

BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 15, 2000

GENERAL ORDER O-4

SUBJECT: REPORTING OFFENSES AND LOST AND FOUND PROPERTY TO THE DEPARTMENT OF JUSTICE

- 1 - Penal Code Sections 11107 and **13020*** requires that a copy of all investigative reports concerning the following offenses be forwarded to the Department of Justice:
 - (a) Forgery: Includes reports of stolen personal and business checks, blank City, County and State warrants, and fictitious and counterfeit documents.
 - (1) A copy of the forged document(s) must be included with the report when submitted to DOJ.
 - (b) Fraud-Bunco: All bunco crime reports, with special emphasis on pigeon drop, bank examiner, home repair, etc.
 - (c) Bombings: Reports of bombings and bomb incidents in violation of Penal Code Sections 12301 through 12312, including Class A and B explosives as defined by Section 12000 of the Health and Safety Code.
 - (d) Receiving Stolen Property: All arrest reports pertaining to selling or receiving stolen property.
 - (e) Safe and Commercial Burglary: All reports of safe and commercial burglary.
 - (f) Grand Theft and Cargo Theft: All reports of grand thefts and thefts of cargo in transit.
 - (g) Homicides: All homicide reports, either solved or unsolved, except those in the excusable and/or justifiable categories.
 - (h) Threats: All reports of telephone and letter threats against public officials, VIPs, witnesses, and private individuals.
 - (i) Child Abuse: All reports of willful cruelty or unjustifiable punishment of child, endangering life or health of child, infliction of corporal punishment or injury to child, and violations of Penal Code Sections 286 and 288.
 - (j) Sexual Exploitation of Children: All reports dealing with child prostitution, or the preparation of sexually explicit material involving sexual conduct, or any conduct where there was an intention to sexually exploit a minor for any purpose, or to promote or to encourage child molestation.
- 2 - After the Service Division has **imaged*** the offense report, **the Report Review Unit*** will forward the, original copy of all reports listed in paragraphs 1(a) through 1(i) above, to the Department of Justice.

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- 3 - Child abuse cases, as described in paragraphs 1(i) and (j), will be reported to the Department of Justice by the Youth Services Bureau on forms provided by DOJ for that purpose.
- 4 - It is important to submit the entire crime report, and all supplemental reports which contain information of an investigative or modus operandi value. Supplemental reports which have no value to the investigation shall be destroyed.
- 5 - Requests of the Department of Justice for investigative reports concerning any offense having an apparent sex motivation shall be referred to the Detective Division, Sex Crimes Detail for their information and the reports forwarded to DOJ by the Report Review Unit.
- 6 - The offense committed, and not the charge on which prosecution is had, shall be the determining factor in all cases where there may be a question as to whether or not the above provisions apply.
- 7 - Penal Code Section 11108 requires police agencies to submit the descriptions of serialized property which has been reported stolen, lost, found, recovered or under observation directly into the Department of Justice automated system ("CLETS"). The system components are:
 - (a) Automated Firearms System - "AFS"
 - (b) Automated Bicycle System - "ABS"
 - (c) Automated Property System - "APS"
 - (d) Stolen Vehicle System - "SVS"
- 8 - The investigating employee shall prepare the appropriate automated system form and submit the form to the Telecommunications operator as soon as possible after the report is taken. Stolen securities should be entered into NCIC through CLETS using instructions and formats found in the NCIC operating manual.
- 9 - Reports of stolen non-serialized property which has unique characteristics or inscriptions permitting accurate identification shall be reported to the DOJ Special Services Section. The investigating employee shall submit a written request for a teletype to be sent to Special Services. The request shall provide specific identifying and unique characteristics which will assist in the identification of the property at a later time.
- 10 - In accordance with 11107 PC, only those department forms which have been approved by the Department of Justice shall be used to report the criminal offenses specified in this Order.

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References: Penal Code Sections 11108, 11108 and 13020
Department of Justice Information Bulletin, CJ-86-5-BOCCI