

Lee, Katherine

From: Cindy Shamban <cshamban@comcast.net>
Sent: Monday, September 7, 2020 10:03 PM
To: Lee, Katherine
Subject: Comments to Equipment Ordinance Subcommittee
Attachments: Militarizedequipment920.pdf

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Dear Ms. Lee:

I am hoping you will be able to forward this letter to the 3 commissioners who are apart of the above named Subcommittee.

Thank you for your assistance.

Best Regards,

Cindy Shamban

To Commissioners Nathan Mizell; Elisa Mikiten and Julie Leftwich:
Attn: KLee@cityofberkeley.info

My name is Cindy Shamban, a resident of District 4. I am writing now as you are on the Subcommittee on Police Acquisition and Use of Controlled Equipment Ordinance. As you are working on bringing this item to the full Police Review Commission with recommendations, I thought it was appropriate to write to you on why I support this legislation.

I am in strong support of the ordinance because I have seen the danger of bringing this equipment into the weapons arsenal of the Berkeley Police Department. Berkeley faced litigation for abuse of equipment, chemical agents, and impact munitions as a result of a Black Lives Matter protest in 2014. There is always the potential for a police department to use weapons they have since they are there. Often times, the use of militarized equipment and the presence of police in riot gear can make a protest more confrontational.

Berkeley Stops data indicates Black people are more likely to be stopped for traffic violations than White people. As we have seen, too many Black people who have been stopped end up dead by local police shootings. It is a potentially dangerous situation for Black drivers in our City and anywhere.

This puts Black people at greater risk of being subjected to militarized equipment than white people - another reason why BPD should have clear and strict use policies for equipment including personnel equipment and transparent reporting when this equipment is used.

Another concern I have is around Mutual Aid. Under the rules of Mutual Aid, it is my understanding that if a responding Police department or the Sheriff's department comes into Berkeley, they can bring in any equipment they want. However, the idea is that if the equipment goes beyond what is allowed in Berkeley, they would put that equipment aside. This is naive thinking and again, if it is there, it will be used. An assumption is being made that the police department responding to a Mutual Aid request would respect the rules of the requesting department. Would there be time to go over the City's rules of what is allowed? Would a Berkeley Police Officer or Supervisor have control over each police department and the Sheriff's department.

Once several years ago, I was walking on Allston Way. As I passed McKinley Street between Allston and Addison, there was a police contingent from I believe Hayward. They had an armored vehicle which looked like a tank driving towards Allston. As I didn't follow, I don't know where they were headed, but I was shocked to see it on the streets of Berkeley.

To Commissioners Nathan Mizell; Elisa Mikiten and Julie Leftwich:
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I am also concerned that there is no requirement for BPD to disclose what sort of equipment they have. What are the financial costs, adverse impacts, alternatives to the equipment, of use, whether use was connected to a warrant, whether equipment involves third parties, or number of times the equipment was deployed (unless it was a use of force). BPD never responded Public Records Act request for information on the SWAT equipment it already possesses.

It seems to me that the BPD has always been reluctant to share its' data with the Police Review Commission and the City Council. It is promised and mostly "forgotten" by the PD. Either the information is not provided or comes in much later than any deadlines set.

For these reasons, I strongly support the Police Acquisition and Use of Controlled Equipment Ordinance.

Regards,

Cindy Shamban
District 4

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Cindy Shamban
District 4

Lee, Katherine

From: Chris Chavers <CChavers@afsc.org>
Sent: Monday, September 7, 2020 7:17 PM
To: Lee, Katherine
Subject: This letter is for the PRC committee

WARNING: This email originated outside of City of Berkeley.
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Dear Commissioner's,

I would like to firstly thank you for the work that you do and taking the time to read this letter. I'm not writing to you as someone who works to get this ordinance approved a, but I'm writing to you as a Black man that has lived in Berkeley, California and has witnessed Berkeley police officers. I'm not arguing that there will need to be grammar edits, or changes that make the ordinance flow more functional. I don't have an argument because what I'm saying to you is factual, and the fact of the matter is that this police department needs this ordinance for militarized equipment. Police departments in this country all should and need to be held accountable for their actions. I don't need to tell any of you what happens between police officers and people within communities, you watch the news, you've seen the same as me but the difference is that not all of you have had to be me. Not all of you were a black member at the protest in 2014 when Berkeley PD and witnessed the abuse of "equipment" against black and brown protesters. Some of you, unlike myself have the pleasure of not needing to worry about rather Berkeley PD discloses what or how much equipment it currently has, the financial costs, adverse impacts, alternatives to the equipment, locations of use, whether use was connected to a warrant, whether equipment involves third parties, or number of times the equipment was deployed (unless it was a use of force) because right now they don't have to. BPD never responded Public Records Act request for information on the SWAT equipment it already possesses. Ordinances require true transparency and mechanisms for enforcement. Many police departments are acting and using ordinances, just like the one being proposed. I would like for those who don't sit in my position with law enforcement and don't suffer at the hands of white supremacy and systemic racism to understand the measures that need to be in place and taken to protect black and brown people within your community. To truly understand what is at risk and what's been at risk here, which are people's lives. Please do your black and brown community members the justice, leadership, and accountability they truly deserve.

Sincerely,
Chris Chavers