

Police Review Commission meeting of October 9, 2019

Lexipol Policies for review and approval

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Tactical Rifle Operator Program

349.1 PURPOSE AND SCOPE

The purpose of this Policy General Order is to outline administrative protocols for the Tactical Rifle Operator Program. It is also intended to communicate procedures governing the training, deployment, storage and maintenance of tactical rifles issued to and employed by sworn employees assigned to Patrol Teams, the Detective Bureau, and the Special Enforcement Unit.

349.2 POLICY

The Berkeley Police Department shall employ authorized sworn personnel equipped with tactical rifles to exercise expeditious control over critical incidents or potentially violent situations.

Tactical Rifle Operators shall conduct themselves with respect to Patrol Response Procedures described in relevant Department policy documents, and in accordance with Tactical Rifle Operator Procedures set forth in this policy procedures set forth in this Order.

349.3 DEFINITIONS

Definitions related to this policy include:

Tactical Rifle: The rifle, detachable box magazines, and ammunition authorized by the Chief of Police for use by designated Tactical Rifle Operators.

Tactical Rifle Operator (TRO): A sworn employee of the Berkeley Police Department who has been trained and qualified to possess and deploy a tactical rifle in the course of their primary duty assignment.

349.4 EMPLOYEE OWNED TACTICAL RIFLES

Employees who purchase their own tactical rifles for on duty use must adhere to this policy and the procedures herein. Employee owned rifles may not be deployed without the successful completion of the required training and the approval of the Lead Armorer and Division Captain.

349.5 TACTICAL RIFLE SPECIFICATIONS

- Rifles:

The COLT LE6920 and the COLT LE6940 models, 16 inch barrel, chambered in the 5.56x45mm NATO, solid black color, are the approved models.

- Magazines:

30 round Colt factory magazines and Magpul polymer magazines (PMAGS) or their equivalent are authorized for duty use.

- Aiming Devices:

Lasers and/or other electronic aiming devices are not approved for duty use unless

authorized by the Chief of Police.

- **Ammunition:**

Duty ammunition will be supplied by the department. Only departmentally approved ammunition shall be used for duty.

- **Accessories:**

Approved aftermarket accessories include, but are not limited to:

1. Pistol grips
2. Stocks
3. Accessory rail systems
4. Optic sighting devices
5. Slings
6. Lights

It is the responsibility of the Departmental Armorer to install all approved aftermarket accessories on tactical rifles.

348.4 PROCEDURES

349.1349.6 348.4.1 DEPLOYMENT OF RIFLES

Tactical rifles shall be deployed only by Tactical Rifle Operators.

In light of known or potential risks, a TRO should deploy the firearm which best meets the needs of the police response, and in which he/she has the greatest accuracy and operational confidence.

Not including deployment during a planned operation, a TRO who deploys a tactical rifle shall make a verbal notification of the deployment to their supervisor, as soon as practical.

349.2349.7 348.4.2 STORAGE AND MAINTENANCE OF TACTICAL OF RIFLES

TROs shall be responsible for the care and storage of their assigned tactical rifle and associated equipment.

349.7.1 GENERAL

When not in use, TROs shall securely store their tactical rifle in the issued carry case within an authorized location at the Public Safety Building (PSB).

- A TRO may temporarily store his/her tactical rifle in a location other than the PSB to facilitate training or other official duty, provided all reasonable safety and security precautions are taken during transportation and storage.

When in storage, the tactical rifle shall be in the following condition:

- (a)** Selector lever is in the "safe" position;
- The chamber of the weapon is empty; and,
- The magazine well is vacant.

349.7.2 INTO SERVICE

When placed into service and transported in a vehicle, the tactical rifle shall be maintained*:

1. Within its carry case in the vehicle's secure trunk; (sedan only) or,
2. In a storage rack specifically designed to secure the tactical rifle within the vehicle's passenger compartment (sedan, truck, or SUV).

*There may be times when placing the rifle in the trunk or storage rack isn't feasible, such as when responding to a call in progress immediately after briefing. On such occasions, the rifle may be placed in the vehicle on a seat or floorboard, with the understanding that it will be deployed or otherwise secured upon arrival at the scene.

~~When placed into service and transported in a vehicle, the tactical rifle shall be maintained:~~

- ~~(a) Within its carry case in the vehicle's secure trunk; or,~~
- ~~(b) In a storage rack specifically designed to secure the tactical rifle within the vehicle's passenger compartment.~~

When placed into service and transported in a vehicle, the tactical rifle shall be in the following operational condition:

- (a) Selector lever is in the "safe" position; and,
- (b) The chamber of the weapon is empty.

When a tactical rifle is placed into service in conformance with [this policy paragraphs 13 and 14 of this Order](#), a loaded magazine may be inserted into and maintained within the magazine well.

329.7.3 REMOVAL FROM SERVICE

When a tactical rifle is removed from service and returned to storage, a TRO shall perform the following firearm safety procedures:

- (a) Remove the tactical rifle from the vehicle's weapon rack or its carry case;
- (b) Confirm the selector lever is in the "safe" position;
- (c) Confirm the magazine well is vacant;
 1. If necessary, remove the magazine from the magazine well and secure it in the tactical rifle carry case;
- (d) Lock the bolt open and conduct a visual and physical inspection to ensure the chamber is empty;
- (e) Close the bolt on an empty chamber; and,
- (f) Secure the rifle within its carry case.

When not secured in an authorized location, the tactical rifle shall be under the control of the TRO.

349.3349.8 MAINTENANCE OF RIFLES

A TRO shall be responsible for routine maintenance of their tactical rifle, including effective cleaning and sufficient lubrication subsequent to weapon use.

Advanced maintenance (i.e., that which is beyond normal cleaning and lubrication), authorized modification to, and periodic 'quality/assurance' inspection of tactical rifles shall be the responsibility of trained and certified department armorers.

349.9 MODIFICATIONS

A TRO shall not make or facilitate unauthorized modifications, maintenance or repair of a tactical rifle.

Modification to a tactical rifle may only occur upon the authorization of the Operations Patrol Division Captain and carried out by certified department armorers.

Defective parts or parts needing replacement will be the financial responsibility of the weapon's owner. Departmental Armorers shall be responsible for the installation of replacement parts outside of the factory, or factory service providers.

348.5 PROGRAM ADMINISTRATION

The coordination and administration of the Program shall be the responsibility of a Patrol Bureau Division Lieutenant designated by the Operations Patrol Division Captain.

The Firearms and Tactics Unit (FTU) will develop and implement a training program for TROs that will address:

- (a) Initial and periodic training and qualification for TROs;
- (b) ~~Ensure instruction of W~~weapon system fundamentals, including, but not limited to, tactical rifle nomenclature, operation, emergency action procedures, and render safe procedures.
- (c) Tactical containment procedures employed by the Barricaded Subject/Hostage Negotiation Team, including, but not limited to, fundamental tactics and communication protocols.

~~Upon recommendation of the Patrol Division Captain, appointment of an applicant officer to the Program will be at the discretion of the Chief of Police.~~

348.6 SELECTION PROCESS

CRITERIA

Officers may apply for appointment to the Program if the following criteria are met:

- (a) (a) Applicants must be a full time, sworn officer, with a minimum of one year of experience as a sworn officer with the Berkeley Police Department.
- a. Upon recommendation of the Operations Division Captain, appointment of an applicant officer to the Program will be at the discretion of the Chief of Police.
- (b) Applicants must have demonstrated their ability to work with minimal supervision.
- (c) Applicants must have demonstrated their ability to maintain a calm and professional demeanor during stressful situations.
- (d) Applicants must have demonstrated their ability to exercise good judgment and make sound decisions.
- (e) Applicants must have demonstrated their ability to handle firearms safely and effectively during departmental firearms training.

PROCESS

The selection process shall include:

- (a) A review of the applicant's personnel file for sustained complaints involving the improper use of force, poor judgment, dishonesty, or mistreatment of equipment.
- (b) A review of comments by the applicant's supervisors and commanding officers, as presented in annual evaluations and the applicant's special assignment form, relating to the applicant's job performance and suitability to be a TRO.
- (c) A review of the applicant's firearms training records and comments by FTU instructors regarding the applicant's participation and demonstrated abilities during firearms training.
- (d) The applicant will participate in an interview panel comprised of officers, sergeants and/or command officers assigned by the Operations Patrol Division Captain.
- (1) The interview will include questions regarding Use of Force General Order U-2, as well as situational questions intended to assess the applicant's qualifications.

INACTIVITY

A TRO who has been inactive for any period of time may be reactivated at the discretion of the Operations Patrol Division Captain.

- (a) A TRO requesting reactivation to the Program must meet the previously listed minimum selection criteria listed in paragraph 25 of this Order, and successfully complete a recertification training and related firearms qualification program.

When an officer becomes inactive, resigns, or is decertified from the Program, his/her

tactical rifle and associated equipment shall be returned to the Department in the unmodified condition it was issued.

348.7 DECERTIFICATION PROCESS

A TRO may be decertified by the Chief of Police for any of the following reasons:

- (a) When work performance has been deemed “Unsatisfactory” or “Needs Improvement” over an extended period of time in the TRO’s Performance Appraisal Report, as defined in General Order P-28, and the TRO has not demonstrated significant improvement in the course of a Performance Improvement Plan.
- (b) Failure to attend or successfully complete required Program training.
- (c) Any documented mistreatment, neglect, or improper use of a tactical rifle, other firearm or weapon.
- (d) Exhibiting a pattern of unsafe weapon handling or tactics during tactical rifle deployment or firearms training programs.
- (e) Demonstration of poor judgment or inability to make sound decisions during his/her regular assigned duties.
- (f) Failure to comply with the provisions of this Policy Order.

References:—General Orders F-2, P-28, U-2 and X-1

BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 29, 2008

GENERAL ORDER F-6

SUBJECT: TACTICAL RIFLE OPERATOR PROGRAM

PURPOSE

- 1 - The purpose of this General Order is to outline administrative protocols for the Tactical Rifle Operator Program. It is also intended to communicate procedures governing the training, deployment, storage and maintenance of tactical rifles issued to and employed by sworn employees assigned to Patrol Teams, the Detective Bureau, and the Special Enforcement Unit.

POLICY

- 2 - The Berkeley Police Department shall employ authorized sworn personnel equipped with tactical rifles to exercise expeditious control over critical incidents or potentially violent situations.
- 3 - Tactical Rifle Operators shall conduct themselves with respect to Patrol Response Procedures described in relevant Department policy documents, and in accordance with procedures set forth in this Order.

DEFINITIONS

- 4 - Tactical Rifle: The rifle, detachable box magazines, and ammunition authorized by the Chief of Police for use by designated Tactical Rifle Operators.
- 5 - Tactical Rifle Operator (TRO): A sworn employee of the Berkeley Police Department who has been trained and qualified to possess and deploy a tactical rifle in the course of their primary duty assignment.
 - (a) This designation does not include sworn employees authorized to possess and deploy approved rifles pursuant to General Order X-1.
- 6 - Terminology definitions described in General Order U-2 shall be applicable to this Order.

PROCEDURES

Deployment of Rifles

- 7 - Tactical rifles shall be deployed only by Tactical Rifle Operators.
- 8 - In light of known or potential risks, a TRO should deploy the firearm which best meets the needs of the police response, and in which he/she has the greatest accuracy and operational confidence.
- 9 - Not including deployment during a planned operation, a TRO who deploys a tactical rifle shall make a verbal notification of the deployment to their supervisor, as soon as practical.

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Storage and Maintenance of Tactical Rifles

- 10 - TROs shall be responsible for the care and storage of their assigned tactical rifle and associated equipment.
- 11 - When not in use, TROs shall securely store their tactical rifle in the issued carry case within an authorized location at the Public Safety Building (PSB).
 - (a) A TRO may temporarily store his/her tactical rifle in a location other than the PSB to facilitate training or other official duty, provided all reasonable safety and security precautions are taken during transportation and storage.
- 12 - When in storage, the tactical rifle shall be in the following condition:
 - (a) Selector lever is in the "safe" position;
 - (b) The chamber of the weapon is empty; and,
 - (c) The magazine well is vacant.
- 13 - When placed into service and transported in a vehicle, the tactical rifle shall be maintained:
 - (a) Within its carry case in the vehicle's secure trunk; or,
 - (b) In a storage rack specifically designed to secure the tactical rifle within the vehicle's passenger compartment.
- 14 - When placed into service and transported in a vehicle, the tactical rifle shall be in the following operational condition:
 - (a) Selector lever is in the "safe" position; and,
 - (b) The chamber of the weapon is empty.
- 15 - When a tactical rifle is placed into service in conformance with paragraphs 13 and 14 of this Order, a loaded magazine may be inserted into and maintained within the magazine well.
- 16 - When a tactical rifle is removed from service and returned to storage, a TRO shall perform the following firearm safety procedures:
 - (a) Remove the tactical rifle from the vehicle's weapon rack or its carry case;
 - (b) Confirm the selector lever is in the "safe" position;

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- (c) Confirm the magazine well is vacant;
 - (1) If necessary, remove the magazine from the magazine well and secure it in the tactical rifle carry case;
 - (d) Lock the bolt open and conduct a visual and physical inspection to ensure the chamber is empty;
 - (e) Close the bolt on an empty chamber; and,
 - (f) Secure the rifle within its carry case.
- 17 - When not secured in an authorized location, the tactical rifle shall be under the control of the TRO.
- 18 - A TRO shall be responsible for routine maintenance of their tactical rifle, including effective cleaning and sufficient lubrication subsequent to weapon use.
- 19 - Advanced maintenance (i.e., that which is beyond normal cleaning and lubrication), authorized modification to, and periodic 'quality/assurance' inspection of tactical rifles shall be the responsibility of trained and certified department armorsers.
- 20 - A TRO shall not make or facilitate unauthorized modifications, maintenance or repair of a tactical rifle.
- 21 - Modification to a tactical rifle may only occur upon the authorization of the Patrol Division Captain and carried out by certified department armorsers.

Program Administration

- 22 - The coordination and administration of the Program shall be the responsibility of a Patrol Division Lieutenant designated by the Patrol Division Captain.
- 23 - The Firearms and Tactics Unit (FTU) will develop and implement a training program for TROs that will address:
- (a) Initial and periodic training and qualification for TROs;
 - (b) Ensure instruction of weapon system fundamentals, including, but not limited to, tactical rifle nomenclature, operation, emergency action procedures, and render safe procedures.
 - (c) Tactical containment procedures employed by the Barricaded Subject/Hostage Negotiation Team, including, but not limited to, fundamental tactics and communication protocols.

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- 24 - Upon recommendation of the Patrol Division Captain, appointment of an applicant officer to the Program will be at the discretion of the Chief of Police.

Selection Process

- 25 - Officers may apply for appointment to the Program if the following criteria are met:
- (a) Applicants must be a full time, sworn officer, with a minimum of one year of experience as a sworn officer with the Berkeley Police Department.
 - (b) Applicants must have demonstrated their ability to work with minimal supervision.
 - (c) Applicants must have demonstrated their ability to maintain a calm and professional demeanor during stressful situations.
 - (d) Applicants must have demonstrated their ability to exercise good judgment and make sound decisions.
 - (e) Applicants must have demonstrated their ability to handle firearms safely and effectively during departmental firearms training.
- 26 - The selection process shall include:
- (a) A review of the applicant's personnel file for sustained complaints involving the improper use of force, poor judgment, dishonesty, or mistreatment of equipment.
 - (b) A review of comments by the applicant's supervisors and commanding officers, as presented in annual evaluations and the applicant's special assignment form, relating to the applicant's job performance and suitability to be a TRO.
 - (c) A review of the applicant's firearms training records and comments by FTU instructors regarding the applicant's participation and demonstrated abilities during firearms training.
 - (d) The applicant will participate in an interview panel comprised of officers, sergeants and/or command officers assigned by the Patrol Division Captain.
 - (1) The interview will include questions regarding General Order U-2, as well as situational questions intended to assess the applicant's qualifications.
- 27 - A TRO who has been inactive for any period of time may be reactivated at the discretion of the Patrol Division Captain.

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- (a) A TRO requesting reactivation to the Program must meet the minimum selection criteria listed in paragraph 25 of this Order, and successfully complete a recertification training and related firearms qualification program.
- 28 - When an officer becomes inactive, resigns, or is decertified from the Program, his/her tactical rifle and associated equipment shall be returned to the Department in the unmodified condition it was issued.

Decertification Process

- 29 - A TRO may be decertified by the Chief of Police for any of the following reasons:
- (a) Work performance deemed "Unsatisfactory" or "Needs Improvement" over an extended period of time, as defined in General Order P-28, and the TRO has not demonstrated significant improvement in the course of a Performance Improvement Plan.
 - (b) Failure to attend or successfully complete required Program training.
 - (c) Any documented mistreatment, neglect, or improper use of a tactical rifle, other firearm or weapon.
 - (d) Exhibiting a pattern of unsafe weapon handling or tactics during tactical rifle deployment or firearms training programs.
 - (e) Demonstration of poor judgment or inability to make sound decisions during his/her regular assigned duties.
 - (f) Failure to comply with the provisions of this Order.

References: General Orders F-2, P-28, U-2 and X-1

Mental Illness Commitments

410.1 PURPOSE AND SCOPE

State

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

410.2 POLICY

Best Practice

It is the policy of the Berkeley Police Department to protect the public and individuals through the legal and appropriate use of the 72-hour treatment and evaluation commitment process (5150 commitment).

410.3 AUTHORITY

State

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for a 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others, or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not only limited to determining if the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) The person who is being evaluated or anyone designated by the person
- (b) An individual who is providing or has provided mental health treatment or related support services to the person
- (c) A family member

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Conflict resolution and de-escalation techniques.
- (c) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be

a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150). The officer shall document the disposition of the person's property on the application.

410.5 SEARCH PRIOR TO TRANSPORTATION

Prior to transportation, the officer taking a mentally disordered person into custody pursuant to W&I 5150, or who facilitates the person's request for voluntary psychiatric evaluation, shall ensure the person is searched for weapons or items that could present a safety hazard or security concern to ambulance personnel.

Cor

410.6 TRANSPORTATION

Best Practice

Persons wishing to self-commit or who are being detained pursuant to W&I 5150 shall be transported to an appropriate care facility via ambulance.

Communication Center personnel shall be responsible for requesting the appropriate ambulance service, based on information communicated by the requesting officer and requirements set forth in the service contract(s) maintained with the Alameda County EMS governing non-medical W&I 5150 transportation.

Persons requiring medical clearance prior to delivery to a psychiatric care facility shall be transported to the appropriate receiving hospital as determined by ambulance personnel.

Officers shall evaluate the mentally disordered person's potential for violence when considering transportation logistics.

Operations Division personnel shall be responsible for post-commitment transportation of a "POLICE HOLD" prisoner from the involved psychiatric treatment facility.

- (a) Individuals cleared with a "fit for incarceration" from a psychiatric facility such as John George Pavilion or Alta Bates Hospital, may be transported to either the Berkeley City or Santa Rita Jail. Consideration should be given to any additional investigation or interviews needed for the case.

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410.7 DOCUMENTATION

Best Practice

The officer shall complete an application for a 72-hour detention for evaluation and treatment, provide it to the transporting personnel assigned to that patient and retain a copy of the application as the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any transport personnel regarding the circumstances leading to the involuntary detention.

410.7.1 ADVISEMENT

State

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.8 VOLUNTARY EVALUATIONS

410.8.1 VOLUNTARY EVALUATION - NOT MEETING W&I 5150 CRITERIA

When an officer encounters an individual who desires to be voluntarily committed for a W&I 5150 evaluation but, in the officer's opinion, doesn't meet the criteria for a hold, the officer should:

- (a) Facilitate the transport of the person to an appropriate facility that is able to conduct an evaluation.
- (b) Document the circumstances surrounding the individual's desire to pursue a voluntary evaluation in an MDT or Incident Report.

If at any point the person changes his/her mind regarding the voluntary evaluation, the person shall be allowed to decline transport.

410.8.2 VOLUNTARY EVALUATION - MEETING W&I 5150 CRITERIA

When an officer encounters an individual who desires to be voluntarily evaluated AND meets the criteria for a 5150 commitment, the officer should:

- (a) Facilitate the transport of the person to an appropriate facility that is able to conduct an evaluation.
- (b) Complete a W&I 5150 Application

Completing the evaluation safeguards for the possibility that the person changes their mind

regarding the voluntary commitment during transport and is allowed to leave when they are actually in need of an evaluation at a psychiatric facility.

410.8410.9 CRIMINAL OFFENSES

410.9.1 MINOR OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or citation or completing a report with an out of custody request for a warrant.

410.9.2 SERIOUS OFFENSES

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to an appropriate mental health facility.
- (d) Indicate "POLICE HOLD" and note the applicable crime(s) on the W&I 5150 application.
- (e) Advise the transporting personnel that the subject is on a police hold.
- (f) Complete the police report and any supporting documents that will be needed once the individual is released from the psychiatric detention-police hold.
- (g) Notify oncoming shifts of the future need to transport the subject once he/she is deemed fit for incarceration (see section 410.6(a) regarding transportation).

410.9410.10 FIREARMS AND OTHER WEAPONS

State

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institute § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant is needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

410.10.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

State

Whenever the handling officer has cause to believe that the future return of any confiscated

weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

410.10410.11 TRAINING

Best Practice

The ~~Berkeley Police Department's department~~ will ~~striveendeavor~~ to provide Peace Officer Standards and Training (POST) -approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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BERKELEY POLICE DEPARTMENT

DATE ISSUED: April 7, 2010

GENERAL ORDER 1-16

SUBJECT: MENTALLY DISORDERED PERSONS

PURPOSE

- 1 - The purpose of this Order is to establish policy and procedure for the custody and/or transportation of mentally disordered persons to designated treatment facilities, and other related processes.

POLICY

- 2 - Employees are expected to comply with applicable law and the procedures described in this Order.
- 3 - Employees shall reasonably ensure all medical or mental health records or information obtained while providing services to mentally disordered persons remain confidential.
 - (a) Employees shall not make public nor reveal to unauthorized persons any information received about mentally disordered persons.
 - (b) Release of confidential information documented in a police report shall be handled as set forth in General Order R-23.

DEFINITIONS

- 4 - Deadly Weapon: Any weapon, the possession or concealed carrying of which is prohibited by Penal Code §12020.
- 5 - Gravely Disabled: A person so impaired by a mental disorder that he/she cannot provide for his/her basic needs for food, clothing, or shelter.
- 6 - "In Extremis" Person: A person with a potential life-threatening illness or injury.
- 7 - Mentally Disordered Person: A person who is a danger to him-/herself, others, or is gravely disabled as a result of a mental disorder.

PROCEDURES

Emergency Detention

- 8 - A mentally disordered person may be taken into custody by a sworn peace officer and placed in a facility designated by the County and approved by the State Department of Mental Health for emergency evaluation and treatment (ref. Welfare and Institutions Code (WI) §5150).
- 9 - Officers who take a mentally disordered person into custody pursuant to WI §5150 shall complete an Application for Emergency Psychiatric Detention form documenting the following information:

*Highlighted text is revised.

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- (a) The circumstances under which the person's condition was called to the attention of law enforcement;
 - (b) The officer's observations and belief that the person, as a result of mental disorder, is a danger to others, to himself/herself, or is gravely disabled; and,
 - (c) If the emergency commitment is associated with a criminal offense and arrest, the words "POLICE HOLD" and relevant code sections shall be written on the Application form.
 - (1) In the event the law enforcement hold is solely related to a parole violation, the words "PAROLE AGENT HOLD" shall be written on the Application form.
 - (d) The officer's issuance of the Detainment Admonition (WI §5157(a)).
- 10 - When an officer commits a mentally disordered person under the provisions of WI §5150, the Application For Emergency Psychiatric Detention form shall serve as the police report.
- (a) Application forms prepared by officers shall be prepared and administered in accordance with established report writing procedures (ref. General Order R-31).
 - (b) If the emergency commitment is associated with a criminal offense and arrest, the Application form shall be incorporated into and bear the same report number as the criminal investigation report.
 - (c) Referral "green" copies of the completed Application for Emergency Psychiatric Detention form shall be given to ambulance personnel prior to transport.
 - (d) The officer shall ensure a copy of the Application form (i.e., the "white" cover page retained as the police report) is routed to the Berkeley Department of Health Services' Mental Health Division.

Voluntary Committal/Request for Psychiatric Care

- 11 - Employees shall facilitate the request of any person in Berkeley for emergency psychiatric care.

Transportation Procedures

- 12 - A mentally disordered person who voluntarily requests transportation, or is subject to WI §5150 detention, for emergency psychiatric evaluation shall be transported to an appropriate care facility via ambulance.

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DATE ISSUED: April 7, 2010

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- (a) When requesting an ambulance transport, officers shall advise the Communication Center if the mentally disordered person has a known or suspected injury or illness that might require pre-psychiatric commitment medical clearance.
 - (b) Communication Center personnel shall be responsible for requesting the appropriate ambulance service, based on information communicated by the requesting officer and requirements set forth in the service contract(s) maintained with Alameda County EMS governing non-medical WI §5150 transportation.
- 13 - A mentally disordered person who is "in extremis" or otherwise requires medical clearance prior to delivery to a psychiatric care facility shall be transported to the appropriate "Receiving Hospital", as determined by ambulance personnel.
- (a) Officers shall communicate knowledge of and observations regarding a mentally disordered person's physical status (i.e., known or suspected injury, illness or substance influence, history of same, etc.) to ambulance personnel to assist their assessment of whether or not a medical clearance is required.
- 14 - Officers shall evaluate the mentally disordered person's potential for violence when considering transportation logistics.
- (a) Non-Violent Person: Officers will not be required to participate in the transportation of a mentally disordered person to the appropriate medical or psychiatric treatment facility.
 - (b) Violent Person, Threat of Violence or Escape/Crime-related "HOLDS": Officers shall participate in the transportation of a mentally disordered person who is violent, where there is a threat of violence or escape, or when the person is subject to a "POLICE HOLD" or "PAROLE AGENT HOLD".
 - (1) Participation in transportation may include following the ambulance in a separate vehicle, or, if requested by ambulance personnel or required for security, riding within the ambulance.
 - (i) The officer who participates in transportation by riding in the ambulance shall ensure his/her return to Berkeley is arranged prior to departure to the designated treatment facility.
 - (2) Patrol Division personnel shall be responsible for post-commitment transportation of a "POLICE HOLD" prisoner from the involved psychological services facility.

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- 15 - Prior to transportation, the officer taking a mentally disordered person into custody pursuant to WI §5150, or who facilitates the person's request for voluntary psychiatric evaluation, shall insure the person is searched for weapons or items that could present a safety hazard or security concern to ambulance personnel.
 - (a) When police department personnel have physical custody of a prisoner who is/was subject to emergency psychological commitment and evaluation, custodial and prisoner transportation policies and protocols shall be followed (ref. General Orders J-1 and T-2).
- 16 - When a person is taken into custody for psychiatric evaluation, precautions shall be taken to preserve and safeguard the property in his/her possession or in his/her control on the premises occupied by the person.
 - (a) Property may be left in the custody of a responsible relative (i.e., spouse, parent, adult child, and adult brother/sister, but not petitioner), guardian or conservator.
- 17 - If a mentally disordered person is apprehended in either his/her home or vehicle, the responsible officer should make reasonable efforts to secure the home or vehicle, or convey its custody to a responsible relative, guardian, or conservator.
 - (a) If necessary, an officer may order the removal of a vehicle from the public right-of-way (ref. Vehicle Code §22651(g) and General Order V-2).
- 18 - If a mentally disordered person is apprehended away from his/her home or vehicle, and advises that either is in danger if not secured or protected, the officer should make reasonable efforts to secure the property and notify a responsible relative, guardian, or conservator.
- 19 - Custody of the personal property (not in person's immediate possession/control), vehicle, or home of a mentally disordered person may be conveyed to any responsible adult upon express consent of its owner.

Firearms/Deadly Weapons Procedure

- 20 - When a mentally disordered person detained or apprehended for emergency psychiatric evaluation is found to have in his/her immediate possession or control, any firearm or deadly weapon, the officer shall confiscate and retain custody of said firearm or weapon (WI §8102(a)).
 - (a) Despite the directive of WI 8102(a), officers shall not enter a mentally disordered person's residence, or if in the residence at the time of detention/apprehension, search areas beyond the person's immediate control, solely to seize a firearm or deadly weapon without express consent or a search warrant.

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- (b) The officer who confiscates a firearm or deadly weapon from a mentally disordered person shall inform the person of the procedures for the return of the seized item (WI §8102(b)).
 - (c) The officer who confiscates a firearm or deadly weapon pursuant to this Order shall forward a copy of the police report to the Detective Bureau unit responsible for weapons investigation.
- 21 - Within 30 days of the release of a mentally disordered person from a psychiatric care facility, Detective Bureau personnel may initiate a petition in the Superior Court for a hearing to determine whether the return of a firearm or other deadly weapon would be likely to endanger the person or others (WI §8102(c)).
- (a) Should retention of the firearm or deadly weapon be deemed in the best interest of public safety, petitioning Detective Bureau personnel shall ensure notice has been sent to the mentally disordered person advising him/her that he/she has 30 days to request a court hearing on the seizure of the weapon and that the failure to request a hearing will result in forfeiture of the weapon (WI §8102(e)).
 - (b) If the mentally disordered person does not respond to the Court within 30 days of notice, Detective Bureau personnel shall file a petition for Order of Default to authorize forfeiture of the firearm or deadly weapon.
- 22 - Prior to the return of a firearm seized pursuant to this Order, pre-return requirements described in PC §12021.3 shall be accomplished.
- 23 - The final disposition of firearms or deadly weapons confiscated pursuant to this Order, whether abandoned by the owner or forfeited by Court Order, shall conform to the property management procedures set forth in General Order P-65.

Service of Court Orders

- 24 - The officer assigned to serve a Court Order directing a mentally disordered person to submit him-/herself to psychological evaluation on a particular date/time and location shall:
- (a) Deliver a copy of the Petition and Order received from the Alameda County Sheriff's Office to the person named in the Order.
 - (b) Complete the Affidavit of Service form.
 - (c) Deliver the original of the Petition, Court Order, and Affidavit of Service to the designated psychiatric facility for return to the Superior Court (ref. WI §5208).

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- 25 - The officer assigned to serve a Court Order to take into custody and deliver a mentally disordered person for psychiatric evaluation shall:
- (a) Deliver a copy of the Court Order to the person named and take the person into custody.
 - (1) Whenever possible, officers charged with the apprehension of a mentally disordered person should dress in plainclothes and travel in unmarked vehicles (WI §5153).
 - (b) Complete the Affidavit of Service form.
 - (c) Facilitate the named person's transportation to a designated psychiatric facility.
 - (d) Deliver the original of the Court Order and Affidavit of Service to the designated psychiatric facility for return to the Superior Court.
 - (e) Deliver a copy of the Court Order to the designated psychiatric facility for its records.
- 26 - Regarding officer responsibility for safeguarding a mentally disordered person's personal property (ref. paragraph 16 of this Order), if the detention is made pursuant to Court Order, the responsible officer shall report the property's disposition to the Court in the following format (ref. WI §5211):
- (a) "I hereby report to the Superior Court for the County of Alameda that the personal property of [name of person apprehended], described generally as [description of property], was preserved and safeguarded by [name of officer, relative, guardian, or conservator]. The property is now located at [address]." [date/officer signature]

Psychiatric Facility "Walk Away"/Missing Person Protocol

- 27 - In the event a psychiatric treatment facility notifies this Department that a mentally disordered patient committed by a Berkeley police officer pursuant to WI §5150, or who is a resident of Berkeley, is a "missing person," investigative assistance shall be provided in accordance with General Order M-1.

Mentally Ill Parolees

- 28 - When an officer contacts a parolee who is subject to State mental health supervised release conditions, that officer should notify the person's parole agent as soon as practical following the contact.
- (a) In the event the contact involves violence, criminal conduct, or results in emergency commitment for psychiatric evaluation, the person's parole agent shall be notified.

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- (b) In the event the contact involves criminal conduct, established investigative and custodial procedures shall be followed.
- 29 - Non-violent parolees subject to State mental health supervised release conditions who are in need of psychiatric services, but who are not committable pursuant to WI §5150, should be referred to mental health services provided by the California Department of Corrections and Rehabilitation Parole Division's Berkeley office.

 - (a) After normal business hours or as may be necessary, Mobile Crisis Team resources may be requested.

References: Penal Code §§1524, 12020 and 12021.3
Welfare and Institutions Code §§5008, 5150 – 5157, 5200 – 5213, 5325.1, 8100 and 8102
Vehicle Code §22651(g)
General Orders C-2, M-1, P-65, R-23, R-31 and V-2
Training and Information Bulletin 105

Cite and Release Policy

411.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

411.2 POLICY

It is the policy of the Berkeley Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required, provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). ~~In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.~~

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

411.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. ~~All bookings shall be approved by the Watch Commander or the authorized designee.~~

411.4 NON-RELEASE

411.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation

and shall be transported to the appropriate detention facility or held for court or bail after booking:

Disqualifying offenses include (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1)).
- (b) Felony domestic battery (Penal Code § 273.5).
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1)).
- (d) Violation of a protective order and the arrested person has made threats, used violence or has gone to the protected person's workplace or residence (Penal Code § 273.6).
- (e) Stalking (Penal Code § 646.9).
- (f) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6).

411.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. ~~The Watch Commander~~ A sSupervisor may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 - 1. ~~The Berkeley Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).~~
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

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- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
 - (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - (a) Previous failure to appear is on record
 - (b) The person lacks ties to the area, such as a residence, job or family
 - (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the ~~booking form~~ Probable Cause Declaration (PC Dec) Consolidated Arrest Report. ~~This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Management.~~

411.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, ~~with subject to Watch Commander~~ ssupervisor approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence
- (b) The misdemeanor cited in the warrant involves a firearm
- (c) The misdemeanor cited in the warrant involves resisting arrest
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer
- (e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics
- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety
- (g) The person has other ineligible charges pending against him/her
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
- (i) The person refuses to sign the notice to appear
- (j) The person cannot provide satisfactory evidence of personal identification
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section ~~should~~shall be done in accordance with the provisions of this policy.

411.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code (i.e., 12500(a) or 14601.1(a)) - cite into Traffic Court
- Most misdemeanor traffic violations, such as 20002 VC and 23140 VC, should not be

given citations. If there are no other charges and/or the juvenile is not transported to Juvenile Hall, the report should be forwarded to YSD for review and consideration of sending the case to the Juvenile District Attorney, to Juvenile Probation or diversion, see also the Temporary Custody of Juveniles Policy.

- Violations of the Berkeley City-Municipal codes - cite into Traffic Court
- Marijuana violations (i.e., possession, transport, sales) - cite into Traffic Court

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Youth Services Detail for review and consideration of sending the case to Juvenile Probation or diversion. ~~the Detective Bureau for further action including diversion.~~

411.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: May 27, 2005

GENERAL ORDER C-10

SUBJECT: CITATION RELEASES

PURPOSE

- 1 - This order establishes policies and procedures to implement Penal Code Section 853.6, which authorizes the issuance of a citation release for any misdemeanor offense in which the officer has arrested a person pursuant to Penal Code Section 836 or where he/she has taken custody of a person on a private person's arrest pursuant to Penal Code Section 847.

POLICY

- 2 - It shall be the policy of this Department that misdemeanor citations shall be issued in lieu of physical arrest and incarceration whenever it is possible to do so within the framework of this Order. Every effort shall be made for field citation release of misdemeanor offenders pursuant to Penal Code Section 853.6.

DEFINITIONS

- 3 - "Misdemeanor," as used in this Order, shall mean any offense punishable by fine or imprisonment in a county jail for not more than one year.
 - (a) Those offenses that are punishable as either a misdemeanor or a felony shall be handled as felonies.
- 4 - The term "arrest," as used in this Order, shall mean the taking of a person into custody either by actual restraint of the person or their submission to custody. A citation does not substitute for an arrest; it is issued after an arrest. Citations may be issued in the field or in the Public Safety Building.
 - (a) "Physical arrest" shall mean the taking of a person into custody and the transportation of that person to the Public Safety Building.
- 5 - The term arrest "booking," as used in this Order, shall mean the completion of a CORPUS Consolidated Arrest Report, taking of fingerprints and a photograph of the arrested person and the completion of the Alameda County Sheriff's Department's Prisoner Property Receipt (Form 230-1) prior to physically incarcerating a person into the jail. This process shall be conducted in the jail booking area.
- 6 - The term "field citation release" as used in this Order, shall mean the release of an offender in the field after completion of a Wanted Person Systems name check accessed through the Automated Warrant System (AWS) and the National Criminal Information Center (NCIC) and without the defendant being fingerprinted and photographed.

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- 7 - The term "station citation release," as used in this Order shall mean the release of an offender from the Public Safety Building following the completion of the CORPUS arrest record and a Wanted Person Systems name check accessed through AWS, CLETS and NCIC.
- 8 - Under Penal Code 853.6(i), whenever any person (18 years or older) is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth in Penal Code section 853.6, unless one of the 9 reasons listed below (a through i) is a reason for non-release. If one of the 9 reasons for non-release listed below applies, the arresting officer still has the discretion to cite-release the person, but if the person is not cite-released, the officer must state on the Consolidated Arrest Report which of the following 9 reasons was/were the reason(s) for the non-release. In addition, please note that being arrested for multiple misdemeanors is NOT one of the 9 reasons for non-release.
- (a) The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others. Persons too inebriated to make their way to safety must be physically arrested. The law in effect provides that a person shall never be arrested for intoxication alone unless his/her own safety or the safety of another is jeopardized. A person shall never be cited in the field for intoxication. (See also General Order I-15, care of Intoxicated Persons). Persons arrested for 647(f) PC may be released per 849(b) PC when sober.
- (1) Prior Corpus arrest history: No arrest for 647(f) PC in the past 30 days history: Arrest for 647 (f) past 30 days – – cite-release when sober. Service Bureau staff shall issue the citation only after a complete records check has been made.
- (2) Prior Corpus arrest may cite-release. If bail posted, the person shall not be released until sober.
- (b) The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety. When it is necessary to transport the arrested person to a hospital, a citation may be issued at the hospital in accordance with Departmental policy.
- (c) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
- (1) When the person arrested fails to present his/her driver's license or other satisfactory evidence of his/her identity for examination.

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- (2) When the person arrested refuses to give his/her written promise to appear in court.
 - (3) When the person arrested demands an immediate appearance before a magistrate.
 - (4) When the person arrested is charged with violating Section 23152.
- (d) There were one or more outstanding arrest warrants for the person. When there are any outstanding warrants for the person, they shall not be released on the citation unless so authorized by a supervisory officer. In any event, the outstanding warrant(s) shall be cleared prior to release on citation. In accordance with 827.1 PC, a person who is specified or designated in a warrant of arrest for a misdemeanor offense may be released upon the issuance of a citation, in lieu of physical arrest unless one of the following conditions exists:
- (1) The misdemeanor cited in the warrant involves violence.
 - (2) The misdemeanor cited in the warrant involves a firearm.
 - (3) The misdemeanor cited in the warrant involves resisting arrest.
 - (4) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
- (1) This criterion provides a practical device in allowing physical arrest for legitimate investigative purposes.
 - (2) If the arresting officer is to interrogate the person about the offense for which he/she was arrested, the citation decision may be delayed until a reasonable opportunity to admonish and interrogate has occurred.
 - (3) Physical arrest is proper if evidence of the crime for which the Person was arrested might otherwise be destroyed.

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- (g) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
 - (1) **Assault and battery and disturbing the peace are examples of emotionally charged crimes that may continue or resume unless an enforcing cooling-off period is accomplished by physical arrest. The same offense, however committed under some circumstances might be suitable for citation release; for example, if there is no apparent likelihood that the offense or resume, a citation should be issued.**
- (h) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
 - (1) State law prohibits the citation release of any person who demands to be taken before a magistrate.
 - (2) The signature of the person arrested is required for the citation release. The citizen shall be advised that signing the citation is not an admission of guilt, but only a promise to appear on the assigned date.
 - (3) Minor offenses may also be handled by the complaint-warrant process, even though the person refuses to give his/her promise to appear. The complaint-warrant process may be followed when a person refuses to sign a citation for such minor violations as littering, illegal possession, posting handbills or various animal control regulations.
 - (i) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated on the Consolidated Arrest Report.
 - (4) **Persons who have been arrested previously as defaulting defendants shall not be released on citation because of their demonstrated propensity for failing to appear in court.**
 - (5) **The fact that an arrested person may have an extensive arrest record shall not in and of itself, constitute reasonable cause to believe that they will not appear in court if released on citation.**

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- 9 - The Consolidated Arrest Report stating the reason or reasons for non-release shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him or her from custody before trial.

FIELD CITATION PROCEDURES

- 10 - Immediately after making an arrest, the arresting officer shall determine if the subject meets the criteria for a field citation release. Persons eligible for field citation release shall be cited and released at the location of arrest.
- 11 - A Wanted Person Systems name check accessed through AWS, CLETS and NCIC shall be conducted by phone or radio for the subject's clearance prior to a field citation release. If communications or data base difficult prevents such clearance, the subject will be transported to the Public Safety Building until such clearance can be completed, whereby the subject will be released as a station citation release.
- 12 - The citation is to be fully completed by the arresting officer and signed by the person arrested. The officer shall check the box that is located between lines 12 and 13 of the citation marked "BOOKING REQUIRED" as notification that the misdemeanor was not processed into the CORPUS system and is in need of formal booking.
- (a) When filing out a Field Citation, the arresting officer shall also write in a "booking" date and check the "booking required box" between lines 12 and 13 of the form. This date should be at least one week prior to the court date assigned in box # 24 of the citation. The booking date should be written in just below or just above the "booking required" box.
- (1) The arresting officer shall explain to the cited individual that he/she must report to the Front Counter of the Public Safety Building prior to the "booking date."
 - (2) Compliance with this process enables the individual to make arrangements to be processed BEFORE going to court and provides them proof of booking to present to the judge in court.
 - (3) Departmental personnel assigned to process such bookings shall insure the individual is provided with a copy of the "Booking Verification Form."

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- 13 - In receiving a person arrested for a misdemeanor by a private person, officers shall, if the person is eligible for citation release, promptly cite and release the person. A citizen's insistence on custodial arrest shall not influence the officer's decision to cite and release.
- 14 - Except as provided below in (a), an Offense Report is required whenever a citation is issued under this Order. The arresting officer shall check the appropriate boxes on the Offense Report that indicate that the responsible was cited in the field and provide the citation number and the assigned date and time of the court appearance. A CORPUS Consolidated Arrest Report shall not be completed for a field citation.
 - (a) Field citations for BMC infraction sections such as Drinking in Public (13.36.070) that are referred to the Berkeley Traffic Court do not require an Offense Report. The violation must be clearly described on the citation. For example, "BMC 13.36.070 - drinking from 16 oz brand X malt liquor." The citation does require a case number and the violation and subject's information shall be entered into an MSC/Cad report. Patrol Supervisors will be responsible for reviewing MSC/CAD reports of these field citations in order to ensure all the proper information is included.
 - (b) **All misdemeanor field citations would require a police report and be sent to the District Attorney's Office for charging considerations with a court date in Oakland.**
- 15 - The case number will be recorded on line 19 of the citation and the original shall be routed along with the police report to the District Attorney's office via the supervisory report review process. Review by the District Attorney's Office will be in accordance with Section 41 of this order.
- 16 - Criminal investigation reports submitted by investigating officers to the District Attorney for complaint review and prosecution of adult offenders should include a CORPUS and/or CII criminal history printout for each listed offender.
- 17 - The arresting officer shall enter the subject's name and other required information in the automated Adult Field Citation log.
- 18 - In all cases where a subject arrested on a misdemeanor charge does not meet the immediate criteria for a field citation release, the subject shall be brought to the Public Safety Building for either a station citation release or physical incarceration.

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VEHICLE CODE SECTIONS THAT REQUIRE A WRITTEN OFFENSE REPORT

- 19 - Citations issued for Sections 20002 VC, 23152 VC, 23103 VC, 23109 VC and 23110 VC should be attached to the face sheet of the original report and routed to the appropriate Team Sergeant.
- 20 - Citations and face sheets will be reviewed by the Team Sergeant for accuracy and thoroughness and routed to the Report Review Unit.
- 21 - The Report Review Unit will assemble the citation, face sheet and supplemental narrative (if any) and route to the District Attorney for charging.

STATION CITATION PROCEDURES

- 22 - At the Public Safety Building, the arresting officer shall attempt to have the subject resolve whatever problem prevented a field citation release, i.e., satisfactory evidence of identity, outstanding warrant(s), etc. Once the problem is cleared, the subject may be released on a station citation release.
- 23 - If any of the circumstances addressed in Section 8 of this order cannot be resolved in a timely manner, the subject shall be booked into the City jail and the issue of citation release handled according to Section 42 of this order.
- 24 - A CORPUS Consolidated Arrest Record (CAR) shall be completed by the arresting officer for a station citation release. The officer shall deposit the CAR in the designated Telecommunications operator in-tray.
- 25 - A Corpus Consolidated Arrest Record (CAR) shall be completed by the arresting officer for a station citation release.
- 26 - A Wanted Person Systems name check, accessed through the Automated Warrant Systems (AWS), the California Law Enforcement Teletype System (CLETS) and the National Crime Information Center (NCIC), shall be completed by the assigned Telecommunications Operator. If the arrested subject has any outstanding warrants refer to 8(d) of this order.
- 27 - Fingerprinting and photographing of the arrested subject is required station citation releases and will be completed in the Public Safety Building by the Jail Community Service Officers (CSOs). Fingerprints shall be cleared by the Alameda County Consolidated Criminal Record Bureau prior to a station citation release.

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- 28- The Consolidated Arrest Report (CAR) is to be left with the Jail Community Service Officers. The officer is to obtain a photocopy of the Consolidated Arrest Report (CAR) and attach it to the offense report prior to submitting it to their Superior for review.
- 29 - The citation is to be fully completed by the arresting officer and signed by the person arrested. The officer shall NOT check the box on the citation marked "BOOKING REQUIRED" since the prisoner is being processed in the CORPUS system.
- 30 - Authorization for release from custody will rest with the Jail Community Service Officers once sections 22-25 of the citation have been completed.
- 31 - All jail Community Service Officers assuming the Corpus position shall be required to conduct a thorough check of a prisoners arrest history prior to the completion of the citation release process. If there is questionable information within this history which may mitigate such a release, i.e., prior convictions or enhancements, an indication that a State Prison Term has been prescribed, etc, the jail CSO shall immediately contact his or her supervisor who shall advise the arresting officer of this new information.
- 32 - If the Corpus history reveals that a State Prison Term has been prescribed, the Community Service Officer shall immediately contact the California Department of Corrections to determine the prisoners parole status and inquire as to the propriety of a parole hold.
- 33 - Whenever a citation is issued under this order, an Offense Report is required. The arresting officer shall mark the appropriate boxes on the Offense Report that indicate that the responsible was cited at the station and provide the citation number and the assigned date and time of the court appearance.
- 34 - The case number will be recorded on the citation and the original shall be routed with the corresponding police reports and CAR photocopy to the Patrol Team report tray. See Section 41 of this Order.
- 35 - CSOs assigned to the jail on the third platoon shift shall enter the subject's name in the automated Jail arrest log, with the "Disposition" entered as Cite Release.

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- 36 - In all cases of citation release, citation copy #2 shall be given to the defendant. The issuing officer shall explain all necessary procedures to the defendant.

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- 37 - The third copy of the citation may be retained for the arresting officer's use.
- 38 - When a citation is issued, the officer shall set the date and time of appearance as set by the following court schedule:
- (a) Court dates for criminal matters heard at the Wiley Manuel Courthouse, 661 Washington Street, Oakland, CA., 94607 should be set as follows:
 - Misdemeanors Dept. 107, 2 P.M., 21 days from release, 2 P.M.
 - Felonies Dept. 112, 2 P.M., 7 days from release, 2 P.M.
 - Citation Arrests/Misdemeanor
Dept. 107, 9 A.M., 21 days from release, 9 A.M.
- BMC Misdemeanors will be referred to Berkeley Traffic Court below:
- Traffic matters/ BMC violations/Infraction marijuana offenses are referred to the Berkeley Traffic Court, 2000 Center Street, Department 205. Set an appearance date for 30 days from release at 10:00 A.M.
- (b) Check appropriate box in Section 26 of the citation as noted above.
 - (c) If the appearance date falls on a court holiday, set for the first court date thereafter.
 - (d) A copy of the up-to-date citation appearance schedule is maintained in the Warrant Detail.
- 39 - When more than one person is charged with the commission of a misdemeanor arising out of one incident and the officer determines that all of the persons should be cited, each shall be cited to appear in court on the same date.
- 40 - When a person is booked under one of the exceptions to the citation release policy, the booking officer shall include in the narrative portion of the Consolidated Arrested Report (CAR) and Offense Report a brief statement explaining why the person was booked, rather than cited.

RESPONSIBILITY OF SUPERVISORS

- 41 - Supervising officers reviewing offense reports shall:

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- (a) Review all physical arrest events and/or citation release event to insure that officers are utilizing field citation release whenever possible.
- (a) Ascertain that offense reports for misdemeanor custodial booking cases indicate the reason why a field citation release or station citation release was not done.
- (b) Ascertain that the original citation is submitted, fully legible and complete and that the court appearance date is not scheduled for a court holiday or weekend. The supervisor shall promptly route the citation with the corresponding police reports covering the incident to the in-custody report box.

CITATION CRITERIA FOR INCARCERATED PERSONS – JAIL PROCEDURES

- 42 - Misdemeanants, initially not eligible for release on citation and booked, may qualify for release at a later time (i.e., intoxicated persons, emotionally excited arrestee). Such persons may be released on a citation by Jail Community Service Officers in accordance with the provisions of this Order.
- 43 - No person incarcerated shall be released on a citation from the jail without the approval of a Community Service Officer Supervisor or Sergeant or above. When released on a citation, the court appearance will be set according to Section 38 of this Order.
- 44 - If a citation is issued to a person who has not been booked and incarcerated in the jail, the arresting officer shall provide the citation number and court appearance date in the appropriate space on the report form.

References: California Penal Section 827.1, 834, 835, 836, 847, 849 (b) and 853.6
California Vehicle Code Sections 40302 and 40303
General Orders I-3, J-1, H-2, I-15 and O-5

Field Training Officer Program

419.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Berkeley Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

419.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

419.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of ~~three~~ **four** years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate ~~in~~ **and pass** an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

419.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

419.3 STATUS CHANGE OR REMOVAL FROM PROGRAM

419.3.1 VOLUNTARY

Field Training Sergeants and/or Field Training Officers may voluntarily leave the Program by resignation or upon an approved request for transfer to "inactive" status.

- (a) The notice of resignation or request for transfer to "inactive" status shall be submitted in writing by the requesting sergeant or officer to the Field Training Lieutenant.**

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- (b) A request for transfer to "inactive" status shall include the period of anticipated inactivity and, if known, the date of return to active service with the Program.
 - (c) A request for transfer to "inactive" status shall not be effective until expressly approved by the Operations Division Captain.

419.3.2 INVOLUNTARY

A Program staff member (i.e., lieutenant, sergeant or officer) may be involuntarily transferred to an "inactive" status by the Operations Division Captain in the following circumstances:

- (a) Failure to meet any of the minimum qualification criteria outlined in this policy.
- (b) Failure to perform the duties of the member's position as outlined in this policy, or as may be assigned by the Program's chain of command.
- (c) Failure to meet acceptable standards of individual performance in his/her primary duty assignment.
- (d) If the member is the subject employee of a personnel complaint investigation and, due to the nature of the alleged misconduct, the integrity of the Program or the member's service could be impugned.

A Program staff member shall remain in an "inactive" status until the circumstances causing the temporary status change have been resolved.

A Program staff member who has been transferred to "inactive" status shall not perform any action, duty or responsibility associated with the Program unless expressly authorized by the Operations Division Captain or Chief of Police.

A Program staff member may be removed from the Program by the Chief of Police only for cause and as a disposition of a sustained disciplinary investigation.

419.3419.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisors should be selected from the rank of sergeant or above by the Operations Division Captain Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies

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- (h) Maintain liaison with academy staff on recruit performance during the academy
 - (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

419.4419.5 **TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Berkeley Police Department who has successfully completed a POST approved Basic Academy.

419.5419.6 **REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 160 weeks.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, ~~but shall consist of a minimum of eight weeks.~~ A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

~~419.5-1419.6.1~~ **FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual before at the beginning of his/her Orientation Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Berkeley Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the Berkeley Police Department.

419.6419.7 **EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

~~419.6-1419.7.1~~ **FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of

learning and evaluating the performance of his/her assigned trainee.

~~419.6.2~~419.7.2 ~~IMMEDIATE SUPERVISOR~~FTO SERGEANT

The ~~FTO Sergeant immediate supervisor~~ shall review and approve the Daily Trainee Performance Evaluations, ~~and forward them to the Field Training Administrator.~~

~~419.6.3~~ ~~FIELD TRAINING ADMINISTRATOR~~

The ~~Field Training Administrator~~ will review and approve the ~~Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.~~

~~419.6.4~~419.7.3 ~~TRAINEE~~

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

~~419.7~~419.8 ~~DOCUMENTATION~~

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End of phase evaluations
- ~~(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training~~

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GENERAL ORDER F-3

SUBJECT: FIELD TRAINING PROGRAM

PURPOSE

- 1 - The purpose of this Order is to outline procedures for training, monitoring, and evaluating new sworn officers, as well as those returning to Patrol Division after an extended absence.

POLICY

- 2 - All police officers, whether newly hired or returning to duty after a prolonged absence, shall successfully complete the Field Training Program (hereafter "Program") prior to working without immediate supervision.

PROCEDURES

General

- 3 - Unless otherwise approved by the Chief of Police, all sworn officers assigned to the Program shall participate in a full training Program, as described in paragraph 6 of this Order.
 - (a) Lateral officers with prior police experience may be accelerated in and be allowed early completion of the Program according to their individual performance.
 - (1) All training material in the Program training manual shall be completed by the lateral officer and signed off by Field Training Officers prior to his/her accelerated completion of the Program.
 - (b) Lateral officers without prior experience (i.e., police academy graduates) shall complete the entire Program.
- 4 - All officers returning to this Department after an authorized leave of absence, injury leave, military leave, or other extended absence of one (1) year or more, shall be assigned to and successfully complete a Program approved by the Patrol Division Captain.
 - (a) Program training shall minimally consist of:
 - (1) A one (1) week update on policy, patrol procedure, and equipment changes; and,
 - (2) A one (1) week final evaluation period to confirm solo officer status.
 - (3) If more training is deemed necessary by Program staff, the returning officer's time in the Program will be extended.

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- 5 - The Field Training Program Lieutenant, or his/her designee, shall meet with officers returning to Patrol Division from other special or temporary duty assignments to determine if training is needed to reacquaint the officer with policies and procedures.
- (a) An officer may receive training from a Patrol sergeant or he/she may be assigned to a Field Training Officer (FTO) for refresher training, as needed.
 - (b) The amount of training will be dependent upon the length of time the officer has been absent from Patrol and his/her familiarity with current procedures.

Field Training Program Structure

- 6 - The Program shall be administered over a prescribed period and consist of employee orientation, three phases of training, and final evaluation period provided by Field Training Officers.
- (a) Orientation shall be two (2) weeks in length and cover specified learning domains presented in the Program training manual.
 - (1) The FTO shall show the recruit important locations within the Department and region, introduce him/her to co-workers and other city employees, and familiarize him/her with important policies and procedures he/she will be expected to know prior to working in the field.
 - (2) No formal evaluation takes place during Orientation Phase.
 - (b) Phase 1 shall be scheduled for four (4) weeks and cover specified learning domains presented in the Program training manual.
 - (1) Phase 1 shall be focused on training, with the recruit expected to perform at about 25% – 40% of workload activity expected of a solo officer.
 - (i) "Workload activity" includes in-field activity such as victim and witness interviews, suspect contacts, report writing, and operational decision-making.
 - (2) The formal evaluation process will begin and daily feedback on performance shall be provided to the recruit.
 - (c) Phase 2 shall be scheduled for four (4) weeks and cover specified learning domains presented in the Program training manual.

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- (1) Phase 2 shall be focused on training, with the recruit expected to perform at about 40% – 75% of workload activity expected of a solo officer.
- (2) Daily performance evaluation and feedback shall continue through this training phase.
- (d) Phase 3 shall be scheduled for four (4) weeks and cover specified learning domains presented in the Program training manual.
 - (1) The recruit shall perform most of the daily tasks and assignments during this training phase, with workload increasing to 100% police activity expected of a solo officer prior to progression to Final Evaluation.
 - (2) Daily performance evaluation and feedback shall continue through this training phase.
- (e) Final Evaluation: shall be scheduled for two (2) weeks, and conducted to allow the recruit to demonstrate he/she can function at the level of "solo officer", as defined in the Program training manual.
 - (1) An FTO, in plain clothing, shall supervise the recruit during Final Evaluation.
 - (i) The FTO shall not intervene in the activities of the recruit in Final Evaluation unless necessary for officer or public safety, or required with respect to law or policy.
 - (2) Daily evaluations shall not be prepared and feedback should be limited to input intended to clarify or resolve issues related to the recruit's application of law, policy or procedure, or to emphasize important training opportunities.
 - (i) Unless otherwise directed by Program staff, the FTO will only prepare an End of Phase report to document the recruit's performance during Final Evaluation.
 - (3) Final Evaluation may be terminated at any time by the Program Lieutenant and the recruit returned to a supervised training phase should the recruit require further training to reach solo officer status.

Performance Issue Management

- 7 - A recruit who is not meeting the minimum performance standards required to progress to the next Program phase may be extended within the current training phase.

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- (a) Phase extension may be allowed by the Program Lieutenant upon the recommendation of the recruit's assigned FTO and Field Training Sergeant, and only as long as the recruit continues to show improvement in the areas of substandard performance.
- 8 - In the event a recruit's performance is below minimum standard and he/she is no longer deemed responsive to training, the assigned Field Training Sergeant may propose instituting a Performance Improvement Contract.
- (a) A Performance Improvement Contract may be initiated upon the recommendation of the Field Training Sergeant and approval of the Program Lieutenant.
 - (b) The Performance Improvement Contract shall describe the following terms for completion:
 - (1) A specific period of time (usually 2-4 weeks) in which the recruit's performance shall improve to expected standards;
 - (2) Define all deficiencies and steps taken prior to the Performance Contract to improve them;
 - (3) Outline the minimum level of performance, and steps to be taken in order to reach that level, expected by the end of the Contract in order to continue in the Program; and,
 - (4) A warning that failure to accomplish the terms of the Contract may result in termination from the Program.

Field Training Program, Removal from Program

- 9 - Upon failure of a recruit to satisfactorily complete his or her performance contract, and when further retraining is deemed unlikely to improve performance, the Field Training Sergeant shall prepare and submit to the Program Lieutenant a written recommendation of termination.
- (a) The recommendation memorandum shall include descriptions of: the pattern of below-minimum performance; all efforts employed to provide training; and the failure of the recruit to satisfactorily respond to training and demonstrate improvement.
 - (b) If applicable, the Field Training Sergeant shall attach a copy of the Performance Contract and other relevant documents to the recommendation memorandum.
- 10 - The Program Lieutenant shall review the recommendation package, add his/her comments, and forward the package to the Patrol Division Captain.

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- (a) Prior to forwarding the package to the Patrol Division Captain, the Program Lieutenant should meet with the recruit, inform him/her of the recommendation to terminate his/her participation in the Program.
 - (1) With prior approval of the Patrol Division Captain and Chief of Police, the Program Lieutenant may discuss with and present the recruit the opportunity to resign in lieu of possible termination from employment.
- 11 - The Patrol Division Captain shall review the recommendation package, add his/her comments, and forward the package to the Chief of Police for review and final disposition.

Field Training Program Staff

- 12 - Field Training Lieutenant: Responsible for Program management and performance of related duties assigned by the Patrol Division Captain, which may include, but are not limited to:
 - (a) Act as the departmental liaison with the Commission on Police Officer Standards and Training (POST) for Program compliance issues.
 - (b) Review and final sign-off of completed recruit training files.
 - (c) Maintain and secure all Field Training Program files.
 - (d) Direct supervision of all Field Training Sergeants.
 - (e) The coordination of all POST-mandated training for field training personnel.
 - (f) Maintain a current roster of available Field Training Officers, sufficient to address the projected training needs of the department.
- 13 - Field Training Sergeant: Responsible for general Program supervision duties and related assignments as directed by the Program Lieutenant, which may include, but are not limited to:
 - (a) The direct supervision of Field Training Officers.
 - (b) Evaluation of Field Training Officer performance.
 - (c) Maintenance of schedule board outlining FTO/recruit assignments.
 - (d) The review of all Daily Observation Reports and Daily Training Notes.
 - (e) Assist FTO's in formulating remedial training to address needs as they surface in review of Daily Observation Reports above.

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- (f) The preparation and assembly of the recruit's training file, sign off for completeness, and submission to the Program Lieutenant at the time of the recruit's completion of the Program.
 - (g) Scheduling of FTO and recruit officers to phase training.
 - (h) Act as a liaison with Personnel and Training, which may include attending academy graduations, scheduling training, or any task required to assist the recruit in his/her transition from the academy to the Program.
- 14 - Field Training Officer: Responsible for primary training of recruits and duties assigned by the Field Training Sergeants, which may include, but are not limited to:
- (a) The direct supervision of any assigned recruit.
 - (b) The review and sign-off on all reports and other official documents prepared by the recruit.
 - (c) The completion of Daily Observation Reports and Daily Training Notes for each day of training, and submission of those reports to the assigned Field Training Sergeant at the end of each duty shift.
 - (d) The timely completion of End of Phase reports prior to passing a recruit on to the next training phase.
 - (e) The completion of recruit's Field Training Manual for assigned training phase prior to his/her progression to the next FTO.
 - (f) The planning of and implementation of specialized remedial training for a recruit when deficiencies in performance are noted and result in a below-minimum rating.
 - (g) Participate in the selection process for Field Training Officers.
 - (h) Coordinate with the Program Lieutenant on any matter or action that will affect the Program.
 - (i) The preparation of memorandums or other documentation regarding recruit performance as requested by a Field Training Sergeant.

Field Training Program Staff, Appointment

- 15 - The Field Training Lieutenant shall be a Patrol Division Lieutenant appointed by the Patrol Division Captain, and approved by the Chief of Police.

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- 16 - Field Training Sergeants shall be appointed by the Patrol Division Captain upon recommendation of the Field Training Lieutenant and approval of the Chief of Police.
- (a) Applicants for Field Training Sergeant must meet the following minimum criteria in order to be eligible.
 - (1) Completion of his/her promotional probation period.
 - (2) Is currently assigned to a Patrol Division team, or returning to Patrol Division by the start of the timesheet following appointment to the Program.
 - (3) Agree to remain in Patrol Division for at least one (1) year after appointment to the Program.
 - (4) Meet or exceed requirements in all areas of most recent performance evaluation.
 - (5) Demonstrate a positive attitude, professional appearance, and good interpersonal skills as demonstrated in daily interactions with subordinates, co-workers, supervisors, and the public.
 - (6) Have no sustained personnel complaint that would undermine the applicant's credibility to the point where supervising, teaching, and/or being a positive role model is impaired.
- 17 - An officer who meets the following minimum eligibility criteria may be appointed to the Program as a Field Training Officer upon recommendation of the Patrol Division Captain and approval of the Chief of Police:
- (a) Completion of his/her two (2) year probationary period.
 - (1) The second year of the probationary requirement may be waived by the Chief of Police for officers with a minimum of two (2) years prior police experience.
 - (b) Be currently assigned to a Patrol Division team or be returning to Patrol Division at the end of the current timesheet.
 - (c) Agree to remain in Patrol Division for one (1) year after appointment.
 - (d) Meet or exceed requirements in all areas of his/her most recent performance evaluation.
 - (e) Have no sustained personnel complaint that would undermine the applicant's credibility to the point where supervising, teaching and/or being a positive role model is impaired.

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- (f) Possess a positive attitude, professional personal appearance, and good interpersonal skills as demonstrated in daily interactions with co-workers, supervisors, and the public.
- 18 - The process of application for the positions of Field Training Sergeant and Field Training Officer shall adhere to the procedures set forth in General Order P-15.

Field Training Program and Staff, Performance Evaluation

- 19 - The Field Training Program shall be evaluated by each recruit within one timesheet following his/her successful completion of the Program.
- (a) This evaluation shall be submitted on an approved form provided and only address Program-related issues.
 - (b) This evaluation shall be retained by the Program Lieutenant and used to identify training needs and/or the overall Program effectiveness.
- 20 - Field Training Sergeants shall be evaluated annually by the Program Lieutenant as a component of the sergeants' annual departmental performance evaluation.
- (a) The Program Lieutenant's evaluation shall be prepared and submitted for employee review as a written attachment to the employee's annual performance evaluation package.
- 21 - Field Training Officers shall be evaluated annually by the Field Training Sergeants, and periodically by the recruits whom they instruct in the course of the Program.
- (a) A Field Training Sergeant assigned by the Program Lieutenant shall be responsible for preparing and submitting for employee review a written attachment to the employee's annual performance evaluation package.
 - (b) Recruits shall submit a written evaluation of their FTO's performance as a Program instructor within one timesheet of Program completion.
 - (1) FTO evaluation by a recruit shall be submitted at the same time as, but distinct from, the recruit's Program evaluation.
 - (2) FTO evaluation by a recruit shall be deemed a confidential supervisory record administered by the recruit's Field Training Sergeant.
 - (i) Evaluations of FTO performance submitted by recruits shall be used by Program staff to identify trends and training needs, and maintained in a secure temporary file to support the annual supervisor-subordinate evaluation process.

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- (ii) Unless required as part of an official disciplinary process, periodic FTO evaluations by recruits shall not be retained in the FTO's personnel file.
- 22 - Recruits participating in the Program shall be evaluated by assigned FTOs and a Field Training Sergeant as required by Program structure and General Order P-28.
 - (a) The assigned FTO shall prepare a Daily Observation Report, share its contents with the recruit, and submit the signed original for review by the assigned Field Training Sergeant after each day of training.
 - (b) The assigned FTO shall prepare an End Of Phase Report for review by the assigned Field Training Sergeant prior to the beginning of the recruit's next scheduled training phase.
 - (c) The assigned Field Training Sergeant shall complete required departmental Performance Evaluation Forms, share their contents with the recruit, and submit signed originals for administrative review via the chain of command (ref. General Order P-28.)

Field Training Program Staff, Status Change or Removal from Program

- 23 - Field Training Sergeants and/or Field Training Officers may voluntarily leave the Program by resignation or upon an approved request for transfer to "inactive" status.
 - (a) The notice of resignation or request for transfer to "inactive" status shall be submitted in writing by the requesting sergeant or officer to the Field Training Lieutenant.
 - (b) A request for transfer to "inactive" status shall include the period of anticipated inactivity and, if known, the date of return to active service with the Program.
 - (c) A request for transfer to "inactive" status shall not be effective until expressly approved by the Patrol Division Captain.
- 24 - A Program staff member (i.e., lieutenant, sergeant or officer) may be involuntarily transferred to an "inactive" status by the Patrol Division Captain in the following circumstances:
 - (a) Failure to meet any of the minimum qualification criteria outlined in this Order.
 - (b) Failure to perform the duties of the member's position as outlined in this Order, or as may be assigned by the Program's chain of command.

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- (c) Failure to meet acceptable standards of individual performance in his/her primary duty assignment.
 - (d) If the member is the subject employee of a personnel complaint investigation and, due to the nature of the alleged misconduct, the integrity of the Program or the member's service could be impugned.
- 25 - A Program staff member shall remain in an "inactive" status, when directed pursuant to paragraph 24 of this Order, until the circumstances causing the temporary status change have been resolved.
- 26 - A Program staff member who has been transferred to "inactive" status shall not perform any action, duty or responsibility associated with the Program unless expressly authorized by the Patrol Division Captain or Chief of Police.
- 27 - A Program staff member may be removed from the Program by the Chief of Police only for cause and as a disposition of a sustained disciplinary investigation.

Program Staff, Mandatory Training

- 28 - Newly appointed Field Training Officers shall successfully complete a 40 hour Field Officer Training course, certified by the Commission on Police Officer Standards and Training (POST), prior to being assigned an officer for training.
- 29 - Field Training Officers who have been inactive with the Program for three (3) or more years must complete a 24-hour Field Training Officer update course certified by POST prior to being assigned an officer for training.
- 30 - Field Training Officers shall be provided and successfully complete 24 hours of update training, either a POST-certified class or other approved program(s), every three (3) years.
- 31 - Newly appointed Field Training Lieutenants and Sergeants shall successfully complete a POST-certified Field Training Manager course within twelve (12) months of appointment to the Program.

References: General Orders P-15, P-26 and P-28
P.O.S.T. Administrative Manual
P.O.S.T. Field Training Program Guide