



Police Review Commission (PRC)

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

**AGENDA**

Thursday, July 18, 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. Review the following Lexipol policies

Lexipol #	G.O. (if any)	Title
200*	D-06, Police Regs Ch. 4	Organizational Structure and Responsibility <i>(Previously reviewed but BPD has since revised.)</i>
301*	R-03	<i>Use of Force Review Boards (Updated from July 10.)</i>
409		Crisis Intervention Incidents
410	I-16	Mental Illness Commitments
411	C-10	Cite and Release Policy
412		Foreign Diplomatic and Consular Representatives
413	U-04, V-04	Rapid Response and Deployment

\* Included in this packet. All other policies distributed with July 10, 2019 agenda.

- b. Decide which policies to review next.

**5. SCHEDULE NEXT MEETING DATE**

**6. 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, 1<sup>st</sup> floor, during regular business hours.

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

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

Commented [SSM1]: Lexipol language

### 200.2 ORGANIZATIONAL HEIRARCHY

The general hierarchy of the department's divisions, bureaus, etc. is as follows:

Commented [SSM2]: New language

- Department
- Divisions
- Bureaus
- Units
- Details
- Officer/Sergeant/Detective

### 200.3 GENERAL RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

It shall be the duty and responsibility of each employee to fulfill, to the greatest extent possible, the functions of the Police Department and the Division, Bureau or Unit to which one is assigned and to perform any duty assigned by a supervisor. An employee's work performance shall be in keeping with the focus of the Department's Mission Statement.

Commented [SSM3]: PR 400

### 200.4 INDIVIDUAL RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Each employee of the Department is individually responsible for:

Commented [SSM4]: PR 401

- (a) The proper execution of assigned duties
- (b) The prevention of crime
- (c) The suppression of crime
- (d) The enforcement of laws
- (e) The arrest of offenders, depending upon the nature of his/her specific assignment
- (f) Maintenance of proper public relations
- (g) Maintenance of discipline
- (h) Adherence to rules, regulations, orders and Departmental procedures
- (i) Enforcement of rules, regulations, orders and procedures among subordinates, depending upon the nature of his/her specific assignment
- (j) Promptly reporting through channels developments that may adversely affect public or official relations
- (k) Initiating police action when necessary
- (l) The proper care and use of Departmental equipment, supplies and facilities

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#### **200.5 RESPONSIBILITIES OF SUPERVISORY EMPLOYEES**

Commented [SSM5]: PR 402

Each supervisory employee, in addition to the general and individual responsibilities, shall be responsible for:

- (a) The detailed inspection of all activities of the employees under one's supervision
- (b) An intimate knowledge of the duties and responsibilities of one's subordinates
- (c) Proper performance of duties and adherence to policies and procedures by each member of one's unit
- (d) The enforcement of rules and regulations among members of one's unit
- (e) Working as closely with one's subordinates as time and area permit.
- (f) Providing leadership in carrying out police activities
- (g) Coordination of effort when more than one employee is involved and the proper assignment of duties to each person
- (h) Functional supervision of employees not directly supervised
- (i) Detailed training on the job as necessary to insure efficient operations by one's subordinates
- (j) The effective operation of one's unit
- (k) Providing command to members of one's division as necessary in the absence of divisional command or a ranking officer

#### **200.6 RESPONSIBILITIES OF COMMANDING OFFICERS**

Commented [SSM6]: PR 403

Each Commanding Officer, in addition to the general and individual responsibilities of each officer, employee, supervisory officer and supervisor, shall be held responsible for:

- (a) The proper direction and control of personnel under one's command
- (b) The maintenance of discipline among members of one's command
- (c) Proper performance of duties and adherence to policies and procedures by each member of one's command
- (d) The enforcement of rules and regulations among members of one's command
- (e) Providing supervision and command to members of other divisions as necessary
- (f) The proper discharge of detailed divisional responsibilities
- (g) The proper condition and maintenance of quarters assigned to one's command
- (h) The proper maintenance, use and operation of equipment, supplies and materials assigned for divisional use
- (i) The prompt initiation of employee, supervisory, or administrative action when necessary to fulfill a functional responsibility of the Department when such action is not otherwise being taken
- (j) The effective operation of one's division or unit
- (k) Providing for continuation of command and/or supervision in one's absence
- (l) Preparation of correspondence pertaining to activities of the division
- (m) Complete Duty Command assignments as scheduled



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## 200.7 FUNCTIONAL RESPONSIBILITIES OF THE POLICE DEPARTMENT

Commented [SSM7]: PR 404

The functions of the Police Department include, but are not limited to the following:

- (a) Maintaining law and order in the City
- (b) Enforcing all laws of the United States and the State of California, and all Ordinances of the City, except when such enforcement is by such law, Ordinance, or the Charter of the City made the responsibility of a state or federal agency or officer
- (c) Administering the City jail and the care, custody and control of prisoners
- (d) Performing other functions as may be assigned by the City Manager or prescribed by Ordinance of the Council or by applicable State law.

Section 2.64.020 of the Berkeley Municipal Code provides that "The Chief of Police, subject to the approval of the City Manager, shall organize and maintain such divisions in said department as the operations may in his judgment require."

## 200.8 OFFICE OF THE CHIEF

Commented [SSM8]: PR 405

### 200.7.1 THE CHIEF OF POLICE

Commented [SSM9]: 405a

The functions of the Chief of Police include, but are not limited to the following:

- (a) Setting objectives for the Department
- (b) Developing and adopting policies and procedures
- (c) Prescribing penalties for violations of any such policies or procedures and providing for the enforcement of said penalties
- (d) Providing for staffing
- (e) Inspecting, assigning and promoting personnel
- (f) Reporting on Department accomplishments
- (g) Maintaining good public, employee and official relations
- (h) Developing the Departmental budget
- (i) Keeping the City Manager informed of incidents or developments that may adversely affect public or official relations

### 200.7.2 THE INTERNAL AFFAIRS BUREAU

Commented [SSM10]: 405b

The Internal Affairs Bureau is administered by two sergeants who are directly responsible to the Chief of Police. The functions of the Internal Affairs Bureau include, but are not limited to:

- (a) Investigating citizen complaints alleging misconduct by Police Department personnel
- (b) Investigating internally originated personnel complaints as assigned by the Chief of Police
- (c) Coordinating the Department's Board of Review process
- (d) Assisting the City Attorney's Office in the investigation of civil claims against the Department and/or its employees
- (e) Assisting the City Attorney's Office in the preparation and presentation of Pitchess Motions
- (f) Acting as liaison with the Office of the City Attorney, the Police Review Commission and legal defense attorneys
- (g) Advising the Chief of Police on matters relating to discipline and issues of liability and training as they relate to the disciplinary process

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## 200.9 INVESTIGATIONS DIVISION STRUCTURE

The Investigations Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Investigations Division consists of the Detective Bureau, and the Traffic Bureau.

Commented [SSM11]: Lexipol Content

### 200.9.1 THE DETECTIVE BUREAU

The Detective Bureau is administered by a lieutenant who is directly responsible to the Investigations Division Captain. The functions of the Detective Bureau include, but are not limited to:

Commented [SSM12]: PR 408a

- (a) Handling follow-up investigations of all reported crime involving adults and juveniles (with the exception of crimes involving auto burglary, thefts from autos and traffic-related matters)
- (b) coordinate pawn shop and secondhand store transactions
- (c) investigate applications for used car dealers and wrecking permits
- (d) assist in felony and misdemeanor investigations by other jurisdictions
- (e) maintain investigative liaison with other law enforcement agencies
- (f) investigate crimes involving child abuse (physical and sexual) and child neglect
- (g) develop police programs dealing with juvenile control, delinquency prevention and drug awareness education; dispose of all cases involving juveniles as prescribed in Departmental Orders
- (h) maintain cooperative relationships with other agencies concerned with juvenile matters
- (i) provide individual treatment in the disposition of juvenile offenders
- (j) develop crime analysis information to assist in effective Operations Division patrol strategies and to better inform the community of crime matters, and coordinate media requests

### 200.9.2 THE IDENTIFICATION UNIT

The Identification Unit is administered by an Identification Expert who is responsible to the ~~Support Services Bureau~~ **Detective Bureau** Lieutenant. The functions of Identification Unit include, but are not limited to:

Commented [SSM13]: PR 408b1

Commented [SSM14]: Jun 2019

- (a) Providing identification services, including fingerprinting, photography and the maintenance of fingerprint identification and photograph files
- (b) Examining crime scenes for identification evidence
- (c) Providing other technical services as appropriate

### 200.9.3 THE TRAFFIC BUREAU

The Traffic Bureau is administered by a lieutenant who is directly responsible to the Investigations Division Captain. The functions of the Traffic Bureau include, but are not limited to:

Commented [SSM15]: 409a

- (a) Enforcing traffic regulations
- (b) Investigating traffic hazards and initiating remedial measures
- (c) Cooperating with public schools, other agencies and organizations to provide traffic safety education and information
- (d) Preparing reports for the Chief of Police, City Manager, City Council, or others as directed
- (e) Cooperating with the City Traffic Engineer in developing engineering plans for the solution



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of traffic problems

- (f) Overseeing the police tow contract with private contractors and conducting post storage tow hearings
- (g) Reviewing traffic collision reports

#### 200.9.4 THE PARKING BUREAU

The Parking Bureau is also administered by the Parking Manager who is directly responsible to the Traffic Bureau Lieutenant. ~~The Traffic Bureau Lieutenant~~ who is directly responsible to the Investigations Division Captain. The functions of the Parking Bureau include, but are not limited to:

Commented [SSM16]: 409b

- (a) Enforcing local parking regulations
- (b) Overseeing the operation of parking garages
- (c) Maintaining and regulating parking in off street lots
- (d) Enforcing preferential parking regulations
- (e) Making routine collections from meters
- (f) Keeping records and accounting for all parking revenues

#### 200.10 OPERATIONS DIVISION STRUCTURE

The Operations Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of the Patrol Bureau, the Community Services Bureau and the Special Response Team.

Commented [SSM17]: Lexipol Content

##### 200.10.1 THE COMMUNITY SERVICES BUREAU (CSB)

The Community Services Bureau is administered by a lieutenant who is directly responsible to the Operations Division Captain. The functions of CSB include, but are not limited to:

Commented [SSM18]: PR 407b

- (a) Developing, directing and maintaining a broad based crime prevention program sensitive to the overall prevention needs of the community
- (b) Meeting with concerned citizen groups, neighborhood associations, and merchant groups to assist in the development of crime prevention programs
- (c) Coordinating crime prevention efforts within the Berkeley Police Department, other City Departments, police departments, governmental agencies and community organizations which are engaged in related programs
- (d) Maintaining a community relations program by meeting with various community groups, in both formal and informal settings, and responding to their needs
- (e) Responding to requests for officers to speak before community groups, organizations, and schools as well as schedule the appearances
- (f) Utilizing available crime analyst data within the Department as an information source to address specific locations by crime type, and to assist in the application of specific programs dealing with both Department and community needs

##### 200.10.2 THE PATROL BUREAU

The Patrol Bureau is administered by four lieutenants who are directly responsible to the

Commented [SSM19]: PR 407f

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Operations Division Captain. The functions of the Patrol Bureau include, but are not limited to:

- (a) Protecting life and property
- (b) Providing 24-hour uniformed patrol coverage to all areas of the City
- (c) Receiving, processing and investigating complaints by citizens
- (d) Observing and investigating circumstances which require attention
- (e) Preventing crime
- (f) Preserving the peace
- (g) Arresting offenders
- (h) Providing traffic enforcement, direction and control
- (i) Attending Neighborhood Watch and other community meetings as directed
- (j) Monitoring and managing public gatherings
- (k) Performing miscellaneous services relative to public health and safety
- (l) Preparing reports
- (m) Testifying in court

#### 200.10.3 THE SPECIAL RESPONSE TEAM (SRT)

The Special Response Team is administered by employees who are directly responsible to the Operations Division Captain. The functions of the Special Response Team include, but are not limited to:

Commented [55M20]: PR 407a

- (a) Handling barricaded subject situations, with or without hostages using specially trained employees
- (b) Serving high-risk felony warrants
- (c) Crowd management and control

#### 200.10.4 THE FIELD TRAINING OFFICER PROGRAM (FTO)

The FTO Program is administered by three sergeants who are directly responsible to the FTO Lieutenant. The functions of Field Training Officer Program include, but are not limited to:

Commented [55M21]: 407d

- (a) Training entry level and lateral officers to operate within Department guidelines, policies and procedures.
- (b) Maintaining and updating the FTO Manual
- (c) Training and maintaining training for Field Training Officers

#### 200.10.5 POLICE RESERVES

The Police Reserve Program is administered by the Community Services Sergeant who is directly responsible to the Community Services Bureau Lieutenant. The functions of Police Reserves include, but are not limited to:

Commented [55M22]: PR 407 g

- (a) Assisting regular police personnel when the need for police services exceeds that available from the normal compliment of the Operations Division
- (b) Maintaining adequate personnel and equipment records
- (c) Assigning police reserve officers to provide regular support activity in the field
- (d) Performing other specialized police functions as needed

#### 200.11 PROFESSIONAL STANDARDS DIVISION

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The Professional Standards Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Professional Standards Division. The Professional Standards Division consists of the Professional Standards Bureau and the Personnel and Training Bureau.

#### 200.11.1 THE PROFESSIONAL STANDARDS BUREAU

Commented [SSM24]: PR 406

The Professional Standards Bureau is administrated by two sergeants who are directly responsible to the Professional Standards Division Captain. The Professional Standards Bureau consists of the Audit and Inspection Sergeant and the Policy and Planning Sergeant. The functions of Professional Standards Bureau include, but are not limited to:

- (a) Planning and conducting research
- (b) Preparing surveys, studies and projects
- (c) Auditing medical expenses incurred by the Department in its investigative and custodial activities
- (d) Coordinating the presentation of the annual Memorandum of Understanding
- (e) Maintaining and updating Departmental policies

#### 200.11.2 THE PERSONNEL AND TRAINING BUREAU

Commented [SSM25]: PR 406c

The Personnel and Training Bureau is administered by a Lieutenant who is directly responsible to the Professional Standards Division Captain. The Personnel and Training Bureau consists of the Personnel and Training Sergeant, a Training Officer, an Associate Management Analyst, an OSIII, and Police Aides. Functions of the Personnel and Training Bureau include:

- (a) Administering reimbursement monies from California Peace Officer Standards and Training (POST) Commission, and maintaining a close liaison with the City Auditor in this accounting responsibility
- (b) Processing expense accounts for police personnel
- (c) Assisting Human Resources with hiring examinations
- (d) Conducting pre-employment personnel investigations
- (e) Developing and directing Departmental training programs.
- (f) Preparing and issuing Departmental Orders
- (g) Processing internal and external commendations
- (h) Developing specifications for uniforms and other equipment and determining if the equipment used by members of the Department complies with specifications
- (i) Maintaining an inventory of issued safety equipment
- (j) Developing and supervising health and safety programs
- (k) Investigation the preparation of reports of injuries to personnel received in the line of duty, and preparing reports to contractor administering Worker's Compensation Insurance, City Human Resources Department and City Risk Manager
- (l) Assisting other Department personnel as needed or assigned.
- (m) Processing leaves of absence, terminations and retirements
- (n) Processing Performance Appraisal Reports
- (o) Providing the administrative processing of disciplinary sanctions

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- (p) Participating as member(s) of Departmental Boards of Review dealing with personnel complaints
  - (q) Developing and controlling employee incentive programs
  - (r) Developing and disseminating information pertaining to the promotion of health, welfare and morale of police personnel
  - (s) Scheduling annual physical exams
  - (t) Maintaining Departmental personnel files
  - (u) Compiling Department strength and assignment reports as needed.

#### **200.12 SUPPORT SERVICES DIVISION STRUCTURE AND RESPONSIBILITY**

Commented [SSM26]: Lexipol language

The Support Services Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Support Services Division. The Support Services Division consists of the Jail, Records Management, Property and Evidence Unit, Information Management and the Communications Center.

##### **200.12.1 THE SUPPORT SERVICES BUREAU**

Commented [SSM27]: 408b

The Support Services Bureau is administered by a Lieutenant who is directly responsible to the Support Services Division Captain.

##### **200.12.2 INFORMATION MANAGEMENT**

Commented [SSM28]: 408b2

Information Management is administered by an Officer who is directly responsible to the Support Services Captain. The functions of Information Management include, but are not limited to:

- (a) Developing, implementing and maintaining all computer related information management systems applicable throughout the Department.

##### **200.12.3 JAIL OPERATIONS**

Commented [SSM29]: PR 408 3

The Jail is administered by the Support Services Lieutenant and the Jail Operations Sergeant, who are directly responsible to the Support Services Division Captain. The functions of Jail Operations include, but are not limited to:

- (a) Ensuring the safe and efficient operation of the City Jail
- (b) Providing for the short term detention of persons pending arraignment in court
- (c) Ensuring there is adequate staffing to provide for the physical needs and safety of all inmates
- (d) Providing for the safekeeping of prisoners' property during their detention in the City Jail

##### **200.12.4 PROPERTY AND EVIDENCE UNIT**

Commented [SSM30]: 408b4

The Property and Evidence Unit is administered by a supervisor who is directly responsible to the Support Services Lieutenant. The functions of the Property and Evidence Unit include, but are not limited to:

- (a) Safeguarding inventory
- (b) Processing property and evidence related to investigations conducted by Department personnel
- (c) Maintaining and monitoring supplies for the police facility.

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#### 200.12.5 RECORDS MANAGEMENT

Records Management is administered by a supervisor who reports directly to the Support Services Lieutenant. The functions of Records Management include, but are not limited to:

Commented [SSM31]: 408b6

- (a) Maintaining report and record files of the Department
- (b) Furnishing information and answering inquiries as outlined in Departmental Orders
- (c) Handling Departmental correspondence not otherwise assigned by order or practice
- (d) Processing applications and issuing permit
- (e) Issuing reports and providing information from reports as the Department may require
- (f) Receiving bail or arranging court appearances during the hours the Municipal Court Office is closed
- (g) Maintaining liaison with units of other City departments in securing and maintaining adequate communications and services needed in police operations and quarters
- (h) Inventorying and having custody of all property in the possession of or received by the Department, except evidence in the custody of the Detective Bureau
- (i) Supervising the maintenance and use of police buildings
- (j) Assisting other Divisions in emergencies as necessary

#### 200.12.6 REPORT REVIEW

Report Review is administered by a supervisor who reports directly to the Support Services Lieutenant. The functions of Report Review include, but are not limited to:

Commented [SSM32]: 408b7

- (a) Ensuring police reports are transcribed and processed in a timely manner
- (b) Entering information from police reports into the Records Management System

#### 200.12.7 THE WARRANT DETAIL

The Warrant Detail is administered by an officer who is directly responsible to the Support Services Lieutenant. The functions of the Warrant Detail include, but are not limited to:

Commented [SSM33]: 408b8

- (a) Serving all felony and misdemeanor warrants
- (b) Serving certain criminal subpoenas on persons living outside the City

#### 200.12.8 THE COMMUNICATIONS CENTER

The Communications Center is administered by a Manager who is directly responsible to the Support Services Division Captain. The functions of Communication Center include, but are not limited to:

Commented [SSM34]: 408b5

- (a) Maintaining the Computer Aided Dispatch (CAD), radio and telephone communications systems
- (b) Receiving all incoming calls for emergency and routine public safety services
- (c) Dispatching and assigning officers
- (d) Maintaining radio discipline and control
- (e) Providing information to the public

#### 200.13 COMMAND



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#### 200.13.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate a Division Captain to serve as the acting Chief of Police.

Commented [SSM35]: Lexipol Content

#### 200.13.2 UNITY OF COMMAND

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

Commented [SSM36]: Lexipol Content

#### 200.13.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

Commented [SSM37]: Lexipol Content

#### 200.14 DUTY COMMAND OFFICER

The purpose of the Duty Command Officer (DCO) is to provide Command Staff level supervision to those persons charged with the operation of the Department during those times when no Command Staff is on duty. All Command Staff officers, with the exception of the Chief of Police shall serve as DCO.

Commented [SSM38]: All content taken from D-6 - 2000 GO "Duty Command"

Commented [SSM39]: D-06

##### 200.14.1 DURATION

Service as DCO shall be for a one-week period, commencing at 0800 hours on Monday through 0800 hours on the following Monday. Selection of on-call weeks shall be based on seniority in rank. The Operations Division Captain shall coordinate the selection of on-call weeks, prepare a written schedule, and distribute the schedule, when completed, to:

Commented [SSM40]: D-06 Section 1

- (a) The Chief of Police, each Division Captain, the Patrol Lieutenants' Office, the Patrol Sergeants' Office and the Communications Center.

##### 200.14.2 RESPONSIBILITIES

The DCO shall be immediately available by telephone to provide Command Staff level supervision either by instructions via telephone or by responding directly to the Police Department of field command post. Other responsibilities may include attending City Council or other City meetings as assigned.

Commented [SSM41]: D-06 Section 4

##### 200.14.3 NOTIFICATIONS

The DCO shall be notified of all cases involving:

Commented [SSM42]: D-06 Section 5

- (a) Homicide
- (b) Escape or jail break
- (c) Death or serious injury of a person in custody

- (d) Kidnapping
- (e) Missing juveniles under the age of 12 years
- (f) Bombing
- (g) Serious injury to an officer or caused by an officer
- (h) Officer-involved shootings
- (i) Hazardous spills
- (j) Other events which, in the judgment of the ranking on-duty officer, require DCO notification.

The DCO notification shall be made at the direction of the ranking on-duty officer.

**200.14.4 POLICE REVIEW COMMISSION (PRC)**

Commented [SSM43]: D-06 Section 7

The DCO shall serve as the representative of the Police Department at all Police Review Commission Boards of Inquiry and regular PRC business meetings. This duty shall include the authority to remove officers from hearings if the hearing appears out of control.

- (a) The DCO should be responsive to requests for information and/or assistance by the PRC, but should confine responses to:
  1. The scope of the Internal Affairs Bureau investigation.
  2. Department policies and procedures.
  3. Applicable local, state and federal laws.
  4. Procedures of allied agencies in the Criminal Justice System.

**200.14.5 PRC REPORTS**

Commented [SSM44]: D-06 Section 8

A written report shall be prepared and forwarded to the Chief of Police on the day following the attended PRC Board of Inquiry. An exemplar below shows the proper format for this report. Reports should be completed and delivered to the Office of the Chief on the day following the Board of Inquiry session attended.

**200.14.6 EXEMPLAR**

Commented [SSM45]: D-06 Exemplar

On \_\_\_\_\_, the PRC Board of Inquiry

Commissioners: \_\_\_\_\_ and \_\_\_\_\_ met to make findings on PRC Case Number(s) \_\_\_\_\_.

- 1. PRC Case No. \_\_\_\_\_ / IAB Case No. \_\_\_\_\_
- 2. Complainant: \_\_\_\_\_
- 3. Accused Officer(s)/Employee(s): \_\_\_\_\_
- 4. Allegations and dispositions: \_\_\_\_\_

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5. **Comments** - (briefly describe the nature and substance of the Board of Inquiry. This should include discussion of policy or other points which may require a response by the Department, reasons for dispositions, areas of controversy (example: "PRC vs. BPD") and may include such other information as may be reasonably be included for the Chief's information).
  6. **Time Spent** - (List those Departmental employees attending on and off-duty and actual time spent at the Board session).

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Signature



## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 ORGANIZATIONAL HEIRARCHY

The general hierarchy of the department's divisions, bureaus, etc. is as follows:

- Department
- Divisions
- Bureaus
- Units
- Details
- Officer/Sergeant/Detective

### 200.3 GENERAL RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

It **shall** be the duty and responsibility of each employee to fulfill, to the greatest extent possible, the functions of the Police Department and the Division, Bureau or Unit to which one is assigned and to perform any duty assigned by a supervisor. An employee's work performance **shall** be in keeping with the focus of the Department's Mission Statement.

### 200.4 INDIVIDUAL RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Each employee of the Department is individually responsible for:

- (a) The proper execution of assigned duties
- (b) The prevention of crime
- (c) The suppression of crime
- (d) The enforcement of laws
- (e) The arrest of offenders, depending upon the nature of his/her specific assignment
- (f) Maintenance of proper public relations
- (g) Maintenance of discipline
- (h) Adherence to rules, regulations, orders and Departmental procedures
- (i) Enforcement of rules, regulations, orders and procedures among subordinates, depending upon the nature of his/her specific assignment
- (j) Promptly reporting through channels developments that may adversely affect public or official relations
- (k) Initiating police action when necessary
- (l) The proper care and use of Departmental equipment, supplies and facilities

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## **200.5 RESPONSIBILITIES OF SUPERVISORY EMPLOYEES**

Each supervisory employee, in addition to the general and individual responsibilities, shall be responsible for:

- (a) The detailed inspection of all activities of the employees under one's supervision
- (b) An intimate knowledge of the duties and responsibilities of one's subordinates
- (c) Proper performance of duties and adherence to policies and procedures by each member of one's unit
- (d) The enforcement of rules and regulations among members of one's unit
- (e) Working as closely with one's subordinates as time and area permit.
- (f) Providing leadership in carrying out police activities
- (g) Coordination of effort when more than one employee is involved and the proper assignment of duties to each person
- (h) Functional supervision of employees not directly supervised
- (i) Detailed training on the job as necessary to insure efficient operations by one's subordinates
- (j) The effective operation of one's unit
- (k) Providing command to members of one's division as necessary in the absence of divisional command or a ranking officer

## **200.6 RESPONSIBILITIES OF COMMANDING OFFICERS**

Each Commanding Officer, in addition to the general and individual responsibilities of each officer, employee, supervisory officer and supervisor, shall be held responsible for:

- (a) The proper direction and control of personnel under one's command
- (b) The maintenance of discipline among members of one's command
- (c) Proper performance of duties and adherence to policies and procedures by each member of one's command
- (d) The enforcement of rules and regulations among members of one's command
- (e) Providing supervision and command to members of other divisions as necessary
- (f) The proper discharge of detailed divisional responsibilities
- (g) The proper condition and maintenance of quarters assigned to one's command
- (h) The proper maintenance, use and operation of equipment, supplies and materials assigned for divisional use
- (i) The prompt initiation of employee, supervisory, or administrative action when necessary to fulfill a functional responsibility of the Department when such action is not otherwise being taken
- (j) The effective operation of one's division or unit
- (k) Providing for continuation of command and/or supervision in one's absence
- (l) Preparation of correspondence pertaining to activities of the division
- (m) Complete Duty Command assignments as scheduled



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## **200.7 FUNCTIONAL RESPONSIBILITIES OF THE POLICE DEPARTMENT**

The functions of the Police Department include, but are not limited to the following:

- (a) Maintaining law and order in the City
- (b) Enforcing all laws of the United States and the State of California, and all Ordinances of the City, except when such enforcement is by such law, Ordinance, or the Charter of the City made the responsibility of a state or federal agency or officer
- (c) Administering the City jail and the care, custody and control of prisoners
- (d) Performing other functions as may be assigned by the City Manager or prescribed by Ordinance of the Council or by applicable State law.

Section 2.64.020 of the Berkeley Municipal Code provides that "The Chief of Police, subject to the approval of the City Manager, shall organize and maintain such divisions in said department as the operations may in his judgment require."

## **200.8 OFFICE OF THE CHIEF**

### **200.7.1 THE CHIEF OF POLICE**

The functions of the Chief of Police include, but are not limited to the following:

- (a) Setting objectives for the Department
- (b) Developing and adopting policies and procedures
- (c) Prescribing penalties for violations of any such policies or procedures and providing for the enforcement of said penalties
- (d) Providing for staffing
- (e) Inspecting, assigning and promoting personnel
- (f) Reporting on Department accomplishments
- (g) Maintaining good public, employee and official relations
- (h) Developing the Departmental budget
- (i) Keeping the City Manager informed of incidents or developments that may adversely affect public or official relations

### **200.7.2 THE INTERNAL AFFAIRS BUREAU**

The Internal Affairs Bureau is administered by two sergeants who are directly responsible to the Chief of Police. The functions of the Internal Affairs Bureau include, but are not limited to:

- (a) Investigating citizen complaints alleging misconduct by Police Department personnel
- (b) Investigating internally originated personnel complaints as assigned by the Chief of Police
- (c) Coordinating the Department's Board of Review process
- (d) Assisting the City Attorney's Office in the investigation of civil claims against the Department and/or its employees
- (e) Assisting the City Attorney's Office in the preparation and presentation of Pitchess Motions
- (f) Acting as liaison with the Office of the City Attorney, the Police Review Commission and legal defense attorneys
- (g) Advising the Chief of Police on matters relating to discipline and issues of liability and training as they relate to the disciplinary process



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## **200.9 INVESTIGATIONS DIVISION STRUCTURE**

The Investigations Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Investigations Division consists of the Detective Bureau, and the Traffic Bureau..

### **200.9.1 THE DETECTIVE BUREAU**

The Detective Bureau is administered by a lieutenant who is directly responsible to the Investigations Division Captain. The functions of the Detective Bureau include, but are not limited to:

- (a) Handling follow-up investigations of all reported crime involving adults and juveniles (with the exception of crimes involving auto burglary, thefts from autos and traffic-related matters)
- (b) coordinate pawn shop and secondhand store transactions
- (c) investigate applications for used car dealers and wrecking permits
- (d) assist in felony and misdemeanor investigations by other jurisdictions
- (e) maintain investigative liaison with other law enforcement agencies
- (f) investigate crimes involving child abuse (physical and sexual) and child neglect
- (g) develop police programs dealing with juvenile control, delinquency prevention and drug awareness education; dispose of all cases involving juveniles as prescribed in Departmental Orders
- (h) maintain cooperative relationships with other agencies concerned with juvenile matters
- (i) provide individual treatment in the disposition of juvenile offenders
- (j) develop crime analysis information to assist in effective Operations Division patrol strategies and to better inform the community of crime matters, and coordinate media requests

### **200.9.2 THE IDENTIFICATION UNIT**

The Identification Unit is administered by an Identification Expert who is responsible to the Detective Bureau Lieutenant. The functions of Identification Unit include, but are not limited to:

- (a) Providing identification services, including fingerprinting, photography and the maintenance of fingerprint identification and photograph files
- (b) Examining crime scenes for identification evidence
- (c) Providing other technical services as appropriate

### **200.9.3 THE TRAFFIC BUREAU**

The Traffic Bureau is administered by a lieutenant who is directly responsible to the Investigations Division Captain. The functions of the Traffic Bureau include, but are not limited to:

- (a) Enforcing traffic regulations
- (b) Investigating traffic hazards and initiating remedial measures
- (c) Cooperating with public schools, other agencies and organizations to provide traffic safety education and information
- (d) Preparing reports for the Chief of Police, City Manager, City Council, or others as directed
- (e) Cooperating with the City Traffic Engineer in developing engineering plans for the solution of traffic problems



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- (f) Overseeing the police tow contract with private contractors and conducting post storage tow hearings
  - (g) Reviewing traffic collision reports

#### **200.9.4 THE PARKING BUREAU**

The Parking Bureau is also administered by the Parking Manager who is directly responsible to the Traffic Bureau Lieutenant. The Traffic Bureau Lieutenant is directly responsible to the Investigations Division Captain. The functions of the Parking Bureau include, but are not limited to:

- (a) Enforcing local parking regulations
- (b) Overseeing the operation of parking garages
- (c) Maintaining and regulating parking in off street lots
- (d) Enforcing preferential parking regulations
- (e) Making routine collections from meters
- (f) Keeping records and accounting for all parking revenues

#### **200.10 OPERATIONS DIVISION STRUCTURE**

The Operations Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of the Patrol Bureau, the Community Services Bureau and the Special Response Team.

##### **200.10.1 THE COMMUNITY SERVICES BUREAU (CSB)**

The Community Services Bureau is administered by a lieutenant who is directly responsible to the Operations Division Captain. The functions of CSB include, but are not limited to:

- (a) Developing, directing and maintaining a broad based crime prevention program sensitive to the overall prevention needs of the community
- (b) Meeting with concerned citizen groups, neighborhood associations, and merchant groups to assist in the development of crime prevention programs
- (c) Coordinating crime prevention efforts within the Berkeley Police Department, other City Departments, police departments, governmental agencies and community organizations which are engaged in related programs
- (d) Maintaining a community relations program by meeting with various community groups, in both formal and informal settings, and responding to their needs
- (e) Responding to requests for officers to speak before community groups, organizations, and schools as well as schedule the appearances
- (f) Utilizing available crime analyst data within the Department as an information source to address specific locations by crime type, and to assist in the application of specific programs dealing with both Department and community needs

##### **200.10.2 THE PATROL BUREAU**

The Patrol Bureau is administered by four lieutenants who are directly responsible to the Operations Division Captain. The functions of the Patrol Bureau include, but are not limited to:

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- (a) Protecting life and property
  - (b) Providing 24-hour uniformed patrol coverage to all areas of the City
  - (c) Receiving, processing and investigating complaints by citizens
  - (d) Observing and investigating circumstances which require attention
  - (e) Preventing crime
  - (f) Preserving the peace
  - (g) Arresting offenders
  - (h) Providing traffic enforcement, direction and control
  - (i) Attending Neighborhood Watch and other community meetings as directed
  - (j) Monitoring and managing public gatherings
  - (k) Performing miscellaneous services relative to public health and safety
  - (l) Preparing reports
  - (m) Testifying in court

#### **200.10.3 THE SPECIAL RESPONSE TEAM (SRT)**

The Special Response Team is administered by employees who are directly responsible to the Operations Division Captain. The functions of the Special Response Team include, but are not limited to:

- (a) Handling barricaded subject situations, with or without hostages using specially trained employees
- (b) Serving high-risk felony warrants
- (c) Crowd management and control

#### **200.10.4 THE FIELD TRAINING OFFICER PROGRAM (FTO)**

The FTO Program is administered by three sergeants who are directly responsible to the FTO Lieutenant. The functions of Field Training Officer Program include, but are not limited to:

- (a) Training entry level and lateral officers to operate within Department guidelines, policies and procedures.
- (b) Maintaining and updating the FTO Manual
- (c) Training and maintaining training for Field Training Officers

#### **200.10.5 POLICE RESERVES**

The Police Reserve Program is administered by the Community Services Sergeant who is directly responsible to the Community Services Bureau Lieutenant. The functions of Police Reserves include, but are not limited to:

- (a) Assisting regular police personnel when the need for police services exceeds that available from the normal compliment of the Operations Division
- (b) Maintaining adequate personnel and equipment records
- (c) Assigning police reserve officers to provide regular support activity in the field
- (d) Performing other specialized police functions as needed

#### **200.11 PROFESSIONAL STANDARDS DIVISION**

The Professional Standards Division is commanded by a captain, whose primary responsibility



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is to provide general management, direction and control for the Professional Standards Division. The Professional Standards Division consists of the Professional Standards Bureau and the Personnel and Training Bureau.

#### 200.11.1 THE PROFESSIONAL STANDARDS BUREAU

The Professional Standards Bureau is administrated by two sergeants who are directly responsible to the Professional Standards Division Captain. The Professional Standards Bureau consists of the Audit and Inspection Sergeant and the Policy and Planning Sergeant. The functions of Professional Standards Bureau include, but are not limited to:

- (a) Planning and conducting research
- (b) Preparing surveys, studies and projects
- (c) Auditing medical expenses incurred by the Department in its investigative and custodial activities
- (d) Coordinating the presentation of the annual Memorandum of Understanding
- (e) Maintaining and updating Departmental policies

#### 200.11.2 THE PERSONNEL AND TRAINING BUREAU

The Personnel and Training Bureau is administered by a Lieutenant who is directly responsible to the Professional Standards Division Captain. The Personnel and Training Bureau consists of the Personnel and Training Sergeant, a Training Officer, an Associate Management Analyst, an OSIII, and Police Aides. Functions of the Personnel and Training Bureau include:

- (a) Administering reimbursement monies from California Peace Officer Standards and Training (POST) Commission, and maintaining a close liaison with the City Auditor in this accounting responsibility
- (b) Processing expense accounts for police personnel
- (c) Assisting Human Resources with hiring examinations
- (d) Conducting pre-employment personnel investigations
- (e) Developing and directing Departmental training programs,
- (f) Preparing and issuing Departmental Orders
- (g) Processing internal and external commendations
- (h) Developing specifications for uniforms and other equipment and determining if the equipment used by members of the Department complies with specifications
- (i) Maintaining an inventory of issued safety equipment
- (j) Developing and supervising health and safety programs
- (k) Investigation the preparation of reports of injuries to personnel received in the line of duty, and preparing reports to contractor administering Worker's Compensation Insurance, City Human Resources Department and City Risk Manager
- (l) Assisting other Department personnel as needed or assigned.
- (m) Processing leaves of absence, terminations and retirements
- (n) Processing Performance Appraisal Reports
- (o) Providing the administrative processing of disciplinary sanctions
- (p) Participating as member(s) of Departmental Boards of Review dealing with personnel



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complaints

- (q) Developing and controlling employee incentive programs
- (r) Developing and disseminating information pertaining to the promotion of health, welfare and morale of police personnel
- (s) Scheduling annual physical exams
- (t) Maintaining Departmental personnel files
- (u) Compiling Department strength and assignment reports as needed.

## **200.12 SUPPORT SERVICES DIVISION STRUCTURE AND RESPONSIBILITY**

The Support Services Division is commanded by a captain, whose primary responsibility is to provide general management, direction and control for the Support Services Division. The Support Services Division consists of the Jail, Records Management, Property and Evidence Unit, Information Management and the Communications Center.

### **200.12.1 THE SUPPORT SERVICES BUREAU**

The Support Services Bureau is administered by a Lieutenant who is directly responsible to the Support Services Division Captain.

### **200.12.2 INFORMATION MANAGEMENT**

Information Management is administered by an Officer who is directly responsible to the Support Services Captain. The functions of Information Management include, but are not limited to:

- (a) Developing, implementing and maintaining all computer related information management systems applicable throughout the Department.

### **200.12.3 JAIL OPERATIONS**

The Jail is administered by the Support Services Lieutenant and the Jail Operations Sergeant, who are directly responsible to the Support Services Division Captain. The functions of Jail Operations include, but are not limited to:

- (a) Ensuring the safe and efficient operation of the City Jail
- (b) Providing for the short term detention of persons pending arraignment in court
- (c) Ensuring there is adequate staffing to provide for the physical needs and safety of all inmates
- (d) Providing for the safekeeping of prisoners' property during their detention in the City Jail

### **200.12.4 PROPERTY AND EVIDENCE UNIT**

The Property and Evidence Unit is administered by a supervisor who is directly responsible to the Support Services Lieutenant. The functions of the Property and Evidence Unit include, but are not limited to:

- (a) Safeguarding inventory
- (b) Processing property and evidence related to investigations conducted by Department personnel
- (c) Maintaining and monitoring supplies for the police facility.

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#### **200.12.5 RECORDS MANAGEMENT**

Records Management is administered by a supervisor who reports directly to the Support Services Lieutenant. The functions of Records Management include, but are not limited to:

- (a) Maintaining report and record files of the Department
- (b) Furnishing information and answering inquiries as outlined in Departmental Orders
- (c) Handling Departmental correspondence not otherwise assigned by order or practice
- (d) Processing applications and issuing permit
- (e) Issuing reports and providing information from reports as the Department may require
- (f) Receiving bail or arranging court appearances during the hours the Municipal Court Office is closed
- (g) Maintaining liaison with units of other City departments in securing and maintaining adequate communications and services needed in police operations and quarters
- (h) Inventorying and having custody of all property in the possession of or received by the Department, except evidence in the custody of the Detective Bureau
- (i) Supervising the maintenance and use of police buildings
- (j) Assisting other Divisions in emergencies as necessary

#### **200.12.6 REPORT REVIEW**

Report Review is administered by a supervisor who reports directly to the Support Services Lieutenant. The functions of Report Review include, but are not limited to:

- (a) Ensuring police reports are transcribed and processed in a timely manner
- (b) Entering information from police reports into the Records Management System

#### **200.12.7 THE WARRANT DETAIL**

The Warrant Detail is administered by an officer who is directly responsible to the Support Services Lieutenant. The functions of the Warrant Detail include, but are not limited to:

- (a) Serving all felony and misdemeanor warrants
- (b) Serving certain criminal subpoenas on persons living outside the City

#### **200.12.8 THE COMMUNICATIONS CENTER**

The Communications Center is administered by a Manager who is directly responsible to the Support Services Division Captain. The functions of Communication Center include, but are not limited to:

- (a) Maintaining the Computer Aided Dispatch (CAD), radio and telephone communications systems
- (b) Receiving all incoming calls for emergency and routine public safety services
- (c) Dispatching and assigning officers
- (d) Maintaining radio discipline and control
- (e) Providing information to the public

### **200.13 COMMAND**



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#### 200.13.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate a Division Captain to serve as the acting Chief of Police.

#### 200.13.2 UNITY OF COMMAND

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

#### 200.13.3 ORDERS

Members **shall** respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

### 200.14 DUTY COMMAND OFFICER

The purpose of the Duty Command Officer (DCO) is to provide Command Staff level supervision to those persons charged with the operation of the Department during those times when no Command Staff is on duty. All Command Staff officers, with the exception of the Chief of Police **shall** serve as DCO.

#### 200.14.1 DURATION

Service as DCO **shall** be for a one-week period, commencing at 0800 hours on Monday through 0800 hours on the following Monday. Selection of on-call weeks **shall** be based on seniority in rank. The Operations Division Captain **shall** coordinate the selection of on-call weeks, prepare a written schedule, and distribute the schedule, when completed, to:

- (a) The Chief of Police, each Division Captain, the Patrol Lieutenants' Office, the Patrol Sergeants' Office and the Communications Center.

#### 200.14.2 RESPONSIBILITIES

The DCO **shall** be immediately available by telephone to provide Command Staff level supervision either by instructions via telephone or by responding directly to the Police Department of field command post. Other responsibilities may include attending City Council or other City meetings as assigned.

#### 200.14.3 NOTIFICATIONS

The DCO **shall** be notified of all cases involving:

- (a) Homicide
- (b) Escape or jail break
- (c) Death or serious injury of a person in custody

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- (d) Kidnapping
  - (e) Missing juveniles under the age of 12 years
  - (f) Bombing
  - (g) Serious injury to an officer or caused by an officer
  - (h) Officer-involved shootings
  - (i) Hazardous spills
  - (j) Other events which, in the judgment of the ranking on-duty officer, require DCO notification.

The DCO notification **shall** be made at the direction of the ranking on-duty officer.

#### 200.14.4 POLICE REVIEW COMMISSION (PRC)

The DCO **shall** serve as the representative of the Police Department at all Police Review Commission Boards of Inquiry and regular PRC business meetings. This duty **shall** include the authority to remove officers from hearings if the hearing appears out of control.

- (a) The DCO **should** be responsive to requests for information and/or assistance by the PRC, but **should** confine responses to:
  1. The scope of the Internal Affairs Bureau investigation.
  2. Department policies and procedures.
  3. Applicable local, state and federal laws.
  4. Procedures of allied agencies in the Criminal Justice System.

#### 200.14.5 PRC REPORTS

A written report **shall** be prepared and forwarded to the Chief of Police on the day following the attended PRC Board of Inquiry. An exemplar below shows the proper format for this report. Reports **should** be completed and delivered to the Office of the Chief on the day following the Board of Inquiry session attended.

#### 200.14.6 EXEMPLAR

On \_\_\_\_\_, the PRC Board of Inquiry

Commissioners: \_\_\_\_\_ and \_\_\_\_\_ met to make findings on PRC Case Number(s) \_\_\_\_\_.

1. PRC Case No. \_\_\_\_\_ / IAB Case No. \_\_\_\_\_
2. Complainant: \_\_\_\_\_
3. Accused Officer(s)/Employee(s): \_\_\_\_\_
4. Allegations and dispositions: \_\_\_\_\_

- 
5. Comments - (briefly describe the nature and substance of the Board of Inquiry. This **should** include discussion of policy or other points which may require a response by the Department, reasons for dispositions, areas of controversy (example: "PRC vs. BPD") and may include such other information as may be reasonably be included for the Chief's information).
  6. Time Spent - (List those Departmental employees attending on and off-duty and actual time spent at the Board session).

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Signature



## Use of Force Review Board

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Berkeley Police Department to review the use of force by its employees in order to identify organizational and individual training needs.

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

### 301.2 POLICY

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

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 301.4 REVIEW BOARD

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

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

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

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

#### 301.4.1 COMPOSITION OF THE BOARD

The Support Services Division Captain should select five Use of Force Review Board members from the following, as appropriate:

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



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- Personnel and Training Sergeant
  - Non-administrative supervisor
  - A peer officer
  - ~~A sworn peace officer from an outside law enforcement agency~~
  - Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

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

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



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

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

### **301.5 FINAL REPORT TO THE CHIEF OF POLICE**

~~Unless otherwise directed by the Chief of Police, the board chairperson shall submit a final report to the Chief of Police within ten business days of the hearing. The final report shall contain:~~

- ~~(a) The findings of the Board~~
- ~~(b) The concurring or non-concurring signatures of each member.~~
  - ~~1. Dissenting Board members may submit a minority report which shall be included with the final report.~~
- ~~(c) Recommendations of the Board (when directed)~~
- ~~(d) Documents, photographs, and related evidence used during the Board's examination shall be submitted with the final report.~~

~~The Chief of Police retains the right to agree or disagree with the final recommendations of the Board, and to limit or augment those recommendations.~~

~~Upon approval of the final report by the Chief of Police, the Board shall be deactivated.~~

### **301.6 NOTIFICATION OF SUBJECT EMPLOYEE**

~~The subject employee shall be notified of the Chief's decision as soon as possible (see Personnel Complaints Policy for further).~~

### **301.7 FINAL REPORT FORMAT**

~~The memorandum format below shall be used when preparing a final report:~~

#### **EXEMPLAR**

~~To: \_\_\_\_\_ (Chief of Police)~~  
~~From: \_\_\_\_\_ (Name of Review Board)~~  
~~Subject: \_\_\_\_\_ (XXXXXXXXXXXXXXXXXXXX)~~

#### **Composition of the Board:**

~~The board chairperson and members of the Board will be identified.~~



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Summary of the Investigation:

This will be a statement in chronological sequence of the incident and the Board's examination.

Conclusion:

This will contain a statement of the Board's findings and recommendation(s) (e.g., Sustained or Exonerated).

Additional Observations:

This entry is optional and can be used to provide the Chief of Police with additional or independent information or observations.