

ADJOURNED REGULAR MEETING OF THE BERKELEY CITY COUNCIL
at Community Theater

7:30 p.m.

July 15, 1982

Present at Roll Call: Councilmembers Bach, Dean, Denton, Feller, McDonald, Sweeney, Washburn, President Newport and City Manager Boggan. Absent: Councilmember Fukson.

PUBLIC HEARING REGARDING POLICE USE OF DOGS AND HELICOPTERS AND MUTUAL AID PACTS:

1. Public testimony from: Esther Todd Rice, 1495 Campus Drive; Howard Campbell, 1300 Carrison St.; G.P. Kollarson, 2738 Grant St.; Linda Davis, Police Review Commission, 2116 Curtis St.; Gil Ferguson, People's Park Council, Box 987; Nancy Delaney, 2023 Channing Way; Stephanie Allan, 1712 Channing Way; Trabaga Roberto, 1019 Page St.; Mary Davis, EGF Club - C.P., 1433 Hearst; Hilda Cowan, 2050 Sacramento St.; Jim Chanin, ACLU, 1015 Ashmant; David Christiano, National Alliance against Racist and Political Repression, 382 - 49th St., Oakland;

Fukson arrived.

Gene Bernardi, 9 Arden Rd.; Kendra Alexander, 1822 - 62nd St.; Izara Mack; Chris Paul, 2435 Grant St.; Mary Burr, 1500 Oregon; Daniel Lambert, 1709 Channing Way; Bruce Haldane, Grassroots, 1381 Rose St.

Moved, seconded, carried (Bach) to close the public hearing.

(Absent - None)

Moved, seconded (McDonald) to continue the City's present policy of prohibiting the use of dogs and helicopters for law enforcement purposes.

Moved, seconded (Feller) a substitute motion, to (1) approve the City Manager's recommendations with respect to use of dogs, which would provide that police use of dogs from other law enforcement agencies is permitted:

(a) to apprehend suspects

(1) where there is a threat to human life, and

(2) where the suspect is reasonably believed to be armed with a deadly weapon, and

(3) where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or

(b) to locate missing persons; or

(c) to locate crime scenes;

(d) provided, however, that the use of dogs is explicitly prohibited for use in crowd control;

and (2) to add to the present policy of police use of helicopters from other law enforcement agencies (which permits use of helicopters on disaster or rescue missions) permission to use helicopters in locating missing persons; all upon approval of the City Manager, or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available.

Feller, with the consent of her second, accepted an amendment suggested by Fukson, to require that the City Council be notified in writing within 24 hours in each case in which dogs and helicopters are used in Berkeley.

Upon call of the roll, the motion carried as amended. (Ayes - Bach, Dean, Feller, Sweeney, Washburn; Noes - Denton, Fukson, McDonald, Newport; Absent - None)

RESOLUTION NO. 51,408-N.S.

Establish policies for use of dogs and helicopters by Police Department and rescind provisions of Resolution No. 48,630-N.S. as they apply to use of dogs and helicopters,

July 15, 1982

COMMUNICATIONS:

2. Communication from Coretta Wilson, 2816½ Adeline St., was noted and filed.

Meeting adjourned at 10:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of July 15, 1982, as approved by the Berkeley City Council.

ATTEST: Edythe Campbell
City Clerk and Clerk of the Council