

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 18, 1989

GENERAL ORDER R-34

SUBJECT: REPORTS INVOLVING SALES OF NARCOTICS ON OR NEAR
SCHOOLS AND PLAYGROUNDS

PURPOSE

- 1 - The purpose of this General Order is to establish Department policy for reports involving the sale of narcotics on or near schools or playgrounds.

POLICY

- 2 - Officers are expected to comply with the procedures outlined below concerning arrests for sales of narcotics on or near schools or playgrounds.

PROCEDURES

- 3 - Special Legislation exists under both Federal and State law which allows for penalty enhancements upon conviction for selling or possessing narcotics on or near schools or playgrounds. The Administrative Narcotics Section of SEU has been charged with the coordination of enhancement proceedings in such cases.
 - (a) Should any officer make an arrest for possession to sell heroin or crack cocaine within one thousand (1,000) feet of a school yard or one hundred (100) feet of a "playground, public or private youth center, public swimming pool, or video arcade facility," that fact should be noted in the narrative portion of the report.
 - (1) If in doubt as to whether an arrest falls within the prescribed 1,000 or 100 foot boundaries, officers should write their reports as though the distances may apply. SEU will make the final decision as to whether a case qualifies for penalty enhancement and will track such cases to their ultimate court disposition.
 - (b) Additionally, the officer should make the notation "Special Attention" at the top of the report and route a copy to SEU by checking the "CCAP" box in the routing portion of the face sheet.
 - (c) There is no further involvement or special handling required of Patrol Officers past that point.
- 4 - A complete listing of all schools, both public and private, and all playgrounds, youth centers, public pools and video arcades is being compiled and will be maintained in the Communications Center.

References: Title 21 U.S. Code, Section 845(a)
11353 Health and Safety Code