 59% of Police Officers trained

May 2016 – 100% of Police Officers trained



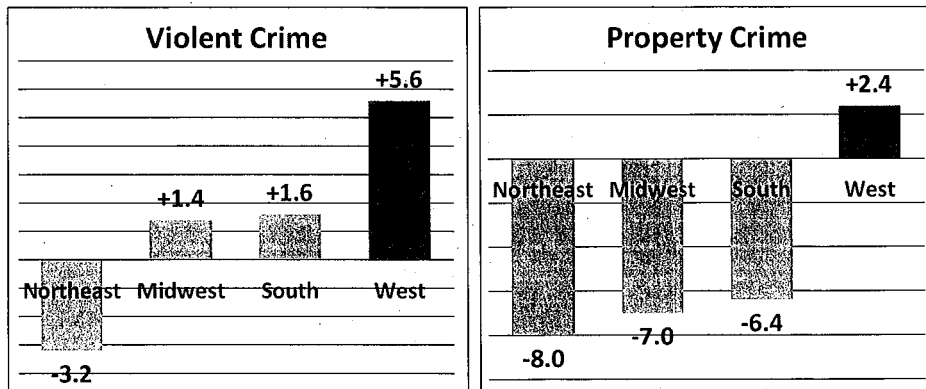


4,385
Subscribers



Crime in the United States, by Region

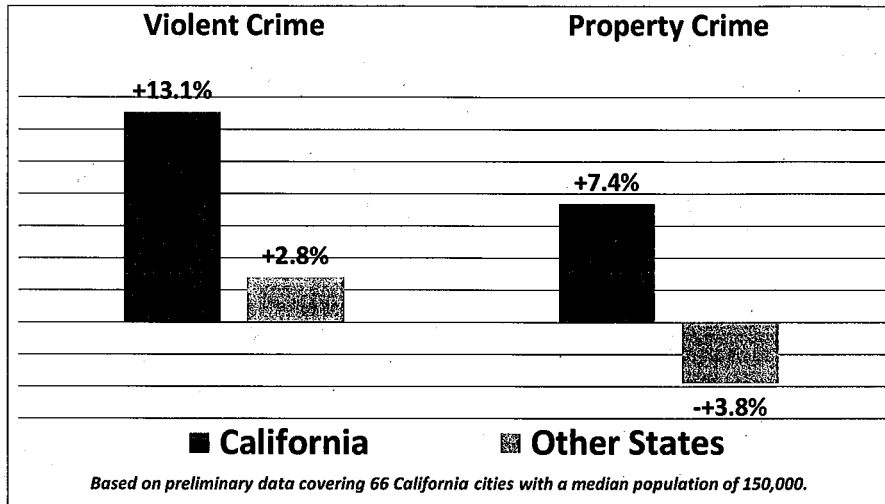
January to June, 2014-2015
Source: FBI Preliminary Semiannual Uniform Crime Report, 2015



Crime in California, Comparison

January to June, 2014-2015

Source: FBI Preliminary Semiannual Uniform Crime Report, 2015



Uniform Crime Reporting Categories

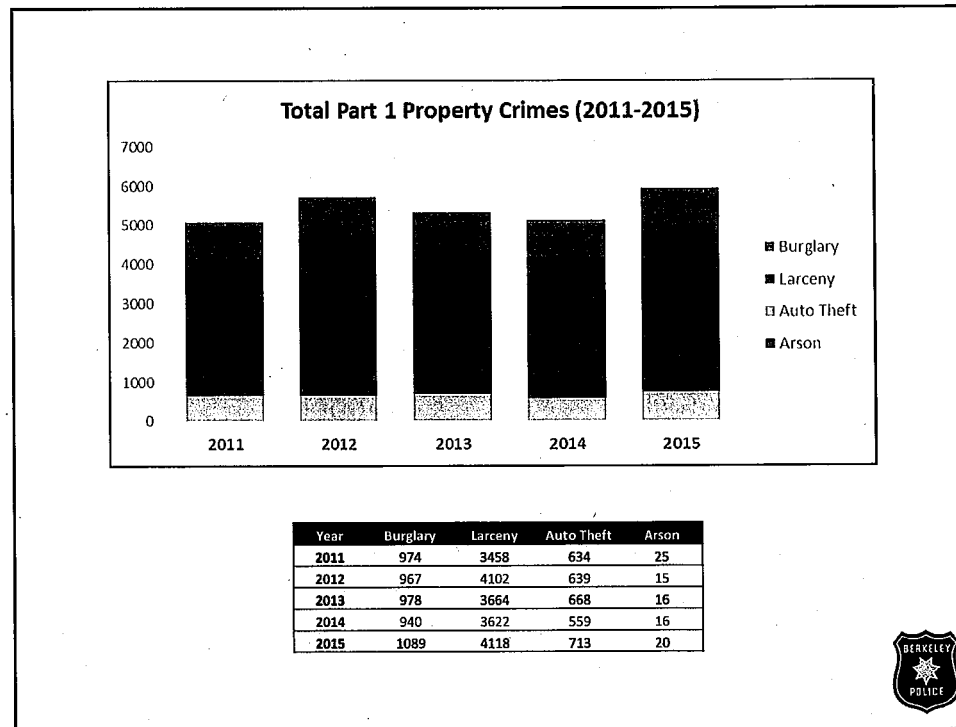
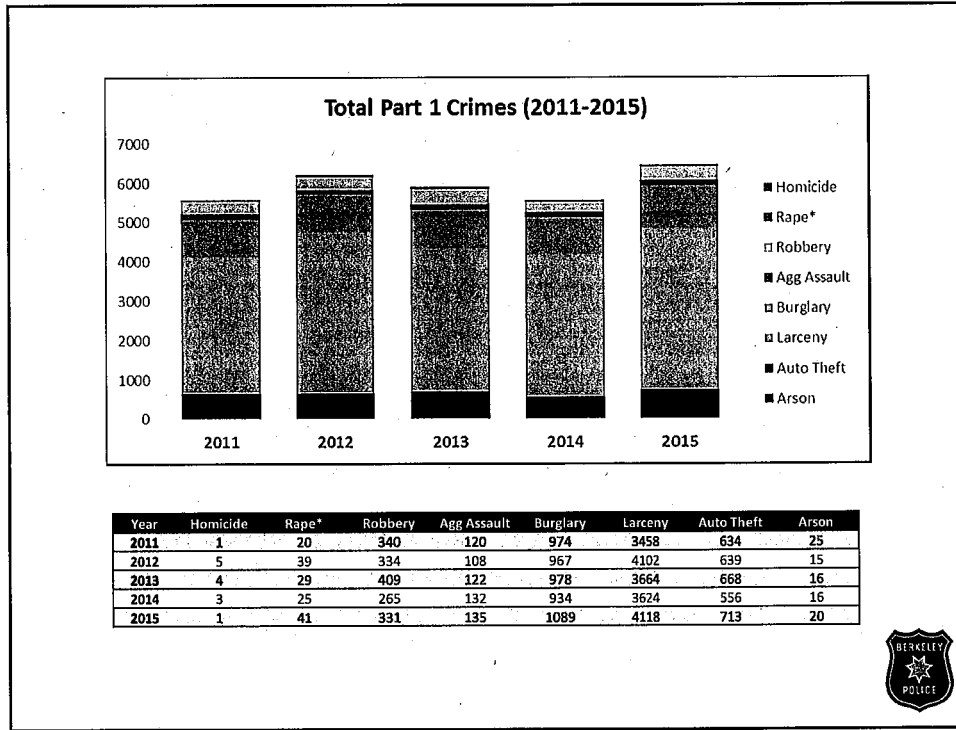
Property Crimes

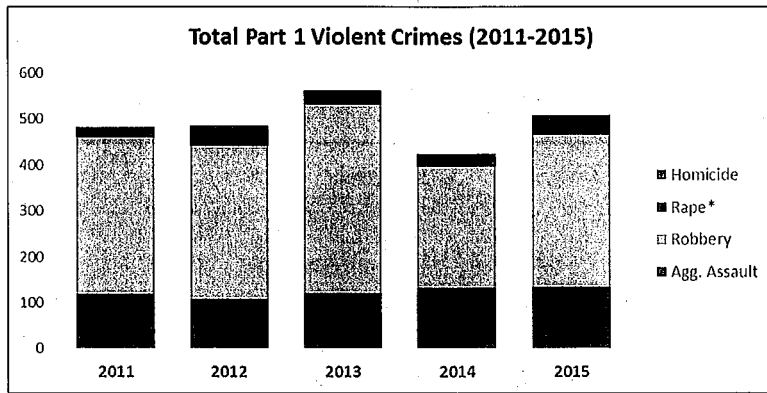
- Burglary
- Larceny
 - Petty Theft
 - Grand Theft
 - Auto Burglary
- Auto Theft
- Arson

Violent Crimes

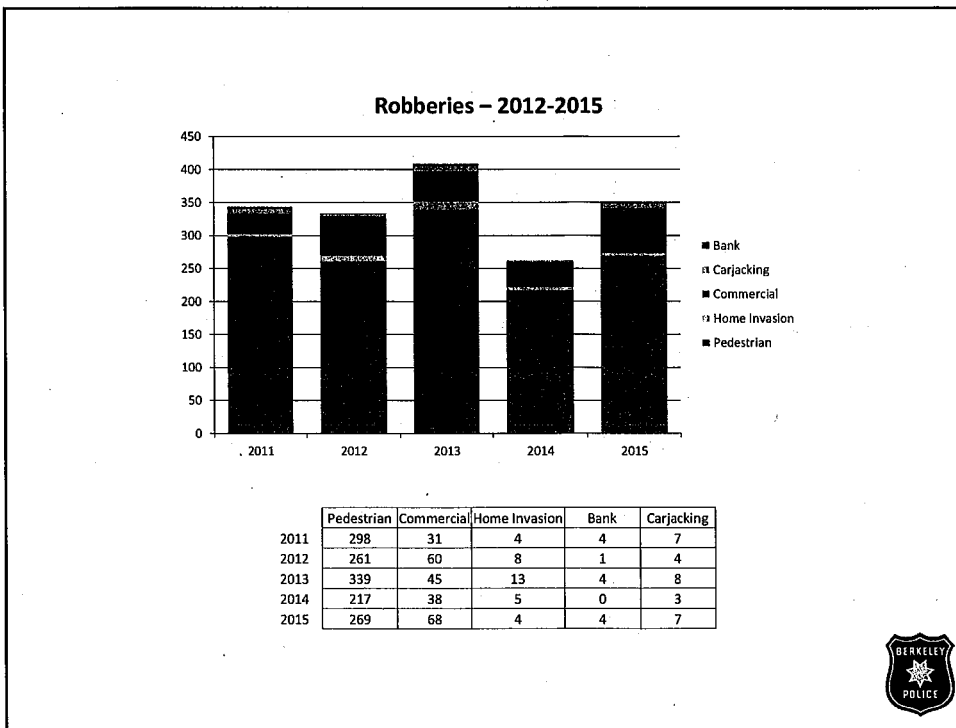
- Murder
- Rape
- Robbery
- Aggravated Assault





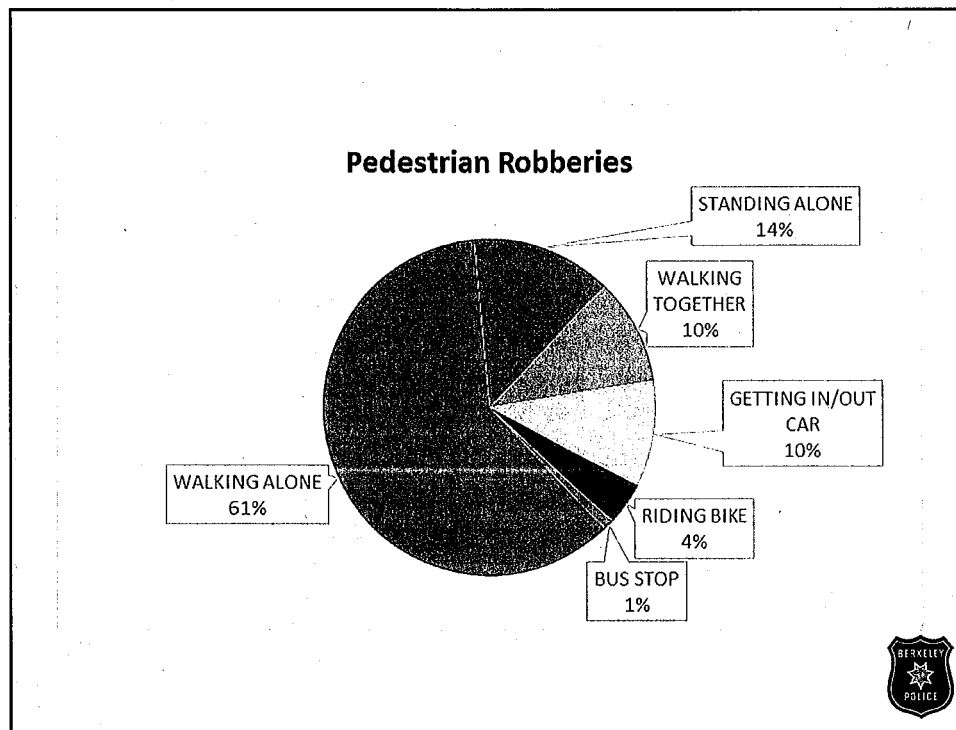


| Year | Homicide | Rape* | Robbery | Agg. Assault |
|------|----------|-------|---------|--------------|
| 2011 | 1 | 20 | 340 | 120 |
| 2012 | 5 | 39 | 334 | 108 |
| 2013 | 4 | 29 | 409 | 122 |
| 2014 | 3 | 25 | 265 | 132 |
| 2015 | 1 | 41 | 331 | 135 |



| | Pedestrian | Commercial | Home Invasion | Bank | Carjacking |
|------|------------|------------|---------------|------|------------|
| 2011 | 298 | 31 | 4 | 4 | 7 |
| 2012 | 261 | 60 | 8 | 1 | 4 |
| 2013 | 339 | 45 | 13 | 4 | 8 |
| 2014 | 217 | 38 | 5 | 0 | 3 |
| 2015 | 269 | 68 | 4 | 4 | 7 |

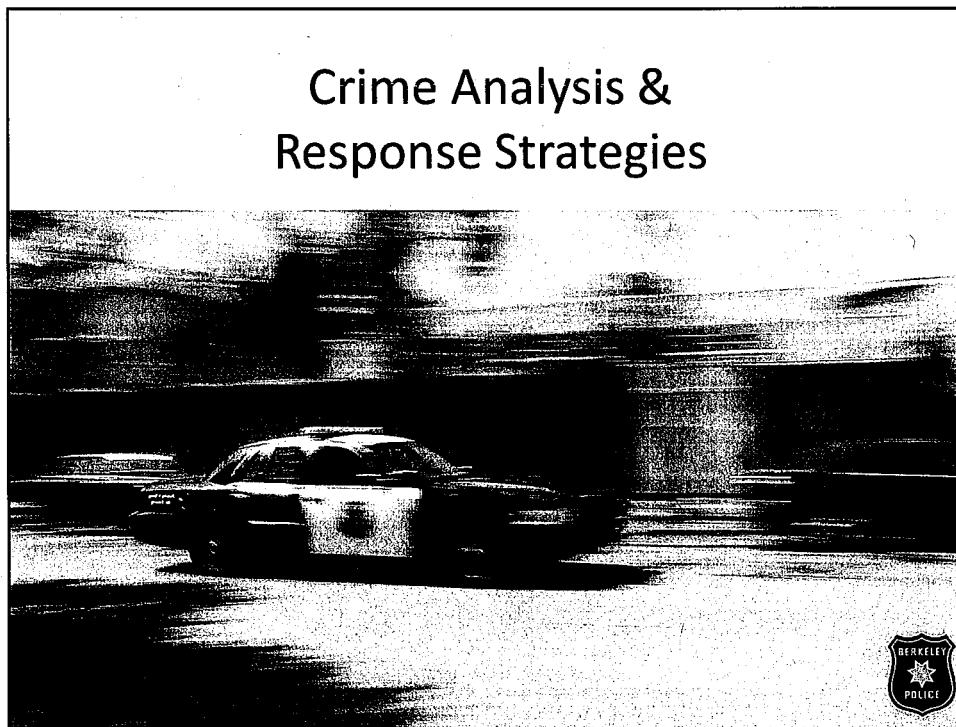
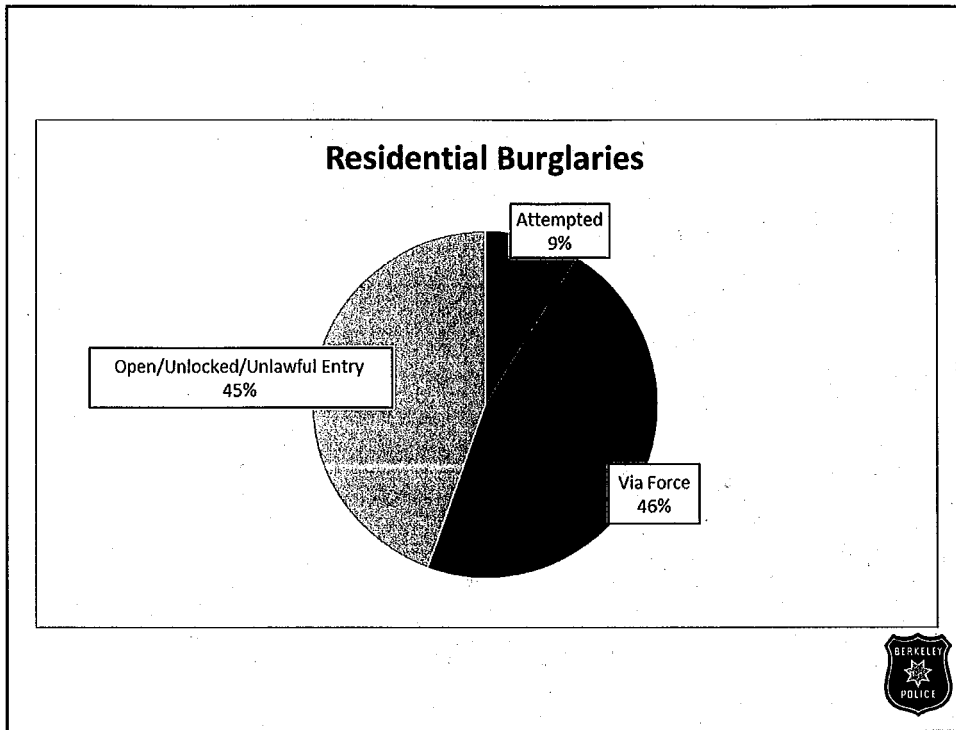


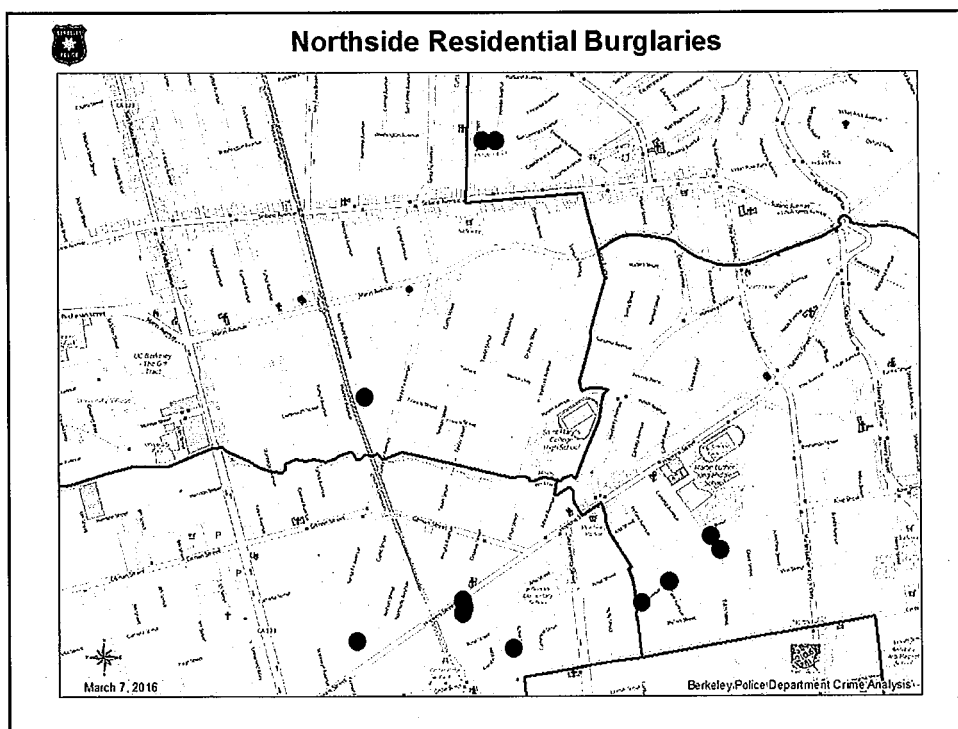
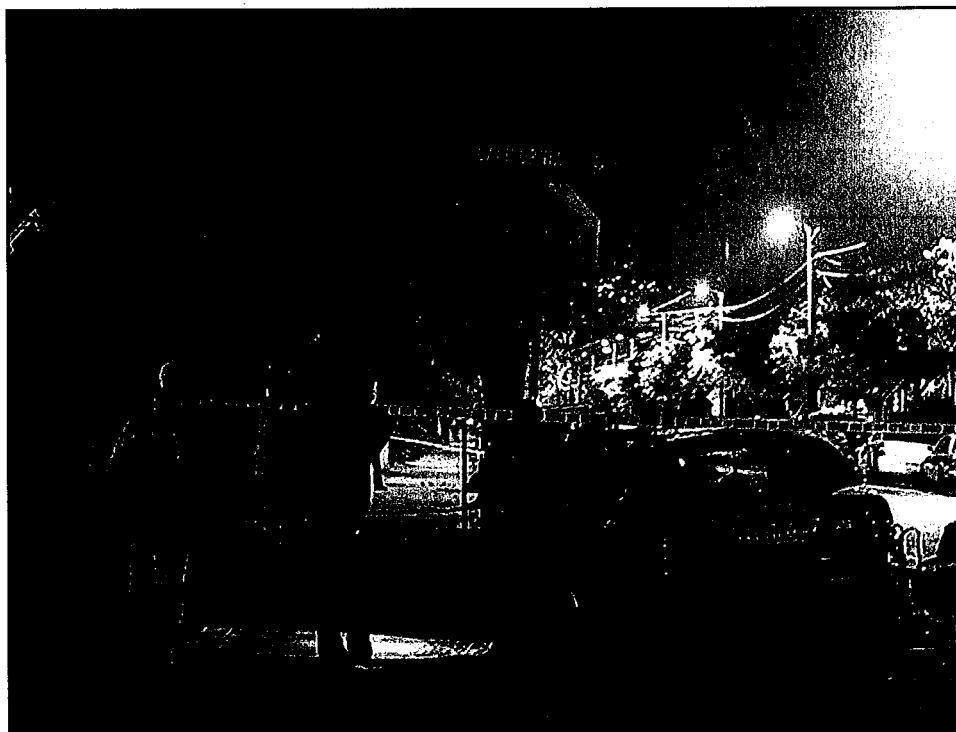


Personal Safety Measures

- Avoid walking alone, when possible
- Be aware of your surroundings
- Trust your instincts! If you feel someone's behavior is suspicious, take action. Turn around, retrace your path to a public place and other people; call police or take another route.
- Keep your cell phone or other electronic device out of sight .
- If you are a victim of robbery, do not resist. Be a good witness.
- Use your phone's tracking and security features.

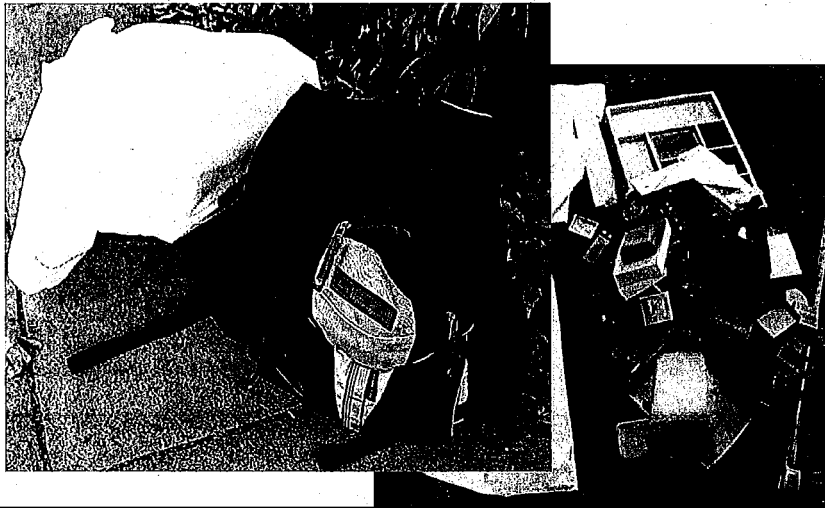






Northside Residential Burglaries

- Oakland resident arrested



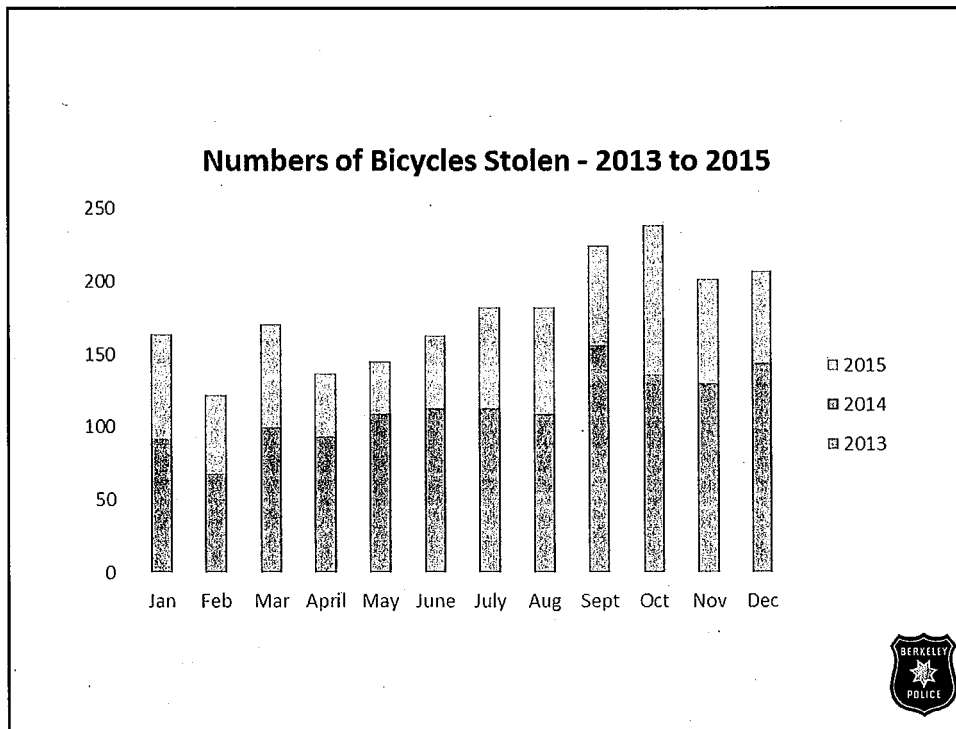
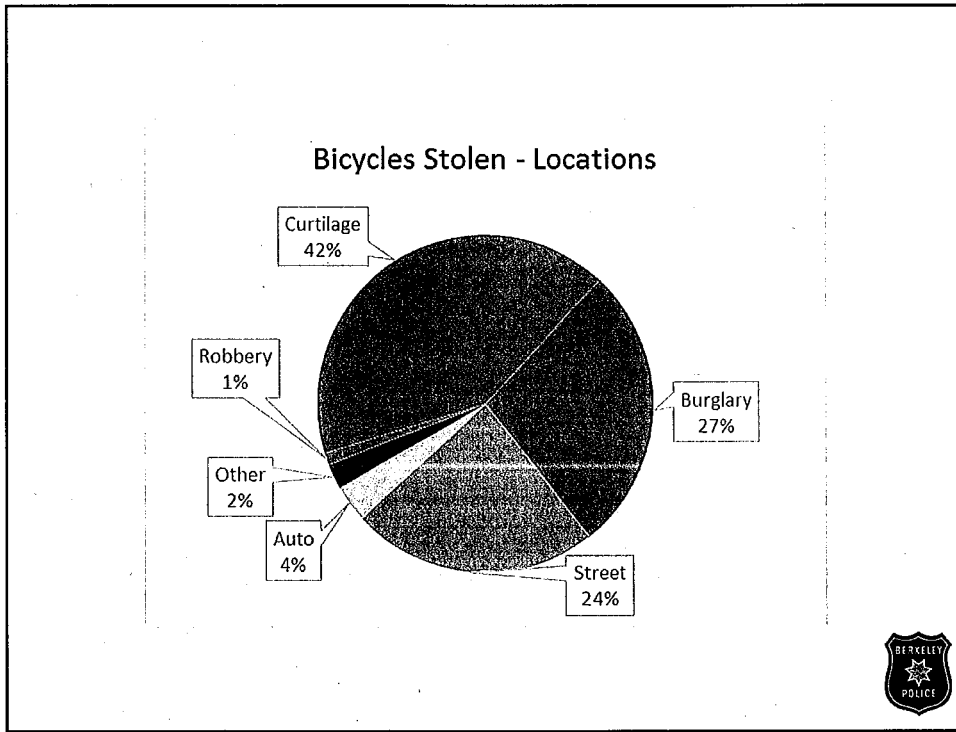
Property recovered from burglaries in:
Berkeley (11 cases), Oakland (4 cases), Albany (1 case)



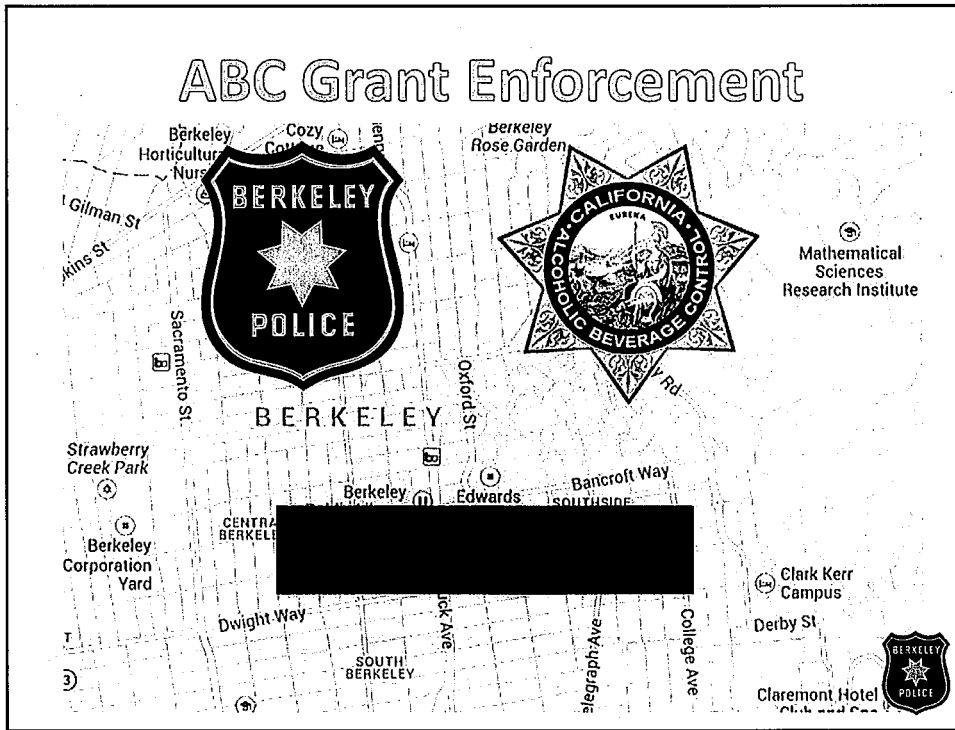
Prolific Auto Burglar Arrested

12+ Berkeley cases closed





ABC Grant Enforcement



Questions

