



Joshua Cayetano | Chair
Police Accountability Board
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July 1, 2026

VIA ELECTRONIC MAIL [Email]

Honorable Mayor & Members of the City Council

Council@berkeleyca.gov

2180 Milvia Street

Berkeley, CA 94704

Re: The Police Equipment Ordinance (Berkeley Municipal Code Chapter 2.100) and the Oversight Role of the Police Accountability Board

Dear Honorable Mayor and Members of the City Council,

On January 27, 2026, the Council adopted Ordinance No. 8,001-N.S., which rescinded and replaced the former Police Equipment and Community Safety Ordinance with a streamlined Police Equipment Ordinance, codified at Berkeley Municipal Code Chapter 2.100. As the Police Accountability Board (the “Board”) takes up the first annual report submitted under that revised framework, the Board writes to summarize, at a high level, what the revised Ordinance empowers the Board to do, and to underscore that the new framework accomplishes the consolidation the Board recommended last year.

What the Police Equipment Ordinance Empowers the Board to Do

The Ordinance positions the Board as the City’s standing civilian reviewer of the Department’s acquisition and use of covered police equipment, advising the Council at three principal stages.

Before acquisition or use. Before the Department may fund, acquire, or use a piece of covered police equipment, it must bring the Council a proposed Impact Statement and Use Policy, and it may not proceed until the Board has reviewed the proposal and made a recommendation and the Council has approved it. (BMC 2.100.050(A).) The Board reviews these items in open session, recommends that the Council adopt, modify, or reject the proposed Use Policy, and must recommend denial where the equipment does not meet the approval standards of Government Code section 7071(d)(1). The Impact Statement requirement is itself a local safeguard that state law does

not impose: it obliges the Department to set out each item’s capabilities, purpose, and fiscal cost, its potential impacts on the public’s welfare, safety, civil rights, and civil liberties, the mitigations the Department will adopt, the alternatives it considered, and any reliance on third-party vendors. (BMC 2.100.040(C).)

Through annual review. Each year, the Department submits a single report on its covered equipment. The Board must agendaize that report for an open session within sixty days, and may determine whether each type of equipment has complied with the substantive standards in state law. Where the Board finds non-compliance, it may recommend that the Council revoke the authorization for that equipment or modify the governing Use Policy to cure the deficiency, and it transmits its recommendations to the Council. (BMC 2.100.060.) The Board is exercising precisely this authority in its review of the 2025 Annual Police Equipment Report.

On a continuing basis. As part of its annual Work Plan, the Board may revisit any previously approved equipment or use policy and recommend that the Council revoke a prior approval; if the Council does not act on such a recommendation within four meetings, the Department must cease using the equipment. (BMC 2.100.050(E).)

Beyond these review functions, the Ordinance preserves the substantive scope and transparency features that distinguish Berkeley’s local framework from AB 481 alone. It extends oversight to categories of equipment that state law does not reach—including specialized firearms and ammunition under .50 caliber and batons thirty inches or longer—and requires the Department to report not only on “uses” but on “deployments,” together with a geographic breakdown of where equipment was used. (BMC 2.100.040.) It also renders unenforceable any contract term, including any non-disclosure agreement, that conflicts with the Ordinance, directs public disclosure of covered-equipment contracts, and preserves whistleblower protections. (BMC 2.100.070 - .080.)

The Revised Ordinance Achieves the Consolidation the Board Recommended

In its July 18, 2025 recommendation to the Public Safety Policy Committee, the Board urged the City to revise rather than repeal Chapter 2.100—to eliminate duplicative reporting without discarding the substantive oversight the Ordinance provides. The Board’s central observation was that the Department had been submitting two annual reports on military equipment that were nearly identical, and that this administrative duplication could be eliminated simply by consolidating them into a single report satisfying both AB 481 and local law, as the City of Oakland does. The Board cautioned that the duplication problem neither required nor justified discarding the local safeguards the community had spent years building.

The revised Ordinance incorporates the PAB’s recommendation. It now states, as an express purpose, the avoidance of “duplication of reporting and other effort” by the Department and the Board and it requires a single annual report that “incorporates the reporting requirements of both Government Code Section 7072 and local law.” The 2025 Annual Police Equipment Report now before the Board—a single, consolidated report containing both state and local reporting

requirements—is the first product of that revised framework. After conducting its review, the PAB, at its June 20, 2026 meeting, unanimously approved the 2025 Annual Police Equipment Report, with a recommendation that in future reports, the BPD include the total annual costs for each equipment category, including personnel training time.

The Board appreciates the Council’s decision to streamline the Ordinance rather than repeal it and looks forward to continuing to serve the Council and the public in this oversight role. We welcome any questions the Council may have about the Board’s authority under the revised Ordinance.

Sincerely,



Joshua Cayetano, Chair
Police Accountability Board

Cc: Paul Buddenhagen, City Manager
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Farimah Brown, City Attorney
Mark Numainville, City Clerk
Katherine Lee, Interim Director of Police Accountability