

Reserve Officers

326.1 PURPOSE AND SCOPE

The Berkeley Police Department Reserve Program was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn reserve officers who can augment regular staffing levels.

326.2 DEFINITIONS

Reserve Coordinator: The Community Services Bureau Sergeant will be designated as the Reserve Coordinator and will be in charge of administering the Reserve Program.

Police Reserve Officer: A duly appointed and sworn member of the Berkeley Police Department in accordance with applicable Penal and Administrative Codes of the State and policies of the City and the Department dealing with Police Reserve Officers.

Level I Police Reserve Officer: A Level I Police Reserve Officer is a trained and capable officer, as described in applicable sections of the California Penal Code and requirements set by the Committee of Peace Officer Standards and Training (POST) for recognition as a Level I Police Reserve Officer. A Level I officer is authorized to perform police functions while working alone, including general law enforcement patrol.

Level II Police Reserve Officer: A Level II Police Reserve Officer is a trained and capable officer, as described in applicable sections of the California Penal Code and requirements set by POST. A Level II officer may function as a Peace Officer under the supervision of an officer possessing a POST Basic Certificate. A Level II officer may work alone on specifically authorized assignments, which are not general law enforcement.

Level III Police Reserve Officer: Although authorized by POST, the Berkeley Police Department will not employ Level III Reserve Officers.

Support Activity: Support activity consists of the full range of duties within the Police Department to which a reserve officer may be assigned, including training.

326.3 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Berkeley Police Department shall endeavor to recruit and appoint to the Reserve Program only those applicants who meet the high ethical, moral and professional standards set forth by this department.

326.3.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Reserve Program, an applicant must complete POST Peace Officer Orientation Modules I, II, or III or a POST approved basic academy.

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326.3.2 APPOINTMENT

Applicants who are selected for appointment to the Reserve Program shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

326.3.3 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel and Training Bureau prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

326.4 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to the Community Services Bureau Sergeant.

The CSB Sergeant, serving as the Reserve Coordinator, shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring the overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

326.4.1 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Captain.

326.4.2 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Captain, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Captain, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

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326.5 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer but shall have three digits beginning with a 6 or a 7. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

326.6 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department. Reserve officers are not required to have a Class A jacket. All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

326.7 FIELD TRAINING

Within one year of appointment, Level I or II reserve officers must successfully complete the Departmental Field Training Program.

- (a) All reserve officers shall participate in mandated training such as firearms training and monthly reserve officer training.
 - 1. Failure to participate in mandated training may result in termination, suspension or restricted status.

326.8 RESERVE OFFICER EVALUATIONS

While in field training, reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

326.9 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

326.9.1 POLICY COMPLIANCE

Reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

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326.9.2 SIGN-IN / OUT PROCEDURES

At the beginning of each tour of duty, reserve officers shall sign in on the Reserve Support Activity Log, indicating the nature of activity, and sign out at the conclusion of the tour.

- (a) Reserve officers shall report to the supervisor of the activity that they are assigned to work, prior to working. Reserve officers working patrol shall determine which patrol team they are working with and report to the patrol supervisor of that team, as well as to the communications center, prior to working. If a reserve officer works beyond that patrol team's hours and onto another team, then the reserve officer shall report to the subsequent patrol sergeant as well. Conversely, they shall report to the supervisor of that activity at the conclusion of the activity/tour.

326.9.3 RESERVE OFFICER ASSIGNMENTS

Reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee. A reserve officer may be assigned to the any of the following:

- (a) Traffic enforcement including citations and tows
- (b) Parking enforcement including citations and tows
- (c) Vehicle collision reports
- (d) Lost/found property reports
- (e) Animal bite reports where the follow-up is reassigned to Animal Services
- (f) Non-Criminal Incident reports
- (g) Miscellaneous Service Complaints
- (h) Supplemental reports based on incidents, witnesses, and neighborhood checks, etc.
- (i) Hit and run misdemeanor cases with no viable leads (at the reserve officer's discretion, see the Traffic Collision Reporting Policy)
- (j) Auto burglary, theft from auto, or malicious damage to vehicles with no viable leads (only if the victim is unable to complete an online report)
- (k) Booking and/or transportation details (i.e. booking detainees into the BPD Jail or transporting detainees to Santa Rita Jail or Juvenile Hall)
- (l) Custodial details (i.e. monitoring a detainee who is being medically treated at Highland, or an in-custody juvenile)
- (m) Traffic control details
- (n) Special operation details (e.g., first amendment activities, the Kite Festival, Solano Stroll, etc.)
- (o) Any other detail the Reserve Coordinator, or his/her designee, determines appropriate

326.9.4 PROHIBITED REPORTS

Unless sworn supervisory approval is obtained, or a standing agreement exists between a Reserve and the Reserve Coordinator, Reserve Officers, due to assigned/handling officer follow-up responsibilities, shall not be assigned to the following types of offenses:

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- (a) Auto burglary, theft from auto cases, and malicious damage to vehicle with leads
- (b) All misdemeanor assault/battery cases
- (c) Felony hit and run cases and misdemeanor hit and run cases with leads
- (d) Adult missing person cases
- (e) Juvenile missing person cases
- (f) Felony offenses

326.9.5 ARRESTS

Absent exigent circumstances, all arrests made by a reserve officer shall be approved by a patrol sergeant prior to leaving the scene of the arrest, and in all cases prior to booking.

326.10 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Captain.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

326.11 INACTIVITY

Any Level I or II reserve officer who is inactive for a protracted period of time shall go through a field training update similar to that used upon the return of a regular officer to the Department after being reinstated to the Department.

326.12 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

326.12.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty.

326.12.2 CONCEALED FIREARMS

Berkeley Police Reserve Officers shall be allowed to carry a firearm when off duty as a Level I or II reserve officer and will be issued a CCW endorsement on their Departmental ID cards.

326.12.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall qualify semi-annually with their on-duty firearm and annually

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with any off-duty or auxiliary firearms (see the Firearms policy for further information regarding qualifications).

326.13 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

One of the primary reasons for having a Reserve Program is to have a additional trained personnel that can respond in the event of an emergency such as a large fire, earthquake, riot or other such natural or civil emergency. For this reason, it is assumed that, within reason, reserve officers will respond in the event of an emergency.

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve officers.

326.13.1 TEMPORARY LEAVE

Any reserve officer who will be unavailable for emergency response shall notify the Reserve Coordinator in a timely manner regarding his/her unavailability.

- (a) Normal and acceptable reasons would be for business trips, vacations or illness.
- (b) Should exceptional circumstances occur, such as extended illness, military service, temporary change in business assignment, etc., a reserve officer may be considered unavailable for a protracted period of time only with the approval of the Reserve Coordinator.

326.14 RETIREMENT FROM THE BERKELEY POLICE RESERVE PROGRAM

Retirement is an honorary status that does not include any pension, benefits or privileges usually associated with peace officer retirements. Retired Berkeley Police Reserve Officers are authorized to carry concealed weapons based on their honorary retirement status (see Retiree Concealed Firearms Policy). Reserve officers will be eligible for retirement upon meeting any of the requirements listed below:

- (a) They reach age 50 and have ten (10) years of continuous service.
- (b) They have twenty (20) years of service at any age.
- (c) In the event of medical disability, a reserve officer may retire at any age with ten (10) years of continuous service. If the disability occurs while working as a reserve officer, there will be no time requirement.