

Why a Local Berkeley Military Equipment Ordinance Matters

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Principle 1: The Public Right to Know What Equipment is Being Purchased and Why

- ▶ How the Equipment will be Used (e.g., crowd control, individual assailant, hostage situation)
- ▶ Any Limitations on its Use
- ▶ Its Likely Impact on Public Safety and Civil Liberties
- ▶ Lifecycle Costs
- ▶ Any Third-Party Providers

This is not an ongoing burden. Once a type of equipment is approved, it does not need to be reviewed again.

Principle 2: The Public Right to Know Where and How Equipment was Deployed

- ▶ Reporting triggered when the equipment is deployed
 - ▶ “Utilized or employed for a deliberate purpose in the presence of the public”
 - ▶ Essentially when the weapon is pointed or drawn
 - ▶ Does not mean:
 - ▶ an officer merely wearing a piece of equipment
 - ▶ An officer transporting equipment

When Does it Not Have to Be Reported?

Carrying pepper spray or a baton during crowd management in the presence of the public, or during an operation, in a passive or inactive fashion such as on a belt or on the back with a strap, is not a deployment of controlled equipment:



When Does it Have to Be Reported?

Holding pepper spray or batons longer than 30 inches in the presence of the public or during an operation, in an active or deliberate manner

When Is it Reported?



Not Reported

Holding a specialized rifle to secure an area, but not to affect a response from a member of the public



Reported

Holding a specialized rifle in the presence of the public

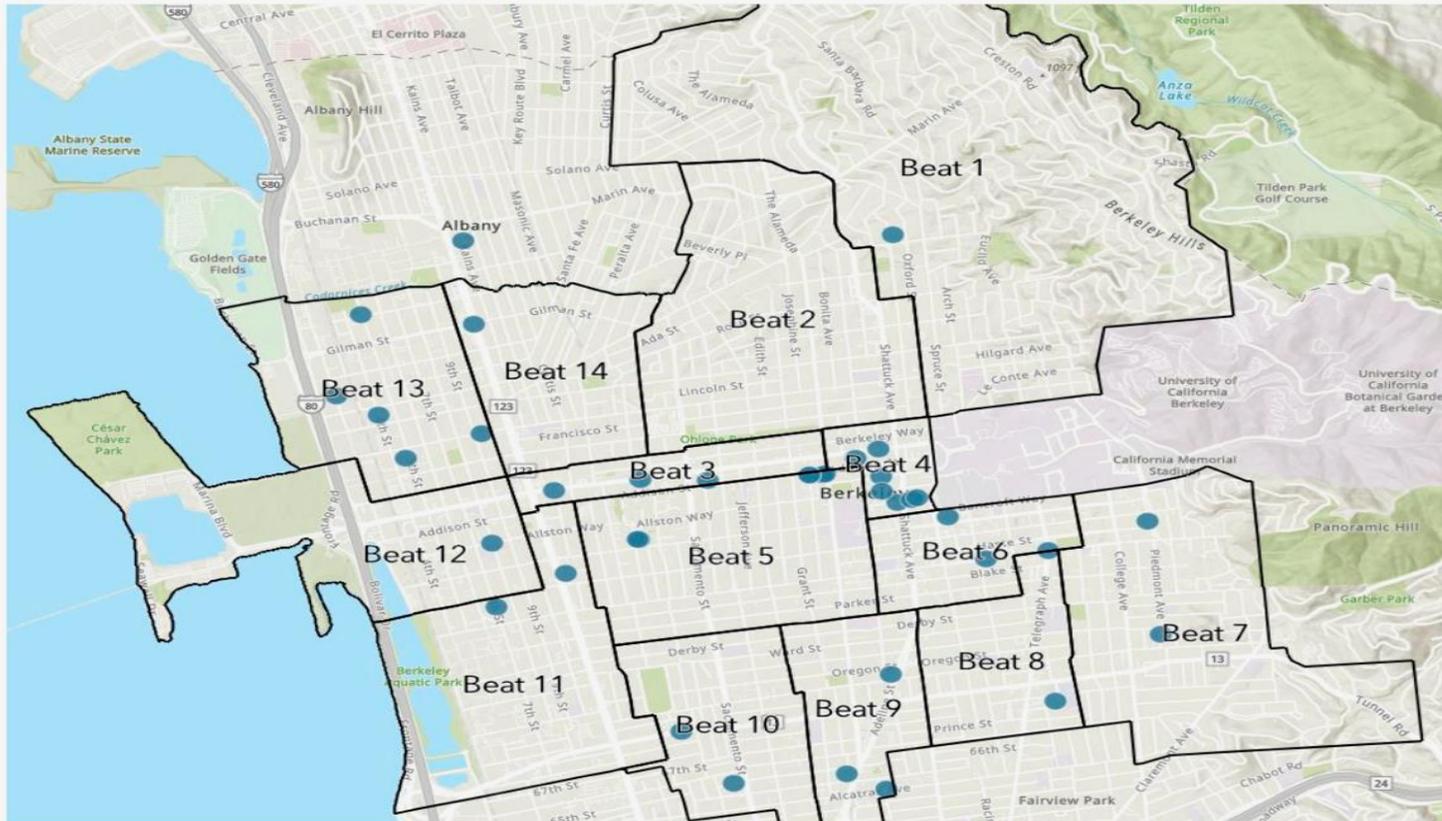


Berkeley's Use Report Includes Other Critical Information

- ▶ Where in the City the Equipment was Deployed?
- ▶ How Many Times? (50 in last year's report)
- ▶ For How Long?
- ▶ Was There a Warrant Associated with Its use?

Deployment of Militarized Equipment in 2024

A map below shows the locations of the 42 equipment deployments in Berkeley, with 8 deployments occurring in other Bay Area cities.



Independent Review - the PAB is Uniquely Placed

- ▶ State law requires an independent body review but most cities and counties have not complied
- ▶ This is the purpose of the PAB - to address policy, not just investigate individual claims of misconduct
- ▶ Once the system is in place, it is not overly burdensome