

BILL NO.: 4745

ORDINANCE NO.: _____

Introduced by: Council Present

AN ORDINANCE AMENDING BERKELEY POLICE DEPARTMENT GENERAL ORDER POLICY'S #3, #13, #19, #28, #36, #38, #41, AND #51 TO BE IN COMPLIANCE WITH THE CALEA STANDARDS

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. CALEA (The Commission on Accreditation for Law Enforcement Agencies, Inc.) requires certain General Orders standard numbers and varies language be revised to be in compliance with the CALEA rules and regulations.

Section 2. For the ease of reference, the following General Orders will be amended, by the approval and adoption of the City Council.

- No. 03 Compliance with Constitutional Requirements
- No. 13 Department Authorized Weapons
- No. 19 Cash Fund / Accounts Maintenance
- No. 28 In-Car and Body Worn Audio and Video Recordings
- No. 36 Personnel Early Warning System
- No. 38 Motor Vehicle Pursuits
- No. 41 Missing Children
- No. 51 Juvenile Operations

Section 3. The attached are hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 4. This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2019

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___



REPORT TO PUBLIC SAFETY COMMITTEE

TO: Major Jackson, Honorable Mayor Hoskins & Public Safety Committee

FROM: Capt. Steve Runge, DSN 587, Accreditation Manager

DATE: October 22, 2019

SUBJECT: CALEA Certification Process – General Order Revisions

We have investigated the Subject Item, above, and present the following as our findings:

RECOMMENDATION

It is requested that the Mayor and Public Safety Committee review, amend if needed, and approve the attached revised General Orders.

BACKGROUND

After collaborating with CALEA Assessors Stan Gragg and Ed Brady, and in communication with Major Jackson and Captain Alligood, eight General Orders were shored up to meet the Assessor's expectations with CALEA standards and compliance.


JUSTIFICATION

Most of the changes consisted of adding language to policies regarding something we already do, which just wasn't in writing. Aside from that, there were two significant changes. One eliminates forcible stopping, ramming, and road blocks during a pursuit. The second requires all juveniles to be processed in the Juvenile Room, and a camera with audio and video feed be installed where it can be seen in dispatch. Separately, a modification was made to the General Order on weapons, which requires shotguns and rifles be issued out at roll call, and be placed in gun racks in the patrol car. Lockable gun racks will have to be purchased and installed in the patrol cars. The amended General Order on weapons also requires officers to secure their department issued firearm, and any approved secondary firearm in a locked compartment, or use a gun lock cable, when the weapon is not in use off duty.

The following General Orders are included in this packet for your review:

3, 13, 19, 28, 36, 38, 41, 51

Respectfully Submitted,


Capt. Steve Runge

Berkeley Police Department General Order Revision Form

Date: 10/7/2019

G.O. 3

Compliance with Constitutional Rights

The changes in this General Order are as follows:

Language was added to this General Order describing the furniture placed in the various interview rooms. In addition, the word "firearm" was changed to the word "weapon" when stating officers will secure their "weapons" prior to entering the interview room.

A. Members utilizing the Criminal Investigative Section interview rooms shall secure their weapons in a locked cabinet, office or gun locker before entering the interview room. [CALEA 42.2.8 a]

C. Interview rooms are to be setup as follows. Interview rooms will not contain any other equipment.

- 1. Hard Interview room is located in the detective bureau and will contain a table, two chairs, and audio / video.**
- 2. Soft interview room is located in the main hallway and will contain two couches, a trash can, and audio / video.**
- 3. The interview room in the jail will have audio / video, and a fixed table and two chairs.**

Capt. Runge

Date: 10/7/2019

G.O. 13

Department Authorized Weapons

The changes in this General Order include additional language pertaining to weapons storage and remedial firearms training. See pages 3 and 4 of the attached file. The new language is as follows:

A. Storage of agency owned firearms (4.3.1.f)

1. All agency owned firearms not assigned will be stored in the department armory.
2. All agency owned firearms in storage will be maintained as ready for immediate use. The firearms will be unloaded and the safety, if applicable, will be set in the "safe" position.
3. All associated magazines will be kept with the firearms and will remain empty while in storage.
4. Any firearms in storage that are in need of repair and are not serviceable will be clearly tagged and set aside in the armory for repair. (4.3.1.d)
5. Storage within the department for both department issued weapons and, if applicable, any approved secondary weapon is available in both the sallyport, and main hallway in the event an officer takes a prisoner into the jail area or into an interview room. No weapons of any kind are allowed in the jail or interview rooms and must be stored prior to entry.
6. Except when utilizing the firearm loading/unloading device or within the designated firing range, officers shall not clean, repair, load or unload firearms any place in the police building.
7. When off duty, all sworn officers shall have a method to securely store each departmentally approved weapon as well as any approved secondary firearm. A lockable gun safe or lockable cabinet, or a trigger lock is an example of a secure method of storage. Officers without access to secure storage or a locking device shall request a cable style gunlock through the Patrol Captain. When not in use, every officer shall secure and safely store their weapons.

8. In the event it is necessary to leave a firearm unattended, it will be secured by ensuring the firearm is not accessible or in view of non-departmental personnel who may enter the building, separating it from access to common areas, or rendering the firearm unusable. Unusable shall mean a firearm broken down into its component parts.
9. When not in use, department shotguns, rifles and other firearms shall be secured in the department armory.
10. During public presentations where citizens/children are allowed access to any department vehicle, rifles and shotguns shall be removed from their interior vehicle racks, unloaded, and placed into a gun case and secured within the vehicle's trunk. In lieu of securing in the trunk, the rifle and shotgun shall be removed from the vehicle and properly stored within the police department.
11. If a police department vehicle is in need of repairs, new equipment, or any other service, all weapons will be removed from the vehicle and properly stored within the police department prior to releasing control of the vehicle to a third party.
12. Civilian employees of the department, who carry firearms under the authority of a valid weapons permit, are prohibited from carrying weapons onto city property unless authorized by the chief of police.
13. Any lost or stolen firearm shall be reported immediately by the officer through their immediate supervisor to their division commander. When appropriate, a report shall be filed with the police agency having jurisdiction over the lost or stolen firearm.

G. Proficiency and Training

1. At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that the employee is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially.

2. Proficiency training must be monitored by a certified weapons or tactics instructor
3. Training and proficiency must be documented
4. Remedial training will be provided for those unable to qualify with an authorized weapon prior to resuming official duties. Any officer failing to qualify will be placed on administrative duties pending the successful completion of remedial training (see section H for further).
5. A certified weapons instructor shall ensure all officers complete a qualification course for all lethal and less than lethal weapons, including secondary weapons and off-duty weapons, prior to carrying such weapon.

H. Remedial firearms training

1. Remedial firearms training shall be provided to any officer identified as being deficient with a specific firearm. Remedial firearms training is personalized training to correct a specific deficiency identified by proficiency testing, other evaluation processes, and training or routine job performance. Remedial firearms training for an officer may be requested by any range instructor or supervisor.
2. Remedial firearms training shall be required for any officer unable to pass proficiency testing after three (3) attempts. The remedial training shall not occur on the same date as the failed proficiency testing. The remedial training shall be customized to correct the deficiencies observed by range instructors. A remedial training plan along with documentation of actual training shall be logged by the range administrator or designee with copies being forwarded to administrative services to be placed in the training file of the officer.
3. If remedial training is needed for a firearm, it shall be completed within five (5) working days. If unable to pass proficiency testing after the remedial training, the chief of police shall determine if the officer will be assigned to restricted duties. If restrictions are implemented, they shall remain in effect until proficiency is obtained. Furthermore, it is the responsibility of all instructors to inform the range

administrator as soon as practical of any officer's failure to pass proficiency testing within the guidelines listed in this policy.

4. If the officer is unable to obtain proficiency after remedial training, the chief of police shall determine how to proceed based on the recommendations of the range administrator. Failure to qualify after remedial training may lead to termination.

5. Officers unable to meet proficiency requirements with a secondary firearm or rifle will not be required to meet the five (5) day remediation requirement and will not be assigned to restricted duty. If unable to meet proficiency requirements, officers will be restricted from utilizing/carrying the secondary firearm or rifle while on-duty.

Berkeley Police Department General Order Revision Form

Date: 10/14/2019

G.O. 19

Cash Fund Maintenance

The changes in this General Order reflect the addition of a section on accepting cash bonds, which was not in the old policy.

ACCEPTING CASH BONDS

- A. Only Berkeley Municipal Bonds will be accepted for charges.
- B. Only cash bonds are accepted and only sworn officers can accept a cash bond. Accepting bonds for other agencies is not permitted.
- C. The warrant and bond amount and reference number is found in REJIS.
- D. When the cash bond is accepted, it is placed in an envelope, and the officer along with the defendant signs the bond sheet. The cash and copy of the bond sheet, warrant, warrant cancellation documentation is placed in the lock box next to the Chief's office.
- E. The bond processing is documented in the CourtWeb database, which will print a receipt, and a new court date will be assigned. A copy of the bond paperwork is given to the defendant or his / her representative.
- F. Communications is immediately notified to cancel the warrant.
- G. The officer handling the case will check for any other active warrants prior to releasing the person in custody. If he or she has no other active warrants, he or she will be released.
- H. A quarterly accounting of the Bond Account will be conducted by the Berkeley Finance Department.

Capt. Runge

Berkeley Police Department General Order Revision Form

Date: 10/7/2019

G.O. 28

Body and Dash Cameras

The changes in this General Order include adding a weekly inspection of one incident per week as follows:

- B. The supervisor for each shift shall conduct a review of one incident per month week for each officer on both the body camera as well as dash camera. The review shall be documented and kept as part of a log for each shift supervisor and submitted to the patrol commander on a monthly basis.

This paragraph replaces the previous requirement for daily inspections.

Capt. Runge

Berkeley Police Department General Order Revision Form

Date: 10/21/2019

G.O. 36

Language was added to include what triggers the Early Warning System and that a review is documented in the outcome is in agreement with the Division Commander. In addition, redundant indicators were removed from the list of factors.

B. Incidents targeted in the Personnel Early Warning System include:

1. Negative Annual Performance Reports
2. Officer Injury Reports
3. Vehicle Accidents
4. Allegations of Misconduct – both Internal and Citizen Complaints
5. Pursuits
6. Use of Force Incidents
7. Worker's Compensation Claims
8. Internal Affairs Investigations
9. Disciplinary Action (oral, written reprimand or suspension)
10. Civil Litigation

C. First level supervisors who become aware of an employee being responsible for one or more of the incidents outlined in sections B (through review of a case report or other means) shall complete a Personnel Early Warning System Incident Report (Appendices A, B and C). [CALEA 35.1.9 d]

D. Any occurrence of four of any of these categories within a rolling 180 day period triggers an Early Warning flag requiring that a supervisor reviews the employee's recent issues and work performance. This review will be documented and the supervisor, in agreement with the Division Commander, will take the appropriate action. The documented review will describe what action, if any, was taken and why.

Capt. Runge

Berkeley Police Department General Order Revision Form

Date: 10/7/2019

G.O. 38

Pursuits

The changes in this General Order include removing forcible stopping from the pursuit policy, with the exception of the use of a tire deflating device if the officer has been trained. Roadblocks, ramming, and shooting at vehicles being pursued is now prohibited. See page 3 of the OLD general Orders for the highlighted areas of what was removed, and see page 4 "stopping a fleeing vehicle" to see the new language.

Berkeley Police Department General Order Revision Form

Date: 10/14/2019

G.O. 41

Missing Children

The changes in this General Order are as follows:

This change states that officers will enter a missing child into the computer system immediately. The previous language required the entry to be made within 2 hours.

Capt. Runge

Berkeley Police Department General Order Revision Form

Date: 10/15/2019

G.O. 51

Juvenile Operations

It should be noted that a facility change must take place in addition to the passage of this new General Order. An audio / video camera must be installed in the Juvenile Holding Room that can be recorded and also monitored in dispatch.

Policy Change:

All references in this General Order pertaining to juveniles being taken through, booked, or held in the jail have been removed.

- A. Juveniles shall not be taken through the jail area. Juveniles shall be brought into the station through the front or side door and be accompanied by an officer at all times.
 1. Processing of juveniles may be done in the Juvenile Room, roll call room, report writing room, or report taking room by the front lobby. In the event processing is done in any room other than the Juvenile Room, officers shall ensure there are no objects of any kind that present a safety issue are in the room.
 2. Juveniles, after or before processing, will be placed in the Juvenile Room located in the main hallway. Face to face observation must be made at least every 30 minutes, and must be documented on the Juvenile Observation Log if a juvenile is placed in the Juvenile Room. Video monitoring by dispatchers will take place as well in between the 30 minute face to face observation period.
 3. Training for all officers shall take place during field training for new officers, and at minimum once every four years for all officers on the use of the Juvenile Room. A cooperative detainee can quickly turn uncooperative or combative. Agency training should address the resources that are available to agency personnel during the temporary detention phase and contingencies for dealing with unruly or combative detainees. A discussion of alternative procedures, such as immediately transferring combative or uncooperative detainees to the St. Louis County Family Court will create a more efficient and safe environment for detainees and agency personnel. Special attention will be given to escape prevention during training
 4. Officers will document the reason, date and time in and out of the facility, and any meals, if any, that were provided during the detention.
 5. Supervision and accountability for processing, searching, and temporary detention of individuals within the facility rests upon each individual officer processing a juvenile at the station. Any time a juvenile is transferred to another officer for any reason, a new search for weapons or contraband will be performed.

6. Juveniles will not be secured to any objects. They will be monitored at all times for their safety and escape prevention.
7. If multiple juvenile offenders are in custody, they shall be separated in the available rooms, and an officer will remain with them.
8. Weapons will be secured in the hallway gun locker when processing a Juvenile.
9. Officers may use the alert tone on their portable radio to summon immediate assistance if needed. Combative juveniles will be taken directly to the St. Louis County Family Court.
10. With the exception of law enforcement personnel or members of the court acting in an official capacity, only parents / family members, or legal guardians will have access to the juvenile.
11. The Juvenile Room will have a table and chair, and no other items in the room. The juvenile's property will be taken and inventoried prior to being placed in the room. The room will be clean and free from any debris or contraband. Access to water and restroom will be made available to any juvenile requesting such by using the restroom and drinking fountain in the hallway.
12. A fire suppression system is in place throughout the entire police station, including the Juvenile Room in the event of a fire. In the event an evacuation is necessary, the juvenile will be secured and taken out a safe route through any of the exit doors. The south exit door is the quickest evacuation route from the Juvenile Room.
13. Monthly inspections of the Juvenile Room will be documented, and an annual review of the use of the Juvenile Room will take place that will consider whether or not the room has opportunities for improvement and meets the needs of the police department.

Capt. Runge