

BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 8, 1995

POLICE REGULATIONS – CHAPTER 1

AUTHORIZATION AND DEFINITIONS

PR 100

By authority of Article IX, Section 114 of the Charter of the City of Berkeley, the City Council enacted Title 2 of the Berkeley Municipal Code which provides for the organization of Berkeley Municipal Departments. Chapter 2.64 of the Code which pertains to the Police Department reads as follows:

2.64.010 BMC. A Police Department is hereby created which shall be under the direction of the Chief of Police, subject to the general administrative direction of the City Manager.

2.64.020 BMC. The Police Department shall consist of the Chief of Police, the employees provided by the Position Ordinance and such other employees as the City Manager may assign to said Department. The Chief of Police, subject to the approval of the City Manager, shall organize and maintain such divisions in said Department as the operations may in his judgment require.

2.64.030.BMC. The Chief of Police shall be responsible for the supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department. The Chief of Police shall, in the lawful exercise of his duties and subject to the provisions of the City Charter, have all the powers that are now or hereafter may be conferred upon sheriffs by the laws of the State of California and shall be entitled to the same protection.

2.64.040 BMC. The Chief of Police, subject to the approval of the City Manager, shall have authority to adopt rules and regulations for the administration, discipline, equipment and uniforms of the members and officers of the Department, fixing powers and duties and prescribing penalties for violations of any such rules and regulations and providing for their enforcement.

2.64.050 BMC. The functions of the Police Department are the maintenance of law and order in the city; the enforcement in the City of all laws of the United States and the State of California, and all ordinances of the City, except when such enforcement is by law, ordinance or the Charter of the City made the responsibility of another officer or department, or when such enforcement is the responsibility of a State or Federal Agency or officer; the administration of the City prison and the care, custody and control of prisoners; ...the performance of such other functions as may be assigned by the City Manager or prescribed by ordinance of the Council or by applicable State law.

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2.64.060 BMC. In the case of absence or disability of the Chief of Police, a member of the Police Department designated by the City Manager shall perform the duties and exercise the powers of the Chief of Police."

PR 101 By authority of Section 2.64.040 BMC, above, these Police Regulations are adopted, effective July 1950, and revised, effective September 9, 1992.

PR 102 Police Regulations are applicable to all officers of the Department and where specified, to all employees of the Department.

PR 103 All existing rules, regulations, orders and instructions in conflict with these Police Regulations are canceled.

PR 104 All General and Special Orders, Instructions (including those on Departmental Forms) and Manuals not in conflict with Police Regulations shall have the same authority as Police Regulations.

All Special Orders shall have a "sunset" clause (i.e., beginning and ending effective dates).

PR 105 Police Regulations or General Orders shall not be canceled, amended or issued without the approval of and over the signature of the Chief of Police, or, when absent, the officer designated by the City Manager as Acting Chief of Police.

PR 106 Failure of an employee either willfully or through negligence or incompetence to perform the duties of one's rank or assignment or violation by an employee of any Police Regulation or Order, or instruction having the effect of a Regulation or Order may be considered sufficient cause for discharge, demotion, suspension or other penalty.

PR 107 DEFINITIONS

"Employees" - When used alone shall include both sworn peace officers and non-sworn employees of the Department collectively, and a section reading "employee shall" refers to both classifications.

"Supervisor" - An employee of higher rank, classification, or job assignment whose responsibilities include acting in supervisory capacity over other employees.

"Officer" - When used alone shall mean the sworn peace officers of the Department (of all ranks including members of the Berkeley Police Reserve) and shall have no reference to non-sworn employees.

"Commanding Officer" - An officer appointed to the rank of Lieutenant or higher or assigned by the Chief of Police to act in such rank.

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"Supervisory Officer" - An officer appointed to the rank of Inspector or Sergeant or assigned by the Chief of Police to act in such rank.

"Superior Officer" - An officer of higher rank. In situations where two officers of the same rank are concerned, the superior officer shall be the one with the greater seniority in rank unless the other has been assigned as in charge. The ranks in the Berkeley Police Department in descending order are:

Chief

Deputy Chief*

Captains

Lieutenants

Inspectors

Sergeants (includes Detective Sergeant(s) and Identification Expert.

Patrol Officers

Berkeley Reserve Police Officers

"General Order" - A written order issued by the Chief of Police applicable to the Department as a whole or a Division or Bureau thereof which establishes a principle, policy or procedure concerning a given subject and which is effective until revoked by a subsequent order.

"Special Order" - A written order issued by the Chief of Police applicable to the Department as a whole, a Division or Bureau thereof, or an individual therein, which establishes a temporary principle, policy or procedure on a given subject usually for a specific length of time. The effective period of each Special Order shall be specified therein and automatically becomes inoperative with the passing of the incident or situation which caused its issuance. Should the principle, policy or procedure be made permanent, it shall be reissued in the form of a General Order.

"Administrative Instruction" - A written order issued by a Commanding Officer establishing a principle, policy or procedure concerning a given subject not covered by a General or Special Order or a Manual and directed to employees under the command of or within the responsibility of the issuing officer.

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"Training Order" - A written order issued by the Chief of Police, assigning employee(s) to participate in specific training activities. Training Orders are automatically canceled upon conclusion of the instruction specified therein. Training Orders have the same authority as other orders.

"Order" - An instruction, either oral or written, issued by a superior officer.

"Manual" - A written series of administrative instructions issued in pamphlet form, detailing operational procedures concerning a specific subject.

"Departmental Order" - An inclusive term embracing Police Regulations, General Orders, Special Orders, Administrative Instructions, Training Orders, and Manuals.

"Shall" - Shall is mandatory.

"May" - May is permissive.

"Should" - Should is advisory. Where used herein, it is intended that, while the procedure is not mandatory, it should be followed in the interest of the Department.

"Immediate Family" - Defined in the Memoranda Agreements with the various employee associations.

Tense of Words - Used in the present tense include the future.

Plurality of Words - The singular includes the plural, and the plural includes the singular.

Gender of Words - The masculine includes the feminine, and the feminine includes the masculine.

Chain of Command - A direct line of communication from the Chief of Police through the **Deputy Chief**, Division Commander(s), the Lieutenant(s), Inspector(s), and Sergeant(s) or non-sworn supervisor(s), to the employee. The specific number and title of each member of the chain of command for a particular unit of the Department will vary with the size and number and level of supervision required. The chain of command is designed to facilitate the transmittal of orders and instructions from the highest to the lowest level in a minimum amount of time and with the least chance of misinterpretation. The chain of command extends upward in the same manner for matters requiring official communication from subordinate to senior employee.

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Hall of Justice/Police Station - Directives which refer to the primary Hall of Justice/Police Station located at 2171 McKinley Avenue, Berkeley, also pertain to all other authorized work sites under Departmental authority (i.e., Traffic Substation, mobile substation, garages). (Added September 9, 1992)

PR 108 The chain of command will be followed by all employees of the Berkeley Police Department in all official matters.

The chain of command does not substitute for or replace the formal grievance procedures contained in various employee Memoranda of Understanding, but is the official line of communication for matters not covered by the grievance procedure.