



Berkeley City Councilmember
Mark Humbert, District 8
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
mhumbert@cityofberkeley.info
www.MarkHumbert.com

ACTION CALENDAR

June 17, 2025

To: Honorable Mayor and City Councilmembers

From: Councilmember Mark Humbert (Author) and Councilmember Shoshana O’Keefe (Co-sponsor)

Subject: Rescission of the Police Equipment and Community Safety Ordinance

RECOMMENDATION

Adopt Ordinance No. xxxx-N.S. which rescinds Ordinance 7760-N.S. and A-adopt a resolution to rescind the Police Equipment and Community Safety Ordinance (~~Ord. 7760 NS~~, enacted May 11, 2021) because the State-level reporting requirements mandated by California AB 481 already provide a comprehensive and sufficient framework for police equipment oversight.

CURRENT SITUATION AND ITS EFFECTS

The City currently operates under a local ordinance that imposes specific reporting and oversight requirements on police equipment. Five months after the enactment of this ordinance, state law under California AB 481 established a uniform reporting framework that fully meets the oversight objectives originally intended by the local ordinance. This overlap has led to duplicative reporting that unnecessarily burdens City staff, reduces officer availability, and complicates administration.

BACKGROUND

The Police Equipment and Community Safety Ordinance, adopted on May 11, 2021, aimed to strengthen local oversight, transparency, and accountability in the use of police equipment. However, soon after its adoption, the state enacted AB 481, which established a standardized statewide reporting framework for police equipment across the state. Under AB 481, BPD must annually report:

1. A summary of how military equipment was used and for what purpose;
2. Any complaints or concerns received about such equipment;
3. Results of internal audits, any violations of the equipment use policy, and corrective actions taken;

4. Total annual costs for each equipment type, including acquisition, maintenance, and funding sources for the following year;
5. The quantity of each type of military equipment currently held; and
6. Any planned acquisitions and their quantities for the upcoming year.

While AB 481 excludes certain items such as batons and Oleoresin Capsicum (OC) spray, their use is already documented under BPD's Use of Force Policy and made public via the City's Transparency Hub, maintaining public accountability. As a result, the local ordinance has become redundant—duplicating state requirements, consuming staff resources, and complicating administrative processes without adding meaningful oversight.

PROPOSED CHANGES AND REASONING

It is proposed that the Police Equipment and Community Safety Ordinance be rescinded in favor of adhering solely to the State-mandated reporting requirements established by AB 481. Eliminating the local ordinance will streamline reporting and remove redundant administrative requirements. This change will allow City staff to focus on higher-priority operational matters while maintaining robust oversight and transparency. The State law already incorporates the necessary reporting elements and even extends its scope to include additional equipment categories not specifically covered under the local ordinance, making the local requirements duplicative and unnecessary. In essence, the proposed rescission reflects a practical alignment with State law, ensuring that local practices do not impose additional burdens where a comprehensive framework already exists.

RATIONALE FOR RECOMMENDATION

The recommendation to rescind the Police Equipment and Community Safety Ordinance is based on the recognition that California AB 481 provides an adequate, statewide reporting framework that meets the intended goals of transparency and accountability. Maintaining both the local ordinance and the state law creates redundancy that diverts valuable City resources from more pressing priorities. Aligning with the State-mandated reporting not only simplifies administrative procedures but also ensures consistency across jurisdictions. This approach supports effective governance by reducing unnecessary duplication, enhancing operational efficiency, and reinforcing the City's commitment to progressive policy that is both practical and fiscally responsible. Relying on the State-mandated reporting ensures that BPD collects and publishes data that will allow them to compare their work with other agencies, support transparency and balance oversight with fiscal responsibility, administrative burden and best allocation of limited personnel resources. The City will continue to make information about police equipment and use of force publicly available, ensuring that rescinding the ordinance does not reduce public transparency or oversight.

FISCAL IMPACTS

No significant additional expenditures are anticipated as a result of these revisions. The changes are expected to generate significant administrative efficiencies and may yield cost savings that can be redirected to other operational public safety needs.

CONTACT INFORMATION

Councilmember Mark Humbert
mhumbert@berkeleyca.gov

ATTACHMENTS

1. Resolution
2. Ordinance

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

Resolution Rescinding the Police Equipment and Community Safety Ordinance

WHEREAS, on May 11, 2021, the City Council adopted the Police Equipment and Community Safety Ordinance (Ord. 7760-NS) to enhance local oversight, transparency, and accountability in the management of police equipment; and

WHEREAS, on October 1, 2021, California AB 481 was enacted, establishing a comprehensive statewide reporting framework for police equipment that fully satisfies the oversight objectives originally intended by the local ordinance; and

WHEREAS, maintaining both the local ordinance and the State-mandated reporting requirements results in duplicative reporting efforts that unnecessarily burden City staff and complicate administrative processes; and

WHEREAS, rescinding the Police Equipment and Community Safety Ordinance will streamline reporting processes, eliminate redundant administrative tasks, and allow City staff to focus on higher-priority operational matters while maintaining robust oversight and transparency; and

WHEREAS, the reporting framework mandated by AB 481 incorporates all necessary oversight elements and extends coverage to additional equipment categories not specifically addressed in the local ordinance, thereby rendering the local requirements superfluous; and

WHEREAS, rescinding the local ordinance in favor of the State-mandated reporting framework supports effective governance, enhances operational efficiency, and reinforces the City's commitment to progressive and fiscally responsible policy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that:

1. The Police Equipment and Community Safety Ordinance (Ord. 7760-NS, enacted May 11, 2021) is hereby rescinded in its entirety.
2. The City shall adhere solely to the reporting requirements mandated by California AB 481 for police equipment oversight.

ORDINANCE NO. X,XXX-N.S.
RESCINDING ORDINANCE 7760-N.S. POLICE EQUIPMENT AND COMMUNITY SAFETY
ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings and Purpose

A. On May 11, 2021, the City Council adopted Ordinance No. 7760-NS, the Police Equipment and Community Safety Ordinance, to enhance local oversight, transparency, and accountability in the management of police equipment.

B. On October 1, 2021, the State of California enacted Assembly Bill 481 (AB 481), establishing a comprehensive statewide framework for police equipment reporting and oversight.

C. The State-mandated requirements of AB 481 satisfies the objectives originally intended by the City's local ordinance, while also extending oversight to additional categories of equipment not addressed by Ordinance No. 7760-NS.

D. The continued implementation of both the local ordinance and the State-mandated reporting requirements has resulted in duplicative administrative burdens and inefficiencies for City staff.

E. Rescinding Ordinance No. 7760-NS will streamline the City's reporting processes, eliminate redundant tasks, and enable staff to focus on higher-priority operational responsibilities, while maintaining robust public transparency and accountability under State law.

F. The City Council finds that rescission of Ordinance No. 7760-NS is consistent with the City's goals of effective governance, operational efficiency, and fiscally responsible policymaking.

Section 2. Rescission

Ordinance No. 7760-NS, known as the Police Equipment and Community Safety Ordinance, is hereby rescinded in its entirety.

Section 3. Compliance with State Law

The City of Berkeley shall comply with all applicable provisions of California Assembly Bill 481 and any subsequent amendments thereto governing the acquisition, funding, use, and reporting of police equipment.

Section 4. Effective Date

This amendment shall become effective 30 days after adoption of this ordinance.

Section 5. Posting, Filing, and Publication Requirements

Rescission of the Police Equipment and Community Safety Ordinance ~~CONSENT-ACTION~~ CALENDAR: June 17 ~~26~~, 2025

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.