

Lee, Katherine

From: Kitt Saginor <ksaginor@gmail.com>
Sent: Thursday, September 24, 2020 9:27 AM
To: Lee, Katherine
Cc: Kitty Calavita
Subject: Police Equipment and Community Safety Ordinance
Attachments: Colt M4 Carbine Spec Sheet.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Kathy,
Can you forward this message to the commissioners to me? If at all possible, can you keep the image embedded in the text instead of sent as an attachment? I sometimes have trouble with that when I forward things.
Thank you very much!
Kitt Saginor

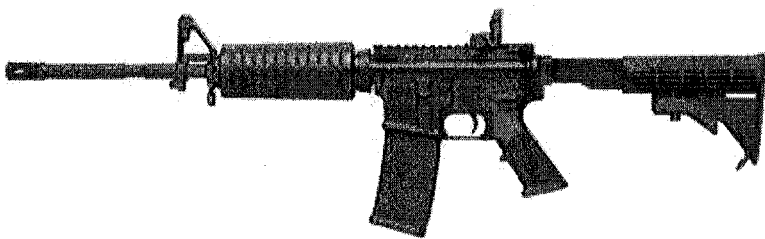
Subj: Police Equipment and Community Safety Ordinance

Dear Commissioners,

Thank you for your unflagging efforts to provide appropriate input and oversight to the Berkeley Police.

Next Wednesday you will meet to consider the Police Equipment and Community Safety Ordinance, which will place some requirements on the acquisition, use, and reporting on equipment, especially military equipment. This ordinance does NOT BAN any type of equipment, but it will provide enhanced oversight for the types of equipment that our police have and how they use these items.

The Police Department would like for the definition of firearms (2.100.020 Definitions (8)) to exclude the Colt M4, so that their use of it as the "standard issue rifle" can continue without any restrictions. From the [manufacturer's website](#), here's the Colt M4



It is a semiautomatic carbine that shoots 700 - 950 rounds per minute. All 30 rounds in its standard issue magazine can be fired in under 3 seconds. The [manufacturer's website](#) says that the Colt M4 carbine "**shares many features of its combat-proven brother, the Colt M4Chief.**" I am attaching the manufacturer's spec sheet.

At the subcommittee meeting, it was said that this firearm is already covered by the recently approved Use of Force policy. When you worked on that section in the Use of Force policy, were you picturing one of these - not just for the Special Response Team, but in every police cruiser? Were you thinking in terms of 30 rounds in less than 3 seconds? I am one member of the public who followed your deliberations closely without realizing that you were discussing a weapon of this type as a "standard issue" firearm to all police officers, not just the Special Response Team.

The police representative said that this weapon is nothing special, it's used by police departments around the country, and therefore should not get more scrutiny here than elsewhere. Isn't this contrary to the frequently expressed sentiment that in Berkeley we have an exceptional Police Department that does things differently and better than other police departments? If our police can meet a higher standard than those other cities, why not demonstrate that?

It was said that an examination of the Colt M4 isn't needed because they haven't been fired [except in training]. It was said that it would take too much time and be too much work for the police to provide the types of information that would be required by the ordinance. I hope you will agree that highly lethal firearms that are closely related ("brother") to combat weapons are worth taking that time and effort, especially since that time and effort will increase trust of the police within our communities.

Thank you for your careful consideration of this issue.

Kitt
ksaginor@gmail.com
415-860-4173

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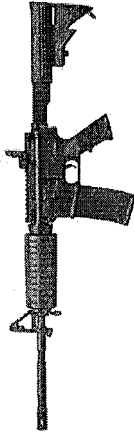
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BUILT ONE AT A TIME. PROVEN EVERY ROUND



COLT M4 CARBINE

UPC: 0902901932
Model: LE6920 M4 Carbine
SKU: LE6920

Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4. Ships with Magpul MBUS (no carry handle) and a 30-round Magpul PMAG.

Restrictions: California, Colorado, Connecticut, Massachusetts, Maryland, New Jersey, New York, Vermont, Hawaii

\$1099.00

Specifications

- Action: Gas Operated Semi-Auto
- Caliber: 223 Remington/5.56 NATO
- Barrel Length: 16.1"
- Capacity: 30+1
- Trigger: Standard
- Safety: Reversible Safety Selector
- OAL: 35.5"
- Weight: 6.95 lbs
- Stock: Black 4-Position Collapsible
- Metal Finish: Black
- Muzzle: A2 Flash Hider
- Receiver Material: 7075-T6 Aluminum
- Sights: A2 Front, Magpul Rear
- Barrel Description: Chrome-Lined
- Twist: 1:7"
- Purpose: Duty | Range
- Finish: Black
- Overall Length: 32 to 35
- Features: Front Barrel Lug / Ejection Port Cover

Lee, Katherine

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Tuesday, September 29, 2020 2:23 PM
To: Lee, Katherine
Subject: Tracking and Reporting Equipment

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to the Full PRC,

Listening to the subcommittee discussion on Controlled Equipment Ordinance and that reporting is overly burdensome.

It seems that there should be a presentation to the PRC in how equipment is assigned, tracked, maintained, available and protected.

Putting this in the context of the Pandemic, it was found that when equipment was needed to be dispersed it was found that the needed equipment was not functional and not available in adequate quantity.

kelly hammargren

Lee, Katherine

From: laurie winestock <riffleah@gmail.com>
Sent: Tuesday, September 29, 2020 2:29 PM
To: Lee, Katherine; Harrison, Kate; Davila, Cheryl; John Lindsay-Poland; berkeley-community-safety-coalition@googlegroups.com; Moni Law; Andrea Prichett
Subject: Studies-Military equipment increases violence against civilians AND police.
Attachments: MILITARIZATION OF POLICE - studies.pdf

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Studies-Military equipment increases violence against civilians AND police.

Studies show increased use of military weaponry and military vehicles by law enforcement agencies increases law enforcement acts of violence against civilians.

In addition, studies show increased use of military weaponry and military vehicles by law enforcement increases the percentage of assaults on law enforcement officers.

Laurie Winestock - concerned South Berkeley homeowner and resident of 22 years.

SEE ATTACHED PDF
OR
TEXT BELOW

Studies show increased use of military weaponry and military vehicles by law enforcement agencies increases law enforcement acts of violence against civilians.

"We find a positive and statistically significant relationship between 1033 transfers and fatalities from officer-involved shootings across all models."

In addition studies show increased use of military weaponry and military vehicles by law enforcement increases the percentage of assaults on law enforcement officers.

"this investigation analyzes the effects of purchases on the count of assaults on police officers." "while military grade weapons purchases exhibit a significantly positive increase on the risk ratio of assaults (on police officers) under a quadratic model."

STUDY-ONLINE-PDF
<https://archive.org/details/paper-doi-10.1177-2053168017712885>

STUDY-ONLINE
ALSO - same study in an online format. NOT PDF.
<https://journals.sagepub.com/doi/full/10.1177/2053168017712885>

"Does increased militarization of law enforcement agencies (LEAs) lead to an increase in violent behavior among officers? We theorize that the receipt of military equipment increases multiple dimensions of LEA militarization (material, cultural, organizational, and operational) and that such increases lead to more violent behavior. The US Department of Defense 1033 program makes excess military equipment, including weapons and vehicles, available to local LEAs. The variation in the amount of transferred equipment allows us to probe

the relationship between military transfers and police violence. We estimate a series of regressions that test the effect of 1033 transfers on three dependent variables meant to capture police violence: the number of civilian casualties; the change in the number of civilian casualties; and the number of dogs killed by police. **We find a positive and statistically significant relationship between 1033 transfers and fatalities from officer-involved shootings across all models.**"

Carriere, 2016; Wickes, 2015, work shows militarization actually leads to more violence against police.

CARRIERE, 2016 - access to document online:

<https://repository.library.georgetown.edu/handle/10822/1040783>

actual document online:

https://repository.library.georgetown.edu/bitstream/handle/10822/1040783/Carriere_georgetown_0076M_13196.pdf?sequence=1&isAllowed=y

"But why are these police being heavily armed? Is there truly a threat? **Using data on police equipment purchases provided by NPR and assaults on police officers provided by the FBI, this investigation analyzes the effects of purchases on the count of assaults on police officers.** Negative binomial regressions on state-month level data shows that the compounded summation of surveillance purchases have a negative, but substantively insignificant, effect on assaults across both linear and quadratic models, while **military grade weapons purchases exhibit a significantly positive increase on the risk ratio of assaults under a quadratic model.**"

WICKES, 2015 - restricted access

<https://repository.library.georgetown.edu/handle/10822/760998>

Creator

Wickes, Geoffrey Coleman

Advisor

Encinosa, William

Abstract

"While considerable popular and academic ire has been dedicated to the rather nebulous concept of "police militarization," very little research attempts to examine the tangible outcomes of issuing military equipment to law enforcement agencies. **This thesis attempts to fill this glaring gap in the literature by analyzing the impact of transfers of military equipment from the US Department of Defense to local, county, and state police departments on officer safety outcomes. Findings indicate that transfers may increase the incidence of assaults on officers, but that they have an extremely insignificant effect on the likelihood of officer injury.**"

Lee, Katherine

From: John Lindsay-Poland <JLindsay-Poland@afsc.org>
Sent: Tuesday, September 29, 2020 4:07 PM
To: Lee, Katherine
Subject: for PRC re Ordinance on Special Equipment
Attachments: LRAD court opinion.pdf

WARNING: This email originated outside of City of Berkeley.
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Dear Commissioners:

Tomorrow evening you will consider the draft of the proposed ordinance on Acquisition and Use of Special Equipment that the subcommittee is forwarding to you. We urge you to consider the following points:

- This ordinance aims to provide accountability and transparency for equipment that has an intense impact on community perceptions of police, because these types of equipment are experienced as weapons of war: assault rifles, battering rams, chemical agents and launchers, impact projectiles, armored vehicles, “sound cannons” (LRADs), and riot shields.
- The ordinance is modeled on the surveillance equipment ordinance. It provides for use policies, an impact statement (like the “acquisition report” of the surveillance ordinance); and reports on use of the equipment covered.
- Mutual aid should not be a back door by which visiting law enforcement agencies violate the standards established for policing in Berkeley. The ordinance must apply to these visiting agencies if they have equipment that regulated in Berkeley. However, Mutual Aid already provides for a chain of command that permits Berkeley officers to brief outside agencies on Berkeley policies and restrictions. In Oakland, a long-standing policy on mutual aid requires incident commanders to brief visiting agencies on prohibited equipment, which they are directed not to use and even leave behind. This ordinance spells out the requirement for Berkeley to only invite policing that is consistent with the City’s standards.
- The State of California considers assault rifles to be different from other firearms because of their capacity for rapid death at a distance, and outlaws them for civilian use. While law enforcement is authorized to use assault rifles (called “patrol rifles”), the impact on community-police relations of just the deployment of these weapons, when they are visible to members of the public.
- Long Range Acoustic Devices (LRADs, sometimes known as “sound cannons”) are not part of any category in Use of Force policy, and typically are not considered weapons; they are never considered to be firearms or munitions. They are sound devices and, like other things designed for non-weapon purposes, can be and have been used by law enforcement as a weapon. New York PD was successfully sued as a result of using LRADs during protests that people had permanent hearing damage. See the attached federal court ruling. BPD has developed a good use policy for LRADs, but there is no oversight or reporting on its use.
- The equipment covered by this ordinance is typically used either at protests, where they are publicly visible, or in SWAT (SRT) operations, where they often are not.
- The Use of Force Policy:
 - Mandates reporting on “types of force” used according to Levels 1, 2, 3, 4, but those Levels cover multiple types of weapons or equipment.
 - Does not break out uses of force with assault rifles.

- There is no reporting required by Use of Force Policy on deployments of armored vehicles or forced breaching of doors.
- Does not mandate reporting of deployments of militarized gear covered by this ordinance that did not result in uses of force. That includes chemical launchers that were deployed but not fired, long batons that were deployed but not used to strike someone
- Separately, we will send to the Commission a brief memo on how the equipment ordinance adds to and complements existing specific use policies for equipment that BPD already has.

I look forward to engaging with you on this important step to improving community-police relations, but creating accountability and transparency for equipment and weapons that community members experience as militarized.

best,
John Lindsay-Poland

American Friends Service Committee
California Healing Justice Program
Tel: 510-282-8983
Twitter: @johnlp3

cc: City Council Members