

1

# **Police Equipment and Community Safety Ordinance 2021 Annual Report**



# INTRODUCTION

On May 11, 2021 the Berkeley City Council passed Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance. Section 2.100.050 of the ordinance mandates an annual report for the deployment of specific equipment the Berkeley Police Department possesses. This annual report also fulfills the obligations set forth in Assembly Bill No.481. Below is a list of the reportable equipment under the city ordinance and Assembly Bill No.481:

- Patrol Rifle
- Less Lethal single 40MM launcher
- Less Lethal Milkor LTL 40 MM multi-launcher
- Less Lethal FN 303 Launcher
- FN Pava rounds
- Oleoresin capsicum (OC spray)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum (tear gas)
- Remington 700 Precision Rifle
- ReconRobotics Recon Scout XT Robots
- Andros Remotec HD-1 Hazardous Duty Robot
- Light/sound distraction device
- Long Range Acoustic Device (LRAD)
- 36" batons
- Mobile Command Vehicle
- Barret Model 99 Precision Rifle

The annual report on the controlled equipment shall contain the following information per Ordinance NO. 7,760N.S.:

- (a) Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.
- (b) A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.

- 1
- (c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
  - (d) A summary of any complaints or concerns received concerning Controlled Equipment.
  - (e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

There have been no internal audits (other than those conducted to gather and confirm data for this report), identified violations of equipment use, or any complaints concerning the above listed equipment. For inventory numbers and description of each equipment refer to the Impact Statements.

Section 2.100.020 (D) defines deployment as “to utilize or employ Controlled Equipment for a deliberate purpose in the presence of members of the public during management or control of crowds, during any Special Response Team deployment or to affect some response from members of the public during any other operation or critical response. “Deployed” shall not mean an officer merely wearing a piece of Controlled Equipment on their belt or elsewhere on their person.” Deployment means the display of the equipment to affect some response from members of the public. The equipment does not have to be used; simply having it and in view of a person to specifically affect a response would be considered a deployment. Deployments are to be reported per the ordinance and the table on page 5 of this report reflects both deployments and uses of equipment.

On the date of passage of the Police Equipment and Community Safety Ordinance on May 11, 2021 the Police Department’s Blue Team system was already being utilized to capture the deployment of patrol rifles as well as all uses of force, including the use of less-lethal systems. However, although the use of the above listed equipment was thoroughly documented in police incident or crime reports, no system existed where the deployment of each defined equipment could be

extracted. In response to this, the Professional Standards Bureau and the Police Technology Unit collaborated to develop a new system that was capable of fulfilling the obligations set forth by the ordinance.

The development of the new system began immediately after the ordinance was adopted and the new Equipment Ordinance System was created. Every sworn member of the Berkeley Police Department was trained on this new Equipment Ordinance System, hereinafter referred to as EO System. The EO System was fully implemented in October 2021.

It should be noted that the data on equipment deployments in 2021 does not capture deployments for the entire year. The ordinance was passed in May of 2021. The development and implementation of the EO System and the training of all sworn personnel was completed in October 2021.

The Police Department responded to over 42,500 calls from the community in 2021 and 11,262 were calls which occurred following the development of the new EO System that captured equipment deployments mandated by the ordinance. Of the 11,262 calls received, 29 of them resulted in the deployment of either a patrol rifle or a less-lethal system capable of launching a rubber projectile or a projectile similar to that of a paintball. For details on these systems refer to the Impact Statements located on the Berkeley Police Department website.

The Blue Team system was fully implemented in March of 2021. The system documents all uses of force which includes patrol rifle deployments and uses of less-lethal systems. This system is maintained by the Internal Affairs Bureau. In 2021 there were five incidents where less-lethal systems were used and 14 incidents where a patrol rifle was deployed. These incidents were recorded prior to the EO System going live. Three of the five less-lethal system uses were also entries into the EO System because they occurred after the launch of the EO System.

The table on page 5 details each of the 47-equipment deployment/use incidents extracted from the Blue Team and EO systems as well as 2 deployments of the Hazardous Duty Robot by the Berkeley Police Bomb Squad. Each row within the table represents an incident where a specified equipment was deployed/used. The number of specified equipment deployed per incident is not represented. The

table includes the service of 14 search warrants; 6 of which were served by the Special Response Team in cases involving a violent suspect. Equipment that is not outlined in the table was not used in 2021.

It should be noted that all other equipment deployments that are not related to the service of a search warrant were incidents where officers responded to a call for service by community members. Incident #6 & #17 are the only exceptions. #6 is an incident where an officer witnessed a stabbing and had to take immediate action to save the victim and apprehend the suspect and #17 is an incident where a stolen car and suspect were tracked down by officers. The 5 incidents where less-lethal systems were actually utilized are marked with asterisks next to the incident number. The incidents are listed in chronological order.

#	Equipment	Summary of Deployment and Use	Beat
1*	40MM Launcher	Victim called and reported being victim of a robbery. Suspect located still armed and refused many orders to drop the weapon. Attempts to deescalate not effective. Less-lethal and lethal force used.	6
2	Patrol Rifle	The victims reported that they were robbed via gun. A search warrant was conducted at the suspect's residence in another Bay Area city. Arrest made and evidence seized.	X
3	Andros Remotec HD-1 Hazardous Duty Robot	Suspicious package left in front of Bank of America with Hong Kong postage. Robot used for initial approach to ensure package is safe.	6
4	Patrol Rifle	Victim called and reported someone brandished him with a gun during an argument. Suspect located, but no gun found. Victim later advised that he never saw a gun. Suspect released on scene.	14
5	Patrol Rifle	Victim reported that his brother brandished him with a gun. The suspect was located in a vehicle nearby. Victim requested suspect be arrested.	4
6*	40MM Launcher	Officer witnessed a stabbing. Victim stabbed in neck. Suspect ran from officers still armed with the knife. 40MM used to stop suspect. She stopped, but held onto knife. Attempts to deescalate failed. Still non-compliant and with knife in hand, a sergeant snuck up behind the suspect and grabbed her hand and knife. Suspect arrested.	6

7	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher, Recon Scout XT	Special Response Team, search warrant on a shooting suspect. Suspect arrested and evidence seized.	9
8	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher, Recon Scout XT	Special Response Team, search warrant assist to outside agency. Suspect known to carry and sell firearms. Suspect later located by outside agency.	12
9	Patrol Rifle	Caller reported that someone was armed with a gun inside a store. The caller provided details on the gun and the suspect. Suspect was located inside of the store and was identified as the same person by the caller. No gun was located. No arrest.	15
10	Patrol Rifle	Victim reported that her vehicle was stolen. Investigations lead to the service of a search warrant by investigators at the location the suspects were residing. Suspects located and arrested	8
11	atrol Rifle	Victim reported that the suspect forcibly entered her RV armed with a handgun and attempted to rape her. Search warrant served for suspect in another Bay Area city. Suspect arrested	X
12	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher, Recon Scout XT	Special Response Team, search warrant conducted in another Bay Area city on a Berkeley shooting suspect. Suspect attempted to flee, but was stopped and arrested. A loaded-fully-automatic pistol was located.	X
13	Patrol Rifle	Multiple witnesses reported a drive-by shooting into a vehicle near a park. The victim later reported that the suspect fired multiple rounds at their vehicle for no apparent reason. A search warrant was conducted at the suspect's residence by investigators. Suspect located and three guns seized for evidence.	11
14	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher, Recon Scout XT	Special Response Team, search warrant assist to an outside agency on murder suspect. Suspect not located but evidence collected.	9

15	Andros Remotec HD-1 Hazardous Duty Robot	Employees at a business reported a disturbance. The employee pointed the suspect out to the officer. Officer contacted suspect and his friend in a stolen car. One of them had an improvised explosive device in his pocket. Both arrested. Bomb squad relocated the device to a safe location and utilized robot for "render safe procedure."	15
16	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher, Recon Scout XT	Special Response Team, search warrant on a shooting suspect. Suspect arrested and evidence located.	14
17	Patrol Rifle	Officers recognized a vehicle that was involved in a carjacking via gun and several other armed robberies in Berkeley. The car failed to stop for the police. The vehicle was eventually stopped after a lengthy pursuit. Patrol rifles deployed. Suspects arrested.	14
18	Patrol Rifle	Victim employee reported that someone brandished a firearm at him after an argument inside of a liquor store. The suspect was located down the street. Patrol rifle deployed. Suspect was detained. He was identified by the employee as the suspect. Surveillance video showed the suspect pointed the gun at the employee. Gun was later located and suspect arrested.	8
19	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher, Recon Scout XT	Special Response Team, search warrants on suspects residences who were involved in a daytime gun battle. Suspects arrested. Assault rifles located.	14
20	40MM Launcher	Community member reported a man having a "psychotic episode" and broke into an office. The man was naked and has prior history of smashing windows to use to harm himself. 40mm deployed. Subject safely detained. Property manager of office did not want to prosecute man. Mental Health professionals requested by PD and placed subject on psychiatric hold.	13
21	40MM Launcher	Burglary in progress, community member locked the suspect inside a workshop full of tools. Subject is a known to resist and fight the police. Subject was detained without incident. He was arrested and meth was located in his pockets. He later made suicidal statements and was placed on a psychiatric hold.	3

22*	FN303 Launcher	BART PD requested emergency assistance. Mental Health crisis, subject possession of knife refusing to drop. Verbal de-escalation attempts failed. Subject ran with knife still in hand. FN303 deployed and used, but had no effect. BART PD used taser which disarmed her. BARD PD placed subject on a psychiatric hold.	9
23	40MM Launcher	Officers responded to a residence after the caller reported a suspicious person prowling outside his house. As officers were at this house, they heard a female screaming from the house next door. A female came out of that house and screamed, "Help! Someone call the police!" She reported that a man broke into her house with no pants on. Officers entered the house. 40mm deployed. The subject was located and arrested.	11
24	Patrol Rifle, 40MM Launcher	Search warrant on sexual assault suspect who victimized a child. Suspect arrested and evidence seized.	1
25	Patrol Rifle, 40MM Launcher	Caller reported that a neighbor fired a gun while yelling threats to shoot. The subject cooperated with officers and exited his house and was detained. Further investigations showed no other neighbors heard gunshots. No firearms were located. No arrest made.	9
26	40MM Launcher, FN303 launcher	A caller reported a suspect pulling off a window to make entry inside. Officers arrived and the suspect locked himself inside of a room and did not comply with call out commands. Unknown if armed with a weapon. Less-lethal deployed but not used. Subject detained and arrested without incident.	3
27	40MM Launcher	Multiple community members called the police about a person who instructed her dog to bite the victim. Victim transported to hospital via ambulance from multiple bites/puncture wounds. Victim pointed suspect out to officers. Suspect refused to stop for the police and yelled at the officers causing the dog to lunge and try to bite officers. 40MM deployed. Mental health professionals were requested. Suspect placed on psychiatric hold by MH. Out of custody charges requested.	6
28	Patrol Rifle	Officers responded to reports of an armed robbery (gun) and located a vehicle fleeing the area that matched the description of a get-away car for other armed robberies in Berkeley. A high-risk stop was conducted where one of the 3 suspects fled. Patrol rifle was deployed during the block search. Two suspects were arrested. Stolen items recovered.	8



29	40MM Launcher, Patrol Rifle	<p>Caller reported multiple subjects inside a construction site after hours. Officers arrive and heard sawing items inside. Burglary subjects failed to comply with commands, barricaded, and hid during the search. Less-lethal was deployed but not used. Burglary tools located, two arrested. One suspect has extensive arrest history and a warrant for his arrest.</p>	14
30	40MM Launcher	<p>Responded for a medical call of a person badly cut (needed stitches) following a dispute. Officers had reasons to believe it was possibly an assault with a deadly weapon. Requested the 40mm on scene while contact was made with the involved party inside of residence where the assault may have occurred. Further investigation showed no domestic violence. No crime, no arrest made.</p>	4
31	FN303 launcher, 40MM Launcher	<p>Officers responded to victim's call for help after being assaulted by her husband. Officers arrived on scene and deployed a 40mm and FN303 due to the suspect's continued violent behavior. He was still breaking things in the house and yelling. Contact made with husband, husband arrested for domestic violence.</p>	1
32*	40MM Launcher	<p>Caller requested help with roommate who was "high on drugs" yelling and causing a disturbance. Officers arrived and located the front door unlocked, blood in the living room, broken window, and incoherent speech coming from a bedroom. Occupants including caller was evacuated for their safety while officers attempted to negotiate with subject to exit his room. Subject was naked, covered in blood and threatened to kill officers. Negotiations failed. Subject did not comply with commands and was ultimately hit with 2 rounds from the 40 mm launcher. Officers were able to detain the subject and provide him with medical attention. He was transported to the hospital by the fire department and placed on a psychiatric hold. Illegal drugs were located in subject's room. Out of custody charges requested.</p>	6
33	FN303 launcher	<p>Caller is social worker who requested a welfare check of her health client, a subject with a history of violence and history of fighting police. FN was deployed. Subject refused to speak to officers and grabbed several bricks and smashed them while screaming; there were children nearby that had to be escorted out of harm's way. Negotiations not effective. Subject tackled by own father. Subject detained, but continued to fight. Mental Health professions responded and placed a psychiatric hold on subject.</p>	11

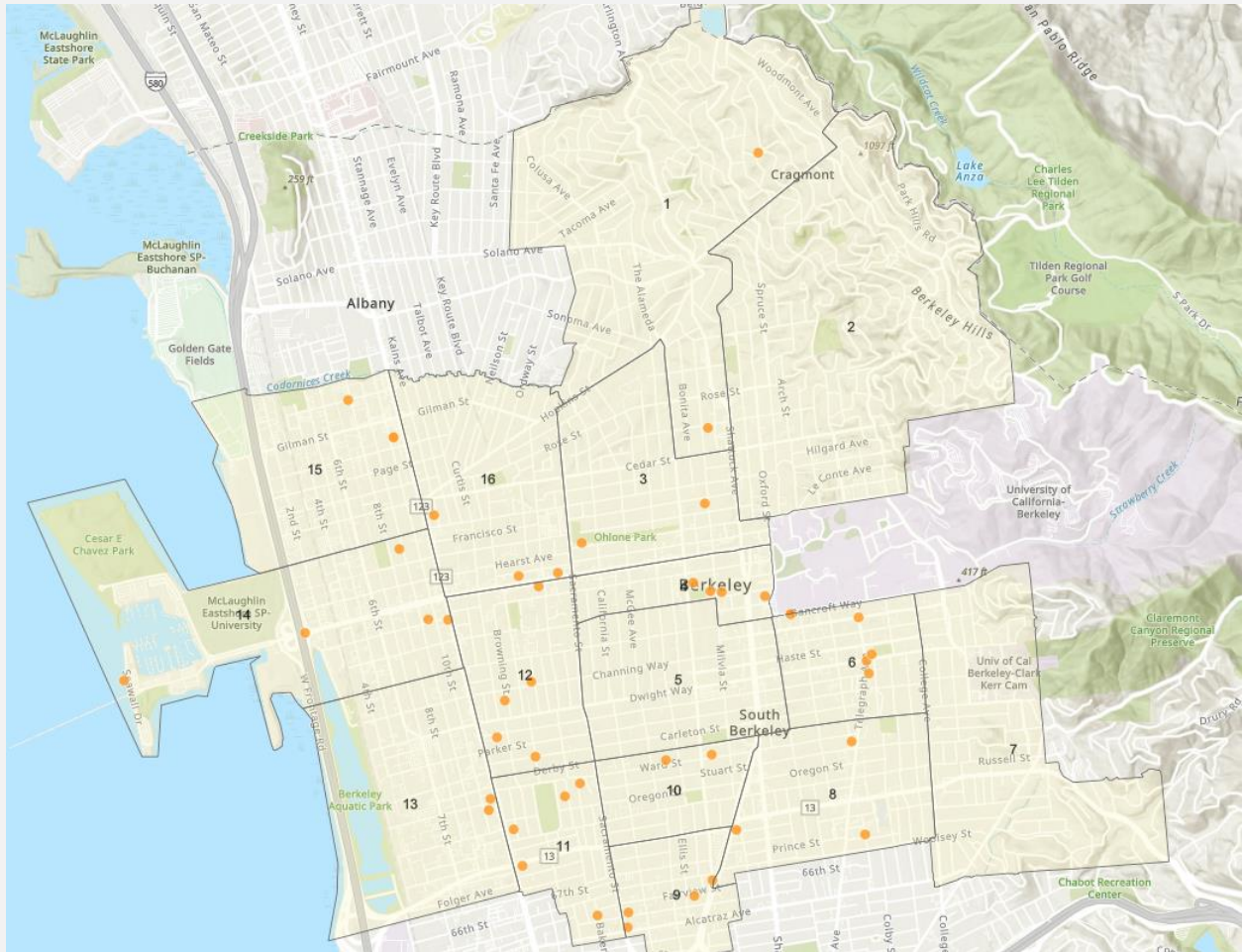
34	40MM Launcher	Caller reported ex-boyfriend had a knife and brandished it at him. While on phone with Dispatch caller yelled, "He's got a knife!" All parties located and detained. No knife located and further investigation shows no criminal threats were made. 40MM was deployed during detention. No arrest.	13
35	Patrol Rifle, FN303 launcher, 40MM Launcher	Highland Hospital reported a stabbing victim. Contact made with victim at hospital and she reported being stabbed at a specific location. Search warrant conducted at this location and less-lethal and patrol rifle deployed for service of search warrant. Suspect located and arrested for stabbing victim and puncturing victim's lung.	10
36	Patrol Rifle, FN303 launcher	Stolen vehicle was tracked by Officers. Stolen vehicle located abandoned by officer and suspect fled on foot into an apartment. Rifle and less-lethal deployment during service of search warrant. Suspect arrested	16
37	Patrol Rifle	Caller reported a suspect armed with a gun threatened to kill him. Officers located the suspect and patrol rifle was deployed. Suspect detained and identified by victim as the same person who threatened him. No gun located, but witnesses corroborated victim's account of events and how the suspect had a gun. Suspect had an alter state of mind. Psychiatric hold was placed on subject. Out of custody charges requested.	15
38	Patrol Rifle	Caller reported armed subject in a vehicle waving a firearm around. Car and subject description provided by caller. Car and driver that matched description were located by an officer. Patrol rifle deployed. Driver ordered out of car. Caller identified the driver as the same person he saw with a gun. A realistic black Beretta BB gun located in the car. Driver said he was shooting fish. Driver relinquished ownership of BB gun. No arrest made.	12
39*	Patrol Rifle, 40MM Launcher, FN303 launcher	Caller reported that a subject had hit his mother over the head with a saw-off shotgun. Victim sustained injuries to her head that required stiches. The suspect was reported as being agitated and was heard yelling on the phone by dispatch. Officers arrived on scene and could still hear the suspect yelling. Victim/mother was contacted outside of residence. Subject still had access to the shotgun. Many attempts to deescalate and negotiate for the suspects surrender failed. Subject was on the porch and refused to comply with orders. Patrol rifles and less-lethal deployed. 40mm and FN303 were utilized and caused suspect drop fall onto the ground. Subject immediately taken into custody. Medical attention provided to all parties	16
40	Patrol Rifle, 40MM Launcher	Search warrant service on rape suspect. One officer wore rifle slung on body. One officer wore 40MM slung on body. Suspect located and arrested	12

41	40MM Launcher	Victim called and reported that a neighbor and brandished a knife at him. Victim wanted to press charges. Officers arrived. Subject came out of his apartment and yelled at officers then went back in. 40mm deployed. Subject refused to come outside. Out of custody charges requested.	11
42	FN303 launcher	Caretakers called and reported a subject with a butcher knife chased caregivers who were attempting to bathe him. Caretakers ran out of the house to call the police. Officers responded with FN303. Subject's son was called to help speak to subject who suffers from dementia. The son agreed to stay to help care for subject and help caretakers. No prosecution requested by caretakers. No injuries sustained by caretakers.	10
43	Patrol Rifle, 40MM Launcher, FN303 launcher	Caller (ex-girlfriend) reported subject (ex-boyfriend) is suicidal and requested welfare check. Officers attempted a welfare check on a suicidal subject inside of his home. The subject told officers he was armed and told officers to leave. Subject hands were not visible to officers. Threat was deemed credible. Less-lethal systems and a Patrol rifle were deployed. Negotiator attempted to negotiate for the subject to exit his residence, but failed. Subject said officers are going to force a confrontation with him. Subject not a threat to others and refused officer's help. No crimes committed. Officers left the area.	11
44	Patrol Rifle, FN303 launcher	Officers responded to a call of a possible burglary. A patrol rifle and less-lethal were deployed to clear the building. Suspect located and arrested burglary.	4
45	40MM Launcher	Caller is security and reported a subject was verbally threatening staff and residents and assaulted security. Staff wanted him to leave. Subject is a known burglar and have fought officers in the past. Less-lethal deployed. Request subject to leave and he complied. No prosecution requested.	16
46	40MM Launcher	Caller (wife) reported subject (husband) had a knife and was threatening to kill himself. Caller was contacted outside of house while subject was still inside. 40MM deployed as officers contacted subject. Subject located safely and placed on a psychiatric hold.	12
47	40MM Launcher	Caller (mother) reported subject (son) having a mental health crisis. Caller reported the subject was armed with a knife and standing outside the house. 40mm deployed, subject safely located and placed on 5150 hold.	12

Below is a table that shows the total number of incidents a specified equipment was deployed in 2021. It should be noted that different types of equipment may be deployed in one incident and the same equipment may be deployed by multiple officers within a single incident.

EQUIPMENT	Number of Incidents
Patrol Rifle	27
40MM Single Launcher	27
40MM LTL Multi-Launcher	0
FN 303 Launcher	16
FN Pava Impact Projectile	0
Oleoresin Capsicum Spray	0
Chlorobenzylidene Malononitrile and Oleoresin capsicum	0
Remington 700 Rifle	6
ReconRobotics Recon Scout XT Robots	6
Andros Remotec HD-1 Hazardous Duty Robot	2
Light/Sound Diversionary Device	6
Long Range Acoustic Device	6
36" Batons	0
Mobile Command Vehicle	0
Barret Model 99	0

Below is a map showing where each of the above 44 equipment deployments occurred in Berkeley. 3 occurred in other Bay Area cities.



## Appendix:

### Applicable Lexipol Policies Respective to Each Equipment

#### Patrol Rifle

- Policy 300 (Use of Force)
- Policy 349 (Tactical Rifle Operator Program)

#### 40MM single launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

#### 40MM LTL multi-launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

#### FN 303 Launcher & FN Pava rounds

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

#### Chlorobenzylidene Malononitrile and Oleoresin Capsicum (canister and spray)

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

#### Remington 700 Rifle

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

#### ReconRobotics Recon Scout XT Robots & Andros Remotec HD-1 Hazardous Duty Robot

- Policy 708 (Robot Cameras)

#### Light/Sound Diversionary Device

- Policy 353 (Diversionary Device)

#### Long Range Acoustic Device

- Policy 707 (Long Range Acoustical Device)

36" batons

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)
- Policy 428 (First Amendment Assemblies)

Mobile Command Vehicle

- Policy 811 (Mobile Command Vehicle (MCV))

Barret Model 99

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

