

Public Safety Guide for Berkeley Merchants

**Reporting Incidents to
Berkeley Police Department
(& Other Resources)**

May 2021

TABLE OF CONTENTS

- 1. Key Phone Numbers p.2
- 2. When & How to Call/Text BPD? p.3-4
 - 911
 - Non-Emergency
 - Area Coordinators
- 3. Additional Police Action p.5-9
 - Citizen Arrest
 - No Trespassing Letters
 - Restraining Orders
- 4. Other BPD Resources p.10
 - 311 for Other City Services
- 5. Common City Enforcement Codes p.11

KEY PHONE NUMBERS

- Emergency 911**
- BPD Emergency 510.981.5911**
- BPD Non- Emergency 510.981.5900**
- BPD Area Coordinators:**
 - Area 1 (North Berkeley) Officer Alex McDougall 510.981.5773
 - Area 2 (South & East Berkeley) Officer Jessica Perry 510.981.5778
 - Area 3 (Central Berkeley) Officer George Schikore 510.981.5772
 - Area 4 (West Berkeley) Officer Brian Hartley 510.981.5774
- Other City Services 311 or 510.981.2489(CITY)**
Mon-Fri: 8:30 am-4:30pm
- Berkeley Ambassador Hotlines:**
 - Downtown 510.550.7550**
Mon-Fri: 7am-8pm
Sat & Sun: 9am-8pm
 - Telegraph 510.292.7449**
Sun-Wed: 7am-3:30pm
Thurs: 7am-7:30pm
Fri-Sat: 7 am-8:30pm

WHEN TO CONTACT BPD

1. **CALL (or TEXT) 911 (or 510.981.5911)**
 - A. You or someone else is in immediate danger or in a life-threatening situation.
 - B. Criminal activity in progress.
 - C. A serious crime has just occurred.
(*E.g. robbery, arson, sexual assault*)
2. **NON-EMERGENCY 510.981.5900**
 - A. Non-emergency code violations in-progress inside or outside your store.
(see page 12: Common Enforcement Codes)
 - B. Report serious crime after a lengthy delay.
 - C. Report suspicious/disruptive activity.
 - D. Report a crime with no suspect.
(*E.g. vandalism*)
 - E. File an initial crime report.
3. **BPD Area Coordinators 510.981.5806**
 - A. Discuss chronic and/or ongoing problems.
 - B. Request assistance with security surveys and challenging quality of life crimes.
4. **311 for other City Services (*see p. 11*)**

HOW TO CALL BPD

1. Remain calm and be prepared to answer the who, what, when, where and weapons of the situation.
2. Provide brief and accurate answers.
3. If unsure a situation is an emergency, call 911 and dispatch will determine the necessary response.

TEXT 911

1. For emergencies only when a voice call cannot be established or presents a safety risk to speak out loud.
2. Call if you can; Text if you can't.
3. Especially useful to those who are deaf, hard of hearing or speech impaired.

HOW TO TEXT 911

1. Enter 911 (no dashes) into the "to" field. Text to 911 cannot be sent as a group message.
2. Provide the specific location and nature of emergency and wait for response with info or instructions.
3. Use clear, simple words and avoid abbreviations, codes or emojis, etc. Do not send videos or photos.

CITIZEN'S ARREST

1. Why citizen's arrest?

If you are witnessing a crime that just occurred or is occurring prior to BPD being on scene, you are considered a witness to the crime and have the ability to make a citizen's arrest.

2. What is a citizen arrest?

- A. A citizen's arrest (*under penal code 837 PC*), allows a private person to detain/ arrest a subject who committed a misdemeanor crime that was not witnessed by BPD.
- B. By agreeing to a citizen's arrest, you as a private citizen are stating your name for the record to be used in court as a witness. It means that you are the subject pressing charges against the suspect involved in the crime. This is only necessary for misdemeanor criminal offenses not felonies. Officers will determine this once on scene.

1. What does all of that mean?

- A. You (the citizen) are making the arrest based off what YOU witnessed/experienced.
- B. You DO NOT need to physically restrain a suspect to effect a citizen's arrest.

CITIZEN'S ARREST (*continued*)

- C. BPD will determine whether or not probable cause exists to make the arrest once on scene.
- D. If probable cause does exist and officers determine based on your statement that a crime occurred:
 - i. Subject may or may not physically go to jail or be issued a citation.
 - ii. Subject may also be assessed and/ or transported for a psychiatric evaluation.
- E. BPD may ask additional questions once they determine probable cause does exist, to include, "Would you like to prosecute this individual?" Meaning are you willing to press charges and be involved in the criminal case against this subject.
- F. A citizen's arrest used to be documented on a citizen's arrest form. BPD can either have you sign a physical form requesting charges against the subject and/ or BPD will utilize their Body Worn Cameras (BWCs) to obtain your statement on video on scene. The video footage is often provided to the District Attorney's Office for charging.

NO TRESPASS LETTER


1. Property & Person

- A. This provides BPD an enforcement mechanism to detain, cite and/or arrest an individual.
- B. Merchant does not have to be present to enforce this violation.
- C. Post the "Private Property-No Trespassing" sign in your storefront, where it is clear and visible.
 - i. If sign is NOT posted officers must give a warning first to the trespassers and provide those individuals a reasonable amount of time to gather items and leave.
 - ii. Citation or arrest may result for repeated refusals to comply.

2. Person

- A. Person must have been notified of this No Trespassing Letter before enforcement can be taken.

NO TRESPASSING LETTER
BMC 13.52.010-020



The property is located at: _____
(Insert Address and Business Name, if any)

Property Type: _____
(Apartment, Residence, Commercial, etc.)

Reason for Issuance: _____

I am the owner, tenant, or manager of the above listed property. I hereby request the Berkeley Police Department to remove and/or arrest _____ for trespassing whenever such person enters the above property in violation of:

1. Berkeley Municipal Code Section 13.52.020 (prohibiting trespassing onto (non-posted) private property after being asked to leave by the owner or person in lawful possession, or their agent).

I request that the Berkeley Police Department enforce these laws on the property for a period of one year. I realize that this may require me to appear in court to testify against the violator.

Please consider this a standing request to act as my agent to (1) inform the above persons that he/she may not reenter the property for one year and (2) to remove and /or arrest the person under Berkeley Municipal Code Section 13.52.020 if they disregard that initial warning and reenter the property within on year.

Printed Name _____ Signature _____

Mailing Address _____

Day Phone _____ Evening Phone _____

Date _____

(Return completed form to Community Services Bureau, 2100 Martin Luther King Jr. Way, 94704)

2100 Martin Luther King Jr. Way Berkeley, CA 94704
Tel: 510.981.5900 TDD: 510.981.5799 Fax: 510.981.5819
www.ci.berkeley.ca.us/police

Revised 2016



RESTRAINING ORDERS

1. **Court Orders** help protect people from violence, threats of violence, and/or repeated harassment.
2. **Documentation** of past behaviors and incidents are critical to the acceptance of these orders.
3. **Civil Restraining Orders**
 - A. **Emergency Protective Order (EPO-001)**
Can only be requested by police officer.
EPOs remain in effect for 5 days. Used mostly for domestic violence cases.
 - B. **Temporary Restraining Order (DV-110).**
TROs remain in effect for 20-25 days, or until judge determines a more permanent order.
Request for Civil Harassment Restraining Orders (CH-100) Valid for 3 years.
4. **Once Completed take to:**

Rene C. Davidson Courthouse in Oakland
1225 Fallon Street
Oakland, California 94612
Phone: 510-891-6000

OTHER BPD RESOURCES

Berkeley Police Department Website

<https://www.cityofberkeley.info/police/>

BPD Crime Prevention Resources

www.cityofberkeley.info/Police/Home/Crime_Prevention.aspx

Crime Prevention Through Environmental Design

[www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/CPTED\(1\).pdf](http://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/CPTED(1).pdf)

WHEN TO CALL 311

1. **Public Works/Code Enforcement**
e.g., illegal dumping, street conditions, trash collection, graffiti, storm water, signs, trash cans
2. **Neighborhood Services/Other**
e.g., encampments, animal services, permits, economic development
3. **Parks Department**
e.g., tree trimming & planting, medians, city parks
4. **Vector Control**
e.g., rodents, mosquitos, fleas, ticks, etc.
5. **Health, Housing, Community Service**
e.g., mobile crisis team, non-emergency welfare check, mental health services, homeless outreach.

City of Berkeley Common Enforcement Codes

Berkeley Municipal

10.04.030	Dog license required (6 months and older)
10.04.060	Dog license must be on collar
10.04.090	Dogs running at large prohibited
10.04.091	Removal of dog feces required
10.12.110	Hitching animals to fixed objects prohibited
12.40.080	Littering
12.40.090	Deposit cigarette, ashes, or lighted object in public area
12.70.030 (u)	No Smoking in any commercial district
13.36.015 (b)(1)	No person shall lie upon commercial sidewalks
13.36.015 (b)(2)	No more than two stationary dogs with a 10 foot area
13.26.040(a)	No lying in or on the walls of City-owned planter
13.26.040(b)	No objects in or on City-owned planter or tree well
13.26.040(c)	No affixing objects to City-owned fixtures (except bikes and pet leashes as allowed)
13.36.070	Consuming alcohol in public prohibited
13.36.085	No urination or defecation in public places
13.40.100	Outdoor amplified sound – permit required
13.52.010	Trespassing – Posted Private Property
13.52.020	Trespassing – after being warned by owner, one warning is sufficient
14.48.020	Obstructing or restricting use of sidewalk
14.68.020	Bicycle license and registration required
14.68.130	Riding a bicycle on the sidewalk prohibited
14.68.180	Parking a bicycle against a window or parking meter

California Penal Code

308(b)	Possession of tobacco – Under 18 years old
565	Unauthorized possession of a milk crate
602 (m)	Entering and occupying property without owner's consent
602 (o)	Trespassing – Refusing to leave at the request of the owner

Business & Professions Code

25620(a)	Possession of an open alcoholic beverage container
25662(a)	Minor in possession of alcohol (under 21 years)