



Police Review Commission (PRC)

SUBCOMMITTEE ON POLICE ACQUISITION & USE OF CONTROLLED EQUIPMENT ORDINANCE

Commissioners Mizell (Chair), Leftwich, Mikiten

**Tuesday, September 22, 2020
12:00 p.m.**

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the City of Berkeley Police Review Commission's Subcommittee on Police Acquisition & Use of Controlled Equipment Ordinance will be conducted exclusively through teleconference and Zoom videoconference and there will not be a physical meeting location available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/87979306346>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 879 7930 6346. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)

4. OLD BUSINESS (discussion and action)

Continue review of proposed ordinance regulating police acquisition and use of controlled equipment.

*(See materials posted for this subcommittee at:
<https://www.cityofberkeley.info/ContentDisplay.aspx?id=12962>)*

5. SCHEDULE NEXT MEETING DATE

6. ADJOURNMENT

Communications Disclaimer

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Communication Access Information (A.R.1.12)

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public by being posted on the Police Review Commission's web page within three business days of the meeting.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

Long Range Acoustical Device (LRAD)

707.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures related to the proper use and deployment of a Long Range Acoustical Device (LRAD).

707.2 POLICY

It is the policy of the Berkeley Police Department that a Long Range Acoustical Device (LRAD) be used with live or recorded voice messages to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communication are ineffective or inoperable to unequivocally communicate messages from Police, Fire or other City Departments and safely resolve uncertain situations where communicating with the public is paramount. LRAD 100X and 450XL are not designed to be used as a weapon. Members of the Berkeley Police Department shall not use either LRAD system as a weapon.

707.3 DEFINITIONS

The Berkeley Police Department has two LRAD systems:

- (a) The LRAD 100X system, which is a portable device and can be carried by one person, and
- (b) The LRAD 450XL system, which is a portable device and can be mounted to a vehicle.

LRAD systems have the capability to provide highly effective long range communication. The systems broadcast clear messages or voice commands. The systems can help to de-escalate situations and safely modify dangerous and criminal behavior through clear, unambiguous direction and communication.

LRAD systems are able to broadcast instructions and messages with greater clarity and distance than traditional loudspeakers or public address systems. The systems can effectively broadcast messages through wind, crowd, engine and background noise. LRAD broadcasts can be clearly heard by people inside vehicles and buildings. The LRAD's clear communication leads to a safer environment during critical incidents and enhances the safety of the community, criminal subjects, and public safety personnel.

707.4 USE OF THE LRAD

Law enforcement agencies may use the LRAD to:

1. Communicate lifesaving information to residents during disasters
2. Communicate to large crowds during parades, festivals, concerts and sporting events
3. Establish safety zones and humanely enforce perimeters
4. Control traffic congestion
5. Conduct Special Response Team operations

Berkeley Police Department

Law Enforcement Services Manual

Long Range Acoustical Device (LRAD)

6. Disperse crowds
7. Communicate during hostage and barricaded subject situations
8. Serve high risk search warrants
9. Communicate to protesters
10. Communicate to persons threatening suicide who are in an inaccessible location
11. Conduct search and rescue operations

707.5 APPROVAL

An LRAD may only be deployed with the approval of the Watch Commander or Incident Commander. However, if a rapidly evolving situation places the public or law enforcement in danger or where serious property damage is probable, trained personnel are permitted to deploy the LRAD prior to approval. The scene supervisor shall ensure that the Watch Commander or Incident Commander is notified as soon as practical.

707.6 MAINTENANCE

The Logistics Element of the Special Response Team will store and maintain the LRAD systems.

707.7 TRAINING

LRAD systems may only be deployed by personnel who have been properly trained in its use and procedures. The Personnel and Training Bureau shall ensure a list of officers trained to deploy the LRAD is maintained.

Lee, Katherine

From: MJ Baumann <feenieb@gmail.com>
Sent: Thursday, September 10, 2020 8:19 PM
To: Lee, Katherine
Cc: MJ Baumann
Subject: attn PRC committee members: Mizell, Mikiten, and Leftwich

Follow Up Flag: Flag for follow up
Flag Status: Flagged

WARNING: This email originated outside of City of Berkeley.
DO NOT CLICK ON links or attachments unless you trust the sender and know the content is safe.

Dear PRC sub committee members:

I am a Berkeley resident writing to express **my strong support** for the proposed ordinance to control Berkeley PD's militarized and SWAT equipment, including assault rifles, launchers of "less lethal" projectiles, battering rams, pepper spray, explosives, riot batons, armored vehicles, and the sound cannons known as Long Range Acoustic Devices (LRADs).

The proposed ordinance on special equipment is **very similar to Berkeley's surveillance equipment ordinance**, which is being implemented and is contributing to a more coherent policy for acquisition and use of surveillance equipment. This ordinance would do the same for special equipment, which is used in crowd control, in SWAT deployments, and is often perceived as military.

Berkeley has faced litigation for abuse of equipment that BPD or outside agencies used in Berkeley at Black Lives Matter protests in 2014, including **batons, chemical agents, and impact munitions**.

It is essential to the safety of our community that ordinances of this nature be implemented given the knowledge of the abuse of police power in Berkeley and throughout this country.

I will rest better at night if the PRC adopts this ordinance, a move that is consistent with the actions of other communities in New York, New Jersey, Montana, Oregon, Washington and others.

Please do the right thing and ensure the proper oversight of this deadly, and unnecessary militarized equipment.

Sincerely,
MJ Baumann
1301 Walnut St
Berkeley CA
94709