



City of Colusa California

STAFF REPORT

DATE: July 19 2022
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager, and Ryan Jones, City Attorney

AGENDA ITEM:

Subject: First reading of an Ordinance regarding AB 481- Military Equipment Policy for the Police Department

Recommendation: Hold first reading and read by title only an Ordinance regarding Military Equipment Policy for the Police Department

BACKGROUND ANALYSIS:

Assembly Bill 481 requires a Law Enforcement Agency (LEA) to obtain approval from the applicable governing body, via adoption of a “military equipment” use policy by Ordinance prior to the LEA funding, acquiring, or using military equipment. The policy was previously circulated to the Council.

The Colusa Police Department seeks City Council approval of an Ordinance in order to allow CPD to continue to use the vital equipment specified therein. Items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for LEAs throughout the country. These tools have been tested in the field, and are used by LEAs to enhance citizen safety, officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the CPD.

The term “military equipment”, as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers and flashbangs.

CPD is committed to using the most up to date tools and equipment to safeguard the citizens of Colusa. Many of items deemed to be “military equipment” by AB 481 are in fact employed by CPD, and LEA’s across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile

situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy, also provide CPD's peace officers with vital tools that facilitate compliance with its stringent use of force policy.

There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the tools identified below are vital to CPD's mission and will continue to be strictly regulated through internal processes and oversight. The proposed ordinance seeks to approve a policy which constitutes CPD's Military Equipment Use Policy. The policy outlines each item identified in Government Code section 7070, that is currently owned by the City or items that the City may acquire in the future.

The proposed policy provides a maximum number of each type of military equipment that CPD may acquire, use, deploy, and maintain at any given time. The policy does not include the current inventory that CPD maintains as of today. The current inventory will be periodically provided to City Council in the annual report as is required in AB 481.

The proposed policy safeguards the public's welfare, safety, civil rights and civil liberties. The policy ensures that there are safeguards, including transparency, oversight, and accountability measures in place. Violations of the policy will be corrected when discovered. Members of the public will be provided direction per the policy on how to register complaints for violations. All items which result in a use of force will be investigated, as is already required by existing CPD policy. Additionally, there are no reasonable alternatives to the items listed below. CPD has not discovered alternative items that can achieve the same objectives of officer and civilian safety.

BUDGET IMPACT: None

STAFF RECOMMENDATION. Hold a first reading of the Ordinance, read it by title only, and set it for second reading and adoption.

Attachment: Ordinance No. _____