

Berkeley Municipal Code Ch. 2.04

Article 3. Agreements With Law Enforcement Agencies

2.04.150 Purpose of provisions.

The interests of all people of the City, the Police Department which serves those people, and the cause of a more just system of law enforcement will all be furthered by providing for openness and candor and community involvement in the establishment of working relationships between the Berkeley Police Department and other law enforcement agencies, police departments or private security organizations. Law enforcement activities and procedures within the City limits are a major matter of policy in the governance of the City. The general purpose of the ordinance codified in this article is to provide for the public disclosure and City Council approval of the terms and conditions of agreements, understandings, or policies reflecting such relationships, and for community involvement in the process of such approval, prior to the date on which the agreements, understandings or policies take effect and City funds are expended in implementation thereof. (Ord. 4640-NS § 1, 1973)

2.04.160 Cancellation required when--Funding restrictions.

All agreements, letters or memoranda of understanding of policies which express terms and conditions of mutual aid, information sharing, cooperation and assistance, between the City and/or the Berkeley Police Department and all other local and state (including University of California Police Department, Alameda County Sheriff and California Highway Patrol) and federal law enforcement, military and/or intelligence agencies, police departments or private security organizations, are cancelled ninety days from April 17, 1973, unless approved by the City Council in accordance with Section 2.04.170 of this article. No funds of the City shall directly or indirectly be expended in implementation of any such agreement, understanding or policy unless the provisions of this article are complied with. (Ord. 4640-NS § 2, 1973)

2.04.170 Approval--Public hearing required.

After April 17, 1973, no such agreement, understanding or policy shall be valid or effective unless specifically approved by the City Council following public hearings on the same as hereinafter provided. All terms and conditions of such agreements, understanding or policies shall be reduced to writing and presented to the City Council for approval by the Berkeley Police Department or appropriate City official, accompanied by a statement of the rationale therefor, projections of the costs of implementation, and other information or explanations requested by the council. (Ord. 4640-NS § 3, 1973)

2.04.180 Public hearing--Documents and procedures required.

At least ten days before the public hearing required by Section 2.04.170, copies of all agreements, understandings or policies to be presented, together with supporting statements and documents, shall be made available to the public in the office of the City Clerk. The public hearing shall afford opportunity for interested members of the public to offer their views and opinions on the agreements, understandings or policies proposed for approval. It shall be the duty of the head of the Police Department to attend such hearings for the purpose of responding to council inquiries and providing such additional information relating to the agreements, understandings or policies as may be requested by the council members. (Ord. 4640-NS § 4, 1973)

2.04.190 Period of validity--Renewal.

No such agreement, understanding or policy shall be valid or effective for more than one year following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections 2.04.170 and 2.04.180 of this article. (Ord. 4640-NS § 5, 1973)

2.04.200 Copies to be filed for public inspection.

Copies of all such agreements, understandings and policies, or extensions or renewals thereof, as approved by the City Council shall be filed by the Berkeley Police Department with the office of the City Clerk and made available to any member of the public upon request. (Ord. 4640-NS § 6, 1973)

2.04.210 Interpretation--City Council authority.

This article shall be broadly construed and interpreted as to scope and coverage in order to effectuate its intent, and any doubts or ambiguities as to its applicability to any agreement, understanding, or policy shall be resolved by decision of the City Council. (Ord. 4640-NS § 7, 1973)