



Police Review Commission

CONSENT CALENDAR  
September 19, 2006

To: Honorable Mayor and  
Members of the City Council

From: Police Review Commission

Submitted by: Victoria Urbi, Secretary, Police Review Commission

Subject: BPD Mutual Aid Agreements, Understandings and Policies, 2005 Publication

RECOMMENDATION

Adopt a Resolution approving the Berkeley Police Department's (BPD) Mutual Aid Agreements, Understandings and Policies, 2005 Publication pursuant to Ordinance No. 4640-N.S.

FISCAL IMPACTS OF RECOMMENDATION

No change over existing commitments by BPD.

CURRENT SITUATION AND ITS EFFECTS

On February 22, 2005, the City Council held a public hearing regarding Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations. Council referred the Agreements to the PRC for review and approval. The PRC formed a subcommittee to review the Agreements and met with BPD to work on the issue. On May 24, 2006, the PRC voted unanimously to approve the BPD's Mutual Agreements and forward it to the City Council. The subcommittee found that the Agreements apply particularly with federal agencies, so the subcommittee is currently drafting a "Criminal Intelligence Policy" to be acted on by the Commission and submitted to the City Council under separate cover from the Mutual Agreements.

BACKGROUND

On April 17, 1973, the voters of the City of Berkeley passed Ordinance No. 4640-N.S. "Requiring Berkeley City Council approval of all Mutual Aid Pacts and other agreements between the Berkeley Police Department and all other law enforcement agencies or police departments following a public meeting." The Ordinance also required that the public hearing and approval by the City Council of the agreements take place on an annual basis. The Ordinance included military and/or intelligence agencies. The Ordinance allows all agreements to be canceled if the provisions of the Ordinance were not followed.

On April 17, 1973, the voters of the City of Berkeley also passed Ordinance No. 4644-N.S. establishing the PRC. The purpose of Ordinance No. 4644-N.S. is to provide for community participation in setting and reviewing police department policies, practices and procedures and investigating complaints against members of BPD.

In 1986, the City Council approved the Mutual Aid Pacts and other agreements. In February 22, 2005, BPD submitted a report to the City Council in compliance with Ordinance No. 4640-N.S. BPD established an annual review process in December of each year, which would be presented to the City Council in January of the following year.

Since the PRC had one officer and no investigator from February through November of 2005, the subcommittee that was formed to review the Mutual Agreements did not meet. Also, the City Council referred the Mutual Agreements to the PRC without setting any time frames. Thus, the PRC approved the Mutual Agreements more than a year after the City Council referred the Mutual Agreements to the PRC.

On May 24, 2006, the Commission took the following action: Recommend to the City Council to approve the Berkeley Police Department's Mutual Agreements, Understandings and Policies, 2005 Publication pursuant to Ordinance No. 4640-N.S. M/S/C (White/Radisch); the vote was unanimous. Ayes: Kidd, Herrera, Radisch, Ritchie, Sherman, Smith, and White. Noes: None. Abstain: None. Absent: None.

#### RATIONALE FOR RECOMMENDATION

The Mutual Agreements are necessary for BPD to effectively provide public safety to the City of Berkeley. BPD's cooperation and interdependence with other law enforcement agencies and private security organizations is critical in supporting and maximizing public safety.

#### CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

#### CONTACT PERSON

Victoria Urbi, PRC Officer, Police Review Commission, 981-4950

RESOLUTION NO. ##,###-N.S.

APPROVING THE BERKELEY POLICE DEPARTMENT'S (BPD) MUTUAL AID AGREEMENTS, UNDERSTANDINGS AND POLICIES, 2005 PUBLICATION

WHEREAS, on April 17, 1973, the voters of the City of Berkeley passed Ordinance No. 4640 N.S. "Requiring Berkeley City Council approval of all Mutual Aid Pacts and other agreements between the Berkeley Police Department and all other law enforcement agencies or police departments following a public meeting;" and

WHEREAS, on April 17, 1973, the voters of the City of Berkeley also passed Ordinance No. 4644-N.S., establishing the Police Review Commission (PRC) to provide for community participation in setting and reviewing BPD policies, practices and procedures; and

WHEREAS, on February 22, 2005, the City Council held a public hearing regarding Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations; and

WHEREAS, on February 22, 2005, the City Council referred the Agreements to the PRC for review and approval; and

WHEREAS, the Commission established a subcommittee, who studied the agreements in detail and made a recommendation to the full Commission; and

WHEREAS, on May 24, 2006, the Police Review Commission voted unanimously to approve BPD's Mutual Agreements, Understandings and Policies, 2005 Publication and forward it to the City Council.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopt a resolution approving the Berkeley Police Department's (BPD) Mutual Aid Agreements, Understandings and Policies, 2005 Publication pursuant to Ordinance No. 4640 N.S.