

BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 5, 2007

POLICE REGULATIONS - PREFACE

MISSION STATEMENT

In partnership with a culturally diverse community, the Berkeley Police Department is committed to the effective suppression of crime and drug related activity, and to providing a safe and secure environment through vigorous law enforcement. The Department will strive to identify and solve problems that threaten the quality of life in our community.

HISTORY OF DEPARTMENT REGULATIONS

The Berkeley Police Regulations were authorized by the organization ordinance of the City of Berkeley and first issued by Chief of Police John D. Holstrom on July 1, 1950. They represent a consolidation of the Rules and Regulations of 1924 with subsequent amendments in 1956, 1960, 1962, 1966, 1968, 1971, 1976, 1978, 1979 and 1988. Chapter 4, "Duties and Responsibilities of the Ranks and Departmental Organization," was first issued with the January 1, 1956 revision.

The purpose of these Regulations was to provide a basis for the orderly and disciplined performance of duty. Their publication intended to promote knowledge of what was expected of all personnel, generally, of all ranks and assignments, specifically, and result in a greater degree of employee self-assurance. In professional relationships between employees, the Regulations promoted mutual respect and confidence essential to the effective operation of the Department. These goals are still as valid today as they were when the Regulations were created.

In 1988, each General Order, Police Regulation and Appendix was examined to insure they were up-to-date, consistent, legal and applicable. Superceding all previous versions, the September 1, 1988 publication of the Orders and Regulations constituted a new base document to which any subsequent revisions, alterations or additions have been made.

The 1988 publication was organized into four sections: the Alphabetical and Numerical Indexes, Police Regulations, General Orders, and Appendices. The Appendices are listed at the end of the book to provide additional information on personnel practices. The Alphabetical Index included the Appedices, General Orders, and Police Regulations. The Numerical Index listed General Orders only. Any subsequent change in the General Orders, Police Regulations or Appendices was to be, and is currently, reflected by the new date of issuance.

The Police Regulations were developed in a series of conferences over an extended period. Tentative drafts were reviewed and revised during meetings involving command officers, sergeants, and representatives of the Berkeley Police Association. With such participation, the Police Regulations in their final form represent the collective ideas of the members of the Department.

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The Police Regulations contain four chapters:

- Chapter 1 : Authorization and Definitions
- Chapter 2 : Personal Conduct and Duty Requirements
- Chapter 3 : Uniform and Equipment Regulations
- Chapter 4 : Duties and Responsibilities of the Ranks and Departmental Organization

In construction of the Police Regulations, every effort was made to confine them to those phases of official behavior which affect Departmental operation and to avoid unwarranted or unnecessary intrusion upon the private life and off-duty actions of members of the Department. To the public, however, a police officer is never off-duty and one's every act may be subject to scrutiny, interpretation and comment. Therefore, the Police Regulations were composed not only to address organizational needs and respect employees' private interest, but in support of our responsibility to the citizens of Berkeley and community service.

EMPLOYEE RESPONSIBILITY

It is the duty and privilege of a police officer not only to promote the safety and security of our community, but also to defend and protect the civil rights of all citizens. Our professional efforts are directed toward criminal law enforcement; in matters of civil law peace officers have little statutory authority or responsibility. However, justice and public safety can often be best served by assisting the resolution of "civil" situations. To this end, the philosophy of the Department embraces opportunities to develop partnerships that support the preservation of individual rights, identify and solve criminal and civil problems that threaten our community's quality of life, and facilitates the vigorous law enforcement.

OATH/AFFIRMATION OF OFFICE

All personnel, prior to assuming sworn status, are required to take an oath in affirmation of office, stating that they will enforce the laws of the State of California and uphold the Constitution of the United States. Administered by the Chief of Police, or his/her designee, at the time of appointment or promotion, the Oath consists of the following statement:

"I, (appointee's name) , do solemnly swear (or affirm): that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and, that I will, well and faithfully, discharge the duties upon which I am about to enter."

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HISTORY OF THE "CODE OF ETHICS"

In May of 1956, a committee was formed by the Peace Officers Research Association of California (PORAC) and the California State Peace Officers Association (CSPOA) to develop a code of ethics for law enforcement. The committee was comprised of the following members:

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| Gene S. Muehleisen | Committee Chairman
Lieutenant, San Diego (CA) Police Department [(unk) –1960]
President, PORAC [1959 – 1960]
Executive Director, California POST [1960 – 1979] |
| John D. Holstrom | Chief of Police, Berkeley (CA) Police Department [1944 – 1960]
President, International Association of Chiefs of Police [1957 –1958] |
| Orlando W. Wilson | Officer, Berkeley (CA) Police Department [1920 – 1925]
Chief of Police, Fullerton (CA) Police Department [1925 - 1927]
Chief of Police, Wichita (KS) Police Department [1928 - 1939]
Dean, School of Criminology, University of California, Berkeley [1950 – 1960]
Superintendent of Police, Chicago (IL) Police Department [1960 – 1967] |
| Dr. Douglas M. Kelley | Lieutenant Colonel, US Army, Chief Psychiatrist, Nuremberg, Germany [1945 – 1946]
Professor of Psychiatry and Criminology, University of California, Berkeley [1947 – 1958]
Police Psychiatrist, Berkeley (CA) Police Department [1947 – 1958] |

On October 1, 1956, the Law Enforcement Code of Ethics was presented to PORAC and CSPOA in Berkeley and adopted in its final form. At its national conference in 1957, the International Association of Chiefs of Police (IACP) adopted it on behalf of national law enforcement; this canon of ethics set the standard for professional and personal conduct of police officers nationwide. Endorsed by the Berkeley Police Association on December 20, 1956, and with respect to the proud history of our department's involvement in its creation, all Berkeley Police Officers are expected to use the Code of Ethics to guide their professional and personal lives.

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LAW ENFORCEMENT CODE OF ETHICS

The following text comprises the Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve mankind; To safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession "Law Enforcement."