

September 29, 2020

Fellow Commissioners,

Having concluded our work on the subcommittee on Police Acquisition & Use of Controlled Equipment, I wanted to point you in the direction of two issues we will need to address tomorrow.

- **The Department's Standard issue rifle, the Colt M4 should be included on the controlled equipment list. (2.100.020 Definitions, #8)**
  - Including the standard issue rifle, does not restrict its use by BPD (unless the department fails to submit a use policy and an equipment statement in a year)
  - Including the Standard issue, rifle doe sallows for full public participation in the scope of usage and utilization of the rifle.
  - Including the Colt M4 would is unlikely to be burdensome for the Department to report with a small addendum
    - I suggest including adding "for the purposes of this section, "use" is defined as the public deployment of equipment. Internal transfer and/or deployment of equipment (e.g. Transferring a rifle from BPD to the car, vice versa) is exempt from use tracking."
- **(H) City Council Process should remain as written in regards to automatic review (Acquisition and Use of Controlled Equipment 2.100.300, H)**
  - It is clear that this policy designates certain types of equipment as necessitating a more comprehensive review process. Council's role in this process is pivotal to produce the necessary transparency and public awareness that should be present for items on the Controlled Equipment list.
  - Arguments that such transparency would burden the Department are unfounded
    - No provision of this proposed ordinance prohibits City Council from placing consideration of Controlled Equipment Use Policy or Impact statement on the Consent Calendar.
    - More fundamentally, outside of such provision in California Law, it is up to the City Council what equipment the Department uses/possess. If use/acquisition of controlled equipment can only be enacted by circumventing city council, such a move would fall significantly short of the goal of this ordinance.
    - Removing this section (or leaving every individual approval at the discretion of council) realistically could lead to more debate in cases where a meeting is held to debate the merits of sending an item to the council, instead of an automatic process.

While a member of the subcommittee alleged I may be “pressured” into my position by some external force, I am happy to confirm to you and the public that my positions on what is best for all those who live, work, and travel Berkeley are based solely on the information presented at our meetings, my experience as a student worker at the San Diego County District Attorney’s office, several classes at UC Berkeley on constitutional law, policing and the broader criminal justice system, extensive reading on the aforementioned subjects and my lived experience as a Black man in America.

Sincerely,

Nathan Mizell

Chair, Subcommittee on Police Acquisition & Use of Controlled Equipment Ordinance\*

Titles for ID Only