



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**May 13, 2015
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL

2. APPROVAL OF AGENDA

3. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. CHAIR'S REPORT

5. CHIEF OF POLICE'S REPORT

Budget, staffing, training updates, and other items.

6. PRC OFFICER'S REPORT

Status of Complaints; announcements.

7. OLD BUSINESS (DISCUSSION AND ACTION)

a. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6, as both are more fully identified in the regular meeting agenda of February 25, 2015; and including review of mutual aid practices and policies.

i) Follow-up on review and discussion of relevant policies, including mutual aid.

ii) Review and discuss relevant evidence, including video evidence.

iii) Other discussion and action on investigation.

8. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

9. PUBLIC COMMENT

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

10. ADJOURNMENT

Communications Disclaimer

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



Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 3rd floor, during regular business hours.

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

**COMMUNICATIONS FOR PRC MEETING
May 13, 2015**

MINUTES

-

COMMUNICATIONS

**Communication #4160 – Berkeley Police Review Commission (PRC)
BPD Response to December 6, 2014 Protests *POLICY INVESTIGATION
TIMELINE***

Page 5

**Communication #4160 – Excerpts from BPD Lexipol policies approved by
PRC December 11, 2013 (NOT YET IN EFFECT)**

Page 7

mgm

**Berkeley Police Review Commission (PRC)
 BPD Response to December 6, 2014 Protests
 * POLICY INVESTIGATION TIMELINE ***

ACTION TO BE COMPLETED	RESPONSIBLE PARTY	DUE DATE (PRC Meeting)
Draft Policy Investigation Plan	Investigation Subcommittee	April 22
Adopt Investigation Plan Adopt Formal Questions for Police Chief	Commission	
Review & Discuss All Relevant Policies (including San Francisco's and Oakland's)	Commission	May 6 (Special Meeting)
Review & Discuss all Relevant Evidence (including video)	Commission	May 13
Complete the Individual Review of BPD Internal Investigative Report	Individual Commissioners	May 20 (Special Meeting)
Presentation of BPD Internal Investigative Report to Commission	Police Chief	May 27
Questions to Chief (including questions on General Orders, staging areas and demonstrations)	Commission	

ACTION TO BE COMPLETED	RESPONSIBLE PARTY	DUE DATE (PRC Meeting)
Identify Policy Issues	Commission	June 3 (Special Meeting)
Discuss Policy Recommendations	Commission	June 10
Adopt Policy Findings & Recommendations	Commission	June 17 (Special Meeting)
	Commission Staff	June 24
Distribute PRC Draft Report	Commission Staff	July 8
Review PRC Draft Report	Commission	July 15 (Special Meeting)
Adopt PRC Report & Recommendations (session 1)	Commission	July 22
Adopt PRC Report & Recommendations (session 2)	Commission	July 29 (Special Meeting)
Submit PRC Report & Recommendations to City Council	Commission Staff	August 10 (not a meeting date)

8. **NEW BUSINESS** (For discussion and action)
- a. Approve 2014 meeting schedule.
 - b. Recommendation to Berkeley City Council to honor BPD's Swat Team and its individual members on their 1st-place finish in the 2013 Urban Shield competition. (Commissioner Cardoza)
 - c. Recommendation on possible dates for City Council work session on drones and designation of commission representative.
 - d. Recommendation by Accreditation subcommittee to full commission regarding its review and approval of Berkeley Police Department (BPD) Lexipol policies referenced below in 8.d.
 - e. Commission's consideration and vote on approval of the following BPD Lexipol policies:

(Dates in parenthesis next to attached policies below identifies date of the regular full commission meeting where it was reported that the policy was reviewed and approved at the subcommittee level).

Chapter 1

- Policy 100 – Law Enforcement Authority (10/10/12)
- Policy 102 – Chief Executive Officer (10/10/12)
- Policy 104 – Oath of Office (10/10/12)
- Policy 106 – Policy Manual (10/10/12)

Chapter Two

- Policy 200 – Organizational Structure and Responsibility (10/10/12)
- Policy 204 Special Order (10/10/12)
- Policy 206 Disaster Plan (10/10/12)
- Policy 208 Training Policy (10/10/12)
- Policy 212 Electronic Mail and Crime Forum (10/10/12)
- Policy 214 Administrative Communications (10/10/12)
- Policy 216 Staffing Levels (10/10/12)
- Policy 218 Concealed Weapon License (10/10/12)
- Policy 220 Retired Officer CCW Endorsements (10/10/12)

Chapter 3

- Policy 304 – Shooting Policy (1/9/13)
- Policy 306 – Leg Restraint Device (1/9/13)
- Policy 308 – Control Devices and Techniques (1/9/13)
- Policy 316 – Officer Response to Calls (2/27/13)
- Policy 320 – Domestic Violence (4/24/13)
- Policy 322 – Search and Seizure (5/8/13)
- Policy 326 – Elder Abuse (4/24/13)
- Policy 328 – Discriminatory Harassment (5/8/13)
- Policy 330 – Child Abuse Reporting (5/8/13)
- Policy 332 – Missing Person Reporting (5/8/13)
- Policy 336 – Victim Witness Assistance (2/27/13)
- Policy 338 – Hate Crimes (2/27/13)
- Policy 342 – Department Technology Use (6/26/13)
- Policy 346 – News Media Relations (6/26/13)
- Policy 348 – Court Appearance Subpoenas (6/26/13)

COMMUNICATION No. 4160

Dec 11, 2013 PRC Agenda

304.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.1.1 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- a. An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- b. An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- c. To stop a dangerous animal.
 1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.
 2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force

(e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

- d. With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed .
- e. For target practice at an approved range.

Where feasible, a warning should be given before an officer resorts to deadly force as outlined (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

304.1.2 WARNING SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they are necessary, effective and reasonably safe.

304.1.3 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- a. Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- b. This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- c. Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

304.1.4 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with his/her Division Commander prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift.

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capicum (OC) spray and tear gas). Only those control devices that have been approved by the Chief of Police or his/her designee are authorized to be carried by members of this department.

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the department Armorer or Rangemaster, or the designated instructor for a particular control device.

308.1.3 TRAINING FOR CONTROL DEVICES

- a. Only officers trained and having shown proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device.
- b. Training for all control devices should occur every two years at a minimum.
- c. All training and proficiency for control devices will be documented in the officer's training file.

- d. Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training.

308.2 BATON GUIDELINES

The baton is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified to safely control the suspect(s), or to maintain control in a crowd control situation.

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

308.3 TEAR GAS GUIDELINES

The use of tear gas for crowd control, crowd dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander or Incident Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that such force reasonably appears justified to safely control the suspect(s).

In crowd situations, chemical agents shall not be used without the prior approval of the Chief of Police, or his/her designee, unless exigent circumstances prevent the request from being made and the delay would likely risk injury to citizens or police personnel (e.g., rocks, bottles, or other projectiles are being thrown and immediate crowd dispersal is necessary).

When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

308.4 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified.

Oleoresin Capsicum (pepper spray) for use as a crowd control technique is prohibited. On September 16, 1997, the City Council passed a policy recommendation that says, in part, "no pepper spray will be used for crowd control by the Berkeley Police Department."

308.4.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.4.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

Uniformed field personnel carrying the oleoresin capsicum spray shall carry the device in a departmentally approved holster or pouch. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be turned in to the Personnel and Training Sergeant for exchange. Damage to City Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage if applicable.

308.4.4 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.4.5 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.

Employees who use OC in the normal course of duty are required to make an oral report of said use as soon as practical to a supervisor. Documentation of its use must be accomplished in three ways:

Criminal Investigation/Incident Report: The employee who used OC is responsible for documenting said use, in appropriate language and detail, in the numbered police report associated with the incident wherein the particular force option was employed.

Use of Force Report: The on-duty supervisor or command officer who received the oral report must complete and submit this internal administrative report to the Chief of Police via the chain of command.

Use of Pepper Spray Report: The employee who used OC is responsible for completion of this City Council-directed form. It must be submitted to the Chief of Police via the chain of command, and

delivered to the City Manager within seven (7) days of an incident involving OC application.

A public document, the report should be legibly completed in simple, concise language (i.e., no code sections, jargon, etc.) that any citizen could understand. Also, the report should not include information that should not otherwise be made public without appropriate command approval, such as involved party names and their personal information.

Under the section "First Aid for Subject," the employee should articulate the type of first aid administered to the person(s) exposed. Details of first aid rendered should include, but not be limited to, flushing of exposed areas with water, how much time passed between exposure and decontamination, and monitoring of breathing.

Under "Summary and Justification," the employee should explain why it was necessary to use OC, in consideration of and reference to our "Situational Use of Force Continuum." Unless there are unforeseen or extraordinary circumstances preventing timely preparation and routing of these reports, the involved supervisor or command officer should ensure they are completed and submitted to the chain of command by the end of his/her duty shift.

308.5 KINETIC ENERGY PROJECTILES

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury.

Kinetic energy projectiles are approved by the Department and are fired from 37/40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

In crowd situations, less-than-lethal force shall not be used without the prior approval of the Chief of Police, or his/her designee, unless exigent circumstances prevent the request from being made and the delay would likely risk injury to citizens or police personnel (e.g., rocks, bottles, or other projectiles are being thrown and immediate crowd dispersal is necessary).

308.5.1 DEPLOYMENT OF KINETIC ENERGY PROJECTILES

Approved munitions are justified and may be used to compel an individual to cease his/her actions when such munitions present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely.

308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- a. Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
- b. Has made credible threats to harm her/himself or others
- c. Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers

308.5.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

- a. Severity of the crime or incident.
- b. Subject's capability to pose an imminent threat to the safety of officers or others.
- c. If the subject is actively resisting arrest or attempting to evade arrest by flight.
- d. The credibility of the subject's threat as evaluated by the officers present, and physical capacity/capability.
- e. The proximity of weapons available to the subject.
- f. The officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)).
- g. The availability of other force options and their possible effectiveness.
- h. Distance and angle to target.
- i. Type of munitions employed.
- j. Type and thickness of subject's clothing.
- k. The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

308.5.4 DEPLOYMENT DISTANCES

Officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

308.5.5 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted when deadly force is not reasonably justified.

Officers should generally follow the departmental training regarding minimum deployment distances and target areas however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

308.5.6 APPROVED MUNITIONS

Only department approved kinetic energy munitions shall be carried and deployed.

308.5.7 USE OF KINETIC ENERGY PROJECTILES BY SUPERVISORS

A specially designated 40 mm launcher for the use of kinetic energy projectiles, will normally be carried in the trunk of each supervisor unit.

Supervisors will inspect this launcher at the beginning of each shift to ensure that it is in proper working order and loaded, or cased with approved projectiles only.

308.5.9 USE OF KINETIC ENERGY PROJECTILES BY SWAT

Officers assigned to BSHNT, who have completed a departmental training course may carry and employ 37/40 mm projectiles while on duty or while performing Special Weapons and Tactics (SWAT) missions.

308.5.10 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic

energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification course.

308.6 RESPONSIBILITIES

308.6.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall monitor the use of control devices in the same manner as all other use of force incidents.

- a. The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Watch Commander.
- b. The Watch Commander shall review each use of control devices by any personnel within his or her command.
- c. The Watch Commander shall ensure follow-up training on the use of control devices as needed.

308.6.2 PERSONNEL AND TRAINING SERGEANT RESPONSIBILITIES

The Personnel and Training Sergeant or one of his/her designees (FTU Lead, DTU Lead, etc.) shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the Personnel and Training Sergeant or his/her designee for disposition, repair or replacement.

308.6.3 MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices. Periodic inspection, and replacement of worn parts or devices will be the responsibility of the Personnel and Training Sergeant or his/her designee.

308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

308.7.1 USE OF PEPPER SPRAY

Whenever an officer or employee uses Oleoresin Capsicum (pepper spray), he or she must also complete a "Use of Pepper Spray Report" form. (See Training and Information Bulletin #216 for detailed instructions in completing this form)

Policy 346 - News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Public Information Officer (PIO), or if unavailable, to the Watch Commander. Prior to releasing any information to the media, employees shall consider the following:

- a. At no time shall any employee of this department make any comment or release any non-public information to the media without prior approval from a Watch Commander or the Public Information Officer;
- b. In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- c. Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- a. The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- b. Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).
- c. No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- d. Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge.

Policy 346 - News Media Relations

Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Public Information Officer or Watch Commander.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the PIO or the Watch Commander. This log will generally contain the following information:

- a. The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

Policy 346 - News Media Relations

- b. The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- c. The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the Support Services Division Commander (custodian of records). Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

Policy 346 - News Media Relations

- a. Confidential peace officer personnel information (See Policy Manual § 1026)
 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- b. Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
- c. Criminal history information
- d. Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- e. Information pertaining to pending litigation involving this department
- f. Information obtained in confidence
- g. Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

The following information is provided for your information:

1. The total number of units in the program is 120 units.

2. The total number of units completed is 100 units.

3. The total number of units remaining is 20 units.

4. The total number of units completed is 100 units.

5. The total number of units remaining is 20 units.