

BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 12, 2008

GENERAL ORDER R-3

SUBJECT: REVIEW BOARD PROGRAM

PURPOSE

- 1 - The purpose of **this Order** is to provide a procedure through which the Chief of Police can review an incident involving a police department employee, equipment **or policy** to **examine relevant facts in furtherance of an administrative inquiry or action.**

POLICY

- 2 - **A Review Board shall be convened as a fact-finding body** and, unless specifically **required or** requested to do otherwise, shall refrain from expressing opinions or making recommendations.
- 3 - The Chief of Police has sole authority to convene a Review Board **as provided by this Order.**

PROCEDURES

- 4 - A Review Board shall be comprised of Departmental **employees** of appropriate rank and seniority, **as determined by the Chief of Police.**
 - (a) **Regarding the composition of a Board,** the **Chief of Police** will consider the **nature** of the subject matter **under inquiry** and the **relevant** qualifications of the **employees** selected to serve as members.
- 5 - The Chairperson of a Board shall be designated by the **Chief of Police.**
- 6 - When appointed, the Chairperson of the Board shall, within seven (7) calendar days, convene the **Review** Board and conduct an investigation into the matter within its jurisdiction.
- 7 - The Chairperson shall appoint a Recorder from the membership of the Board.
 - (a) **The Recorder** will be responsible for taking meeting minutes **and for** preparation of the final report **to the Chief of Police.**
- 8 - Any Board member may select a **qualified subject matter** advisor or resource person to provide **relevant information to the Board.**
- 9 - The Board shall avail itself of any Department facility necessary to conduct a complete examination of the circumstances **subject to administrative review.**

BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 12, 2008

GENERAL ORDER R-3

- (a) Department employees shall provide assistance or information as requested by the Review Board to facilitate its thorough and objective inquiry.
- 10 - When a Review Board requests the presence of a subject employee at hearing, the employee shall be informed of the nature of the inquiry prior to the hearing.
- 11 - Whenever a Review Board's inquiry may result in findings prejudicial to an employee in a criminal or administrative proceeding, the subject employee shall be afforded the opportunity to appear before the Board, and present relevant information and evidence.
- 12 - As provided by law or as directed by the Chief of Police, the Board will allow a subject employee to have a representative (e.g., legal counsel, a collective bargaining unit representative, etc.) present during a Board proceeding in which he/she is participating.

ESTABLISHED REVIEW BOARDS

- 13 - The Chief of Police has established the following standing Review Boards, to be convened as needed or directed by related policy directive:
 - (a) Traffic Accident Review Board.
 - (b) Police-involved Shooting/Injury Review Board.
 - (c) Complaint Board of Review.
- 14 - The Traffic Accident Review Board shall be responsible for review of all traffic collisions involving a Department employee operating a City-owned vehicle, as set forth in General Order E-3.
 - (a) After evaluating all evidence, the Traffic Accident Review Board will reach a majority decision and present in its final report a recommendation of "Preventable" or "Not Preventable."
- 15 - The Police-involved Shooting/Injury Review Board shall be responsible for Department employee-involved incidents involving the use of a firearm or incidents resulting in serious injury or death, as set forth in General Order P-12.
 - (a) After evaluating all evidence, the Police-involved Shooting/Injury Review Board will reach a majority decision, and absent other direction from the Chief of Police, present in its final report a recommendation of "Within Policy," "In Violation of Policy," or

BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 12, 2008

GENERAL ORDER R-3

“Accidental.”

16 - The Complaint Board of Review shall be responsible for examination of Internal Affairs Bureau investigations of external personnel complaints and, if directed by the Chief of Police, policy complaints, as set forth in General Order P-26.

(a) After evaluating all information, the Complaint Board of Review will reach a majority decision and present a recommendation for complaint disposition as described in General Order P-26.

FINAL REPORT TO CHIEF OF POLICE

17 - Unless otherwise directed by policy or the Chief of Police, the Chairperson shall submit a final report of the Board's examination and any other related reports within **ten (10) business days following the end of the hearing to the **Chief of Police**.**

(a) The final report shall contain the findings of the Board and the concurring or non-concurring signatures of all its members.

(1) Dissenting members of a Board may submit a minority report which shall be included with the final report.

(2) The final report shall contain the findings and, when so directed, recommendations of the Board.

(3) Upon approval of the final report by the **Chief of Police, the Board shall be deactivated.**

(b) Documents, photographs, and related evidence used during the Board's examination shall be submitted with the final report.

18 - All information associated with Board of Review proceedings shall be deemed confidential, and the final report package shall be administered in accordance with established personnel record management procedures.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 12, 2008

GENERAL ORDER R-3

19 - The memorandum format below shall be used when preparing a final report:

EXEMPLAR

To: (Chief of Police)

From: (**Name of Review Board**)

Subject: (XXXXXXXXXXXXXXXXXXXX)

Composition of the Board: (The Chairperson and members of the Board will be identified).

Summary of the Investigation: (This will be a statement in chronological sequence of the incident and the Board's examination).

Conclusion: (This will contain a statement of the Board's findings **and recommendation(s)** (e.g., Preventable or Non-preventable)).

Additional Observations: (This entry is optional and can be used to provide the Chief of Police with additional or independent information or observations).

References: General Orders E-3, P-12 and P-26
Government Code Section 3300, et seq.