

# BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 25, 1989

GENERAL ORDER R-35

SUBJECT: GUIDELINES FOR REPORTING/INVESTIGATING  
FREEWAY/HIGHWAY VIOLENCE INCIDENTS

## PURPOSE

- 1 - The purpose of this Order is to clarify procedures to be followed by the Berkeley Police Department with respect to reporting and investigating incidents of violence that occur on highways/freeways within the joint jurisdiction of the California Highway Patrol (CHP) and the Berkeley Police Department.

## DEFINITION

- 2 - An act of freeway or highway violence is an intentional act of violence directed against the person or property of another while on a highway. This does not include mere gestures or shouting, unless accompanied by an act that includes the elements of an articulable violation of law. Absent other evidence or statements of witnesses, the subjective opinion of a party alleging to be the victim of freeway/highway violence should be considered sufficient basis for initiating a report/investigation.

## POLICY

- 3 - Berkeley Police Department personnel shall adhere to the procedures set forth in this Order, detailing investigative responsibility and reporting of freeway/highway violence.

## PROCEDURES

### INVESTIGATIVE RESPONSIBILITIES

- 4 - All incidents of highway/freeway violence which occur within the City limits of Berkeley (i.e., I-80, Ashby Avenue, San Pablo Avenue) and involve other than Vehicle Code crimes are the responsibility of the Berkeley Police Department.
- 5 - All incidents of highway/freeway violence, involving Vehicle Code crimes that occur on highways within CHP jurisdiction, are the responsibility of the California Highway Patrol.
- 6 - The California Highway Patrol will investigate incidents involving other than Vehicle Code crimes if the Berkeley Police Department is unable to respond.

### DISPATCHING/RESPONSE PROCEDURES

- 7 - The law enforcement agency, which initially receives a call of a highway/freeway violence incident, should normally dispatch an officer if the incident is within its geographical boundaries. Responding officers can then make determinations at the scene regarding agency responsibility. This will relieve Communications personnel from having to make jurisdictional decisions based on telephone

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information. However, nothing in this agreement should preclude immediate notification of another agency if available information clearly suggests that agency has investigative responsibility.

STATISTICAL REPORTS FOR CHP

- 8 - In order to assist the California Highway Patrol in gathering statistical data regarding incidents of violence on highways within its jurisdiction, the Service Division Report Review Unit shall be responsible for forwarding a copy of our investigative report to the CHP, Oakland office. Such reporting is not necessary if the call was initially received by the CHP and forwarded to our Department to handle.

Reference: Alameda County Chiefs of Police and Sheriff's Association Meeting,  
May 1989