



Office of the City Manager

ACTION CALENDAR
June 6, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jennifer Louis, Chief of Police
 Subject: 2022 Police Equipment & Community Safety Ordinance Annual Report

RECOMMENDATION

Adopt a Resolution approving the 2022 Equipment Ordinance Annual Report.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts are limited to staff time for reporting and continuous training.

CURRENT SITUATION AND ITS EFFECTS

On May 11, 2021 the City of Berkeley adopted the Police Equipment and Community Safety Ordinance, Ordinance NO. 7,760-N.S. The Police Equipment and Community Safety Ordinance requires the Police Department submit to Council for approval an annual report for the usage of specified equipment “for as long as the Controlled Equipment is available for use.” Pursuant to the ordinance, this annual report shall be provided to the Police Accountability Board for review. After review by the Police Accountability Board, the Berkeley Police Department must submit the Annual Report to the City Council indicating the Police Accountability Board’s approval or lack of compliance.

BACKGROUND

On February 17, 2023 the Equipment Ordinance Annual Report was provided to the Police Accountability Board Director. On April 21, 2023 the Police Accountability Board communicated to the Police Department, via the attached memo, that the Police Accountability Board has recommended that City Council accept the report provided that minor edits were made to the report.

The Berkeley Police Department has amended the annual report to reflect the Police Accountability Board’s required recommendations.

Additionally, pursuant to the ordinance the Department shall also make each annual report publicly available on its website for as long as the Controlled Equipment is available for use. The 2022 Equipment Ordinance Annual Report will be posted on the Berkeley Police Department website.

Annual Reporting and Impact Statements:
Police Equipment and Community
Safety Ordinance

ACTION CALENDAR
June 6, 2023

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The Police Equipment and Community Safety Ordinance Annual Report requires the approval of the City Council.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

Attachments:

- 1: Resolution
- 2: 2022 Equipment Ordinance Annual Report
- 3: Police Accountability Board Memorandum

Annual Reporting and Impact Statements:
Police Equipment and Community
Safety Ordinance

ACTION CALENDAR
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RESOLUTION NO. ##,###-N.S.

ANNUAL REPORTING AND IMPACT STATEMENTS: POLICE EQUIPMENT AND
COMMUNITY SAFETY ORDINANCE

WHEREAS, the Berkeley City Council adopted Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance on May 11, 2021; and

WHEREAS, Section 2.100.050 of the ordinance mandates an annual report for the deployment of military equipment that the Berkeley Police Department possesses; and

WHEREAS, per city ordinance, the Berkeley Police Department shall submit the annual report to the Police Accountability Board for review; and

WHEREAS, the Police Accountability Board has communicated their approval of the Annual Report provided the Berkeley Police Department make the recommended edits; and

WHEREAS, the Berkeley Police Department has amended the Annual Report based on the Police Accountability Board's recommendations; and

WHEREAS, Section 2.100.050 (3) of the ordinance requires the Berkeley Police Department to submit the Annual Report to the City Council for approval indicating the Police Accountability Board's approval or lack thereof.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the Berkeley Police Department's 2022 Equipment Ordinance Annual Report.

Police Equipment and Community Safety Ordinance 2022 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. Below is a list and inventory of the reportable equipment under the city ordinance:

- Patrol Rifle (96)
 - Associated .223 duty and training rounds (129,720)
- Less Lethal single 40MM launcher (20)
- Less Lethal Milkor LTL 40 MM multi-launcher (2)
 - Associated 40mm rounds (724)
- Less Lethal FN 303 Launcher (8)
 - Associated FN rounds (5,445)
 - Associated FN Pava rounds (150)
- Oleoresin capsicum (OC spray) (190)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum (204)
- Remington 700 Precision Rifle (6)
 - Associated .308 rounds (4460)
- Light/sound distraction device (50)
- Long Range Acoustic Device (LRAD) (2)
- 36" batons (195)
- Barret Model 99 Precision Rifle (1)
 - Associated .50 rounds (20)

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.

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 (I.E. less lethal projectile actually launched and struck a suspect); 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 utilization of equipment.

The Blue Team system and Equipment Ordinance system are the two systems that captures all utilizations and deployments of equipment enabling the Police Department to fulfill the obligations set forth by the ordinance. The Blue Team system documents all uses of force which includes patrol rifle deployments and utilization of less-lethal systems (I.E. less lethal projectile actually launched and struck a suspect). This system is maintained by the Internal Affairs Bureau. The

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Equipment Ordinance system captures deployments of all equipment outlined in the ordinance.

The Police Department responded to over 62,245 calls from the community in 2022. Of the 62,245 calls received, 88 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 table on page 5 details each of the 88-equipment deployment incidents extracted from the Blue Team and EO systems. Each row within the table represents an incident where a specified equipment was deployed or utilized. The number of specified equipment deployed per incident is not represented. The table includes the service of 5 search warrants; 3 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 deployed or used in 2022.

It should be noted that all equipment deployments in 2022, except for five, were incidents where the Berkeley Police Department responded to a call for service made by community members or in the service of search warrants. Incident #27, #43, #44, #59, and #75 are the exceptions. #27, #43, #59, and #75 were incidents where officers located a stolen vehicle with the suspect still inside the car. Incident #44 is an incident where an officer attempted to stop a vehicle driving on the wrong side of the roadway. The vehicle fled from officers, collided with a tree, and then one of the occupants discarded a firearm.

The three incidents where less-lethal systems were actually utilized (less lethal projectile actually launched and struck a suspect) are highlighted in yellow. The incidents are listed in chronological order.

It is important to note that information provided to police dispatchers by victims, witnesses, and community members dictate police responses. Officers and supervisors make decisions on deployment of equipment based on community members observations and reports.

#	Equipment	Summary	Beat
1.	40MM Launcher, FN303	Mother/Victim called the police to report that her son had physically assaulted her and threatened to kill her. She reported that he had brandished her with a handgun recently. Screaming was heard by Dispatch. When officers arrived on scene they heard screaming and sounds of a physical fight inside the residence. 40mm launcher and FN303 deployed. Subject was contacted inside agitated and said, "We can all die in here today." Subject was taken into custody.	9
2.	40MM Launcher	Subject called the police and reported his suicide attempt. Subject had stabbed himself and reported that he was unable to distance himself from the knife. 40MM launcher deployed as was contacted and medical aid was immediately provided. He was placed on a psychiatric evaluation hold.	4
3.	Patrol Rifle, 40MM Launcher	The owner of a restaurant called the police while he was witnessing a burglary in progress through the security cameras' live feed. He witnessed the suspect break through the drive-through window and climb inside. The suspect broke the alarm keypad and entered the restaurant's safe. Officers arrived and surrounded the business. 40mm launcher and rifle were deployed. The subject was ordered out of the business and arrested for burglary without incident.	12
4.	LRAD	A volcanic eruption in the southwest Pacific Ocean produced a tsunami that affected the entire Pacific Ocean. A tsunami warning was issued. Police officers responded code-3 (emergency response) to evacuate the marina. The LRAD was utilized to help with the evacuation.	14
5.	Patrol Rifle	Officers responded to multiple reports of a shooting. Officers arrived on scene and located a victim who is connected with a local gang. Surveillance cameras captured the shooting and showed a shootout between several suspects. Officers deployed patrol rifles during a search for the suspects.	11
6.	40MM Launcher	Caller reported that his housemate was high on methamphetamine and was destroying the house. The subject was screaming and throwing things. Officers responded and utilized de-escalation tactics. They attempted to negotiate with the subject and calm him, but he displayed the inability to calm down and yelled at the officers to shoot him. 40mm deployed. The subject yelled "there's a pedo inside the house and I'm going to kill him. I am ready to die." He launched several items at the officers including a wrench and screwdriver. Had the objects hit the officers it would have caused a significant injury. An officer launched the 40mm round at the subject. He immediately complied and was placed on a psychiatric evaluation hold after medical attention was provided.	8
7.	Patrol Rifle	Caller reported a subject with a gun in hand entering into the driver seat of a vehicle. Suspect and vehicle descriptions were provided as well as the specific location of the car. Officers located the vehicle and driver. Patrol rifle deployed during the detention of the reportedly armed subject with a handgun. No firearm was located.	12
8.	Patrol Rifle	Caller/store employee reported a man with a gun. Officers located the suspect and gave him orders, but the suspect ignored the officer's instructions and then ran away. Officers chased after the suspect and were able to cut him off. Patrol rifle deployed for the detainment. A methamphetamine pipe was located. The suspect was placed on a psychiatric evaluation hold.	12

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9.	FN303	Berkeley Fire Fighters requested code 3 (emergency) response to assist with a suspect who had burglarized the Fire Department's warehouse. The suspect was located and was extremely confrontational, threatening and non-compliant with Officers' orders. FN 303 was deployed. The suspect was ultimately detained after officers successfully deescalated the situation.	11
10.	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher,	The Special Response Team served a search warrant in connection to multiple armed robbery cases from Berkeley and from another jurisdiction. The LRAD was used to communicate with occupants in the residence. Evidence was located during the search warrant service.	Outside City Limits
11.	FN303, 40MM Launcher	Multiple callers reported a subject on a busy street with a knife gesturing like he was stabbing himself. Officers arrived at the location and located the subject who was holding a large knife and swinging it around himself. The subject refused to drop the knife and walked away from officers. Officers negotiated with the subject for 25 minutes before the subject finally dropped the knife. The subject was placed on a psychiatric evaluation hold.	6
12.	FN303	Caller/gas station employee reported that someone had entered the gas station refusing to wear a mask. When the employee asked the subject to leave the subject threw a glass bottle onto the ground shattering it and threatened to stab the employee. The subject left the store, but brought out a large knife and stabbed at the gas station window. Officers arrived and deployed a 40mm launcher and gave orders to the suspect. She complied with the commands and was arrested.	12
13.	40MM Launcher	A 12-year-old child and her sisters locked themselves in a room for safety and called the police to report their older brother experiencing a mental health crisis. She reported that the brother was delusional and armed with a large knife and had a gun. 40mm launcher deployed as Officers contacted the subject near the front door. Methamphetamine was located on the subject. The subject was placed on a psychiatric evaluation hold.	16
14.	40MM Launcher, Patrol Rifle	Victim/Employee reported being stabbed in an attempted murder incident. The VICTIM/Employee and witnesses provided a suspect and vehicle description. Officers located a vehicle and driver that matched the description provided. A felony car stop was initiated on the possible attempted homicide suspect. 40MM launcher and the patrol rifle were deployed during the felony stop. After further investigation it was determined that the detained subject was not the attempted murder suspect.	6
15.	Patrol Rifle	Multiple callers reported hearing gunshots, glass break, and people screaming in the Doe Library on the UC Berkeley campus. Patrol rifles were deployed as BPD officers responded to assist UCPD with an active shooter. At the conclusion of the investigation it was determined that balloons were being popped and people in the library mistaken it as gunshots. They broke windows to escape and were injured in the process.	Outside City Limits
16.	40MM Launcher	Victim reported his friend was on drugs and threatened to stab him. Victim stated his friend was still armed with the knife and was just outside of a bar. Officers responded and deployed a 40mm launcher as they detained the subject. The subject was arrested for being drunk in public.	12

17.	FN303, 40MM Launcher	Officers responded to reports of a disturbance and domestic violence. The mother of the suspect reported that the suspect was breaking things in the house. Officers arrived and heard yelling inside and things breaking. The suspect had destroyed his brother's residence; holes were punched into the walls, closet doors broken, and mirrors shattered. 40mm launcher deployed as contact was made at the residence. The suspect was located and arrested.	9
18.	FN303	Mother/caller reported her son was intoxicated and possibly experiencing a mental health crisis. She reported the son "flipping out" and destroying things. Dispatch heard yelling in the background and then the phone disconnected. During the call back, there was an open line and dispatch heard the mother say, "stop it, get away. Stop." The mother told dispatch that her son was throwing things out the window. The line disconnected again. Officers arrived and deployed an FN 303 as they detained the subject. The mother asked that her son not be arrested. The son stated that he would do counseling and to begin detox. Information containing resources were provided to the family.	5
19.	40MM Launcher	Mother/caller reported her son was experiencing a mental health crisis. Subject naked in the house, destroying things, and had a history of mental health crisis. Subject threatened to harm himself. 40mm launcher deployed as the subject was detained. The subject was placed on a psychiatric hold.	2
20.	40MM Launcher	Witness/caller reported a dispute between two individuals, one armed with a metal pole and the other armed with a knife. They were threatening to kill each other. 40mm launcher deployed when officers arrived on scene and detained both subjects. After talking to witnesses, both suspects were arrested.	16
21.	FN303	Security guard/victim called the police and reported a robbery and the suspect was armed with a knife. The suspect placed the knife against the victim's throat during the robbery. The victim provided a suspect description to the officers. FN 303 launcher deployed when officers searched the area for the suspect. He was located and safely taken into custody for armed robbery.	4
22.	Patrol Rifle, 40MM Launcher	A victim of an armed (firearm) carjacking that occurred in Fremont called the Berkeley police and reported he had located his stolen vehicle. The car was unoccupied. He then saw four individuals enter his car and drive it away. He was able to track his vehicle with a car App. Officers responded to the location and located the stolen car and the four suspects that attempted to evade the police. Patrol rifle and a 40 mm launcher were deployed during the detention. A loaded handgun was located in the backseat of the stolen car. All four suspects were arrested.	14
23.	FN303	Victim/caller reported that her son had forced his way into her residence by prying a window open and damaging it. The son does not live there and he was not allowed on the property. The victim was afraid and barricaded herself in the bathroom. When the police arrived, the victim fled the house. She told the officers that her son had warrants for his arrest and had fled from the police recently. A records check showed several arrest warrants for violent crimes from another county. Officers ordered the subject out of the residence. FN 303 launcher deployed during the detention of the subject. He was detained and arrested for burglary and the arrest warrants.	10
24.	40MM Launcher	Victim reported that a trespasser had entered his residence and refused to leave. Officers arrived on scene and was let into the residence by the victim.	12

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		The subject yelled at the officers and threatened to kill them. The subject was inside of a bedroom and squirted hand sanitizing fluid onto the officers. Attempts to deescalate the situation were unsuccessful. The subject was near a screwdriver and other items that could be used as a weapon. The subject also picked up a laser and shined it into officers' eyes. A 40mm launcher was deployed during the detention of the subject. He was ultimately arrested after a brief struggle with officers.	
25.	Patrol Rifle	Officers responded to Contra Costa Sheriff's Deputies' request for emergency help after the deputies pursued an armed carjacking suspect into Berkeley. The suspects crashed the car and fled on foot. Patrol rifles were deployed by officers while searching for the armed carjacking suspect. Officers located and detained the three suspects. All three were arrested.	15
26.	40MM Launcher	A staff member at a rehabilitation center called the police and reported a subject experiencing a mental health crisis. The subject was threatening self-harm with a knife. Officers arrived and deployed a 40mm launcher as they verbally deescalated the subject and detained him. He was placed on a psychiatric evaluation hold.	2
27.	Patrol Rifle	Officers located a stolen vehicle. Patrol rifle deployed as a high-risk felony car stop was initiated. The driver was detained and discovered to be the registered owner of the vehicle. According to the driver, he was carjacked a few days prior and his vehicle was entered into the Stolen Vehicle System. Another police agency located his vehicle and released it back to him. That agency told the registered owner that the car was removed from the Stolen Vehicle System, but it was not. Berkeley police ensured the vehicle was removed from the system and the driver was immediately released at the scene.	Outside City Limits
28.	40MM Launcher	An employee of a business told a subject that she could not use the bathroom. In response to this the subject threw a large rock through the window of the business. The subject fled the area, but was located by an officer. She refused to stop for the officer and fled into the backyard of a residence. This subject was armed with a sledge hammer. 40mm launcher deployed as the subject was detained in the backyard. The subject was placed on a psychiatric evaluation hold.	16
29.	Patrol Rifle	Caller reported returning home and finding her front door open. She stated that her roommates did not answer their phones and she was concerned it was a burglary. Patrol rifle was deployed for the building search. Roommates were sleeping inside, but did not pick up the caller's phone calls. No suspect located inside.	5
30.	40MM Launcher	Hospital staff called the police after a patient brought out a large kitchen knife from her purse and threatened security and the nurse. 40mm launcher was deployed as contact was made with the subject. The suspect was safely detained and arrested.	8
31.	Patrol Rifle, 40MM Launcher	Victim called and reported her ex brandished a knife at her after an argument. There was also a court order protecting the victim from the ex. Officers responded to this domestic violence call. 40mm launcher and patrol rifle deployed as officers formed a perimeter at the victim's residence; however, the suspect fled from the house as the officers were setting up the perimeter. He was located half a block away and arrested.	10

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32.	40MM Launcher	Caller reported a disturbance where a subject brandished a knife. The caller provided a detailed suspect description and location. An officer located the subject walking who was still armed with the knife. 40mm launcher deployed for the detainment of the subject. He was safely detained, but officers were unable to locate the caller and the caller did not answer phone calls. The knife was confiscated, but no arrest made since no victim was located.	3
33.	40MM Launcher	Friends called the police and reported concerns for their friend who had attempted suicide several times in the past. The subject was at home and had locked the deadbolt. They believed the subject had taken multiple pills. Subject had access to knives and a katana sword inside of the residence. 40mm launcher deployed as contact was made. Subject was located and evaluated; proved ok.	4
34.	Patrol Rifle	Officers located a stolen vehicle where the suspect fled on foot. Patrol rifle deployed during a building search for the suspect. He was located and arrested. A handgun and bullets were also located. He was arrested for being in possession of a firearm, stealing a car, and burglary.	15
35.	40MM Launcher	An employee called the police and reported that a person in the store was bothering customers, breaking glass, and armed with a knife. Officers arrived and saw the subject in the back of the store screaming unintelligible things. Officers gave commands to the subject, but were ignored. 40mm launcher was deployed as officers detained the subject who resisted. The subject was placed on a psychiatric evaluation hold.	16
36.	Patrol Rifle	Hospital staff reported a disturbance after an upset patient pointed a handgun at several hospital staff members. The victims feared for their lives. Police responded to this "man with a gun" call. Patrol rifle deployed as officers went to detain the suspect. The handgun turned out to be a replica handgun. He was arrested.	8
37.	40MM Launcher	Investigators served an arrest warrant on a subject wanted for manufacturing explosives and firearms and threatened to bomb a school. 40mm launcher deployed while serving the arrest warrant. The suspect was not at the house, but was arrested at a later date by investigators.	8
38.	FN303	The jail requested additional officers due to a prisoner's resistance while being removed from the cell for transportation to Santa Rita Jail. The prisoner was extremely agitated and it appeared that he was going to be combative. FN303 launcher deployed. The prisoner eventually complied. He was transported with no further incident.	4
39.	Patrol Rifle	A security guard at a business reported a suspect threatened him with a gun. He provided a suspect description and location. Patrol rifle deployed as an officer located the suspect inside the business and gave commands to the suspect. The suspect complied and was detained. A gun was not located. The security guard did not press charges. All parties were released at the scene.	4
40.	Patrol Rifle	Victim called the police and reported that her vehicle was stolen in Oakland and she tracked it into Berkeley. Officers responded and located the stolen car and it was occupied. Patrol rifle deployed as a high-risk stop was conducted. The driver was safely detained and was arrested for vehicle theft.	15
41.	40MM, FN303	Officers responded to a call of an assault with a deadly weapon after victim was attacked with a knife. The Berkeley Fire Department rendered aid to the victim	15

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		as the officers located the suspect. 40mm and FN303 launcher were deployed as officers detained the suspect. He was arrested for felony assault with a deadly weapon.	
42.	40MM Launcher	Caller reported a suspect threw a rock through her neighbor's window and entered the house. Officers responded to this burglary in progress call and surrounded the residence. 40mm launcher deployed as officers attempted to contact the suspect. The suspect ultimately surrendered and was arrested for burglary.	16
43.	Patrol Rifle	An officer located an occupied stolen vehicle parked on the street. A high-risk car stop was initiated. Patrol rifle deployed as the driver was detained. Further investigation revealed that the car belongs to the subject's girlfriend and was stolen several months back, but was recovered by another police department. The vehicle was never taken out of the stolen vehicle system by that agency and was still registered as stolen. Subject released at the scene.	Outside City Limits
44.	Patrol Rifle, 40MM Launcher	Officers attempted to conduct a car stop on a vehicle that had its headlights off at night and traveling on the wrong side of the roadway. The vehicle failed to stop and fled from officers at a high rate of speed. The vehicle then collided with several cars and trees. Three occupants fled from the car and one dropped a handgun. Patrol rifle and 40mm launcher were deployed during a search for suspects. Two were located and arrested.	8
45.	Patrol Rifle	Several callers reported multiple individuals in a fight and 8 were armed with handguns. One caller reported it was gang related. Patrol rifle deployed as officers searched for the suspect. No armed suspects located, but one person was arrested for public intoxication.	14
46.	Patrol Rifle	Officer located a suspect vehicle that was used in several armed robberies in Berkeley. The officer recognized the vehicle make and model, license plate, and suspects, so he initiated a vehicle stop when backup arrived. One passenger fled on foot as the driver threw a handgun out of the window. The driver then fled in his car colliding with two police cars. A block search was conducted and patrol rifle deployed. The suspects got away, but were located and arrested for armed robbery at a later date.	Outside City Limits
47.	Patrol Rifle	Officers responded to a call of a man with a rifle in public. A suspect description and exact location were provided. Officers arrived on scene and located the suspect and saw that he was armed with a rifle. Patrol rifle deployed as officers ordered the subject to drop the gun. He complied and was detained. Officers located a large amount of methamphetamine on his person. The rifle he was holding was a realistic replica of a rifle. The subject was arrested.	6
48.	40MM Launcher	Caller/father reported his son was threatening to hit his family with a hammer. The caller reported that his son was recently placed on a psychiatric evaluation hold a week prior and has physically resisted police officers in the past. Officers responded. 40mm launcher deployed as contact was made with the subject and he was safely detained. He was placed on a psychiatric evaluation hold.	12
49.	Patrol Rifle	Contra Costa County Deputies located and attempted to stop a vehicle involved in an armed robbery. Three occupants fled the vehicle and into a residential neighborhood. A rifle was located in the backseat of the car. The suspects were considered armed and dangerous. The deputies requested for emergency	7

		response from Berkeley Police. Patrol rifle deployed as officers searched for the suspects. One of the suspects was located and arrested.	
50.	Patrol Rifle, 40MM Launcher	A hotel employee called the police when he witnessed an altercation between a male and female. When he tried to intervene, the suspect said he would shoot him and went to his car looking for his gun. The employee fled. When officers arrived, the employee pointed out the suspect vehicle. Officers conducted a high risk stop on the possibly armed driver. 40mm launcher and patrol rifle were deployed. The driver was detained, but no firearm was located. The female was unharmed. No prosecution was requested by the employee. No arrest made.	14
51.	Patrol Rifle,40MM Launcher	Four armed suspects robbed a victim and during the robbery shots were fired. An officer located the suspect's car fleeing the area. The suspect crashed the car and four suspects fled on foot; at least one was running with a handgun still in hand. Three more handguns (one ghost gun with a high capacity magazine, one handgun with a high capacity magazine, and one fully automatic handgun with an extended magazine) and a short-barreled assault rifle (high capacity magazine) were located in the car. 40mm launcher and patrol rifle were deployed during an extensive block search. All four suspects were located and arrested for armed robbery and various gun charges.	12
52.	40MM Launcher	A hotel employee called the police to report a vehicle with extensive damage parked in the hotel lot. Officers arrived and discovered that the car was stolen. Investigations led officers to a hotel room where one of the two suspects slammed the door shut on officers. Further investigation showed one suspect has prior arrest history for firearms and the other has several felony arrest warrants for her arrest. A perimeter was established. 40MM launcher and patrol rifle were deployed. The suspect was contacted via telephone and agreed to exit the hotel room. She was arrested on the arrest warrants and possession of a stolen vehicle. The second suspect was not located in the room.	3
53.	Patrol Rifle	A caller, who was monitoring the security cameras for a business, reported seeing a suspicious person outside of the business. The caller reported the subject wearing army fatigues, crouching down near an electrical box, putting items into a brown bag, and also holding onto a rifle. The caller also reported seeing the subject pull out a handgun. The subject was also hiding between buildings. Patrol rifle deployed as officers located the subject and gave orders to him. He was detained and officers located a knife tucked in his waistband. No firearms located. The knife was confiscated. The subject was not arrested.	10
54.	Patrol Rifle, 40MM Launcher	At 4:20AM, a caller reported seeing a suspect with bolt cutters cutting a hole in the chain-link fence to a business. The caller was watching this unfold through the security cameras from a remote location. 40MM launcher and patrol rifle were deployed when officers arrived on scene. Officers established a perimeter for this burglary in-progress incident. They saw the suspect and gave commands that were ignored. The suspect ran from officers. Officers lost sight of the suspect, but located him hiding in the heavily foliaged area of the property. Officers gave more commands and provided ample time for the suspect to complied, but he refused. The suspect's hands were hidden and it was unknown at the time if he was armed. Officers warned the suspect that 40mm launcher would be utilized, but the suspect continued to ignore the officers. Both officers	13

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		launched a single 40mm round each at the suspect. One projectile missed and the other hit the suspect's thigh. The suspect immediately surrendered and complied. Medical aid was provided. Officers located two screw drivers and a window smashing tool on the suspect. They also located a single bullet where the suspect was hiding. A records check showed the suspect was on bail for multiple felonies. He was arrested for burglary and possession of fentanyl.	
55.	Patrol Rifle	Caller reported a home invasion in-progress. He reported 5 suspects had entered his house. Dispatch heard the caller screaming, "Get the f**k out of here! Stop it. Stop trying to enter the door." Patrol rifle deployed when officers arrived on scene. Further investigation showed the caller was experiencing a mental health crisis and was under the influence of methamphetamine. There was no home invasion that had occurred. He was placed on a psychiatric evaluation hold.	1
56.	40MM Launcher	Caller reported a shirtless man swinging a 5' long stick. The subject was screaming in the middle of a busy street and attempting to remove utility hole covers. 40MM launcher deployed when officers arrived on scene. The man was unintelligible and ran from officers. Officers struggled placing handcuffs on the subject as the subject resisted and kicked. He was finally detained and placed on a psychiatric evaluation hold.	4
57.	Patrol Rifle	A caller reported someone walking down the street in possession of a shotgun. The subject is known to police as someone with an extensive arrest history including violent crimes. This subject is on probation for robbery and also had an active warrant for his arrest. Patrol rifle deployed when officers arrived on scene. Officers located the subject and detained him. Officers located a loaded sawed-off shotgun with a pistol grip and crack cocaine. The subject was arrested for firearm charges, the crack cocaine, and the active arrest warrants.	12
58.	FN303, LRAD, Patrol Rifle, 40MM Launcher,	Officers were looking for a suspect in connection with a murder in another jurisdiction. They located the suspect but he ran from the police into a residential neighborhood. 40mm, FN303, patrol rifle, and LRAD were deployed as officers established a perimeter to conduct a high-risk block search. The homicide suspect was located and arrested.	12
59.	40MM Launcher	Officers located a stolen vehicle that was occupied with a suspect who fell asleep in possession of alcohol and methamphetamine. This suspect is known to police officers as someone who uses narcotics and has resisted officers' numerous times before. 40mm launcher deployed and the suspect was ordered out of the vehicle. The subject complied and he was taken into custody without incident.	10
60.	40MM Launcher	Caller reported a suspect swung a bat at him several times trying to hit him. Officers responded to this felony assault and located the suspect. The suspect was uncooperative and said that officers would have to shoot him before he would go to jail. 40mm launcher was deployed as de-escalation attempts were made. Subject was successfully deescalated and was safely taken into custody.	10
61.	40MM Launcher	A detainee refused to exit his cell at the Berkeley Jail to be transported to court. He was yelling at officers and told them that force would have to be used to get him out of the cell. The detainee demanded to speak to an investigator. Two investigators were called from their office to respond and speak to this detainee in attempts to calm him. It did not work. He continued to yell and directed his	4

		anger at the investigators. 40mm launcher deployed in this incident. The detainee ultimately exited his cell on his own accord.	
62.	40MM Launcher	Employees at a restaurant called and reported a man loitering in the restaurant. When the manager asked him to leave the subject became aggressive and got into the manager's face. The subject picked up a knife and wrapped it with a napkin. The manager reported it to be a "shank." 40mm launcher deployed when officers arrived on scene. The officers told the subject that all the business wanted was for him to leave. The subject was hesitated at first, but ultimately left.	14
63.	40MM Launcher	Hospital staff called and reported a subject in the ER waiting room throwing things and being violent. The caller reported that this was the same subject in the past where it took 9 employees to restrain. Officers were familiar with the subject and knew he had a history of violence as well as fighting police. 40mm launcher deployed. Subject was deescalated by officers and placed on a psychiatric evaluation hold.	8
64.	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher	The Special Response Team served a search warrant in connection to an armed-robbery series. This case is also connected to an incident where the suspect rammed two patrol vehicles and threw a handgun out the window after a patrol officer attempted to stop him. The suspect was located and arrested and evidence was seized.	Outside City Limits
65.	FN303	Caller reported a subject threatened him with a large knife. FN303 launcher deployed as officers contacted the subject and detained him. The subject was cooperative. The large knife was located, but it turned out to be a fake plastic knife. Both individuals separated from each other and no arrest was made.	13
66.	Patrol Rifle	Callers reported a subject with a gun and was waving it in the air. The caller followed the subject while providing updates to officers. Patrol rifle deployed as officers located the subject and detained him. A replica pistol was located as well as methamphetamine and hypodermic needles. The subject was place on a psychiatric evaluation hold.	15
67.	40MM Launcher	A victim was sleeping when someone broke into his apartment armed with a hammer and tire iron. The victim fled the apartment and called the police. 40mm launcher deployed. Officers entered the apartment and located the suspect inside. The suspect was in possession of stolen property as well as a hammer and tire iron nearby. The suspect was arrested for burglary.	16
68.	Patrol Rifle	A victim called and reported that he was shot at by a suspect that he knew. The victim reported that the suspect had pointed the gun at his head, but thankfully he ducked when the suspect opened fire so the bullet missed his head. He provided the suspect's name and location. Officers responded and located the suspect. Patrol rifle deployed as they detained the shooting suspect. He was arrested. During a search warrant service, the suspect's firearm was located.	17
69.	40MM Launcher	Caller reported he locked himself and his brother in the basement away from their older brother who was coming off of methamphetamine and threatening to kill both of them. The caller reported that the older brother is enraged and had a gun in the house. The caller did not know if the older brother was armed with the gun but reported that he may be armed with a knife. 40mm launcher deployed as officers ordered the subject/older brother to exit the house. The	1

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		subject complied and was detained. It was determined that the accusations the caller made was not true. The mother of the three brothers was contacted. No arrest was made.	
70.	Patrol Rifle	Officers responded to an armed robbery where the suspect was armed with an AR-15 style rifle. An area check for the suspect and get-away vehicle was conducted, but officers were unsuccessful in locating the suspect. Approximately 6 hours later, officers located the suspect vehicle occupied by a driver. Officers attempted to stop this vehicle, but it fled and almost collided with several vehicles when it failed to stop for traffic lights. The suspect ultimately jumped out of his car and ran. Patrol rifle deployed as officers secured a perimeter so they could conduct a search for the suspect. He was located by officers hiding on the roof of a residence. He was arrested for armed-robbery.	11
71.	Patrol Rifle	Caller reported a fight involving twelve individuals where one person pulled out a gun and shot someone. A suspect and get-away vehicle descriptions were provided. Officers located a car and possible suspects that matched the descriptions provided by the caller. Patrol rifle deployed as officers initiated a high-risk stop. The person stopped proved not to be the suspect and was released. The suspect was not located; however, a victim was later located at the hospital suffering from a non-life-threatening gunshot wound.	4
72.	FN303	Caller reported someone walking down the street with a large amount of blood on him. Another caller reported that the victim was possibly stabbed by a suspect. A suspect description was provided. Officers located this suspect and deployed FN303 launcher as they detained him. Victim was located and advised that he was involved in a scooter accident and was not stabbed.	4
73.	Patrol Rifle, 40MM Launcher	Investigators served an arrest warrant on 64-year-old suspect in the forced oral copulation of a 14-year-old child. Patrol rifle and 40mm launcher deployed as Investigators served the warrant. The suspect was located and arrested.	City Limits Outside
74.	Patrol Rifle, FN303	A victim called the police after someone pointed a gun and threatened to kill her. The suspect was located, but he entered his house and refused to come out. Officers employed de-escalation and negotiation techniques and convinced the suspect to exit his house. Patrol rifle and FN303 launcher deployed as the suspect was detained. He was arrested for pointing a gun and threatening to kill the victim.	5
75.	Patrol Rifle	Officer located and followed a stolen vehicle. Patrol rifle deployed as officers conducted a high-risk felony car stop. The driver was arrested. He was on probation and had methamphetamine in his possession.	City Limits Outside
76.	Patrol Rifle	Caller/employee of a business reported someone attempting to steal a company vehicle. Officers located the company vehicle with the ignition on and suspect still in the driver seat. Patrol rifle deployed. Officers contacted the suspect and arrested him for attempting to steal the vehicle. He was already on probation for stealing cars.	13
77.	40MM Launcher, Patrol Rifle	Smithfield Police Department in Rhode Island reported a victim was scammed out of \$50,000 and the suspect was in a hotel in Berkeley. Officers contacted the hotel staff and they provided a room number to the suspect. A search	14

		warrant was signed by a local judge to search/detain the occupants in that room. 40mm launcher and patrol rifle were deployed during the service of the search warrant. No suspects were located	
78.	FN303,40MM Launcher	Caller/hotel manager reported a hotel guest being belligerent and throwing trash from the third story. Officers arrived and contacted the subject in the room where the subject challenged the officers to a fight. Officers left to speak with the manager who advised she was going to refund the subject his money and wanted him removed from the property. Officers recontacted the subject with the manager. The manager and the officers asked the subject to leave, but he refused and grabbed a bottle of pepper spray and threatened to spray the officers. The officers retreated and waited for backup. 40mm launcher deployed. Officers contacted the subject again and took him into custody.	15
79.	40MM Launcher	Caller reported a domestic dispute involving an ex refusing to leave her apartment. She provided the suspect's name and said that he will fight the police. Officers knew this person as a subject with a long history of violence and assault on police officers. 40MM launcher deployed as officers contacted the subject and negotiated his surrender. He was arrested for violating a restraining order protecting the victim and for violating his probation.	9
80.	Patrol Rifle	Investigators were conducting surveillance on a suspect related to a case where the suspect shot at a witness during a catalytic converter theft. The investigators attempted to detain the suspect, but he fled on foot. Investigators chased the suspect as the suspect threw a backpack. Investigators caught the suspect and detained him. They recovered the backpack containing methamphetamine and a ghost gun with 15 rounds inside. Investigators then served a warrant at the suspects hotel room. Patrol rifle deployed as entry was made into the hotel room. Ammunition, a reciprocating saw, extra saw blades, and vehicle jacks were located. Evidence was seized and the suspect arrested.	Outside City Limits
81.	40MM Launcher	Caller/sister reported her brother was suicidal. She reported that her brother takes drugs. The mother took the phone from the daughter and reported that her son was on methamphetamine and was holding a large knife to his own neck. Then dispatch heard the caller/sister screaming. 40mm launcher deployed as officers arrived on scene. Subject ran out of the house and threw the knife. Officers detained the subject and placed him on a psychiatric evaluation hold.	16
82.	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher	An armed robbery occurred where one suspect pointed a gun at the victim's face while a second suspect beat up the victim and stole his property. Investigations lead to several search warrants including a high-risk warrant served by the Special Response Team. The LRAD was used to communicate with occupants in the residence. Two AR-15 pistols and a handgun were located during the warrant service. This case is an on-going investigation.	9
83.	Patrol Rifle	Victim called the police and reported a violent domestic violence situation. Dispatch reported hearing a violent confrontation between the victim and suspect/boyfriend. The victim reported that the suspect had a gun and pointed it at his head and threatened suicide. Officers responded and formed a perimeter around the residence. Patrol rifle deployed. The victim was located and so was the suspect. He was arrested. The gun was located and seized.	9
84.	40MM Launcher	Detainee in the jail refused to be transported to the Santa Rita Jail. He was screaming at officers and made threats to fight them. Attempts to deescalate	4

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		the subject were unsuccessful. 40mm launcher deployed as officers opened the cell door and handcuffed him. He did not fight the officers and was transported to the Santa Rita Jail.	
85.	40MM Launcher, FN303	Caller reported a man waving a knife inside of a BART train in Berkeley. The caller reported that this man was "acting weird." BART PD requested emergency assistance. FN303 and 40mm deployed. Subject was located and detained.	4
86.	Patrol Rifle, 40MM Launcher	Investigators were serving an arrest/search warrant for child abuse. Patrol rifle and 40mm launcher were deployed as investigators entered the residence. The suspect, mother of the reported child abuse case, charged at a detective with a large kitchen knife over her head. She plunged the knife downwards into the detective's chest. The knife did not puncture his Kevlar vest, but broke his body worn camera. 40mm launcher was utilized, but she held onto the knife. The detective and the suspect fell onto the floor where they struggled for the knife. She cut a supervisor's finger before the knife was wrestled out of her hand. She was placed on a psychiatric evaluation hold and subsequently charged with attempted murder.	8
87.	40MM Launcher	A caller reported two males acting suspiciously in a vehicle and provided dispatch with the vehicle's license plate. A records show that the car was a vehicle that was carjacked via handgun from Oakland. Officers responded and located the car. 40mm launcher was deployed as officers detained the driver. He was arrested.	12
88.	FN303	A caller reported being assaulted with a sword as the suspect chased her. The caller provided a suspect and suspect vehicle description. A supervisor located the vehicle and conducted a vehicle stop. 40mm launcher deployed as officers detained the suspect. The caller refused to participate in the investigation and walked away from the officer. The suspect provided his version of what occurred and was released at the scene.	5

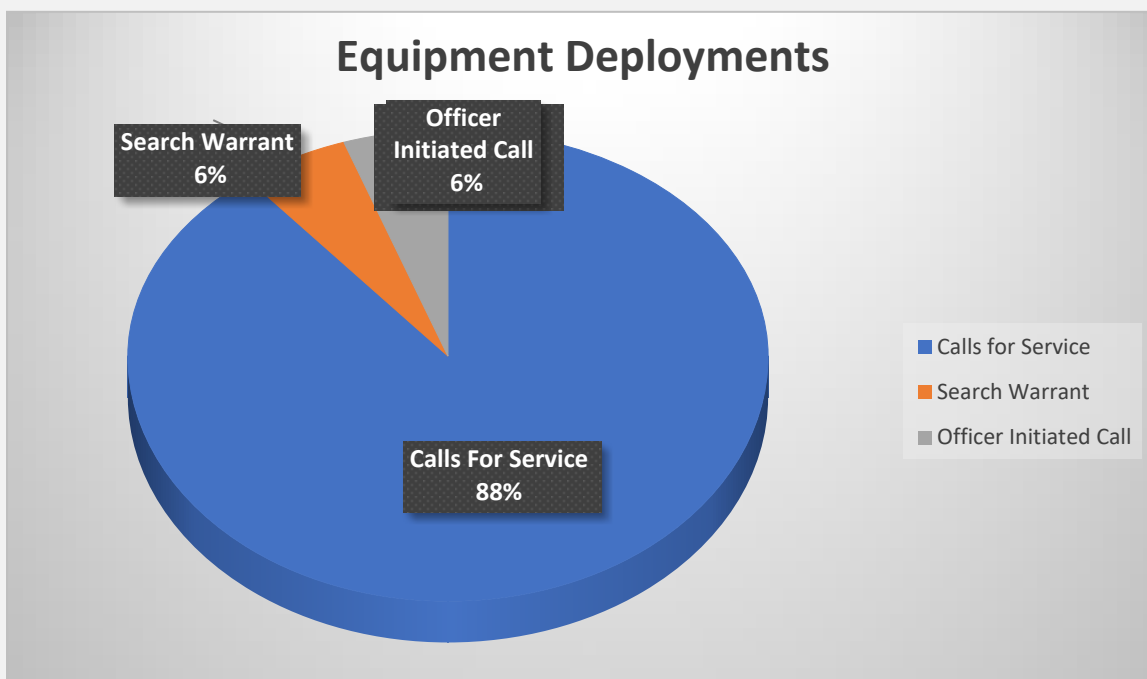
Below is a table that shows the total number of times a specified equipment was deployed in 2022. It should be noted that different types of equipment may be deployed in one incident and the same equipment may be deployed by multiple officers within a single incident.

EQUIPMENT	Number of Deployments
Patrol Rifle	43
40MM Single Launcher	50
40MM LTL Multi-Launcher	0
FN 303 Launcher	20
FN Pava Impact Projectile	0

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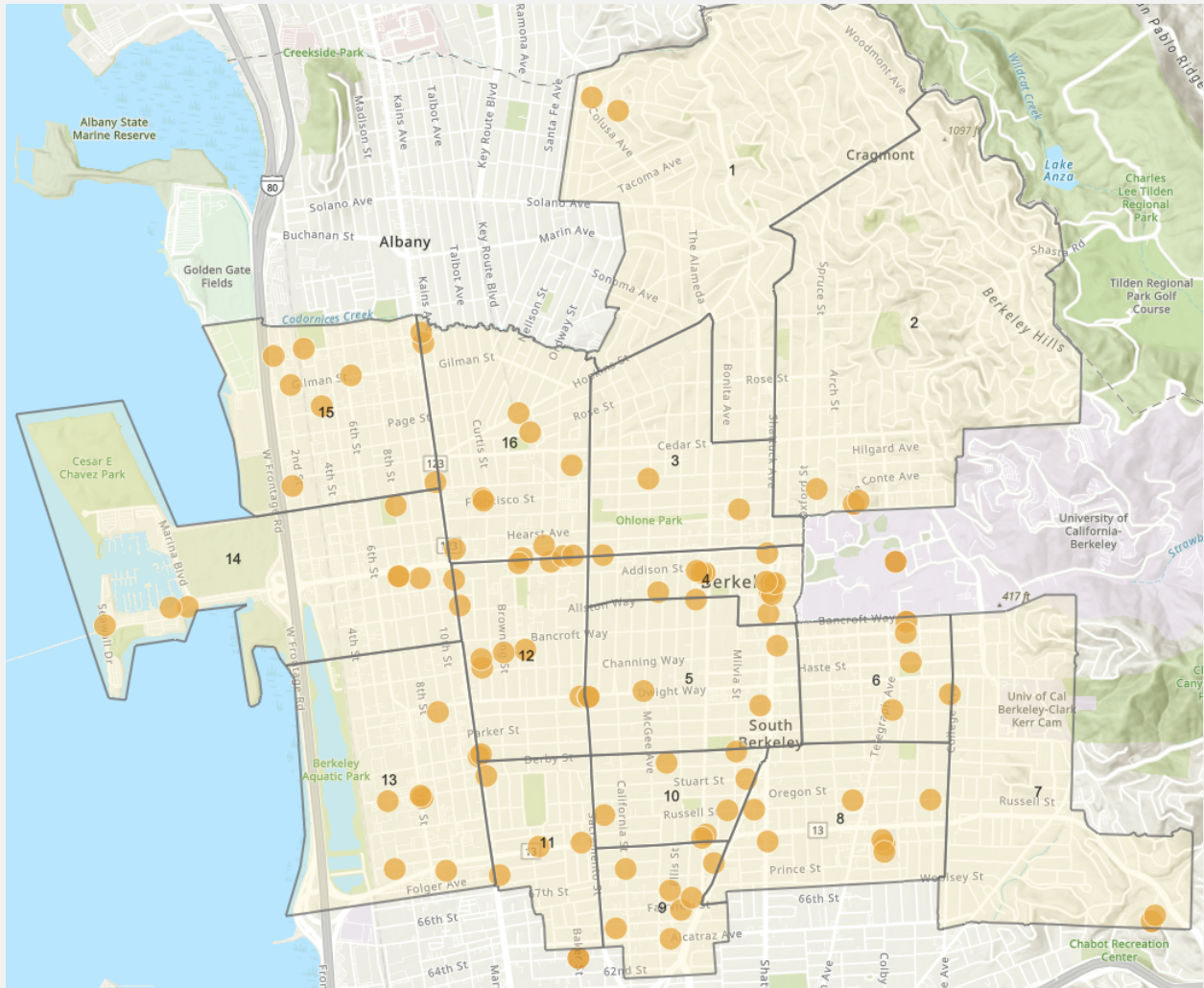
Oleoresin Capsicum Spray	0
Chlorobenzylidene Malonitrile and Oleoresin capsicum	0
Remington 700 Rifle	3
Light/Sound Diversionary Device	3
Long Range Acoustic Device	5
36" Batons	0
Barret Model 99	0

Below is a pie chart that represents in percentage the equipment deployments that were in response to 5 search warrants, 5 officer initiated calls, and 78 calls for services.



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Below is a map showing where each of the above 88 equipment deployments occurred in Berkeley. 9 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)

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)


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Barret Model 99

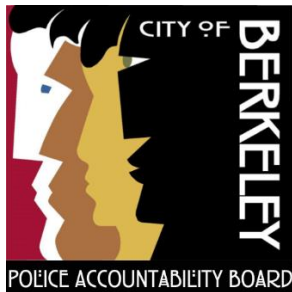
- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)



MEMORANDUM

Date: April 21, 2023
To: Jennifer Louis, Interim Chief of Police
From: Hansel A. Aguilar, Director of Police Accountability 
Cc: Police Accountability Board
Subject: Transmittal of the PAB's Recommendation on the Berkeley Police Department's Police Equipment and Community Safety Ordinance 2022 Annual Report

This memorandum serves to notify the Berkeley Police Department (BPD) that during the Police Accountability Board's (PAB) Regular meeting on April 11, 2023, a memorandum was voted on concerning the BPD's Police Equipment and Community Safety Ordinance 2022 Annual Report. The PAB reviewed the report and determined that it complied with BMC 2.100, with the exception of a minor edit that was specified in the PAB's memo to Council. The PAB has recommended that the Council accept the report provided that the necessary edits are made to ensure compliance with BMC 2.100.050(A)(1), as outlined in the attached memorandum. If the BPD has any questions or concerns, please do not hesitate to contact the Director of Police Accountability.



RECOMMENDATION

Date: April 11, 2023
To: Jennifer Louis, Interim Chief of Police
From: Police Accountability Board
Cc: Honorable Mayor and Members of the Berkeley City Council
Subject: Berkeley Police Department's Police Equipment and Community Safety Ordinance 2022 Annual Report

Background:

In May 2021, the Berkeley City Council approved the Police Equipment and Community Safety Ordinance (Ordinance No. 7,760-N.S.), which requires the Berkeley Police Department to provide an annual report on the deployment of specific equipment. The report is to be reviewed by the Police Accountability Board (PAB), which will assess compliance with the relevant approval standards set forth by BMC Section 2.100.040. If any equipment is found to be non-compliant with the standards set forth by BMC 2.100.040, the PAB "shall recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations shall be forwarded to City Council in accordance with the approval process in Section 2.100.040." The PAB shall make these determinations based on the content of the report.

BMC Section 2.100.050(A)(1)(a) – 2.100.050(A)(1)(e) provides minimum reporting requirements for the use of Controlled Equipment. Those reporting requirements are the following:

- a. Production¹ 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.
- 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.

The PAB shall make recommendations based on compliance with the standards outlined in these sections.

The Office of the Director of Police Accountability (ODPA) received the Police Equipment and Community Safety Ordinance 2022 Annual Report from Interim Chief Jennifer Louis on February 17, 2023. The report was scheduled for review at a regular meeting of the PAB within 60 days of receipt, specifically on April 11, 2023. This memorandum provides the PAB's recommendation on the presented Police Equipment and Community Safety Ordinance 2022 Annual Report following the standards for approval outlined in Section 2.100.040.

¹ BMC Section 2.100.050(A)(1) includes the word "production," but it is assumed that it is a typographical error and that the intended word is "product." The Board believes that "production" is a typographical error because the term does not appear elsewhere in the policy and it is not commonly used in the context of the regulation.

Recommendation:

The PAB recommends to the Council that they consider accepting the BPD's report, subject to the condition that the required edits are made to ensure compliance with BMC 2.100.050(A)(1) as detailed in this memorandum.

Analysis:

As previously stated, BMC 2.100.050(A)(1) requires meeting five specific requirements for the report. This memorandum presents a recommendation that was developed by examining the available information and assessing each section's compliance with the criteria. Where appropriate, suggestions were made to improve the information's transparency or clarity. Please refer to Table 1 titled "Compliance Status Overview: Requirements of BMC 2.100.050" for a summary of the compliance status.

Table 1. Compliance Status Overview: Requirements of BMC 2.100.050		
Ordinance No.	Description	In compliance with the ordinance?
2.100.050(A)(1)(a)	Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.	Yes.
2.100.050(A)(1)(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.	Yes.
2.100.050(A)(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.	No.
2.100.050(A)(1)(d)	A summary of any complaints or concerns received concerning Controlled Equipment.	Yes.
2.100.050(A)(1)(e)	The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.	Yes.

Requirement 1 – Product descriptions for Controlled Equipment and inventory numbers of each product in the Police Department’s possession.

To comply with BMC 2.100.050(A)(1)(a), the BPD must furnish product descriptions and inventory levels for every piece of controlled equipment in its possession. In accordance with this requirement, the BPD has listed eleven different pieces of equipment and six types of ammunition and/or projectiles, along with their respective inventory levels. Even though the BPD included an appendix containing the pertinent policies that define and detail every controlled equipment, the report proper didn't incorporate these descriptions. The PAB advises the BPD to improve compliance by including concise descriptions of all their controlled equipment and referring to the comprehensive descriptions provided in the Impact Statement of the Police Equipment and Community Safety Ordinance in the body of the report.

Requirement 2 – A summary of how Controlled Equipment was used.

To comply with BMC 2.100.050(A)(1)(b), the BPD must provide a summary of how Controlled Equipment was used. For this reporting requirement, “use” of equipment refers to deployment and not transfers between locations or placement inside department vehicles. On page five of the report, the BPD provides a summary of various incidents in which one or more pieces of controlled equipment were used. The presented chart includes the name of the equipment, a summary of the event, and the beat where it was used. Based on the provided criteria, the PAB believes that this requirement has been met.

Requirement 3 – Geographical breakdown of Controlled Equipment Usage by Police Area; Reporting days/instances of use; Authorized Usage Percentage

To comply with BMC 2.100.050(A)(1)(c), three criteria must be met. The first requirement is a geographical breakdown of where Controlled Equipment was used by individual police area. The second requires that for each police area, the BPD must report the number of days or instances in which Controlled Equipment was used. Lastly, the BPD must record the percentage of the reported uses which were authorized by warrant and by non-warrant forms of court authorization. Both the first and second requirements

have been deemed adequately fulfilled by the PAB, while the third requirement requires minor changes to ensure compliance.

To ensure compliance, the PAB asks that the BPD record the percentages of the daily reported uses which were authorized by warrant and by non-warrant forms of court authorization. Currently, the BPD provides a count of the uses of each specific piece of controlled equipment and the beat in which the equipment was used, and it provides limited insight as to the method of authorization. The provided data states that five out of eighty-eight deployments were a result of a warrant, five were officer initiated, and the rest were a result of calls for service. To meet the requirement for the reporting of the authorized usage percentage, the aforementioned values should be calculated as percentages. Additionally, although not required, the PAB recommends that a chart or infographic be included for reader accessibility purposes.

Requirement 4 – Summary of any complaints or concerns received concerning Controlled Equipment

BMC 2.100.050(A)(1)(d) requires that a summary of any complaints or concerns received concerning Controlled Equipment be provided. The BPD reports that it did not receive any complaints concerning the use of the controlled equipment in its possession. Based on the information provided in this report and the requirements of the BMC, the PAB believes this requirement has been sufficiently met.

Requirement 5 – Results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

BMC 2.100.050(A)(1)(e) requires that the BPD disclose the results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response. In their report, the BPD states that “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.” Based on the information provided in this report and the requirements of the BMC, the PAB believes this requirement has been sufficiently met. However, the PAB notes that

while BMC 2.100.050(A)(1)(e) seeks the results of any internal audits, it does require the BPD to conduct and report the internal audits. It is important to determine if the legislative intent of the Council was for BPD to conduct annual audits. Having that clarification will ensure that BPD is complying with the BMC as intended.