



Berkeley City Councilmember
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ACTION CALENDAR

~~June 17, 2025~~ January 27, 2026

To: Honorable Mayor and City Councilmembers

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

Subject: Rescission and replacement of the Police Equipment and Community Safety Ordinance

RECOMMENDATION

~~Adopt Ordinance No. xxx-N.S. which r~~Rescind and replace 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~~Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code (hereafter referred to as Chapter 12.8) already provide a comprehensive and sufficient framework for police equipment oversight.

This item would bring Berkeley’s local reporting requirements into alignment with those of AB 481-Chapter 12.8 and allow for one consolidated report, beginning with the 2025 report due in March 2026. The item would also maintain additional targeted reporting requirements for equipment deployment and ongoing use of force reporting under Policy 300.

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 a~~After the enactment of this ordinance, new state law under ~~California AB 481-Chapter 12.8~~ establishes ~~a~~ 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 [Law enforcement and state agencies: military equipment: funding, acquisition, and use \(Chiu, 2021\)](#), which established a standardized statewide reporting framework for police equipment across the state within [Chapter 12.8 \(Sections 7070 to 7075\) of Division 7 of Title 1 of the California Government Code](#). Under Chapter 12.8, 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~~[Chapter 12.8](#) 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 [and replaced](#) in favor of adhering solely to the State-mandated reporting requirements established by ~~AB 481~~[Chapter 12.8](#). 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.

[The replacement ordinance would continue to require local reporting of specific instances of deployment and/or use of military equipment, but with more targeted definitions and requirements.](#)

RATIONALE FOR RECOMMENDATION

The recommendation to rescind the Police Equipment and Community Safety Ordinance is based on the recognition that ~~California AB 481~~[Chapter 12.8](#) 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

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ATTACHMENTS

~~1.~~ Resolution

~~21.~~ 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 and replaced by Ordinance NO. X,XXX N.S. 2026, below:~~
- ~~2. The Police Equipment and Community Safety Ordinance (Ord. 7760-NS, enacted May 11, 2021) is hereby rescinded in its entirety.~~
- ~~3. 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 and replacement of the Police Equipment and Community Safety Ordinance CONSENT ACTION CALENDAR: June 17 26, 2025 January 27, 2026

~~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.~~

ORDINANCE NO. X,XXX-N.S.

RESCINDING AND REPLACING ORDINANCE 7760-N.S. POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE WITH THE POLICE EQUIPMENT ORDINANCE

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

Section 1. Findings

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, codified in Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code (hereafter referred to as Chapter 12.8).

C. The State-mandated requirements of ~~AB 481~~ Chapter 12.8 satisfy 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 and replacement 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 and replaced by Ordinance No. X,XXX-N.S. Police Equipment Ordinance~~

Section 3. Compliance with State Law

The City of Berkeley shall comply with all applicable provisions of ~~California Assembly Bill 481~~ Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code and any subsequent amendments thereto governing the acquisition, funding, use, and reporting of police equipment.

Section 4. Effective Date

This amendment ordinance shall be effective immediately upon adoption and its provisions shall apply to the 2025 report due in March 2026 and to all subsequent reports.

Section 5. Posting, Filing, and Publication Requirements

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.

Chapter 2.100 POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE of the Berkeley Municipal Code is repealed and replaced in its entirety with the following revised ordinance

Section 4. Chapter 2.100 POLICE EQUIPMENT ORDINANCE

2.100.010 Name of Ordinance

(A) This Ordinance shall be known as the Police Equipment Ordinance. ~~(Ord. XXXX-NS § X, 2026)~~

2.100.020 Purposes of Ordinance

(A) The purposes of this ordinance are to:

- (1) Restate requirements for the Berkeley Police Department (BPD) to produce policies and reports regarding the acquisition, funding, deployment, and use of covered Military Equipment.
- (2) Ensure ongoing consistency between local and State requirements with respect to Military Equipment policies, acquisition, funding, and reporting.
- (3) Avoid duplication of reporting and other effort by the Berkeley Police Department and the Police Accountability Board (PAB).
- (4) Ensure that local requirements remain in place in the event State-level requirements established by ~~Assembly Bill 481 Law enforcement and state agencies: military equipment: funding, acquisition, and use (Chiu, 2021) ("AB 481" hereafter)~~ Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code are rescinded or struck down.
- (5) Specify how local requirements differ from State-level requirements.

- (6) Clarify roles and timelines with respect to BPD provision of AB 481Chapter 12.8 documents, the Police Accountability Board, the PAB's involvement in effectuating AB 481Chapter 12.8.

2.100.030 Local consistency with California State standards

- (A) All provisions of AB 481Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code, including definitions, reporting requirements, policy requirements, review by elected officials, public meetings, and all other provisions, is hereby incorporated into the Berkeley Municipal Code by reference.
- (1) In the event that AB 481Chapter 12.8 and/or its requirements are amended/alterd by the State Legislature or by a court whose jurisdiction covers Berkeley, those revisions shall also be incorporated by reference; this includes amendments made to the original statute or new statutes that may add to the requirements of AB 481Chapter 12.8.
- (B) The Berkeley Police Department shall be responsible for fulfilling the requirements and provisions of AB 481Chapter 12.8.
- (C) The policies and reports produced in compliance with AB 481Chapter 12.8 (or requirements amended/established by successor legislation) by the Berkeley police department shall serve to meet these local reporting requirements.
- (1) In no event shall this ordinance be interpreted to require BPD to produce multiple versions of the policies/reports required by AB 481Chapter 12.8.

2.100.040 Additional City of Berkeley Standards

- (A) Subsequent to the adoption of this ordinance, the Berkeley Police Department's Policy 300 (or any successor policy) shall maintain any necessary provisions governing the reporting of instances of Military Equipment Use and/or deployment.

2.100.050 Timelines and Police Accountability Board Role

- (A) The Berkeley Police Department shall make all AB 481Chapter 12.8 policy and reporting documents available to the public and the Police Accountability Board no less than 30 days prior to the Berkeley Council Meeting where they will be considered for acceptance.
- (B) The Police Accountability Board may review and provide comments on AB 481Chapter 12.8 policy and reporting documents.
- (C) Police Accountability Board review is not required for the Berkeley City Council to accept and/or approve AB 481Chapter 12.8 policy and reporting documents
- (D) The Agenda and Rules Subcommittee of the Berkeley City Council may, at its discretion, provide additional time for the Police Accountability Board to complete its review of AB 481Chapter 12.8 documents before agendizing City Council review of such documents.

2.100.060 Additional Reporting

- (A) Police use of force (irrespective of whether it involved military equipment) shall continue to be reported in a manner consistent with Policy 300 (or a successor policy).
- (1) Any reporting on military equipment use shall include, at a minimum:
- (i) The type of military equipment used;
 - (ii) The type and amount of munitions used (if applicable)
 - (iii) Key outcomes from the military equipment use
- (2) “Less lethal” weapons which fall outside of the definitions in ~~AB 484~~Chapter 12.8 but are subject to reporting requirements established by Policy 300 must continue to be reported in a manner consistent with Policy 300 (or any successor policy).
- (B) As part of its annual ~~AB 484~~Chapter 12.8 reporting, the Berkeley Police Department shall report the deployment of military equipment on a limited basis, consistent with the following definition of “reportable deployment” below:
- (1) Reportable deployment shall include instances where military equipment was pointed or aimed at an individual, group, or crowd in the context of a First amendment activity.
 - (2) Reportable deployment shall include instances in the context of a First amendment activity where an individual present would have reasonably believed that use of the military equipment was not merely possible, but imminent.
 - (3) Reportable deployment shall not include the transport of military equipment.
 - (4) Reportable deployment shall not cover any instance outside the context of a First amendment activity (for example, apprehension of an individual for which a judicial arrest warrant has been issued).

Section 5. Effective Date

This ordinance shall be effective upon the second reading and shall apply to the 2025 report and to all subsequent reports.

Section 6. Posting, Filing, and Publication Requirements

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.