



Police Review Commission (PRC)

LEXIPOL POLICIES SUBCOMMITTEE
Commissioners Perezvelez (Chair), Ramsey, Roberts

AGENDA

Wednesday, June 12, 2019
5:30 p.m.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER

2. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)

3. APPROVAL OF AGENDA

4. OLD BUSINESS (discussion and action)

a. Complete review of the following Lexipol policies:

Lexipol #	G.O. (if any)	Title
337	D-21	Biological Samples
341	V-08	Volunteer Program
343		Gun Violence Restraining Orders
344		Off Duty Law Enforcement Action

(See April 10, 2019 packet.)

b. Review the following Lexipol policies, returned to the Subcommittee from the PRC on March 13, 2019:

Lexipol #	G.O. (if any)	Title
605		Brady Material Disclosure
702		Vehicle Maintenance
705		Personal Protective Equipment
902		Prison Rape Elimination
1000		Recruitment and Selection
1004		Anti-Retaliation

1005		Reporting of Employee Convictions
1025		Nepotism and Conflicting Relationships

(See May 22, 2019 packet)

5. NEW BUSINESS (discussion and action)

- a. Usage and meaning of the words "should" and "shall" in Lexipol policies.
- b. Review these Lexipol policies, revised by BPD following Subcommittee recommendations:

Lexipol #	Title
319	Hate Crimes
322	Information Technology Use
333	Private Persons Arrest

- c. Affirm changes Subcommittee made previously to:

Lexipol #302	Handcuffing and Restraints
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- d. Decide which policies to review next.

6. SCHEDULE NEXT MEETING DATE

7. ADJOURNMENT

Communications Disclaimer

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the PRC Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information.



Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 1st floor, during regular business hours.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Berkeley Police Department 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.

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 Berkeley Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, 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 Berkeley Police Department 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 Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

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:

Adult - Any person 18 years of age or older.

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

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CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Berkeley.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/BPD - The Berkeley Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Berkeley Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Berkeley Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of the Berkeley Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

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. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual. 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.

103.7 REVISIONS TO POLICIES

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 he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each division captain will ensure that members under his/her 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 captain, who will consider the recommendations and forward them to the command staff as appropriate.

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 Berkeley Police Department 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 ALTERNATIVE MEANS OF RESTRAINT

Alternative Means of Restraint include but are not limited to:

- (a) Handcuffing the person with their hands in front of their body
- (b) Handcuffing the person with multiple sets of linked handcuffs
- (c) Use of the entire WRAP system
- (d) Use of the WRAP's ankle strap
- (e) Use of plastic handcuffs "flex-cuffs"
- (a)(f) An ambulance gurney with five point straps

302.4 USE OF RESTRAINTS

Only members who have successfully completed Berkeley Police Department -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:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person.
- (d) Whether the person may be is known to be pregnant.
- (e) 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.
- (f) Whether the person has any other apparent disability.

302.4.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

302.4.2 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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.~~ If a person's hands cannot be restrained behind their back because of pregnancy, officers will attempt to accommodate their condition by using alternative means of restraint.

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

302.4.3 RESTRAINT OF JUVENILES

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

302.4.4 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

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 regardless of the circumstances, 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 applied between the base of the palm and the ulna bone of the wrist. 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 individual or may cause unreasonable discomfort due to the person's size, officers should consider Alternative Means of Restraint, ~~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/MASKS SOCKS

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

Spit ~~hoods-masks~~ 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-masks~~ should-shall ensure that the spit ~~hood-mask~~ is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers ~~should-shall~~ provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit ~~hoods-masks~~ with other detainees.

Spit ~~hoods-masks~~ should-shall 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-shall~~ be obtained. If the person vomits while wearing a spit ~~hood-mask~~, the spit ~~hood-mask~~ should-shall be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should-shall be thoroughly decontaminated including hair, head and clothing prior to application of a spit ~~hood-mask~~.

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

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.

302.6.1 USE OF THE WRAP

The WRAP may be used:

- (a) To restrain a combative person
- (b) To prevent potential violent/combative behavior
- (c) To inhibit a violent subject's effort to injure themselves
- (d) To prevent a violent subject from causing property damage
- (e) To facilitate safe physical transportation of violent/combative subjects
- (f) When conventional methods of restraint are not effective

As with any restraint device, do not assume the WRAP is escape-proof. Once applied, the subject should not be left unattended.

A person restrained by The WRAP can be placed on their side or in a sitting position. This will increase the person's oxygen recovery rate and reduce the potential for respiratory fatigue or positional asphyxia.

Only qualified personnel who have received training in the use of the WRAP should use this restraining device. Throughout the application of the WRAP, the subject must be physically controlled. Notwithstanding the subject's restraint, officers should remain aware of the person's ability to bite, spit and/or use head strikes against them.

302.6.2 TRANSPORTATION

Movement of the subject can be accomplished in three ways, depending on the level of their cooperation. The subject can either be carried, allowed to stand and shuffle walk, or be transported in a vehicle.

302.6.3 DEVICE REMOVAL

To remove the WRAP restraint, reverse the application procedure. Based on the prisoner's combativeness or level of aggression, officers should employ appropriate subject control techniques and tactics when removing restraint devices.

302.6.4 SAFETY PRECAUTIONS

Officers who use the WRAP should always be mindful of the following safety issues:

- (a) The subject should not be left unattended.
- (b) The WRAP is a temporary restraint device and is not escape-proof.
- (c) The WRAP should only be used by personnel trained in its function and application.
- (d) All device restraint straps should be checked frequently for tightness, and adjusted, as necessary, until The WRAP is removed.
- (e) The torso harness restraint straps should never be tightened to the point they interfere with the subject's ability to breathe.

(f) As soon as possible after being restrained in The WRAP, a prisoner should be placed in an upright sitting position or on their side to allow for respiratory recovery and to mitigate the potential for positional asphyxia.

(g) If a restrained subject complains of, or exhibits any of the following physiological conditions, immediate medical attention may be required:

1. Respiratory distress
2. Sudden quiet or inactivity
3. Chest pains, shooting pains down the arm
4. Change in facial color
5. Elevated temperature ("I'm burning up!")
6. Vomiting

302.8 APPLICATION OF THE WRAP's ANKLE LEG RESTRAINT STRAP DEVICES

The WRAP's ankle strap 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 ankle strap, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, 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 unit).

302.7.1 GUIDELINES FOR USE OF THE ANKLE STRAP LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the ankle strap device. In all cases, a supervisor shall be notified as soon as practicable after the application of the ankle strap 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.

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- (d) The restrained person should be continually monitored by an officer while the ankle strap is in use. 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) If in custody and transported by ambulance/paramedic unit, 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 circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If an individual 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 an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- ~~(a)~~—The amount of time the suspect was restrained.
- ~~(b)~~(a) How the suspect was transported and the position of the suspect.
- ~~(c)~~(b) Observations of the suspect's behavior and any signs of physiological problems.
- ~~(d)~~(c) Any known or suspected drug use or other medical problems.

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender, gender identity or gender expression
- (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
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

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 agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

319.2 POLICY

The Berkeley Police Department recognizes and places a high priority on the rights of all

individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

319.4- HATE CRIME vs. HATE INCIDENT

Many acts of hate violence fall under the category of a hate crime, which is punishable by law. However, not all hate incidents are hate crimes. For example, verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry out the threat.

For a hate incident to be categorized as a hate crime, it must violate a criminal law. A hate crime might include threatening phone calls, physical assaults, destruction of property, bomb threats, and/or the disturbance of religious meetings.

A hate incident that does not constitute a hate crime might include hate speech, display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage. Even if a hate incident does not rise to the level of a hate crime, the victim will still need support and assistance and may have an actionable civil claim as well.

319.5 CRIMINAL STATUTES

The key criminal statutes on hate crimes are

- (a) Penal Code § 422.6 which provides that it is a misdemeanor to both (a) threaten or injure an individual or (b) damage property because of the real or perceived beliefs or characteristics of the other person; and
- (b) Penal Code § 422.7 which provides that it is a felony to both (a) threaten or injure an individual (when the injury could or does result in great bodily injury) or (b) damage property (when the damage is in excess of \$950) because of the real or perceived beliefs or characteristics of the other person.

319.4319.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects at the scene, etc.), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 - 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers ~~shall~~ **should** interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 - 1. No victim or of a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 - 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources to further the investigation
- (g) The assigned officers ~~shall~~ **will** include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift
- (h) The assigned officers ~~shall~~ **will** provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations
- (i) The assigned officers and supervisor ~~shall~~ **should** take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

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319.4.1 SUPERVISOR RESPONSIBILITY

The supervisor ~~should~~~~should~~ confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor ~~shall~~~~ould~~:

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- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) 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.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see **Criminal Organizations Policy**).

319.4.2 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Management Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate. ~~(see Criminal Organizations Policy)~~.
- (f) Provide the supervisor and the Public Information Officer with information that can be responsibly reported to the media.
 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

319.5319.7 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 also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

Information Technology Use

322.1 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.

322.1.1 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 Berkeley Police Department 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. This does not include body worn cameras; see the Body Worn Cameras policy for information regarding their use.

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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.

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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.

322.2 POLICY

It is the policy of the Berkeley Police Department 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.

322.3 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.

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However, the Department may not require a member to disclose a personal username or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

322.4 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.

322.4.1 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 the member's supervisor, 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 City-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.

322.4.2 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.

322.4.3 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.

322.4.4 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.

322.5 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 ~~shall~~ 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.

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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.

322.6 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.

Reasons 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.

Private Person's Arrests

333.1 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.

333.2 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.

333.3 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.

333.4 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 ~~confirms determines~~ that a private person's arrest ~~appears to be~~ unlawful ~~shall/should~~ promptly release the arrested individual pursuant to Penal Code

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§ 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 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

333.5 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 **narrative** report regarding the circumstances and disposition of the incident.

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100	Law Enforcement Authority		A-01	Aug.	Aug. 29	Sept. 26	PRC approved
101	Chief Executive Officer			June, Aug.	Aug. 29	Sept. 26	PRC approved
102	Oath of Office			June, Aug.	Aug. 29	Sept. 26	PRC approved
103	Policy Manual		P-18	June, Aug.	Aug. 29	Sept. 26	PRC approved Oct. 10
200	Organizational Structure and Responsibility		D-02, D-06, R-04, U-03 PR 400'S	June, Aug.	Aug. 29	Sept. 26	SENT 5/16/17
201	Departmental Order		S-04	Aug.	Aug. 29	Sept. 26	PRC approved Oct. 10
202	Emergency Management Plan		D-09	Aug.	Aug. 29	Sept. 26	PRC approved Oct. 10
203	Training Policy		T-07	Aug.	Aug. 29	Sept. 26	PRC approved Oct. 10
204	Electronic Communications		E-12	June, Aug.	Aug. 29	Sept. 26	PRC approved Oct. 10
205	Administrative Communications			June, Aug.	Aug. 29	Sept. 26	PRC approved
206	Retiree Concealed Firearms	*	R-37	June	Sept. 17	Sept. 26	PRC approved
207	License to Carry a Firearm		C-03, C-00	JAN. 14	JAN. 14	FEB. 27	PRC approved
208	Departmental Forms	*	R-18	Sept. 26, MAR. 27	Sept. 26, Oct. 10, MAR. 27	FEB. 27	PRC approved May 8
300	Use of Force		U-02, U-1				CHIEF HAS THIS

¹ Numbers in **bold** denote Lexipol policies issued by BPD.

² Lexipol policies sent in June were not redlined; accompanied by corresponding G.O.s, if any. July distribution was at PRC meeting and included G.O.s and background of policy review. Re-distribution of GO's 100 – 205 in August was of redlined versions and G.O.s. not previously sent. All other policies sent in August were accompanied by corresponding G.O.s.

* Denotes policies that retain G.O. language. (See note re 401.)

³ TBA = Subcommittee has completed review but not yet agendized for full Commission.

Note: Months in Lowercase = 2018; Months in UPPERCASE = 2019

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301	Use of Force Review Boards		R-03				SENT 5/16/19
302	Handcuffing and Restraints		H-06, T&IB 247	June	Sept. 17, JAN. 14, JUNE 12	Sept. 26, JUNE 12	PRC Oct. 10 – delay pending presentation on spit hoods ; scheduled for PRC JUNE 12
303	Control Devices and Techniques		F-02	JAN. 14 APR. 10/ MAY 1, 8	JAN. 14 APR. 10/ MAY 1, 8	FEB. 27	PRC Feb. 27 concerns re tear gas, pepper spray concerns. MAY 8 (see below)
304	Conducted Energy Device			APR. 10	APR. 10/ MAY 1, 8		MAY 8 Subcomm. wants to hear from Chief re 303 & 304
305	Officer-Involved Shootings and Deaths		P-12				STILL BEING WORKED ON
306	Firearms		F-02, F-5, H-3, P-47				STILL BEING WORKED ON
307	Vehicle Pursuits		V-06	June, APR. 10	Sept. 17, APR. 10/ MAY 1, 8		9-17: Subcomm. to discuss further. MAY 8: Subcomm. wants to hear from Chief (?)
308	Canines		Council Res. 51,408- N.S.	June	Sept. 17, Nov. 7, JAN. 14	Sept. 26; FEB. 27	Withdrawn Sept. 26; revised; PRC approved FEB. 27
309	Officer Response to Calls			June	Sept. 17	Sept. 26	PRC approved
310	Domestic Violence		D-05	June	Sept. 17	Sept. 26	PRC approved Oct. 10
311	Search and Seizure		S-06	June	Sept. 17	Sept. 26	PRC approved Oct. 10
312	Temporary Custody of Juveniles		I-15, J-18	June, Sept 26	Sept. 17, 26	Oct. 10	PRC approved FEB. 13
313	Adult Abuse			June, Sept	Sept. 17, 26	Oct. 10	PRC approved FEB. 13

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314	Discriminatory Harassment		H-07	June, July, Sept 26	Sept. 17, 26, Nov. 7	Oct. 10	<i>PRC approved FEB. 13</i>
315	Child Abuse		C-08	June, Sept 26	Sept. 17, 26	Oct. 10	<i>PRC approved FEB. 13</i>
316	Missing Persons		M-01	MAR. 27	MAR. 27, APR. 10/ MAY 1, 8 JUNE 12	MAY 22 JUNE 12	<i>PRC approved MAY 22 but must be re-agendized. (Also omission in version to PRCc.)</i>
317	Public Alerts		E-11	MAR. 27	MAR. 27	APR. 24	<i>PRC approved MAY 8</i>
318	Victim and Witness Assistance		A-60	June, Sept 26	Sept. 17, 26, Oct. 10	N/A	<i>PRC approved Sex Worker Safety Subcomm. proposal MAR. 27; re-issued APR. 5</i>
319	Hate Crimes		H-04	June, Sept 26, APR. 10 JUNE 12	Sept. 17, 26, Oct. 10, Nov. 7, APR. 10/MAY 1,8 JUNE 12	FEB. 27	<i>MAY 8 Subcomm. approved should/shall changes to 6(e),(g),(h); BPD revisions to Subcomm. JUNE 12</i>
320	Department Use of Social Media			June, Sept 26	Sept. 17, 26, Oct. 10		<i>Per BPD 11-7 being further revised.</i>
321	Standards of Conduct		P-25	MAR. 27	MAR. 27, APR. 10/ MAY 1, 8	MAY 22 JUNE 12	<i>PRC approved MAY 22 but must be re-agendized.</i>
322	Information Technology Use		E-12	APR. 10 JUNE 12	APR. 10/ MAY 1, 8 JUNE 12		<i>MAY 8 Subcomm. approved w/ ref to BWCs and phones; BPD revs to Subcomm. JUNE 12</i>

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323	Report Preparation		C-07	June, Sept 26, revision Oct. 10	Sept. 17, 26, Oct. 10		On hold. - PENDING U-2 (300) BEING ISSUED
324	Media Relations		P-29	June, Sept 26, revision MAR. 27, 2 nd rev MAY 8	Sept. 17, 26, Oct. 10, MAR. 27, APR. 10/ MAY 1, 8		Updated version sent to PRC 5/29/19. Subcomm. to determine how to proceed.
325	Subpoenas and Court Appearances		C-62	MAR. 27	MAR. 27, APR. 10/ MAY 1, 8	MAY 22 JUNE 12	PRC approved MAY 22 but must be re-agendized.
326	Reserve Officers		R-33	JAN. 14	JAN. 14	FEB. 27	PRC approved
327	Mutual Aid and Outside Agency Assist		M-02	MAR. 27	MAR. 27, APR. 10/ MAY 1, 8		MAY 8 Subcomm. approved with changes... MAKING THE CHANGES STAND BY FOR UPDATED VERSION
328	Registered Offender Information		D-21, M6	JAN. 14	JAN. 14	FEB. 27	PRC approved
329	Major Incident Notification		A-49	APR. 10	APR. 10/ MAY 1, 8, 22	TBD	
330	Death Investigation		E-09, Q-1	June, Sept 26, revision FEB. 13	Sept. 17, 26, Oct. 10, FEB. 13	FEB. 27	PRC approved
331	Identity Theft			June, Sept 26	Sept. 17, 26, Oct. 10	FEB. 27	PRC approved
332	Communications with Persons with Disabilities		T-19	June, Sept 26	Sept. 17, 26, Oct. 10	FEB. 27	PRC approved

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333	Private Persons Arrest		A-50	APR. 10 JUNE 12	APR. 10/ MAY 1,8,22 JUNE 12		BPD revisions to Subcomm JUNE 12
334	Anti-Reproductive Rights Crimes Reporting			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
335	Limited English Proficiency Services			Nov. 7	Nov. 7	FEB. 27	<i>PRC approved</i>
336	Mandatory Employer Notification			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
337	Biological Samples		D-21	APR. 10	APR. 10/ MAY 1,8,22 JUNE 12		
338	Chaplains	*	C-45	Sept. 26	Sept. 26, Oct. 10	FEB. 27	<i>PRC approved</i>
339	Community Relations (former 351)			Nov. 7	Nov. 7	FEB. 27	<i>PRC approved</i>
340	Child and Dependent Adult Safety			Nov. 7	Nov. 7	FEB. 27	<i>PRC approved</i>
341	Volunteer Program		V-08	APR. 10	APR. 10/ MAY 1,8,22 JUNE 12		
342	Service Animals			APR. 10	APR. 10/ MAY 1,8,22	TBD	
343	Gun Violence Restraining Orders			APR. 10	APR. 10/ MAY 1,8,22 JUNE 12		
344	Off Duty Law Enforcement Action			APR. 10	APR. 10/ MAY 1,8,22 JUNE 12		

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345	Native American Graves Protection and Repatriation			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
346	Honor Guard	*	H-01	Sept. 26	Sept. 26, Oct. 10	FEB. 27	<i>PRC approved</i>
347	Firearms Training Unit		F-05				SENT 2/8/19
348	Youth Services Detail	*	J-18 (part)	Sept. 26	Sept. 26, Oct. 10	FEB. 27	<i>PRC approved</i>
349	Tactical Rifle Operator	*	F-06				SENT 2/25/19
350	Public Appearances	*	P-16	Sept. 26	Sept. 26, Oct. 10	FEB. 27	<i>PRC approved</i>
351	Second Response	*	T&B 249				SENT 2/25/19
400	Patrol Function			Nov. 7	Nov. 7	FEB. 27	<i>PRC approved</i>
401	Racial or Bias-Based Profiling	*	B-04	July	Aug. 29	Sept. 26	<i>PRC approved</i>
402	Briefing Training			Nov. 7	Nov. 7	FEB. 27	<i>PRC approved</i>
403	Crime and Disaster Scene Integrity		C-52				Per BPD, will be further revised - STILL WORKING ON
404	Special Response Team		X-01				STILL WORKING ON
405	Ride Along Program		T&B 128	JAN. 14	JAN. 14	FEB. 27	<i>PRC approved</i>
406	Hazardous Material Response		T-16 (para. 35 et seq)	JAN. 14	JAN. 14	FEB. 27	<i>PRC approved</i>
407	Hostage and Barricade Incidents		X-01				SENT 2/8/19
408	Response to Bomb Calls		B-03				STILL WORKING ON
409	Crisis Intervention Incidents						SENT 2/8/19
410	Mental Illness Commitments		I-16				SENT 4/5/19
411	Cite and Release Policy		C-10				SENT 2/8/19

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412	Foreign Diplomatic and Consular Representatives						SENT 2/8/19
413	Rapid Response and Deployment		U-04, V-4				SENT 2/8/19
414	Use of Narcan (Naloxone)	*	A-18	Sept.	Sept. 17	Sept. 26	PRC approved
415	Immigration Law		Res. No. 68,131-NS	MAY 22	MAY 22	MAY 22	PRC approved
416	Emergency Utility Service			Sept.	Sept. 17	Sept. 26	PRC approved
417	Aircraft Accidents			Sept.	Sept. 17	Sept. 26	PRC approved
418	Obtaining Air Support		Council Res. 51,408-N.S.	Sept., revision MAY 8	Sept. 17, APR. 10/ MAY 1, 8	Sept. 26, MAY 22	PRC approved Sept. 26 but revised. PRC approved MAY 22.
419	Field Training Officer Program		F-03				SENT 2/11/19
420	Medical Marijuana Foot Pursuits						SENT 2/11/19
421	Detentions and Photographing Detainees		R-29				SENT 2/11/19
422	ALPR SYSTEM	*	Adm. Order #001-2016				SENT 2/25/19
423	Watch Commanders			JAN. 14	JAN. 14	FEB. 27	PRC approved
424	Mobile Data Terminal Use						SENT 2/11/19
425	Body Worn Cameras						Reviewed by full Commsn; recommendations sent to Chief 3/25/19
426	Public Recording of Law Enforcement Activity	*	W-01				SENT 2/25/19
427	Foot Pursuit Medical Marijuana						SENT 2/11/19

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429-428	First Amendment Assemblies (formerly 429)	*	C-64	JAN. 14, APR. 10	JAN. 14, APR. 10/ MAY 1, 8	FEB. 27	MAY 8: Subcomm. approved with changes to Chief? Need clarification.
430-429	Intelligence Procedures for First Amendment Assemblies	*	C-01	JAN. 14	JAN. 14	FEB. 27	PRC approved
430-1	Civil Disputes			JAN. 14	JAN. 14, FEB. 13	FEB. 27	PRC approved
428-431	Medical Aid and Response						SENT AS 435 8/17/18, RESENT AS 428 4/5/19
432	Suspicious Activity Reporting	*	N-17				STILL WORKING ON
433-6	Situational Awareness Group	*	N-18		Sept. 26, Oct. 10	FEB. 27	PRC approved
434	Animal Control		A-31, A-32				SENT 2/11/19
500	Traffic Function and Responsibility		E-14, T-03				SENT 2/11/19
501	Motor Vehicle Collision Investigations		T-16	JAN. 14	JAN. 14, FEB. 13	MAR. 13	PRC approved
502	Vehicle towing and Release		V-02				SENT 4/5/19
503	Vehicle Impound Hearings		V-02				SENT 2/11/19
504	Impaired Driving and Evidence Collection		A-53				SENT 2/11/19
505	Traffic Citations		J-18, M-04				SENT 2/11/19
506	Disabled Vehicles		T-18	JAN. 14	JAN. 14, FEB. 13, APR. 10, MAY 8	MAR. 13 TBD	PRC MAR. 13 Return to Subcomm. MAY 8 Subcomm approved w/ should/shall changes
507	72-Hour Parking Violations		V-02				SENT 2/11/19
508	Adult Crossing Guard	*	A-02	Aug.	Aug. 29	Sept. 26	PRC approved

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600	Investigation and Prosecution		C-02, C-51, C-52				SENT 2/11/19
601	Sexual Assault Investigations						SENT 2/11/19
602	Asset Forfeiture		A-61				SENT 2/11/19
603	Informants		D-04, S-8				SENT 2/11/19
604	Eyewitness Identification						SENT 2/11/19
605	Brady Material Disclosure			Nov. 7, MAY 22	Nov. 7, JAN. 14, MAY 22 JUNE 12	MAR. 13	PRC Return to Subcomm
606	Warrant Service		S-06, W-04				SENT 2/11/19
607	Operations Planning and Deconfliction		D-04				SENT 2/11/19
608	Detective Bureau		D-02				STILL WORKING ON
609	Stolen Vehicle Investigation	*	V-5		Sept. 17, 26, Oct. 10		STILL WORKING ON
610	Licensed Liquor Establishments, Conduct of	*	D-01	Aug.	Aug. 29	Sept. 26	PRC approved (as 611)
700	Department Owned and Personal Property		C-17, E-07				SENT 2/11/19
701	Personal Communication Devices						SENT 4/5/19
702	Vehicle Maintenance			JAN. 14, MAY 22	JAN. 14, FEB. 13, MAY 22 JUNE 12	MAR. 13	PRC Return to Subcomm
703	Vehicle Use		V-01				SENT 2/11/19
704	Cash Handling, Security and Management						SENT 2/11/19

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705	Personal Protective Equipment			JAN. 14, MAY 22	JAN. 14, FEB. 13, MAY 22, JUNE 12	MAR. 13	PRC Return to Subcomm
706	Emergency Response Vehicle	*	V-11	July	Sept. 17	Sept. 26	PRC approved
707	Long Range Acoustical Device (LRAD)		None				SENT 4/5/19
800	Crime Analysis		C-04	July, JAN. 14	JAN. 14, FEB. 13	FEB. 27	PRC approved
801	Communications Operations		T-01				SENT 2/11/19
802	Property and Evidence	*	P-66, P67, P-65	Sept.	Sept. 17	Sept. 26	PRC approved
803	Records Management		R-30				SENT 2/11/19
804	Records Maintenance and Release		R-23, R-23A, R-32, I-02				STILL WORKING ON
805	Protected Information		R-10				SENT 2/11/19
806	Computers and Digital Evidence	*	P-64				SENT 2/25/19
808	Computer Voice Stress Examinations	*	P-33	Aug.	Aug. 29	Sept. 26	PRC approved
809	Burial Permits – Emergency	*	P-10	Aug.	Aug. 29	Sept. 26	PRC approved
900	Temporary Custody of Adults		I-15, J1, AS4				STILL WORKING ON
901	Custodial Searches		J-01, S-7				STILL WORKING ON
902	Prison Rape Elimination			Nov. 7, MAY 22	Nov. 7, JAN. 14, MAY 22, JUNE 12	MAR. 13	PRC Return to Subcomm.

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903	Detainee Transportation	*	T-02	Aug.	Aug. 29	Sept. 26	<i>PRC approved</i>
1000	Recruitment and Selection			Nov. 7, May 22	Nov. 7, JAN. 14, MAY 22, JUNE 12	MAR. 13	PRC Return to Subcomm
1001	Performance Appraisal Reports		P-28				SENT 2/11/19
1002	Special, Temporary Duty or Specialized Duty Assignments - Application and Selection	*	P-15	Aug.	Aug. 29	Sept. 26	<i>PRC approved</i>
1003	Grievance Procedure		G-02				SENT 2/11/19
1004	Anti-Retaliation			Nov. 7, May 22	Nov. 7, JAN. 14, MAY 22, JUNE 12	MAR. 13	PRC Return to Subcomm
1005	Reporting of Employee Convictions			Nov. 7	Nov. 7, JAN. 14, MAY 22, JUNE 12	MAR. 13	PRC Return to Subcomm
1006	Drug and Alcohol Free Workplace		D-19				SENT 2/11/19
1007	Sick Leave		S-05				SENT 2/11/19
1008	Communicable Diseases		H-05, P24				STILL WORKING ON
1009	Smoking and Tobacco Use			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1010	Personnel Complaints		P-26, R3				SENT 4/5/19
1011	Seat Belts			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1012	Body Armor			July, JAN. 14	JAN. 14, FEB. 13	MAR. 13	<i>PRC approved</i>
1013	Personnel Files						STILL WORKING ON
1014	Commendations		P-21	JAN. 14	JAN. 14, FEB. 13	MAR. 13	<i>PRC approved</i>
1015	Fitness for Duty			(Next)			

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1016	Meal Periods and Breaks			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1017	Lactation Break Policy			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1018	Payroll Record Procedures			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1019	Overtime Compensation Requests		D-15				SENT 2/11/19
1020	Outside Employment		P-20	JAN. 14	JAN. 14, FEB. 13	MAR. 13	<i>PRC approved</i>
1021	Occupational Disease and Work-Related Injury		P-24				SENT 2/11/19
1022	Personal Appearance Standards			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1023	Uniform Regulations		D-17, E-07				SENT 2/11/19
1024	Police Aide Program			Nov. 7	Nov. 7, JAN. 14	MAR. 13	<i>PRC approved</i>
1025	Nepotism and Conflicting Relationships			Nov. 7, MAY 22	Nov. 7, JAN. 14, MAY 22, JUNE 12	MAR. 13	<i>PRC Return to Subcomm</i>
1026	Department Badges			Sept.	Sept. 17	Sept. 26	<i>PRC approved</i>
1027	Temporary Modified-Duty Assignments			Nov. 7	Nov. 7, JAN. 14	MAR. 13	<i>PRC approved</i>
1028	Attendance - Conferences and Meetings	*	C-46	Aug.	Aug. 29	Sept. 17	<i>PRC approved (as 1034)</i>
1029	Employee Speech, Expression and Social Networking			Nov. 7	Nov. 7, JAN. 14		IN MEET/CONFER WITH BPA
1030	The Safety Committee		P-24				SENT 2/11/19
1031	Line of Duty Deaths		O-11				SENT 2/11/19
1032	CISM / PEER SUPPORT		P-50				STILL WORKING ON
1033	Employee Absences	*	P-17	Sept. 26	Sept. 26, Oct. 10	MAR. 13	<i>PRC approved</i>

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1034	Complaint Review Board		R-3				NO LEXIPOL LANGUAGE - R-3 LANGUAGE UPDATED - STILL WORKING ON
1035	Traffic Collision Review Board		R-3				NO LEXIPOL LANGUAGE - R-3 LANGUAGE UPDATED - STILL WORKING ON

208	Review Boards								<u>MOVED TO 1028</u>
209	Policy, Procedural and Informational Documents								<u>NOT USING THIS POLICY</u>
{414}	Reporting Policy Activity Outside of Jurisdiction						Sept-26		Withdrawn from Lexipol
{418}	Field Training Officer Program								<u>Moved to 419</u>
421	Criminal Organizations								<u>SET ASIDE FOR NOW - LIKELY WONT USE</u>
422	Mobile Audio Video In-Car								<u>WE DON'T HAVE IN-CAR CAMS - SET ASIDE</u>
428	Bicycle Patrol Unit								<u>SET ASIDE - NO BIKE UNIT</u>
433	Homeless Persons								<u>SET ASIDE FOR NOW PER CSB</u>
437	Special Investigations Unit					D-04			<u>SET ASIDE - NO SEU - ALL BPD CONTENT ANYWAY</u>
804	Restoration of Firearm Serial Numbers								<u>WONT' BE USED - ACSO DOES THIS</u>
{808}	Animal Control								<u>MOVED TO 434</u>
{809}	Jeanne Clery Campus Security Act								<u>WON'T BE USED - NOT APPLICABLE - FOR UC CAMPUS</u>
{1014}	Request for Change of Assignment								<u>NOT USING THIS POLICY</u>
{1028}	Review Boards								<u>SPLIT AND MOVED TO 1034/1035</u>
{1029}	Performance History Audits					E-13			<u>NOT USING THIS POLICY -</u>
1033	Career Development Program					C-05			<u>NOT USING THIS POLICY - ALL BPD GO ANYWAY</u>