



OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

## POLICE ACCOUNTABILITY BOARD REGULAR MEETING

Wednesday, January 26, 2022  
7:00 P.M.

### Board Members:

ISMAIL RAMSEY, CHAIR  
MICHAEL CHANG, VICE-CHAIR  
KITTY CALAVITA

REGINA HARRIS  
JULIE LEFTWICH  
DEBORAH LEVINE

NATHAN MIZELL  
JOHN MOORE III  
CHERYL OWENS

### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 822 3790 2987. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

## AGENDA

1. **CALL TO ORDER & ROLL CALL** (5 minutes)
2. **APPROVAL OF AGENDA** (5 minutes)
3. **PUBLIC COMMENT (TBD)**

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

The Police Accountability Board and Office of the Director of Police Accountability (ODPA) were created to provide independent civilian oversight of the Berkeley Police Department. They review and make recommendations on police department policies, and investigate complaints made by members of the public against police officers. For more information, contact the ODPA.

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955  
Website: [www.cityofberkeley.info/dpa/](http://www.cityofberkeley.info/dpa/) Email: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

4. **APPROVAL OF MINUTES** (3 minutes)
  - a. Special meeting of January 5, 2022.
  - b. Regular meeting of January 12, 2022.
5. **CHAIR'S REPORT** (5 minutes)

Update from Board member Mizell on Reimagining Public Safety Task Force.
6. **DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT** (5 minutes)

Status of complaints; other items.
7. **CHIEF OF POLICE'S REPORT** (10 minutes)

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.
8. **SUBCOMMITTEE REPORTS (discussion and action)** (10 minutes)

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

  - a. Fair & Impartial Policing Implementation – meeting February 3 at 3:30 p.m.
  - b. Director Search.
  - c. Regulations – meeting January 27 and February 3 at 6:45 p.m.
  - d. Mental Health Response (Policy Complaint #7) – meeting to be scheduled.
9. **OLD BUSINESS (discussion and action)**
  - a. Further report on City Attorney conflict-of-interest issues and possible next steps. (10 minutes)
  - b. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODP. (15 minutes)

*(See materials in Jan. 12, 2022 agenda packet.)*
  - c. Update from Police Department regarding the October 15 incident involving a gun on the Berkeley High Campus. (10 minutes)
  - d. Vaccination status of BPD employees. (5 minutes)
  - e. PAB Standing Rules. (15 minutes)
    - i.) Review Interim Director's revisions to Mayor's proposed amendments to Standing Rules, and approve or offer alternate revisions.
    - ii.) Authorize Chair and Vice-Chair to appear at City Council meeting regarding Standing Rules.

- f. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy and Councilmember Harrison's proposed revisions, and provide feedback. (20 minutes)

*(See materials in Jan. 12, 2022 agenda packet.)*

- g. Consider opening a policy review regarding authorizing paramedics to inject suspect with a substance (possibly a sedative). (10 minutes)

*(See materials in Jan. 12, 2022 agenda packet.)*

- h. Policy Complaints #11 and #12: consider whether to open review of policies. (15 minutes)

*(See materials in Jan. 12, 2022 agenda packet.)*

**10. NEW BUSINESS (discussion and action)**

- a. Decide whether to initiate an investigation into the death of a man released from Berkeley Police custody on or about January 9, 2022. (10 minutes)

- b. Election of PAB Chairperson and Vice-Chairperson (10 minutes)

**11. PUBLIC COMMENT (TBD)**

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

**12. ADJOURNMENT (1 minute)**

**Communications Disclaimer**

Communications to the Police Accountability Board, 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 Board 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 Board Secretary for further information.



**Communication Access Information (A.R. 1.12)**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer**

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA.

Contact the Director of Police Accountability (Board Secretary) at [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)



**POLICE ACCOUNTABILITY BOARD (PAB)  
REGULAR MEETING ATTACHMENTS  
JANUARY 26, 2022**

<b><u>MINUTES</u></b>	
January 5, 2022 Special Meeting Draft Minutes.	Page 7
January 12, 2022 Regular Meeting Draft Minutes.	Page 11
<b><u>AGENDA-RELATED</u></b>	
Item 6. – List of current and pending matters.	Page 15
Item 8. – Subcommittee List updated 12-9-2021.	Page 17
Item 9.e. – 1-20-2022 Memo to the Police Accountability Board from the Interim Director of Police Accountability re Further revisions to Standing Rules.	Page 19
Item 9.h. – 1-20-2022 Letter to A. Bolton re Policy complaints #11 and #12.	Page 27
Item 10.a. – 1-12-2022 Article from <a href="http://www.ktvu.com/news/berkeley">www.ktvu.com/news/berkeley</a> re Berkeley man dies after being released from sobering cell raising questions about his care.	Page 29
Item 10.a. – 1-13-2022 Article from Berkeleyside re BPD to review inebriated Man's death after release from police custody.	Page 31
Item 10.a. – 1-12-2022 Email from Andrea Prichett re Inquiry into the death of man on 1-10-22.	Page 33
Item 10.a. – BPD General Order I-15, issued March 26, 2008, re Intoxicated Persons – Custodial and Non-criminal Procedures.	Page 37
Item 10.a. – BPD Policy 900, issued 2021/02/10, re Temporary Custody of Adults.	Page 41
<b><u>COMMUNICATIONS</u></b>	
1-18-2022 Letter from the PAB Chair to the Interim Chief of Police re Request for drafts related to Fair & Impartial Policing Implementation.	Page 75
1-18-2022 Email from the Office of the Director of Police Accountability re Notice of Revisions to Proposed Amendments to the Regulations Implementing the Racial and Identity Profiling Act of 2015.	Page 77





OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

DRAFT

**POLICE ACCOUNTABILITY BOARD**  
**SPECIAL MEETING**  
**MINUTES**  
*(draft)*

**Wednesday, January 5, 2022, 7:00 P.M.**

**No physical location; meeting held exclusively through videoconference and teleconference.**

**1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:00 P.M.**

Present: Board Member Ismail Ramsey (Chair)  
Board Member Michael Chang (Vice-Chair) (left 8:20 p.m.)  
Board Member Kitty Calavita  
Board Member Regina Harris  
Board Member Juliet Leftwich  
Board Member Deborah Levine  
Board Member John Moore  
Board Member Cheryl Owens

Absent: Board Member Nathan Mizell

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability;  
Byron Norris, DPA Investigator

BPD Staff: None

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda as modified to move Item #7 to the public portion of the meeting**

**Moved/Second (Calavita/Harris) Motion Carried by general consent**

**3. PUBLIC COMMENT**

1 speaker.

**7. DECIDE WHETHER TO OPEN COMPLAINT IN THE MATTER OF STEPHEN GAINES'S DEATH AT ALTA BATES HOSPITAL ON AUGUST 13, 2021**

**Motion to initiate an investigation into whether there was a violation of the Use of Force policy in connection with the death of Stephen Gaines at Alta Bates Hospital.**

Moved/Second (Ramsey/Chang) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: Mizell

**Closed Session**

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the Board will recess into closed session to discuss and take action on the following matter(s):

**4. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #1 AND DECIDE WHETHER A HEARING IS NEEDED** (continued from December 8, 2021 meeting)

**Motion to accept staff's recommendation in all three allegations.**

Moved/Second (Calavita/Harris)

**Substitute motion to reject staff's recommendations in Allegation #1 and #3, and instead make findings of unfounded on those allegations; and affirm staff's finding of unfounded in Allegation #2.**

Moved/Second (Levine/Ramsey) **Motion Failed**

Ayes: Levine, Ramsey

Noes: Calavita, Harris, Leftwich, Moore, Owens

Abstain: None      Absent: Chang, Mizell

**On the original motion, to accept staff's recommendation on all three allegations.**

Moved/Second (Calavita/Harris) **Motion Carried**

Ayes: Calavita, Harris, Leftwich, Moore, Owens

Noes: Levine, Ramsey      Abstain: None      Absent: Chang, Mizell

**Motion to accept Interim Director's recommendation of discipline in Allegation #1**

Moved/Second (Calavita/Harris) **Motion Carried**

Ayes: Calavita, Harris, Leftwich, Moore, Owens.

Noes: Levine      Abstain: Ramsey      Absent: Chang, Mizell

**5. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #3 AND DECIDE WHETHER A HEARING IS NEEDED**

**Motion to conduct further fact-finding in a confidential personnel hearing**

Moved/Second (Owens/Moore) **Motion Carried**

Ayes: Calavita, Harris, Leftwich, Levine, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: Chang, Mizell



**6. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #10**

**Motion to approve director's recommendation for administrative closure of this complaint, and modify wording of notice to complainant.**

**Moved/Second (Levine/Calavita) Motion Carried**

**Ayes: Calavita, Harris, Leftwich, Levine, Moore, Owens, and Ramsey.**

**Noes: None Abstain: None Absent: Chang, Mizell**

<b>End of Closed Session</b>
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**7. ANNOUNCEMENT OF CLOSED SESSION ACTION**

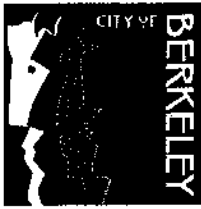
The votes to: accept staff's recommendation in Complaint #1; hold a hearing in Complaint #3; and administratively close Complaint #10 were announced.

**8. ADJOURNMENT**

**Motion to adjourn the meeting.**

**Moved/Second (Owens/Moore) By general consent, the meeting was adjourned at 9:33 p.m.**





OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

DRAFT

**POLICE ACCOUNTABILITY BOARD**  
**REGULAR MEETING**  
**MINUTES**  
*(draft)*

**Wednesday, January 12, 2022, 7:00 P.M.**

**No physical location; meeting held exclusively through videoconference and teleconference.**

**1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:01 P.M.**

Present: Board Member Ismail Ramsey (Chair)  
Board Member Michael Chang (Vice-Chair)  
Board Member Kitty Calavita  
Board Member Regina Harris  
Board Member Juliet Leftwich  
Board Member Deborah Levine  
Board Member Nathan Mizell (arrived 7:04 p.m.)  
Board Member John Moore  
Board Member Cheryl Owens

Absent: None

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability  
Byron Norris, DPA Investigator

BPD Staff: Capt. Joe Okies, Sgt. Darren Kacalek (BPA), Ofc. Matthew Valle (BPA)

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda.**  
**Moved/Second (Calavita/Moore) Motion Carried by general consent**

**3. PUBLIC COMMENT**

14 speakers.

**4. APPROVAL OF MINUTES**

a. Special meeting of December 7, 2021.

**Motion to approve Special Meeting Minutes of December 7, 2021**  
Moved/Second (Calavita/Harris) **Motion Carried by general consent**

b. Regular meeting of December 8, 2021.

**Motion to approve Regular Meeting Minutes of December 8, 2021**  
Moved/Second (Calavita/Moore) **Motion Carried by general consent**

## **5. CHAIR'S REPORT**

Chair Ramsey reported: taking nominations for chair and vice-chair today. Regarding an investigation that many members of the public commented on, there was not enough time to agendaize for tonight's meeting. Will discuss at next meeting.

Board Member Mizell reported on Reimagining Public Safety Task Force: Met Jan. 6; working on responses to NICJR report. Next meeting Monday, Jan. 24 at 6 pm. Task Force will have worksession with Council. Series of community meetings to comment on NICJR report: Jan. 13, Jan. 20, Feb. 3 via Zoom; possibly Jan. 26 in person.

## **6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT**

The Interim Director reported:

-- One new case filed since December meeting; complainant has requested mediation. A complaint filed in June 2021 was on hold pending adjudication of criminal case; that case now over so investigation beginning. 1<sup>st</sup> hearing panel of PAB set for Jan. 31. In midst of peak of work on complaints filed last July.

-- Staff also very busy with policy work.

-- Reminder to email staff when completing training; will be working on stipends for last quarter of 2021.

-- Attended NACOLE 2021 annual conference in Tucson Dec. 12 -16 with Investigator Norris and Board member Moore. Gave presentation on transition to PAB/DPA as part of panel on reforming existing oversight agencies.

Board member Moore reported on his attendance at NACOLE conference. 4 to 5 sessions daily; quite intense. Biggest takeaway was panel on crisis intervention and mental health; learned about models in 3 cities.

## **7. CHIEF OF POLICE'S REPORT**

Captain Okies reported on behalf Interim Chief Louis:

-- 149 sworn officers, 4 officers just started field training, 3 recruits in academy for 156 total. An officer to retire next week and others to retire this calendar year.

-- 92% of BPD employees (includes non-sworn) are vaccinated. 8% have exemptions or are under review by HR Dept. Don't know % of sworn that are vaccinated.

**11. PUBLIC COMMENT**

No speakers.

**Closed Session**

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the Board will recess into closed session to discuss and take action on the following matter(s):

**12. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #5 AND DECIDE WHETHER A HEARING IS NEEDED**

**Motion to conduct further fact-finding in a confidential personnel hearing.**

Moved/Second (Ramsey/Moore) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

**13. REVIEW ADMINISTRATIVE LAW JUDGES' CALOCA DECISIONS IN PRC COMPLAINTS #2484 AND #2485**

Discussed; no action.

**End of Closed Session**

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

The vote to hold a hearing in Complaint #5 and the discussion without action on the *Caloca* decisions was announced.

**15. ADJOURNMENT**

**Motion to adjourn the meeting.**

Moved/Second (Mizell/Leftwich) **By general consent, the meeting was adjourned at 10:24 p.m.**



Police Accountability Board // Office of the Director of Police Accountability

**Current and pending items**

**I. Individual Complaints** (allege misconduct against officers)

- A. 9 involving investigations:
  - 3 in the investigatory stage.
  - 2 hearings scheduled.
  - 3 PAB agreed with DPA's Findings & Recommendations; sent to Chief, who has rendered tentative decisions.
    - 2 cases: DPA has requested that City Manager resolve a difference of opinion in 2 cases
    - 1 case: DPA considering whether to request City Manager review
  - 1 filed with the PRC and investigation on hold pending outcome of criminal proceedings related to the incident complained of.
- B. 1 complaint – complainant and officer agreed to mediation
- C. 1 investigation may be initiated by Board at Jan. 26 meeting

**II. Policy Work**

- A. Policy complaints (member of public requests review): 3 pending
  - One accepted and a **subcommittee** has been formed. (Mental health response.)
  - Two (filed by same person) to be brought to PAB for consideration Jan. 12.
- B. Board-initiated – Subcommittees formed
  - 1. Regulations Subcommittee
  - 2. Fair & Impartial Implementation Subcommittee
- C. Other – active
  - 1. Automatic License Plate Readers
  - 2. Body-Worn Camera policy – access issues
- D. Other – pending
  - 1. Outreach
  - 2. Review Policy 319 as part of Hate Crimes Reporting & Response referral
  - 3. Staff wishes to initiate inquiry into a sedative (?) applied to suspect – agenda Jan. 26
  - 4. Lexipol Policies
  - 5. Controlled Equipment Ordinance – review use policies and impact reports

### **III. Legal and operational issues**

- A. City Attorney conflict-of-interest
- B. Standing Rules – PAB to review Council revisions Jan. 26
- C. Director Search (Subcommittee)
- D. Proper interpretation of Charter amendment re DPA Findings & Recommendations

### **IV. Other Board obligations**

- A. Training
- B. Commendations  
January – June 2021 from BPD to be brought to Board

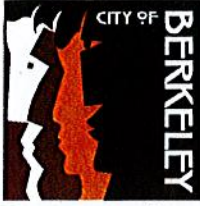


**POLICE ACCOUNTABILITY BOARD  
SUBCOMMITTEES LIST**

**12-9-21**

<b>Subcommittee</b>	<b>Board Members</b>	<b>Chair</b>	<b>BPD Reps</b>
<b>Regulations</b> Formed 7-7-21	Calavita Chang Leftwich Owens  <u>Public:</u> Kitt Saginor	<b>Chang</b>	Lt. Dan Montgomery
<b>Director Search</b> Formed 8-4-21	Levine Mizell Moore  <u>Public:</u> Rivka Polatnick Marc Staton	<u>Co-chairs</u> <b>Levine</b> <b>Moore</b>	
<b>Fair &amp; Impartial Policing Implementation</b> Formed 8-4-21	Calavita Moore Owens Ramsey  <u>Public:</u> George Lippman Elliot Halpern Jamie Crook	<b>Calavita</b>	Sgt. Peter Lee
<b>Mental Health Response</b> Formed 11-10-21	Harris Levine  <u>Public:</u> Elena Auerbach		Sgt. Joe LeDoux





OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

January 20, 2022

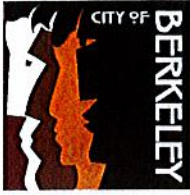
To: Police Accountability Board  
From: Katherine J. Lee, Interim Director of Police Accountability  
Re: Further revisions to Standing Rules

At the January 12, 2022 meeting, you discussed Mayor Arreguin's proposed changes to your Standing Rules regarding appointment of public members to subcommittees. His changes are intended to make the process for soliciting applications from members of the public more open, and to broaden the candidate pool; you expressed support for those changes. The Mayor also revised some language under the misconception that the PAB's subcommittees are standing subcommittees, not ad hoc subcommittees. You asked me to bring back proposed language for your next meeting.

The attached version of the standing rules shows the Mayor's changes, in red, along with my proposed revisions to his language, in purple, to Section J., Appointment of Members of the Public to Subcommittees, on p. 4. Specifically:

- Subsection 1. I inserted "policy" to describe the subcommittees, using the Charter language, and deleted the extra "to." I have also deleted the requirement to make appointments annually. This will preserve the Board's ability to make appointments as necessary (usually, when the subcommittees are initially formed).
- Subsection 3. For consistency and clarity, I replaced "voting" member with "Board" member, even though they are synonymous in this context. Note: the deleted clause was apparently confusing and raised alarms that public members could control a meeting. In fact, if Board members must be a majority of a subcommittee and constitute a quorum to hold a meeting, they could never be outnumbered. A meeting could be convened with an *equal* number of Board and public members, but never with more public members than Board members. Nonetheless, I am in favor of deleting the clause if including it raises concerns.
- Subsection 4. I deleted the one-year term and reinstating the original language that the term cannot exceed the life of the subcommittee, as well as the ability to serve consecutive terms. Ad hoc subcommittees must be renewed yearly, and the Standing Rules provide for reappointment of public members at that time. So, in effect, appointments are limited to one year.





## Police Accountability Board

### Standing Rules

Approved Oct. 27, 2021

**Including Mayor's Proposed Amendments**  
**And DPA's further revisions**

#### A. PURPOSE

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

#### B. AMENDMENTS AND REVISIONS

Amendments and revisions to these Standing Rules shall be adopted by a majority vote of the Board, except that the Board may not adopt rules that conflict with the enabling Charter amendment (Measure II) or the Commissioners' Manual.

#### C. AGENDA ITEMS – REGULAR MEETINGS

Individual Board members shall submit agenda items to the Board secretary by 12:00 noon one week before the meeting date.

#### D. COMMUNICATIONS

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

#### E. MEETING PROCEDURES

1. Items shall be introduced by the Board member or staff member who proposed the item. The Chair shall then allow an initial period for discussion by recognizing Board members in rotation to ensure that each Board member has the opportunity to speak before a Board member is allowed to speak again. Board members are allowed a maximum of two minutes to speak each time they are given the floor.
2. After a motion on the item is made and seconded, the Chair will recognize the maker of the motion, and then the seconder, to speak. After that, the Chair will recognize Board members in rotation, giving each Board member the opportunity to speak before a Board member is allowed to speak again. Board members are allowed a maximum of one minute to speak each time they are given the floor, and must confine their remarks to the merits of the motion. The Chair may give the

maker of the motion an additional minute to speak before putting the matter to a vote.

3. A pending motion may be modified by a "friendly amendment"; that is, by a proposed amendment that is accepted by the maker and seconder of the motion.
4. Action on a motion may be by either voice or general consent. In either case, the Chair shall repeat, or ask the Board secretary to repeat, the motion before the action.
5. Guest speakers who are not on the agenda may address the Board only by general consent, or upon a formal motion.
6. None of these procedural rules shall supersede the procedures set forth in Robert's Rules of Order.

#### *F. PUBLIC COMMENT*

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

#### *G. POLICY COMPLAINTS AND REVIEWS*

1. A request for the Board to review a BPD policy, practice, or procedure may be initiated by a member of the public by filing a policy complaint on a form provided by the Office of the Director of Police Accountability, and is considered a "policy complaint."
  - a) Policy complaints should be reviewed by staff and brought to the Board for discussion and action within 30 days of filing or the next regular meeting of the Board if the 30 days has expired.
  - b) Additionally, a public comment period shall be agendized immediately preceding consideration of the policy complaint, limited to comments on that complaint. Policy complainants will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes; the time allotted is subject to the discretion of the Chair, who will consider the number of persons wishing to speak. Board members may ask policy complainants brief questions. The BPD will be given an opportunity to respond to the Board. The Board may accept the policy complaint upon a majority vote.
2. The Board may initiate a review of a BPD policy, practice, or procedure upon a majority vote.
3. a) For policy complaints or policy reviews, Board members shall then determine

how to proceed. Possible actions include, but are not limited to: considering the issue as a whole Board, assigning a Board member to research the issue, asking staff to investigate or research the issue, or establishing a subcommittee. If a subcommittee is created it will seek BPD involvement in its policy review and, upon completing its review, will present its conclusions and recommendations to the full Board.

- b) The full Board may recommend to the BPD, City Manager, or City Council that the BPD adopt a new policy, revise an existing policy, or take no action. Upon conclusion, a policy complaint shall be formally closed by a majority vote of the Board.

#### *H. REGULAR MEETINGS*

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

Regular meetings shall commence at 7:00 p.m., and shall be held at a location or locations as may be determined by the Board, or virtually via teleconference when allowed by an emergency order.

#### *I. ELECTIONS*

1. Elections shall be held during the second January meeting of each year. During the Board meeting preceding the election meeting, the nomination of the Chair will precede the nomination of the Vice-Chair, and the following nomination process will be followed for each office:
  - a) The presiding Chair declares the nomination process open.
  - b) A Board member nominates another Board member or themselves. A Board member must be present in order to be nominated and may decline the nomination.
  - c) The nomination is seconded (the nomination fails if there is no second).
2. At the second January meeting of the year, the following election process will be followed for each office:
  - a) Additional nominations shall occur in accordance with section I.1.
  - b) Each nominee is allowed two (2) minutes to express their reason for seeking the position. A nominee may decline this opportunity.
  - c) Board members pose questions to each candidate.
  - d) The presiding Chair calls for a roll vote and then announces the winner, except in the following circumstances:
    - i. If there is only one nominee for a position, the presiding Chair may seek or move a vote by acclamation.

- ii. If a tie occurs among nominees, the presiding Chair will conduct a second round of voting, including any additional nominations.
  - iii. If a clear winner is still not identified after a second round of voting, the presiding Chair will conduct a coin toss to break the tie and determine a winner. The Board secretary will assign "heads" and "tails."
3. The Board secretary will record the maker and the second of the nomination motion as well as the total votes and results per office.
4. The outgoing Chair and Vice-Chair will be given the opportunity to make 2-minute departing statements after the election process takes place. The newly-elected Chair and Vice-Chair will assume their positions at the end of the meeting.

#### **J. APPOINTMENT OF MEMBERS OF THE PUBLIC TO SUBCOMMITTEES**

1. In accordance with the City Charter, the Chair may appoint members of the public to policy subcommittees to which they have applied to through an open application process in which they have expressed an interest. Candidates for the Board subcommittees must complete and file an application form with the Office of the Director of Police Accountability. Subcommittee vacancies shall be widely advertised and publicly posted. The Board will launch an initial application process to solicit interest from Berkeley residents who wish to serve on Board subcommittees. After the initial application period, the Board will accept applications on a rolling basis and make such appointments annually. Such appointments are subject to approval of the Board. Members of the public seeking to serve on a subcommittee must: a) be residents of the City of Berkeley; b) must submit an application detailing their interest and qualifications -and bc) present themselves at a Board meeting before or at the time of the appointment and speak on the public record on their intent to serve and what they will bring to the subcommittee work and deliberations. The Chair shall endeavor to appoint members to subcommittees in a manner that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City. Toward that end, in soliciting applications for Board subcommittees, the Director of Police Accountability shall reach out to civic, community, and civil rights organizations, among others.
2. Members of the public appointed to subcommittees are non-voting members and may not be selected to be the subcommittee Chair
3. Board members must constitute a majority of membership of any subcommittee, ~~but a subcommittee may convene and conduct business even if Board members are not a majority of subcommittee members present.~~ However, a quorum of voting Board members must be present to convene a meeting.
4. The term of appointment for members of the public appointed to subcommittees ~~shall be one year and members can serve consecutive terms shall not exceed the life of the subcommittee~~ and members can serve consecutive terms. If a subcommittee must be reauthorized, any members of the public serving on the



subcommittee must be reappointed by the Chair, subject to the approval of the Board.

5. A public member of a subcommittee who is absent from two consecutive subcommittee meetings is automatically removed from the subcommittee, but may be reinstated by the Chair if good cause for the absences is shown.
6. The Chair, subject to the approval of the Board, may remove a member of the public from a subcommittee for good cause. Examples of good cause are: failure to work cooperatively with subcommittee members; unruly or disruptive behavior at meetings; or failure to participate in the work of the subcommittee.
7. All actions by the Chair to appoint, reappoint, or remove a member of a public to or from a subcommittee shall occur at a Board meeting.
- 7.8. In accordance with the City Charter, policy subcommittee members shall not have access to confidential personnel file information or any other confidential information.

#### K. MUTUAL AID AGREEMENTS

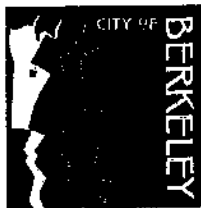
The Board shall constitute a mutual aid subcommittee no later than the first meeting in February of each year to review the compendium of agreements made between the BPD and other law enforcement entities. The Board or the subcommittee may determine which agreements to review.

#### L. COMMENDATIONS OF BERKELEY POLICE DEPARTMENT PERSONNEL

1. The Board regularly receives copies of communications praising Berkeley Police Department (BPD) personnel for noteworthy service; these commendations are both external (from members of the public) and internal (from fellow BPD or City of Berkeley employees). This process shall be used when the Board desires to bestow additional recognition upon those BPD personnel, or when a Board member on his or her own initiative wants the Board to recognize BPD personnel.
2. The Board may commend or otherwise honor with a special award or recognition an individual sworn officer or civilian employee of the BPD, or a group of officers and/or employees of the BPD, such as a team or division.
3. The Board secretary shall agendize commendations the Board receives from the BPD periodically, as received. A Board member wishing to initiate a commendation or other honor from the Board shall submit the proposal to the Board secretary for placement on the Board agenda in accordance with Section C of these rules. The proposal shall include the name of the person or group to be honored, and a description of the noteworthy action.
4. For the Board to issue a commendation or other honor, the BPD officer, employee, or group must be found to have performed an extraordinary service or performed in an extraordinary manner that meets one or more of the following criteria:
  - a) Exceptional valor, bravery, or heroism;
  - b) Superior handling of a difficult situation;

- c) An action or performance that is above and beyond typical duties;
  - d) Extraordinary compassion, empathy, or kindness.
5. A motion to commend or otherwise honor BPD personnel shall include the act or incident giving rise to the honor and describe how it meets the above criteria. The motion must receive a majority of affirmative votes of Board members present at the meeting to pass.
  6. Following the meeting, the Board secretary shall communicate the Board's action in writing to the City Council, and shall also forward the commendation to the Chief of Police, with a request that the commendation or other honor be placed in the personnel file of each sworn officer or civilian employee commended.

###



OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

January 20, 2022

A. Bolton  
3126 Shattuck Avenue  
Berkeley, CA 94705

Re: DPA Policy Complaints #11 and #12  
Filed Nov. 2, 2021 and Nov. 12, 2021 respectively

Dear A. Bolton,

This is to inform you that the Police Accountability Board will consider your policy complaint at its next regularly scheduled meeting on **Wednesday, January 26, 2022, 7:00 p.m., via Zoom**. You are encouraged to join the meeting and address the Board regarding the issues raised in your complaint.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial 1 669 900 6833 and enter Meeting ID 822 3790 2987. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

Under our procedures, the Board must decide whether to accept your complaint for review of a Police Department policy, practice, or procedure. If the Board accepts your complaint, it may initiate a formal investigation, create a subcommittee, or take other action as appropriate. Upon completion of the policy review, the Board may make policy recommendations to the Police Chief, City Manager, and/or the City Council. If the Board does not accept your policy review complaint, your case will be closed.

Should you have any questions or concerns, please call the DPA office at (510) 981-4950 or email [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info).

Sincerely,



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Katherine J. Lee  
Interim Director of Police Accountability

cc: File

<https://www.ktvu.com/news/berkeley-man-dies-after-being-released-from-sobering-cell-raising-questions-about-his-care>

## **Berkeley man dies after being released from sobering cell raising questions about his care**

By Lisa Fernandez

Published January 12, 2022 4:06PM

Updated 4:09PM

Berkeley

KTVU FOX 2

**BERKELEY, Calif.** - A man in his 70s has died most likely of high blood alcohol poisoning after Berkeley police took him to a sobering cell and then released him noting he had a chronic pre-existing medical condition, raising questions in the community about whether he should have received more care.

"This is an outrageous dereliction of their responsibility to provide care for someone in their custody," said Andrea Prichett, a founding member of Copwatch and a former police review commissioner for Berkeley.

Berkeley Police Officer Byron White told KTVU that the man, whom the coroner has not yet named because next of kin hasn't been notified, died on Sunday, though he didn't know the time.

The man had been picked up Saturday about 8:30 p.m. in the 1400 block of Shattuck Avenue outside Saul's Restaurant because he had been sitting in a parklet drinking a bottle of wine and refusing to leave.

White said police "considered options other than incarceration" and took the man to a sobering cell in Berkeley.

When the man got there, officers "discovered that the man was unable to stay there due to a chronic preexisting medical condition," White said.

Officers released the man from custody around 11 p.m. without any charges.

The next morning at 5:23 a.m., officers found the man lying on a curb on Addison Street near McKinley street near the police station.

Police called the fire department to check on him. Fire crews determined he needed to go to the hospital because of his "intoxication and the possibility of hypothermia," White said.

Later that day, the man died at Alta Bates Hospital. The coroner told police that the preliminary cause of death was due to high blood alcohol levels.

Police did not state exactly what time the man died.

When asked why police didn't get the man medical attention while he was in the sobering cell, White responded: "The man's medical condition was a preexisting chronic condition."

White added that the police department has "initiated a review of this incident to ensure that we have appropriate policies in place and that relevant department policies were followed."

The department also looking at "what other community resources may be helpful in similar situations," White said.

*Lisa Fernandez is a reporter for KTVU. Email Lisa at [lisa.fernandez@fox.com](mailto:lisa.fernandez@fox.com) or call her at [510-874-0139](tel:510-874-0139). Or follow her on Twitter @ljfernandez*

# Berkeleyside

CRIME & SAFETY

## BPD to review inebriated man's death after release from police custody

The Police Accountability Board has indicated plans to launch its own independent investigation.

By Emilie Raguso, Jan. 13, 2022, 4:58 p.m.

A man in his 70s died over the weekend at Alta Bates Hospital the morning after being detained by police — then released — for drinking in a restaurant's outdoor dining area and refusing to leave. The death has sparked internal and external questions about whether it might have been avoided.

The Berkeley Police Department has launched an internal review of policies that may have contributed to the man's release from custody Saturday night, less than three hours after he was detained in the outside seating area for Saul's Restaurant & Delicatessen at 1475 Shattuck Ave. (near Vine Street). The man, who was not a patron, was drinking a bottle of wine and refused to leave, BPD said.

On Wednesday night, the city's Police Accountability Board indicated plans to launch its own independent investigation into the man's death. A dozen or so members of the public addressed the board at the beginning of the meeting to urge a full review.

"If this is acceptable police policy, then this definitely needs to be changed," Kitt Saginor told the board.

Details about the incident remain limited due to the ongoing investigation, BPD said Thursday. But the department did provide a statement about what happened. Police also shared similar information during Wednesday night's Police Accountability Board meeting.

After publication, Saul's also provided information to Berkeleyside about what took place; this story has now been updated to include it.

Saul's owner Peter Levitt said the man had come into the restaurant Jan. 7, the prior night. He was unmasked and had a bottle of alcohol. The man walked past staff members who are tasked with checking vaccination status, then locked himself in the bathroom for nearly an hour. At that point, Saul's had closed for the day and staff knocked on the door to ask the man to leave, which he did, Levitt said.

On Saturday, shortly before 8:40 p.m., the man — who appeared to be inebriated — sat down at a Saul's table outside, Levitt said. He was "drinking from a bottle and hunched over."

"The manager on duty asked him to move on and he asked that we 'just call the police,'" said Levitt. "We called the non-emergency number for service."

Police arrived and spoke to the man for approximately 10 minutes, Levitt said: "Then two officers gently and slowly assisted him towards their patrol car. One officer returned with his bottle to fill it with water from the restaurant. The man sat on the curb next to the laundromat for another 10 minutes or so with the officers attending."

According to BPD, "officers considered options other than incarceration." But "they ultimately transported the man so that he could stay in a Berkeley Jail sobering cell, which allows individuals to stay a few hours" and later be released without charges.

When the man got to jail, however, authorities realized he was ineligible for entry due to what appeared to be a potentially contagious skin condition. Two or so hours later, the man was released from custody without any charges around 11 p.m.

Sunday morning, just after 5:20, officers found the man outside the back of the police station “lying near a curb on Addison Street near McKinley Street. They called the Berkeley Fire Department to check on his welfare,” BPD said.

When firefighters arrived, the man was unresponsive, BFD told Berkeleyside. He was cold to the touch but moaning, and he smelled of alcohol. Firefighters took the man to Alta Bates for treatment.

Later that day, BPD said, the Alameda County coroner’s office notified BPD that the man had died at Alta Bates.

According to the coroner’s office, the man’s body is now pending examination by pathologists. As of Thursday, that exam “has not been done yet,” the coroner’s office told Berkeleyside.

The man’s name has not been released pending family notification, the coroner’s office also said.

“This outcome is awful for all of us and for our community and no doubt for the officers involved,” Levitt told Berkeleyside.

On Wednesday night, Capt. Joe Okies, who oversees BPD patrol operations, told the Police Accountability Board that the autopsy is expected to happen within 1-2 weeks.

Okies said BPD will now review any policies related to its handling of the detention, including General Order I-15, regarding procedures related to intoxicated persons, and policy 900, related to the temporary custody of adults.

Okies told the board BPD would determine whether existing policies are adequate and also whether they were followed by those involved in Saturday night’s detention.

BPD said it would also look into “what other community resources may be helpful in similar situations.”

Members of the public told the board the man should not have been released into the cold night if he was unable to care for himself. One woman called for an independent autopsy to ensure objectivity. Others asked why BPD did not call BFD for a medical response Saturday night.

Board member Kitty Calavita asked Okies whether this appeared to be a situation where a sobering center or alternative crisis response might have been preferable to police involvement.

“This seems like a prime example of the need for that,” she said. “Would you agree?”

“I think it’s too early to tell if that’s the case or not,” Okies said. “We need to evaluate the circumstances, get all the facts of what happened — through interviews and review of body cameras and review of policy — before drawing conclusions about the right steps to move forward.”

**Note: On Friday, Jan. 14, Berkeleyside added information from Saul’s to this story. According to Saul’s, the man was in their outdoor dining area, not a public parklet, when police were called. This story has been updated to remove the parklet references and include additional details from Saul’s.**

*Featured photo: Kaia Diring*

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*Emilie Raguso is Berkeleyside’s senior editor of news.  
Email: emilie@berkeleyside.org. Twitter: emraguso.  
Phone: 510-459-8325.*



## Lee, Katherine

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**From:** Office of the Director of Police Accountability  
**Sent:** Thursday, January 13, 2022 8:13 AM  
**To:** Lee, Katherine  
**Cc:** Norris, Byron  
**Subject:** FW: Inquiry into the death of man on 1/10/22

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Andrea Prichett <prichett@locrian.com>  
**Sent:** Wednesday, January 12, 2022 8:33 PM  
**To:** Office of the Director of Police Accountability <DPA@cityofberkeley.info>  
**Subject:** Fwd: Inquiry into the death of man on 1/10/22

Hello Ms. Lee,

Please provide this message and the link to members of the Police Accountability Board.

<https://www.ktvu.com/news/berkeley-man-dies-after-being-released-from-sobering-cell-raising-questions-about-his-care>

Thank you,

Andrea Prichett

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

**Subject:** Re: Inquiry into the death of man on 1/10/22  
**Date:** Wed, 12 Jan 2022 23:16:43 +0000  
**From:** BPD PIO <bpdpio@cityofberkeley.info>  
**To:** Andrea Prichett <prichett@locrian.com>

Ms. Pritchett,

On January 8<sup>th</sup> at 8:38 pm, officers responded to the 1400 block of Shattuck Avenue on a report of a man (in his 70's) sitting in a restaurant's parklet—drinking a bottle of wine and refusing to leave.

Officers considered options other than incarceration. They ultimately transported the man so that he could stay in a Berkeley Jail sobering cell, which allows individuals to stay a few hours and be later released without any charges. After arriving at the Berkeley Jail, the officers discovered that the man was unable to stay there due to a chronic preexisting medical condition. Officers released the man from custody around 11 pm without any charges.

On January 9<sup>th</sup> at 5:23 am, officers found the man lying near a curb on Addison Street near McKinley Street and called the Fire Department to check on his welfare. When the Fire Department evaluated

the man, they determined that he needed to go to the hospital because of his intoxication and the possibility of hypothermia.

Later that same day, the Coroner's Office notified the Department that the man had died at Alta Bates Hospital. The Coroner's Office notified us that the preliminary cause of death was due to high blood alcohol levels. The Coroner's Office plans to conduct an autopsy to determine the man's cause of death.

The Berkeley Police Department has initiated a review of this incident to ensure that we have appropriate policies in place and that relevant Department policies were followed. As part of this process, the Department is also looking at what other community resources may be helpful in similar situations.

## Officer Byron White #17

Public Information Officer

Berkeley Police Department

2100 MLK Jr. Way

Berkeley, CA, 94704

[@OfficerByron](#)

Mon-Thurs (off Friday, Weekends and Holidays)

Follow us on:



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**From:** Andrea Prichett <[prichett@locrian.com](mailto:prichett@locrian.com)>  
**Sent:** Wednesday, January 12, 2022 12:51 PM  
**To:** BPD PIO <[bpdpio@cityofberkeley.info](mailto:bpdpio@cityofberkeley.info)>  
**Subject:** Inquiry into the death of man on 1/10/22

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Officer White,

I am writing to get information about the individual who was found dead

on 1/10/22 at or near McKinley and Addison. Since you are the Press Information Officer identified on the BPD website (510)-981-5780 I had hoped to get information directly from you. Unfortunately, you did not answer the phone and your voicemail disconnects and does not allow the public to leave messages.

I also attempted to get information from the Open Portal on your BPD website for arrests and bookings. Although information from incidents is available through 1/11/22, there is no incident listed that matches the detention of an individual from an address on Shattuck Ave. at or around 8:15pm on 1/9/22.

Please let me know how I can get information about this incident and the individual involved.

Thanks,

Andrea



## BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 26, 2008

GENERAL ORDER I-15

SUBJECT: **INTOXICATED PERSONS – CUSTODIAL AND NON-CRIMINAL PROCEDURES**

### PURPOSE

- 1 - The purpose of this Order is to adopt policies and procedures which will permit dispositions other than incarceration for intoxicated persons **to provide** for the **welfare** of the subject and maintenance of the peace.

### POLICY

- 2 - It shall be the policy of this Department that **when possible and appropriate**, within the framework of this Order, intoxicated persons will not be incarcerated.

### DEFINITIONS

- 3 - "Intoxicated person," as used in this Order, refers to any person who, by reason of his/her **ingestion of an alcoholic beverage and/or drug**, loses the **ability to provide** for his/her immediate **safety and/or welfare**.
- 4 - "Physical arrest," as used in this Order, shall mean the taking of a person into custody and the transportation of that person to the **Berkeley City Jail or other custodial facility**.
- 5 - "Booking," as used in this Order, shall mean the completion of a Consolidated Arrest Report and Prisoner's Property Receipt prior to physically incarcerating a person in the jail.

### PROCEDURE

- 6 - Officers shall not release **from detention** an intoxicated person who:
  - (a) Is **subject to physical arrest and booking** for a criminal offense.
  - (b) Is a **danger to himself/herself or others and may be subject to 72-hour emergency detention and psychological evaluation** (ref. **General Order I-16.**)
  - (c) Will become, or continue to be, a police problem **if released** (e.g., disturb the peace, **instigate a situation wherein he/she could be injured, commit an act of domestic violence, etc.**)
  - (d) Is, or appears to be, in need of **immediate medical attention** (ref. **General Order A-17.**)

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 26, 2008

GENERAL ORDER I-15

- (1) **If necessary, the officer shall respond to the involved medical facility and stand by during treatment to insure the person does not create a disturbance.**
  - (e) Is unable to provide satisfactory identification.
    - (1) **A reasonable effort should be made by the officer, including a contact attempt at the resident's local home, to obtain satisfactory identification.**
  - (f) Is an active duty member of the **United States military.**
    - (1) **The arresting officer should make a reasonable effort to notify the appropriate military branch of the involved service member's detention and disposition:**
      - (i) **US Army, Camp Parks Police Department, Dublin (CA)  
(925)875-4720 [bus. hrs] / (925)875-4200 [after hours]**
      - (ii) **US Navy, Naval Operations Supply Center,  
Duty Command Officer, Alameda (CA)  
(510)967-5143 [24 hr#]**
      - (iii) **US Air Force, Travis Air Base Police Department,  
Fairfield (CA)  
(707)424-3293 [24 hr#]**
      - (iv) **US Marine Corps, Detachment 2, Beach and Terminal  
Operations Company A, 4<sup>th</sup> Landing Support Battalion,  
4<sup>th</sup> FSSG, 3<sup>rd</sup> Longshoreman Platoon, Concord (CA)  
(925)825-1775 x19 [bus. hrs]/(925)586-5267 [after hours]  
*[NOTE: Ask the Marine NCO for the contact telephone  
number of the detained Marine's particular Unit to  
accomplish notification]***
      - (v) **US Coast Guard, Coast Guard Island Police Department,  
Alameda (CA)  
(510)437-3151 [24 hr#]**
- 7 - **Intoxicated adults meeting the criteria described in paragraph 6 of this Order who will be subject to prosecution for a criminal offense shall be physically arrested and booked in accordance with General Order J-1.**
- 8 - **Intoxicated juveniles shall be detained and subject to custodial disposition as prescribed in General Order J-18.**

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 26, 2008

GENERAL ORDER I-15

- 9 - Intoxicated adults may be eligible for release from detention and non-criminal disposition according to procedures described in paragraph 10 of this Order, if he/she:
- (a) Is still intoxicated upon release from a medical facility.
  - (b) Cannot care for him-/herself due to intoxication, but otherwise will not be subject to criminal prosecution.
  - (c) Voluntarily participates in the non-criminal disposition.
- 10 - If an intoxicated person is eligible for a disposition other than physical arrest and booking, officers are encouraged to:
- (a) Transport the detainee to his/her place of residence and turn him/her over to a sober and responsible adult.
    - (1) Officers may transport a detainee to a location proximate to Berkeley upon approval of a supervisor.
  - (b) Release the detainee into the care of a sober and responsible adult in his/her company, provided that adult will assume responsibility for the intoxicated person.
  - (c) Refer the detainee to a detoxification and/or substance abuse treatment facility, provided that facility has statutory authority to detain the intoxicated person, or will assume responsibility for the person's care and welfare.
- 11 - In the event an intoxicated adult is to be referred to a detoxification or substance abuse treatment facility, the handling officer shall follow referral and intake procedures described in Training and Information Bulletin #258.
- 12 - Officers transporting detainees to a location beyond the city limits of Berkeley shall adhere to prisoner transportation procedures described in General Order T-2.
- 13 - If, during transportation, the detainee exhibits behavior or creates a situation rendering him/her ineligible for a non-criminal disposition, the officer shall accomplish a custodial disposition authorized by this Order.
- 14 - The handling or transporting officer(s) shall stand by with receiving facility personnel to ensure public safety during the transfer process.
- (a) If the detainee is received by the detoxification or substance abuse treatment facility, the handling or transporting officer(s) shall release the person from custodial detention pursuant to Penal Code §849(b).

\*Highlighted text is new.

**BERKELEY POLICE DEPARTMENT**

**DATE ISSUED: March 26, 2008**

**GENERAL ORDER I-15**

- 15 - The handling or transporting officer shall communicate the detainee's personal identifying information, if known, and Berkeley Police Department report number to the receiving facility's personnel via presentation of copies of the incident report and PC §849(b) release forms.**
- 16 - Should an intoxicated person be deemed not suitable for entry into a detoxification and/or substance abuse treatment facility for a non-medical reason, the handling or transporting officer(s) shall retain custody of the detainee and pursue a custodial disposition authorized by this Order.**

**DOCUMENTATION**

- 17 - If an intoxicated adult is released from detention in accordance with paragraph 10 of this Order, the handling officer shall document the incident and disposition on a Non-Criminal Information Report (NCIR) or similar approved incident reporting form.**
- 18 - If an intoxicated person is physically arrested and booked into a custodial facility, the handling officer shall document the criminal investigation and disposition as prescribed in General Order R-31.**
- 19 - The original PC §849(b) form, a copy of which having been issued to the detainee upon his/her release, shall be routed to the Records Bureau for inclusion with the incident case file.**

References: Penal Code §§647(f) and 849(b)  
General Orders A-17, C-10, I-16, J-1, J-18, R-31 and T-2  
Training and Information Bulletin #258



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## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Berkeley Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 900.2 DEFINITIONS

Definitions related to this policy include:

**Jail** - The jail proper, pedestrian sally ports, vehicle sally port, and public detainee visiting rooms associated with the Berkeley City Jail.

**Jail Supervisor** - A supervising Community Services Officer assigned to the Jail.

**Jailer** - A Community Service Officer or Jail Supervisor assigned to custody management responsibilities within the Jail.

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

**Safety checks** - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The time period an adult is in custody at the Berkeley Police Department prior to being released or transported to a housing or other type of facility.

### 900.3 POLICY

The Berkeley Police Department is committed to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 900.4 CHAIN OF COMMAND

The Jail is administered by the following chain of command (in descending order): The Chief of Police, Support Services Division Captain, Support Services Bureau Lieutenant, Jail Sergeant, and the Jail Supervisor.

Temporary Custody of Adults

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(a) In the absence of the Support Services Bureau Lieutenant and Jail Sergeant, the Watch Commander and ranking Patrol Sergeant, respectively, will fulfill the corresponding responsibilities in the Jail's chain of command.

**900.5 GENERAL CRITERIA AND SUPERVISION**

No adult should be in temporary custody for longer than 96 hours, excluding holidays.

**900.5.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY**

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Berkeley City Jail, but should be transported to the Alameda County Jail, a medical facility, or another type of facility as appropriate. These may include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition that will require medical attention while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
  - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051). For example, tuberculosis (TB), body lice, scabies, or any other disease that could be transmitted to other detainees, jail staff, or others employed in the Public Safety Building.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (j) Any individual who is obviously developmentally disabled (15 CCR 1057). Detainees who are developmentally disabled shall be transported to Santa Rita Jail.
- (k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

# Berkeley Police Department

## Law Enforcement Services Manual

### Temporary Custody of Adults

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- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).
- (n) Any detainee who was exposed to the primary effect of a Conducted Energy Device (CED) three or more times in the course of his/her apprehension will not be accepted (i.e., pre-booked, booked or detained within) into the Jail. Instead, the detainee shall be sent for a medical evaluation and, if deemed fit for incarceration, shall be transported and booked into an alternative custodial facility.
- (o) Any detainee with a permanent physical disability or condition who is unable to transport themselves with, or be transported via, mechanical means (i.e., wheelchair, crutches, etc.) may be directed to another detention facility for incarceration, at the discretion of the on-duty Jail Supervisor.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Berkeley City Jail unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### **900.6 SUPERVISION IN TEMPORARY CUSTODY**

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member shall be available when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### **900.7 STAFFING PLAN**

The Chief of Police or their designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

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The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

**900.8 ENTRY RESTRICTIONS**

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Jail Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

**900.9 "FIT FOR INCARCERATION" CLEARANCE**

A detainee may only be deemed "Fit for Incarceration" by a medical or mental health professional.

Detainees who require such clearance prior to being accepted into the Jail, include, but are not limited to:

- (a) A detainee who suffered a major injury or illness prior to arrival at the Jail.
- (b) A detainee who was exposed to the primary effect of a Conducted Energy Device (CED) less than three times.
- (c) A detainee who was sent for a W&I 5150 evaluation.

**900.10 INITIATING TEMPORARY CUSTODY**

The jailer booking the detainee into temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The jailer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported from the City jail or the appropriate mental health facility.

The jailer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to another jail or facility.

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#### **900.11 MINOR INJURY PRIOR TO BOOKING**

- (a) If a detainee suffered a minor injury (i.e., treatable by first aid methods) prior to arrival at the Jail, that person may be accepted for booking at the discretion of the on-duty Jail supervisor.
- (b) In the event a detainee refuses first aid treatment for a minor injury suffered prior to arrival at the Jail, the booking jailer shall document the extent of the injury and offer to facilitate other medical assistance, as may be appropriate.

#### **900.12 PREGNANT ADULTS**

For the purposes of this policy, "pregnant" shall refer to a detainee who is visibly pregnant, or states they are pregnant.

A pregnant detainee who is under the influence of drugs to the extent that their life, or the life of the fetus, could be in danger shall not be accepted in the Jail without having first been examined and cleared for incarceration by a physician. Once cleared for incarceration, the detainee may be booked into the Jail. A detainee who is known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy, per Policy 302 and PC 3407.

#### **900.13 SCREENING AND PLACEMENT**

The jailer responsible for a detainee in temporary custody shall (15 CCR 1050):

- (a) Advise the Jail Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - i. Continuous, direct sight and sound supervision.
  - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  - 4. Ensure males and females are separated by sight when in cells.
  - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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- (e) Ensure detainees who are extremely dirty and refuse to shower subsequent to booking are housed separately.
- (f) Ensure persons who suffer from a loss of hearing which does not present an impediment to custody are accepted into the Jail, and housed in a cell which provides for optimum observation by Jail staff.
- (g) Ensure a detainee who is temporarily disabled as a result of intoxication, or similar condition, is accepted into the Jail if he/she is able to respond to verbal or physical stimulation to the satisfaction of the on-duty Jail Supervisor.
- (h) Ensure any detainee who was subject to the primary effects of a less-lethal device (not including a Conducted Energy Device) such as a baton round, diversion device, etc. or non-lethal device such as a Rapid Containment Baton (RCB), OC spray, etc. in the course of their apprehension has been evaluated for injury by the arresting officer prior to booking into the Jail. (See section 900.5 and 900.10 regarding detainees who have been exposed to Conducted Energy Devices).

#### **900.14 SERVICE ANIMALS**

- (a) A service animal is defined as a dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).
  - 1. A service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)) (see the Service Animal Policy for further).
- (b) Jail staff shall consider a request from a detainee for their service animal to be present with him/her while confined in the Jail. The employee considering the request shall be responsible for making permissible inquiries to determine the status of the alleged service animal and suitability for entry into the Jail.
- (c) If the animal doesn't qualify as a service animal, the detainee may make arrangements for the animal's care. If this cannot be accomplished in a reasonable amount of time, the animal should be delivered to Animal Control. The detainee shall be notified of their animal's location.
- (d) If the animal qualifies as a service animal, but the animal would jeopardize the safe operation of the jail or would pose a direct threat to the health and safety of others, the animal may be separated from the detainee. The detainee may make arrangements for the animal's care. If this cannot be accomplished in a reasonable amount of time, the animal should be delivered to Animal Control. The detainee shall be notified of their animal's location.
- (e) If the animal needs to be separated from the detainee, the employee shall ask the detainee if separation from the service animal would constitute or create a medical

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emergency. If the detainee claims the separation will constitute or create a medical emergency, the detainee should be taken to a hospital facility for medical clearance.

- (f) If the animal is determined to qualify as a service animal, the detainee must be able to care for (i.e., feed and clean) the animal, or provide an attendant who can come to the Jail to accomplish the same care. The detainee must also agree to ensure the animal's transfer from the Jail no later than four hours prior to the detainee's transfer to court or other facility. If the detainee cannot accomplish these things, the animal will not be allowed into the Jail. The detainee may then make arrangements for the animal's care. If this cannot be accomplished in a reasonable amount of time, the animal should be delivered to Animal Control. The detainee shall be notified of their animal's location.

#### **900.15 CONSULAR NOTIFICATION**

Consular notification may be mandatory when certain foreign nationals are arrested. The Support Services Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

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**900.16 SAFETY, HEALTH, AND OTHER PROVISIONS**

**900.16.1 TEMPORARY CUSTODY LOGS**

Any time an individual is in temporary custody at the Berkeley Police Department, the custody shall be promptly and properly documented in a corrections database including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Berkeley Police Department.

The Jail Supervisor should sign the Berkeley Jail Detainee Confinement Record (DCR) log to approve the temporary custody and should also sign initial the DCR log when the individual is released from custody or transferred to another facility.

The Jail Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

**900.16.2 TEMPORARY CUSTODY REQUIREMENTS**

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the corrections database.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.



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- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.
- (k) A Telecommunications Relay Service (TRS) shall be provided to any detainee who expresses a need for it.

#### 900.16.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. Jail staff or an officer should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the officer should follow the ambulance to the hospital. If the person is combative and medical personnel request the officer ride in the ambulance to the hospital, the officer shall do so and another officer shall follow the ambulance in a police vehicle.

#### 900.16.4 MEDICATION

- (a) Detainees who require medication shall be held in temporary custody unless
  - 1. The detainee's medication is:
    - (a) For a cardiac-related condition, i.e. nitroglycerin
    - (b) Administered via injection
    - (c) A research or experimental drug
  - 2. The detainee requires medication on a regular basis, but does not possess the medication at the time of booking and cannot coordinate the receipt of such medication within a reasonable amount of time post-booking.
  - 3. The detainee requires medication that is too complex to administer
- (b) All medication should be in a pill form (not capsule) unless the medication is obtained directly from a hospital or pharmacy by a member of the Police Department. The medication should be properly labeled on a prescription container and should include the following:
  - (a) The name of the individual for which the drug is prescribed,
  - (b) The name of medication,

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- (c) The dose and instructions for taking the medication,
- (d) The prescribing physician and
- (e) The expiration date.
- (c) All medication shall be identified by one of the following methods:
  - 1. Contacting the prescribing physician,
  - 2. Calling an on duty nurse at an Alameda County Medical Facility or Santa Rita Jail, or
  - 3. Using an online resource such as the Prescriber's Digital Reference (PDR) guide.
- (d) Any medication administered to a detainee shall be noted in the jail log.

**900.16.5 ORTHOPEDIC OR PROSTHETIC APPLIANCE**

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

**900.16.6 TELEPHONE CALLS**

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
  - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

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1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
  2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) A detainee who is too violent and/or intoxicated to cooperate during the booking process shall be denied phone calls. Once the detainee is cooperative and/or sober, telephone calls shall be provided, if requested.
- (e) The jailer facilitating a detainee's telephone calls shall log each call by time and phone number called.
- (f) A Telecommunications Relay Service (TRS) shall be provided to any detainee who expresses a need for it.
- (g) A detainee who initially refuses to make calls during booking, may be allowed calls at a later time, when reasonably practical.

#### 900.16.7 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all detainees in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Detainees wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the detainee's head and face may be temporarily removed during the taking of any photographs.

#### 900.16.8 FIREARMS AND OTHER WEAPONS

Firearms (including ammunition) and other weapons and control devices shall not be permitted in secure areas where detainees are in custody or are processed. They shall be properly secured outside of the Jail in a locker or other secure area. An exception may occur only during emergencies, upon approval of a supervisor.

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All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no detainees in custody are present or in the event of an emergency, such as an evacuation.

For the purpose of this section, "other weapons and control devices" shall include knives, Rapid Containment Batons (RCBs), wooden batons, flashlights, Oleoresin Capsicum (OC) spray and Conducted Energy Devices (possessed by other agencies).

For the purpose of this section, an "emergency" shall include incidents wherein the involved subject(s) may be armed and have the potential to inflict serious injury or death (e.g., a detainee-involved hostage situation).

#### 900.16.9 SECURITY MEASURES -JAIL STAFF

- (a) Jail keys assigned to and maintained within the Jail shall not be left unattended.
- (b) Cell areas shall be sufficiently illuminated so detainees can be easily observed, and corridor lights shall be on at all times.
- (c) When on-duty, Jail staff shall wear portable police radios.
- (d) Jail staff shall keep conversation with detainees to a minimum; courteous and respectful conversation intended to facilitate the efficient operation of the Jail is permitted.
- (e) Jail staff shall answer intercoms promptly.
- (f) No detainee shall be allowed to have any pencils, pens or other markers, except those provided temporarily for completion of required forms or correspondence.
- (g) Whenever maintenance or emergency personnel are in the Jail, jailers shall admonish them to maintain control of and account for all equipment and tools in their possession.
- (h) A jailer may deny entry to any person carrying an item believed to be, or which may become, a hazard.

#### 900.16.10 SECURITY MEASURES - DETAINEES/ OTHER PERSONS

- (a) Non-law enforcement persons entering the Jail shall be subject to a thorough cursory and /or metal detector search of their person and belongings.
- (b) Contraband of any kind is prohibited within the Jail. Contraband is considered:
  - 1. Weapons
  - 2. Narcotics
  - 3. Narcotic paraphernalia
  - 4. Wireless communication device
  - 5. Handcuff key
- (c) Any person who knowingly brings contraband into, or possesses such contraband while incarcerated in, the Jail will be subject to arrest and criminal prosecution (Penal Code §4573, et. seq.)

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- (d) Officers escorting a detainee into the Jail for booking shall maintain effective custody and control over that person until directed into the Jail booking area by the booking jailer.
1. Detainees shall be handcuffed upon entry to the Jail and shall remain so restrained until the escorting officer is otherwise directed by a jailer.
  2. The booking officer shall remain with their detainee until the person is secure in a jail cell, or relieved prior to that action by the booking jailer.
  3. The responsibility for the care and custody of detainees who have not been booked into the Jail shall remain with the booking officer.
  4. The booking officer is relieved of custodial responsibility when the jailer takes physical control of the detainee and communicates he/she no longer requires the officer's assistance.
- (e) No detainee shall be allowed outside a cell unless in the immediate and continuous control of two jailers and/or officers.

**900.16.11 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM**

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Jail Supervisor will retain a record of these reports for inspection purposes (15 CCR 1044).

**900.16.12 DISCIPLINE**

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct shall be documented and reported to the receiving facility (15 CCR 1081).

**900.16.13 SMOKING**

Smoking is prohibited in the Jail (Berkeley Municipal Code, Chapter 12.70).

**900.16.14 BOOKS, NEWSPAPERS, PERIODICALS AND WRITINGS**

Jailers will make available a daily newspaper in general circulation, including a non-English language publication, to assure reasonable access to interested inmates (15 CCR 1066(b)). Upon request, Jailers shall notify the on duty Jail or Operations Sergeant to purchase a daily newspaper in the language determined by the detainee.

**900.17 USE OF RESTRAINT DEVICES**

Detainees in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally shall not be used for individuals in temporary custody at the Berkeley Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

The use of handcuffs on a pregnant person should be used in compliance with Policy 302 and PC 3407.

Detainees in restraints shall be kept away from other unrestrained detainees in custody and monitored to protect them from abuse.

### **900.18 PERSONAL PROPERTY**

The personal property of an individual in temporary custody shall be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Jail Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Jail Supervisor shall attempt to prove or disprove the claim.

#### **900.18.1 PROPERTY PROCEDURE**

The Alameda County Sheriff's Office Prisoner Property Receipt shall be used by Jail staff to document a detailed inventory of detainee property.

The booking officer shall remain present during the booking jailer's inventory of a detainee's property, unless relieved by another officer or second jailer.

The booking jailer, a witness employee, and the detainee shall sign the Property Receipt at the completion of the inventory.

#### **900.18.2 REFUSALS**

- (a) If the detainee refuses to sign the Receipt, the booking jailer shall check the "Refused to Sign" box and place their own initials in the section labeled "Prisoner's Signature".
- (b) The booking jailer shall route the completed and signed Prisoner Property Receipt as follows:

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- (c) In the event of a detainee's refusal to accept a copy of the Property Receipt, the booking officer or assisting jailer shall witness and initial the booking jailer's "Copy Offered/ Refused" notation.
  - 1. If the detainee refuses to accept their copy of the Property Receipt, the booking jailer shall write, "Copy Offered/Refused", in the "Comments" section of the Receipt, and place the copy in the detainee's property bag/envelope.
  - 2. The yellow and pink copies are attached to the envelope/bag containing the detainee's property and the goldenrod copy is attached to the Detainee Confinement Record (DCR).

#### 900.18.3 CURRENCY AND JEWELRY

The booking jailer shall ensure a detainee's currency and jewelry are secured in a plastic heat-sealed bag and labeled with the detainee's "Person File Number" (PFN).

- (a) If rings or other jewelry cannot be removed, the booking jailer shall advise the detainee the Department will not be responsible for items not surrendered, and shall note this fact and admonition on the detainee's Property Receipt and Confinement Record.
- (b) No alcoholic beverages, perishable food items, or flammable liquids/chemicals shall be brought into the jail or held in Jail property lockers.
- (c) Cigarette lighters or similar flammable/chemical items having particular value, or where retention of the item is desired or appropriate, shall be handled and stored pursuant to hazardous article procedures set forth in the Property and Evidence Policy.
- (d) Other cigarette lighters and similar flammable items may be discarded.
- (e) The booking officer shall be responsible for booking into the Property Room as "safe keeping" a detainee's property which is not maintained in the Jail property storage facility.

#### 900.18.4 EVIDENCE

Property taken as evidence during the booking process shall be inventoried by the investigating officer on an Evidence Report form, a copy of which shall be given to the detainee or placed in the detainee's property bag.

#### 900.18.5 BULK PROPERTY

- (a) Oversized "bulk" detainee property shall be stored in the Jail's property storage room, unless its dimension and/or quantity requires more storage space.

In the event detainee property is maintained in a storage facility other than within the Jail, the booking jailer shall issue a "Bulk Property" letter, advise the detainee of the location of his/her property (e.g., in the Property Room), and admonish him/her that the "bulk" property will be deemed "abandoned" and be subject to destruction after 90 days, in accordance with the provisions of the Property and Evidence Policy.

- (a) The triplicate "Bulk Property" letter shall be routed as follows:

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- (a) Original (white) copy attached to Jail record;
- (b) Blue copy issued to the detainee; and,
- (c) Pink copy attached to property container/bag.

Jail staff are responsible for the security of detainee property.

- (a) Only authorized persons shall enter the Jail's Property Storage Room or Property Lockers.

Unless release of specific personal items is authorized by owner consent or lawful process, a detainee's property should be maintained in or released from the Jail's Property Storage facilities in its entirety.

- (a) Owner consent for the release of funds or other items from a detainee's property shall be documented by the detainee's signature or initials on the original copy of the detainee's Property Receipt.

- (b) The employee releasing a detainee's property shall:

- (a) Obtain satisfactory identification for the person to whom the property was released;
- (b) Record the name of the person and the form of identification presented on the Property Receipt;
- (c) Sign the Property Receipt affirming property release; and,
- (d) Have the recipient sign the Property Receipt affirming receipt of released property.

No one shall use money (i.e., currency or coin) belonging to a detainee for making change.

Once a detainee has been booked into the Jail, no money, gifts, or other property will be accepted for that detainee.

Jail personnel should not accept mail (i.e., letters, packages, etc.) delivered by the US Postal Service for detainees housed in the Jail.

- (a) The on-duty Jail supervisor shall be responsible for returning the mail to the Post Office as "undeliverable."

#### 900.18.6 BOOKED PROPERTY

If the Jail's Storage room is full, Jail staff may request the arresting officer book a detainee's property, such as a backpack into the BPD property room for safekeeping. When the officer takes the item, such as a backpack, the officer shall complete an inventory of the backpack on an evidence/property receipt. The inventory should itemize any items of value contained in the backpack, such as a cell phone, camera or jewelry. Other miscellaneous items such as clothing, papers, etc. may be noted but do not need to be counted. Officers shall use their best judgment as to what constitutes a valuable item. The detainee shall sign the inventory to confirm their items are listed. This will help to safeguard against allegations of missing items in the future.

The officer shall give a copy of the receipt to the detainee, or put it with their property staying at the jail. The detainee, once released, can return to the PSB and present the receipt to retrieve their property.



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#### **900.19 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection shall be conducted when he/she is released. Any damage noted to the cell shall be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall have constant auditory access available to department members.
- (c) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (d) Cell checks by department members shall occur within every 60 minutes (Per Title 15 section 1027.5).
  - (a) Cell checks should be at varying times.
  - (b) All cell checks shall be logged and the results of the cell check including verification of prisoner count shall be entered into the jail log.
  - (c) Cell checks can be completed by looking through the glass window in the cell door to check the welfare of the prisoners. If all of the occupants in the cell cannot be seen through the window of the cell door, the door will have to be opened. Before opening the cell door, assistance from another CSO or officer is required.
  - (d) Individuals who are sleeping or apparently sleeping should be awakened unless there are other indication or signs of life.
  - (e) Requests or concerns of the individual should be logged.
  - (f) Jail staff should accomplish cell reassignment if it will benefit the peace and good order of the jail, and ensure the welfare of the detainee population.

#### **900.19.1 USE OF SOBERING CELL**

Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication shall be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

- (a) Placement of an inmate into the cell requires approval of the Jail Supervisor.
- (b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur no less than twice every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.

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- (d) If a detainee is not responsive to verbal stimulation, the inspecting jailer shall, with sufficient assistance, enter the cell and physically rouse the detainee by touching or shaking.
- (e) A detainee who is not easily roused, cannot respond to simple commands, appears to have difficulty breathing or appears ill, shall be transported to a medical facility for medical examination and clearance for incarceration.
- (f) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
- (g) A detainee housed in a sobering cell shall be monitored by Jail staff at least twice every thirty minutes, or at a more frequent interval as may be directed by the on-duty Jail supervisor.
- (h) A safety cell shall not be used as punishment or as a substituted for requisite medical and/or psychological treatment.
- (i) If not completed at the time of entry into the Jail, the detainee's booking process shall be completed at the earliest practical time after that person exhibits physiological indications of sobriety (i.e., an ability to care for him or herself).

#### 900.19.2 USE OF SAFETY CELL

A detainee who becomes extremely violent during booking or while in custody shall be temporarily held in a Safety cell.

The following guidelines apply when placing any inmate in a safety cell:

- (a) A detainee who develops or exhibits behavior consistent with a psychological disorder shall be placed in a safety cell until such time as the risk created by said condition is no longer present or the person is transferred to an appropriate medical facility for treatment.
- (b) The following notifications shall be made whenever a detainee is placed into a safety cell:
  - 1. Whenever a detainee is placed into a safety cell, the on-duty Jail supervisor or Jail Operations Sergeant shall be advised as soon as practical. If either are absent or unavailable, the Watch Commander, a patrol sergeant, or the senior patrol officer on duty (in order) shall be advised.
- (c) A detainees continued retention in a safety cell shall be reviewed every four hours. A medical assessment shall be completed within a maximum of 12 hours in a safety cell. The detainee should be medically cleared for continued retention in a safety cell every 24 hours thereafter.
- (d) A detainee maintained in a safety cell shall not be restrained with handcuffs and/or ankle cuffs.
- (e) A detainee held in a safety cell shall be allowed to retain clothing sufficient to cover their body, unless said clothing is removed for security or evidentiary reasons.

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1. In the event it is deemed necessary to remove all of a detainee's clothing, the detainee shall be provided with a safety garment (e.g., a paper coverall.)
  - (f) A detainee housed in a safety cell shall be monitored by Jail staff at least twice every thirty minutes, or at a more frequent interval as may be directed by the on-duty Jail supervisor.
  - (g) A safety cell shall not be used as punishment or as a substituted for requisite medical and/or psychological treatment.
  - (h) If not completed at the time of entry into the Jail, the detainee's booking process shall be completed at the earliest practical time after that person's behavior that indicates they are no longer a threat to Jail staff or other detainees.

#### **900.20 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Support Services Division Captain shall ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Berkeley Police Department.

The death of a detainee in transit the Berkeley Jail or in transit to another agency or facility, who has not been remanded and accepted into the custody of that agency or facility, shall be considered an in-custody death.

##### **900.20.1 SUICIDE ATTEMPT OR SERIOUS INJURY**

In the event of a suicide attempt of a detainee or the serious injury to a detainee, procedures shall include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Support Services Division Captain, Duty Command Officer, Watch Commander, and the Jail Supervisor
- (c) Isolation of suspect/witness detainees if appropriate and as space allows.

##### **900.20.2 DEATH**

In the event of the death of a detainee, procedures shall include the following:

- (a) Immediate request for emergency medical assistance
- (b) Immediate notification of the Support Services Division Captain, Duty Command Officer, Watch Commander, and the Jail Supervisor
- (c) Isolation of suspect/witness detainees if appropriate and as space allows
- (d) Notification of the spouse, next of kin or other appropriate person.
- (e) Notification of the appropriate prosecutor.
- (f) Notification of the City Attorney.
- (g) Notification of the Alameda County Coroner.
- (h) Evidence preservation.
- (i) In-custody death reviews (15 CCR 1046)

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- (j) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

**900.21 SOBER RELEASE**

- (a) No person shall be released from custody in an intoxicated condition.
- (b) To be eligible for release from custody, a detainee must be sober to the extent he/she can care for him/herself in public (ref. PC §647(f)).
  - 1. This protocol does not preclude release of an intoxicated adult upon Notice To Appear into the custody of a sober and responsible adult, provided that adult will assume responsibility for the intoxicated adult.
  - 2. This protocol does not preclude release of an intoxicated juvenile into the custody of his/her sober and responsible adult parent or guardian, provided that adult will assume responsibility for the intoxicated juvenile.
- (c) When specifically requested by the arresting officer, detainees may be released pursuant to PC §849(b) when sober.
- (d) Neither the passage of any set period of time, nor posting of or ability to post bail, shall be factors considered in regard to evaluation of a detainee's sobriety.

**900.22 RELEASE AND/OR TRANSFER**

When a detainee is released or transferred from custody, the member releasing the individual shall ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The detainee is not permitted in any nonpublic areas of the Berkeley Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
- (h) The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (i) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a barrier.

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If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (j) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

#### **900.23 FORM REQUEST FOR PETITION TO SEAL RECORDS**

Upon request, a detainee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.910).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an detainee of the right to obtain the Judicial Council forms.

#### **900.24 ASSIGNED ADMINISTRATOR**

The Support Services Lieutenant will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

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#### **900.25 TRAINING**

Department members shall be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Inmate segregation
- (d) Emergency procedures and planning, fire safety, and life safety.
- (e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Personnel and Training Sergeant shall maintain records of all such training in the member's training file.

#### **900.26 ACTS OF VIOLENCE, RIOT**

In the event of an act of violence (e.g., fight, riot, etc.) in the jail,

- (a) Jail staff shall:
  - i. Immediately notify the Communications Center and request assistance.
  - ii. Inform the Comm Center of the best way for emergency personnel to enter
- (b) The Communications Center shall:
  1. Direct emergency response personnel to the Jail door specified by Jail staff.
  2. If the Jail door needs to be manually opened, the Police Desk dispatcher shall assign at least one emergency responder to obtain emergency Jail keys from the Communications Center or Patrol Sergeants' Office.
    - i. The emergency responder assigned to obtain the Jail keys shall be responsible for manually opening the designated Jail Sally door and, unless his/her entrance into the Jail is required by the emergency, maintain a security post at the open portal.
  3. Notify, in the following order:
    - i. The Support Services Lieutenant, or if unavailable,
    - ii. The Watch Commander, or if unavailable,
    - iii. The Duty Command Officer, or if unavailable
    - iv. The Support Services Division Captain

Request the command officer respond to the jail to assume command of the incident until it is resolved or they are relieved.

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If none of the above are available, the ranking Operations Division supervisor or command officer shall assume command until the emergency is resolved or he/she is relieved by a higher authority.

- (c) The ranking employee present at the emergency shall assume command of the response until relieved by higher authority.

#### **900.27 ESCAPES**

- (a) The employee who witnesses or discovers a detainee's escape from custody shall
  1. Make an immediate report to the Communication Center.
  2. Provide the Comm Center with all available information about the escapee, including, but not limited to,
    - i. The person's physical description, reason for detention/arrest, known/suspected risk factors, information regarding persons/vehicles associated with the escape, and direction of flight.
- (b) The Communications Center shall
  1. Alert all on-duty personnel of the escape
  2. Assign a sufficient number of patrol officers to search for the escapee
  3. Assign a sufficient number of patrol officers to conduct the preliminary investigation
  4. Notify outside agencies
- (c) The Patrol sergeant supervising the preliminary investigation shall ensure notifications are made to the following:
  1. The Support Services Lieutenant,
  2. The Watch Commander or DCO,
  3. The Support Services Division Captain,
  4. The Homicide Detail Detective Sergeant, or his/her designee; and,
  5. The Department Public Information Officer.
- (d) The Watch Commander, or in his/her absence, the DCO, shall ensure administrative notification of a detainee escape has been made to the Chief of Police.
- (e) If the escape was from the Jail, Jail staff shall remain with, account for, and ensure the custodial security of the remaining detainee population.

#### **900.28 EVACUATIONS**

Jail staff shall have primary responsibility for jail evacuations.

Unless prevented by the nature of the event, the on-duty Jail supervisor shall ensure all detainees are evacuated from the Jail.

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- (a) Detainees with physical, mental or medical challenges will be assisted from the facility to designated exterior location(s).
- (b) The on-duty Jail supervisor will determine and direct the type of "Phase Evacuation" to be accomplished:
- (c) Officers responding to assist an evacuation shall have primary responsibility for security of detainees once they have exited the jail.
  - 1. PHASE I Evacuation (NO IMMEDIATE URGENCY): No urgency, but conditions warrant evacuation. Detainees will be handcuffed and/or chained.
  - 2. PHASE II Evacuation (URGENT SITUATION/CONDITION): There is an urgent need to evacuate the facility, without time to accomplish an orderly evacuation. Detainees will NOT be handcuffed/chained, but will be escorted from the building and maintained under guard.
  - 3. PHASE III Evacuation (CATASTROPHE): A major catastrophe has occurred necessitating the immediate evacuation of the facility. Cell doors will be opened, detainees will be released from custody, and all persons will be directed to self-evacuate via the closest accessible facility exit.

In the event of a Phase I or II evacuation, the jailer assigned to computer booking (i.e., CORPUS jailer) will bring all detainee booking packets to the designated assembly area to facilitate detainee accounting.

#### **900.29 DESIGNATED DETAINEE HOLDING AREAS**

The on-duty Jail supervisor, or command officer in his/her chain of command, shall designate a holding area where evacuated detainees will be maintained under armed guard.

Circumstances and logistics permitting, the following may be employed as temporary detainee holding areas:

- (a) A safe area within the perimeter fence of the south PSB parking lot.
- (b) A designated rally point within Civic Center Park.
- (c) Placed on a bus or van for transport to a designated rally point or detention facility (e.g., Santa Rita Jail, etc.)

#### **900.30 OTHER EVACUATION PROCEDURES**

Consideration shall be given to citation release of detainees held on misdemeanor or infraction offenses.

- (a) Unless released from custody pursuant to a Phase III evacuation, detainees in custody for a felony offense shall not be released on a "Notice to Appear" (i.e., an "Own Recognizance" release) without express approval of an Alameda County Superior Court judge.
- (b) Should provision of medical care be necessarily delayed, Jail staff should coordinate such medical care at the soonest practical opportunity.



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- (c) Jail staff on-duty at the time of an emergency situation that requires an evacuation shall remain at their assigned post until authorized to go off-duty by their Chain of Command.

#### **900.31 DETAINERS/ WARRANT/ PAROLE HOLD**

A detainer, warrant, or parole hold (herein after called a "detainer") received for a detainee being booked into, or held in, the Jail shall be maintained with the detainee's electronic Consolidated Arrest Report (eCAR).

- (a) Detainees shall be informed of all detainers placed after initial booking.
- (b) When a detainee is received from the County Jail or another jurisdiction, the employee taking custody of the detainee shall investigate whether there are any detainers pending.
- (c) If a detainer is found to exist, the same procedure shall be followed as for detainers placed against any detainees taken into custody by this agency.
- (d) If an outside agency makes a verbal request to place a detainer not supported by an arrest warrant upon a person detained by this department, or detainee in custody within the Jail, the employee receiving such request shall obtain from the agency:
  1. A written report containing all known facts supporting the detainer; and,
  2. Written confirmation of the verbal request via teletype or facsimile that includes detainer-specific information:
    - i. Identification of the agency and the officer placing the detainer.
    - ii. Complete identifying information for the subject of the detainer (i.e., name, alias, date of birth, physical description, address(es), and relevant identifying numbers).
    - iii. Criminal charges.
    - iv. Requesting agency's case number.
    - v. Name of and contact information for the officer requesting the detainer.
    - vi. If applicable and available, the date and time the requesting agency intends to take custody of the subject of the detainer.
- (e) When a detainer is terminated, the employee receiving the termination notice shall immediately note this fact on the detainee's eCAR

#### **900.31.1 RELEASE ON DETAINER**

- (a) Jail staff should not knowingly release a detainee with an active detainer (i.e., warrant), with the exception of civil immigration detainers. Per City Council direction, Jail staff shall not comply with any civil immigration detainer requests from the Immigration and Customs Enforcement Agency (ICE) or its agents.
- (b) In regards to all other active detainers Jail staff shall:

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1. Ensure, prior to a detainee's release, that available automated warrant systems are checked for active detainers and parole status.
  2. Should extraordinary circumstance require the release of a detainee with an active detainer, release shall be with the approval of the on-duty Jail Operations Sergeant.
- (c) Prior to the transfer or release of a detainee, Jail staff shall accomplish the following procedures:
1. Examine the detainee's identification wristband for any tampering.
  2. Verify the information on the identification wristband corresponds with the information on record for the subject to be released.
  3. Ensure all booking procedures (e.g., CORPUS booking, fingerprinting, and mug photos) have been completed.
  4. Ensure all detainers have been researched and received:
    - i. Jail staff shall ensure automated computer systems have been checked for any outstanding arrest warrant detainers (e.g., CLETS, AWS, NCIC, etc.) issued for the detainee, and if discovered, each shall be verified according to established protocol.
    - ii. Jail staff shall properly update automated computer systems and Jail booking documents (i.e., eCAR), with copies of booking documents routed according to established protocol.
    - iii. Jail staff shall ensure available record systems have been checked to determine the detainee's parole status, and if determined to be active to parole, shall contact the California Department of Corrections and Rehabilitation (CDCR) to request a "parole hold" detainer.
  5. If the detainee has been charged with a felony offense, a "parole hold" shall be requested.

#### 900.31.2 DETAINER TRANSPORT

Should it become necessary to transfer a detainee to court or otherwise release a detainee from custody prior to receipt of a parole detainer, Jail staff shall so advise CDCR prior to the detainee's transfer or release.

- (a) Obtain the detainee's copy of the Property Receipt and compare it with the original.
- (b) Prior to release from custody, ensure the detainee signs the Property Receipt affirming return of his/her personal property.
- (c) When a detainee is transferred to another custodial facility, the following procedure shall be followed:
  1. Jail staff will provide the transporting officer all confinement-related documentation, including detainers, necessary to accomplish the transfer, as well as the detainee's personal property.

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2. The transportation officer shall sign the Property Receipt to affirm receipt of the detainee's personal property.
  3. The transportation officer taking custody of the detainee shall sign in the space provided on the eCAR.
  4. The transportation officer shall deliver the detainee, his/her personal property, and custodial documents into the custody of the accepting agency.
- (d) In the event of a detainee's release pursuant to his/her acceptance of a Notice to Appear (i.e., citation or Own Recognizance release), Jail staff shall assign a court appearance date.
- (e) Regarding outside agency detainers, Jail staff shall contact the outside jurisdiction to request a court appearance date.
- (f) Jail staff shall note a detainee's actual release time on the Prisoner Confinement Record.

#### **900.32 BAIL/ BONDS**

##### **900.32.1 BAIL AMOUNT**

Bail is set by the Superior Court of the County wherein the arrest occurred, or by the issuing judge on the warrant of arrest. Jail staff shall review the bail amount on the eCAR and confirm its accuracy.

##### **900.32.2 ACCEPTING BAIL**

- (a) Bail shall be accepted by Jail staff in the following forms, with negotiable items made payable to "City of Berkeley"
1. Cash bail shall be documented with a bail register receipt giving total plus any penalty assessment. The employee shall write the denominations in the denomination box of the receipt.
    - (a) The Jailer receiving cash equaling or exceeding \$10,000.00 shall complete Internal Revenue Service Form 8300 (Report of Cash Payments Over \$10,000 Received in a Trade or Business).
    - (b) The Jailer who completes IRS Form 8300 shall forward the completed form to the Internal Revenue Service by the 15th day following receipt of the cash bail.
    - (c) The Jailer who receives cash bail over \$10,000.00 shall immediately inform the on-duty Jail supervisor, who shall document the cash receipt in his/her Daily Activity Report.
    - (d) Traveler's Check
    - (e) Cashier Check
    - (f) Money Order

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**900.32.3 ACCEPTING BAIL BONDS**

Surety/Bail Bonds are accepted as bail for any person in custody or named in a warrant charging a bailable offense, subject to any restriction indicated on said warrant.

Bonds must be presented in person by a bail bond broker, and not by another person through a power-of-attorney.

- (a) The bond must accurately exhibit:
  - 1. Date of arrest.
  - 2. The defendants name and PFN.
  - 3. All criminal charges.
  - 4. The type of offense(s) (i.e., "misdemeanor" or "felony").
  - 5. Relevant CEN and/or warrant number(s).
  - 6. The sum of bail, including penalty, or the maximum amount of the bond, whichever is less. The sum shall not include any cash posted in conjunction with the bond.
  - 7. The name of the court and date of appearance.
  - 8. The signature of at least one "attorney-in-fact".
  - 9. The seal of a Notary Public.
- (b) In the event of the unavailability of automated booking systems, Jail staff will accept a bail bond and shall be responsible for later inclusion of required information normally obtained from computer records.
- (c) A bail register receipt shall not be issued for a surety or bail bond, except to cover the amount of any cash posted in conjunction with it.
- (d) Bail bond certificates or credit cards issued by some automobile clubs are not acceptable in lieu of one of the approved forms of bail.
- (e) Jail staff accepting bail for a detainee with multiple bailable detainers shall administer the bail process with specific regard to the judicial jurisdictions involved; bail shall be calculated, received, and a single receipt issued for each involved jurisdiction.
- (f) Multiple warrants/One court: The sum of bail will be documented on one receipt.
- (g) Multiple warrants/Multiple courts: The sum of bail for all warrants issued by each court will be calculated and documented on a separate receipt.
- (h) Jail staff shall not divide one bond or check between multiple judicial jurisdictions.

**900.32.4 BAIL RECEIPTS**

Each bail receipt shall contain requisite identifying information and be administered pursuant to established protocol.

- (a) Requisite information includes: detainee's name and PFN; associated CORPUS Event Number(s) (CEN); criminal charge(s); warrant number(s), if applicable; bail amount, including currency denomination details; the court's name and address; the name and mailing address of the firm or person posting bail;

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1. Monetary instruments, such as cashier checks, shall have the CEN and/or warrant number written on it, and both will be placed in the bail locker.
- (b) Receipt routing: white and pink copies of the receipt will be placed in money drop envelope, with currency and/or monetary instrument (e.g., check) attached. Yellow copy goes to the person posting the bail.
- (c) Jail staff shall place bail received in the bail register or jail bail drop box.

**900.32.5 BAIL FOR OUTSIDE AGENCY WARRANTS**

Bail posted for persons arrested for other jurisdictions shall be forwarded to the Warrant Bureau.

- (a) A letter of transmittal shall accompany bail which is forwarded to an outside jurisdiction.
- (b) The name and mailing address of the firm or person posting bail shall be included when the bail is transmitted to the proper agency.

**900.32.6 COMPUTER UPDATE**

When bail is posted, Jail staff shall be responsible for immediate update of automated computer systems (i.e., AWS and CORPUS), and/or transmission of teletype to the agency issuing an involved detainee.

**900.32.7 RELEASE**

The jailer who accepts bail, or who receives an order of release from the Court, is responsible for ensuring that the involved detainee is released from custody, a responsibility that cannot be delegated.

**900.32.8 SURETY/ BAIL BOND BROKERS**

Jail staff shall accept surety or bail bonds from bond brokers licensed by the Insurance Commissioner of the State of California

- (a) Brokers do not need a City of Berkeley business license to post surety or bail bonds, and, as such, shall not be refused service in the conduct of official business.
- (b) No bail bond broker, or his/her representative, shall be allowed to talk to a detainee except by specific request of the detainee for a particular broker.
- (c) No employee shall recommend a bail bond broker, or communicate with a bail bond broker for a detainee, except when a detainee is a "near relative" as defined in City of Berkeley Administrative Regulation 2.12
- (d) Neither bail bond brokers, nor their representatives, shall be permitted to send any papers into the Jail for a detainee to sign, nor will any employee procure or facilitate such signature.
- (e) The employee who received said request shall advise the bond broker that signature(s) can be obtained subsequent to posting of bail and detainee release.
- (f) In response to specific inquiries, bail bond brokers may be furnished information concerning a subject who has been booked and is in custody. In addition to identifying

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information, the broker may also be provided with the report number, Personal File Number (PFN), and CORPUS Event Number (CEN). No broker or their representative shall be allowed to see the actual eCAR.

- (g) Employees shall neither authorize nor permit any solicitation in the Public Safety Building by a bail bond broker or his/her representatives.

#### **900.32.9 OUTSIDE AGENCY -BAIL BOND/SURETY AGENCY BOOKING**

Detainees in the custody of other law enforcement agencies or bail bond agents may be booked into and temporarily housed within the Jail.

- (a) Outside agencies will be charged a daily maintenance fee for booking, housing and feeding of each detainee.
- (b) Prior to receiving an arrestee into the Jail, Jail staff shall verify non-uniformed booking officers are bona fide peace officers, and bail/surety agents possess court documents required by PC §847.5.
- (c) Detainees in the custody of a bail bond/surety agent may be held when:
  1. Surrendered in lieu of bail or when retaken after escaping bail;
  2. Arrested in or transported through Berkeley en-route to another state, or,
  3. After having escaped bail in that state and being retaken pursuant to PC §847.5.
- (d) The booking jailer shall process the detainee into the Jail in accordance with existing Department regulations, and document the booking as a case numbered report on the Consolidated Arrest Report form.

#### **900.33 VISITATION**

Jail staff will facilitate prisoner visitation during established and publicly posted hours.

- (a) Prisoners may refuse any visit.
- (b) Jail staff shall require prospective visitors to present a valid picture identification card and disclose their relationship to the prisoner prior to the requested visit.
- (c) Jail staff shall deny a request for prisoner visitation for a visitor's failure to comply with this requirement.
- (d) A person who is under the influence of alcohol or drugs, or who is belligerent, shall not be allowed to visit prisoners held in the Jail.
- (e) For the purpose of this policy, visitation will be categorized as follows:
  1. "Non-Contact" Visit: the visitor is restricted to the public side of a visiting room.
  2. "Contact" Visit: the visitor is allowed entry to the Jail proper and has a face-to-face interview with the prisoner in an unoccupied cell.

##### **900.33.1 "NON-CONTACT" VISITATION**

Only one visitor shall be allowed to occupy the public side of a visiting room at any time, unless otherwise authorized by the on-duty Jail supervisor.

# Berkeley Police Department

## Law Enforcement Services Manual

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Detainee visitation by a juvenile may be allowed under the following conditions:

- (a) With approval by the Jail Operations Sergeant, or in his/her absence, an on-duty Patrol sergeant, and
- (b) The juvenile is in the company of a responsible adult, preferably the juvenile's parent or legal guardian.

The jailer facilitating a "non-contact" detainee visitation shall ensure the public side door of the visiting room is closed and locked before the detainee enters the jail side of the room.

Notwithstanding the procedure regarding bail-related documents, should it be necessary for a detainee to sign or receive any document, such document shall be delivered to them by the jailer, and, if appropriate or necessary, returned to the visitor after signing.

- (c) Jail staff shall receive documents presented by persons lawfully authorized to serve process and facilitate the service of said legal process documents directed to a detainee held in the Jail (ref. PC §4013).
- (d) Visits are allowed for a minimum of 15 minutes and may be terminated at any time after that as needed by Jail staff.
- (e) A detainee may request a visit from a clergy member of their choice or chaplain if they have no preference.

#### 900.33.2 "CONTACT" VISITATION- CIVILIANS AND LAW ENFORCEMENT

- (a) Sworn Department personnel will be allowed to visit and interview detainees housed in the Jail when done in connection with their official duties.
- (b) Non-sworn Department personnel shall not enter the Jail unless authorized by the Jail Sergeant or command rank officer.
- (c) Except as authorized in this policy or by competent authority, no civilian shall be admitted to the Jail.
  - 1. "Competent authority" shall include the on-duty Jail Supervisor, Jail Sergeant, other sergeant, or a command rank officer.
  - 2. In all cases, the civilian visitor must be on official business and under the direct supervision of the authorizing sergeant or command rank officer.
    - i. Except for in extraordinary circumstances, this supervision responsibility shall not be delegated.
- (d) A "contact" visit by civilian/non-law enforcement entities shall not be allowed if the detainee does not provide his/her consent.
- (e) Jail staff shall facilitate a request from a law enforcement officer to have a "contact" visit with a detainee in custody in the Jail.
- (f) The Jailer facilitating a "contact" visit shall require the civilian or outside agency visitor to complete the Visitors Register, and shall note the type of identification presented.
- (g) Jail staff shall allow an interview of a detainee by law enforcement officers at the detainee's cell, in a holding room, or at a location outside of the Jail.

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- (h) The removal of detainees from the jail by outside agency law enforcement officers shall only be allowed when:
  - 1. The detainee is being held for the agency in question; or,
  - 2. Approved by a Support Services Lieutenant or Captain.
- (i) Once a detainee has been removed from the Jail, responsibility for detainee custody shall transfer from Jail staff to the involved law enforcement personnel.
- (j) Jail staff shall note a removal occurred on the involved detainee's Prisoner Confinement Record.
- (k) The removal of detainees from the Jail by persons other than law enforcement personnel is prohibited.
- (l) No more than one detainee shall be moved to the Jail visiting area at a time.

#### 900.33.3 "CONTACT" VISITATION - ATTORNEYS

Properly certified and identified attorneys shall not be denied the privilege of visiting their client(s) at any time.

- (a) A detainee shall be considered a "client" if any of the following apply:
  - 1. An attorney has been appointed to represent the detainee.
  - 2. An attorney from the Public Defender's Office shall be considered an appointed attorney once charges have been filed by the District Attorney's Office.
  - 3. An attorney has been retained to represent the detainee.
  - 4. The attorney has been requested by the detainee, or by a third party acting on behalf of the detainee.
  - 5. An attorney shall be afforded reasonable privacy while interviewing his/her client.
- (b) Employees shall remain sufficiently distant to ensure privacy, and shall not eavesdrop on the conversation between an attorney and his/her client.
- (c) To be admitted into the jail visiting area, the attorney must present a California Bar Association membership card for the current year, and sufficient other identification so as to allow Jail staff to be reasonably certain of the identity of the person.
- (d) A request of an attorney to visit their client(s) shall be acted upon without unreasonable delay.
- (e) Attorneys who wish a "contact" visit with an in-custody client, but who lack proper credentials, shall not be admitted into the Jail to meet with a detainee, however, they may be allowed visitation pursuant to the "non-contact" protocols described in this policy.
- (f) A detainee's request to confer with or contact an attorney, whether or not the attorney is present at the Jail, shall be acted upon without unreasonable delay.



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#### 900.33.4 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the detainee in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an detainee in custody should do so inside a secure interview room.
- (c) The detainee in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification. The Attorney's name and the detainee they are visiting, should be entered into the daily log.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

#### 900.34 CRIMINAL REGISTRATION PROCESS

Jail staff shall facilitate a detainee's criminal registration when required by PC §290 (sexual offense), PC §457.1 (arson offense), or HS §11590 (narcotic offense).

#### 900.35 DETAINEE VOTING

The Department shall make reasonable attempts to assist voting by a detainee in custody in the Jail who is eligible and registered to vote in any local, state, or federal election who requests to cast a ballot on Election Day.

The Jail Operations Sergeant, or if unavailable (in order of responsibility), the Support Services Lieutenant or Operations Division Watch Commander, shall contact the Registrar of Voters for the County in which the detainee is registered to determine the process to be followed for acquisition and submission of a "Vote By Mail" (also known as "Absentee") ballot.

- (a) If the detainee states he/she is registered to vote in Alameda County, the supervisor or command officer shall be responsible for the following:
  - 1. Call the Alameda County Registrar of Voters (510-272-6933) to verify the detainee is registered and eligible to vote within the County.
- (b) If the detainee is registered and eligible to vote, an employee shall be assigned to:
  - 1. Obtain and provide the detainee an Application For Vote By Mail Ballot form;
  - 2. Deliver the completed and signed ballot application form to, and obtain a Vote By Mail Ballot from, the Registrar of Voters office (1225 Fallon Street, Room #G-1 [Basement], Oakland); and,
  - 3. Ensure the ballot is delivered in a timely manner to the detainee in the Jail.
- (c) Jail staff shall make reasonable efforts to facilitate a detainee's receipt and completion of a ballot.

# Berkeley Police Department

## Law Enforcement Services Manual

### *Temporary Custody of Adults*

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- (d) With due regard to facility security and employee safety, a detainee shall be provided the opportunity to complete a ballot in relative privacy.
- (e) The supervisor or command officer responsible for acquisition and delivery of a ballot to a detainee in the Jail shall make a reasonable effort to ensure the completed ballot is delivered to the location prescribed by the Registrar of Voters.
- (f) Completed ballots for detainees registered to vote in Alameda County shall be promptly delivered to a local voting location (e.g., City Hall, 2180 Milvia Street, Berkeley.)

#### **900.36 USE OF DETAINEES FOR WORK INSIDE THE JAIL**

While a detainee cannot be required to perform any work, a detainee may be requested to assist in maintaining proper sanitary conditions inside the jail.

#### **900.37 CAMERAS AND RECORDING DEVICES, USE OF**

Unless used for law enforcement purposes, the use of any electronic device to film, photograph or record within the Jail is prohibited.

#### **900.38 DAILY ACTIVITY REPORT**

The on-duty Jail supervisor, or supervisor designee, shall complete a Daily Activity Report.



OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

January 18, 2022

Interim Police Chief Jennifer Louis  
City of Berkeley Police Department  
2100 Martin Luther King, Jr. Way  
Berkeley, CA 94704

Re: Request for drafts related to Fair & Impartial Policing implementation

Dear Chief Louis:

The Charter of the City of Berkeley, Article XVIII, Section 125 (20)(a) provides that "all [City] departments, officers, and employees shall cooperate with and assist the Director of Police Accountability, Police Accountability Board and its staff and...produce all records and...documents...the Board or its staff requests for the purpose of carrying out its duties and functions...[T]he records and information include without redaction or limitation: (1) Records relevant to Police Department policies, practices, or procedures."

Accordingly, pursuant to Section 20(a)(3), the Police Accountability Board requests that the Berkeley Police Department provide the Board with both a copy of the current working draft of Early Intervention System revisions and the current draft of the Department's revised consent search form. Consistent with Section 20(a)(3), please provide these documents by close of business on February 2, 2022. This will enable the Board to effectively perform its functions related to the Police Department's implementation of fair and impartial policing measures under the City Council directive passed on February 23, 2021.

We submit this request in the spirit of collaboration.

The Police Accountability Board voted unanimously on January 12, 2022, to send this letter to you. Moved/Second (Calavita/Leftwich): Ayes – Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, Ramsey.

Sincerely,

Ismail Ramsey, Chairperson  
Police Accountability Board

cc: Police Accountability Board members



**Lee, Katherine**

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**From:** Office of the Director of Police Accountability  
**Sent:** Tuesday, January 18, 2022 3:48 PM  
**To:** Lee, Katherine  
**Cc:** Norris, Byron  
**Subject:** FW: Notice of Revisions to Proposed Amendments to the Regulations Implementing the Racial and Identity Profiling Act of 2015  
**Attachments:** DOJRC CND.pdf; DOJRC Data Access User Agreement.pdf; DOJRC Security Variance Form.pdf; ISOR Addendum\_011822.pdf; NIST.SP.800-88r1.pdf; NIST.SP.800-171r2.pdf; Notice of Modifications\_011822.pdf; Proposed Revisions\_011822\_v2.pdf

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**From:** AB953 <AB953@doj.ca.gov>  
**Sent:** Tuesday, January 18, 2022 3:37 PM  
**To:** Tanya Koshy <Tanya.Koshy@doj.ca.gov>  
**Subject:** FW: Notice of Revisions to Proposed Amendments to the Regulations Implementing the Racial and Identity Profiling Act of 2015

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

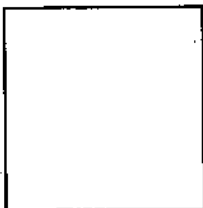
Today, the California Department of Justice posted revisions to the proposed amendments to the Racial and Identity Profiling Act of 2015 regulations. This triggers a 15-day comment period that ends on February 2, 2022, during which members of the public are invited to submit comments on the proposed revisions.

Below is more information on the proposed revisions, including instructions on how to submit a comment and a weblink to access the text of the proposed revisions and related rulemaking documents. We have also attached to this email the Notice, text of the proposed revisions, the Addendum to the Initial Statement of Reasons, and the documents incorporated by reference in the proposed revised text.

We encourage you to review the proposed revisions and to submit a comment letter on these proposed revisions. Please also forward this email widely to your networks.

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**From:** The DOJ RIPABoard <RIPABOARDMAILINGLIST@DOJ.CA.GOV> On Behalf Of AB 953 Mailing List  
**Sent:** Tuesday, January 18, 2022 2:04 PM  
**To:** RIPABoardmailinglist <RIPABoardmailinglist@listservprd1.int.doj.ca.gov>  
**Subject:** Notice of Revisions to Proposed Amendments to the Regulations Implementing the Racial and Identity Profiling Act of 2015



January 18, 2022

# Notice of Revisions to Proposed Amendments to the Regulations Implementing the Racial and Identity Profiling Act of 2015

Dear Colleagues and Stakeholders / Estimadxs Colegas y Personas Interesadas,

[A continuación este mensaje se repite en español.]

Today Attorney General Bonta published revisions to proposed amendments to the regulations implementing California's Racial and Identity Profiling Act of 2015, Assembly Bill (AB) 953. The official public comment period begins today and will conclude on February 2, 2022. The proposed amendments and supporting rulemaking documents are available online at <https://oag.ca.gov/ab953/regulations>.

All members of the public are invited to submit a comment on the proposed regulations, and may do so in one of the ways outlined below:

1. Send written comment via email to [Tanya.Koshy@doj.ca.gov](mailto:Tanya.Koshy@doj.ca.gov).
2. Send written comment via mail to the address specified in the Notice of Proposed Rulemaking Action posted at <https://oag.ca.gov/ab953/regulations>.
3. Send written comment via fax to the number specified in the Notice of Proposed Rulemaking Action posted at <https://oag.ca.gov/ab953/regulations>.

We encourage you to disseminate this information broadly and to alert other interested stakeholders. Please contact me with any questions.

Sincerely,  
Tanya Koshy

Deputy Attorney General  
Civil Rights Enforcement Section  
California Department of Justice  
1515 Clay Street, Suite 2000  
Oakland, CA 94612

Office (510) 879-1983  
[Tanya.Koshy@doj.ca.gov](mailto:Tanya.Koshy@doj.ca.gov)

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Hoy el Fiscal General Bonta publicó revisiones a las propuestas de enmiendas a las regulaciones para implementar la Ley sobre Perfiles Raciales y de Identidad de California del 2015, Proyecto de Ley de la Asamblea 953. El periodo oficial de recepción de comentarios públicos comienza hoy y concluirá el 2 de febrero del 2022. Las enmiendas propuestas y los documentos relacionados con la reglamentación están disponibles en línea en <https://oag.ca.gov/ab953/regulations>.

Se invita a todo el público a presentar sus comentarios sobre las regulaciones propuestas. Pueden hacerlo de cualquier de las maneras que se describen a continuación:

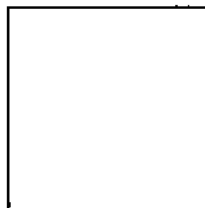
1. Envíe comentarios escritos por correo electrónico a [Tanya.Koshy@doj.ca.gov](mailto:Tanya.Koshy@doj.ca.gov).
2. Envíe comentarios escritos por correo a la dirección especificada en el Aviso de Propuesta de Acción Reglamentaria publicado en <https://oag.ca.gov/ab953/regulations>.
3. Envíe comentarios escritos por fax al número especificado en el Aviso de Propuesta de Acción Reglamentaria publicado en <https://oag.ca.gov/ab953/regulations>.

Le invitamos a difundir esta información ampliamente y avisar a otras personas interesadas. Por favor, comuníquese conmigo por cualquier pregunta.

Atentamente,  
Tanya Koshy

Deputy Attorney General  
Civil Rights Enforcement Section  
California Department of Justice  
1515 Clay Street, Suite 2000  
Oakland, CA 94612

Office (510) 879-1983  
[Tanya.Koshy@doj.ca.gov](mailto:Tanya.Koshy@doj.ca.gov)



You may find more information about the Racial and Identity Profiling Advisory (RIPA) Board on our website at: <https://oag.ca.gov/ab953>

Please visit the remainder of the Attorney General's site at: <https://oag.ca.gov/>

[Unsubscribe](#) from this list

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