



## Folsom City Council Staff Report

<b>MEETING DATE:</b>	6/10/2025
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 11394- A Resolution Renewing Ordinance No. 1326 and Determining that Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law
<b>FROM:</b>	Police Department

### **RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends the City Council receive the annual report and approve Resolution No. 11394- A Resolution Renewing Ordinance No. 1326 and Determining that Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law.

### **BACKGROUND / ISSUE**

On May 24, 2022, City Council first approved the use of certain ‘military’ type equipment to be in compliance with Assembly Bill 481, which as of 2022, required a law enforcement agency (LEA) to obtain approval from the applicable governing body, via adoption of an ordinance approving a “military equipment” use policy, prior to the LEA, acquiring, using, or seeking funds for military equipment. AB 481 defines “military equipment” broadly and creates explicit parameters for the military equipment use policy it requires.

As a result of City Council approval, City of Folsom Ordinance 1326 was enacted along with Folsom Police Policy 707. Ordinance 1326 was renewed by the Council on July 9, 2024.

AB 481 requires an annual report for each type of approved equipment. The law also requires City Council to review and vote on whether to renew the military equipment use ordinance at least annually.

## **POLICY / RULE**

### **Annual Report**

In accordance with Folsom Police Policy 707 and Assembly Bill 481 an annual report must be submitted to City Council. The requirements for the annual report are (in summary):

- Annual report submitted to City Council, summarizing how the equipment was used.
- The annual report must be made public.
- The results of any internal audits or complaints and actions taken.
- The total annual cost of applicable items.
- An inventory of how many applicable items are possessed.
- If the department intends to acquire additional applicable equipment in the next year, the type and quantity of equipment sought.

### **Ordinance Renewal**

AB 481 also requires the Council to review Ordinance 1326 at least annually and to vote on whether to renew the ordinance. As a part of this review, the Council must determine, based on the annual military equipment report described above, whether each type of military equipment identified in that report has complied with the following standards for approval:

- A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- B. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. If purchasing equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. Prior military equipment use complied with the military equipment use policy that was in effect at the time.

If the Council determines that each type of military equipment identified in the report has complied with the standards for approval, it may vote to renew the ordinance. If the Council determines that a type of military equipment identified in the annual report has not complied with the standards for approval, the Council must either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

## **ANALYSIS**

### **Annual Report**

The Police Department utilized several of the items listed in City of Folsom Ordinance 1326 as well as Folsom Police Policy 707 over the last year. These items were used in a variety of incidents including but not limited to: barricaded subjects, high risk incidents, critical incidents, high risk building entries, felony vehicle stops, suspect searches, missing person searches, outside agency assistance, training, etc.

Number of operational uses per applicable items:

1. Armored Vehicle (Bearcat)- 11
2. Drone (all)- 28
3. Tactical Robot (ICOR Mini Caliber)- 0
4. Long Range Acoustical Device (LRAD)- 4
5. SWAT Rifle- 21
6. Patrol/Officer Rifle- 26
7. Less Lethal Shotgun- 16
8. Less Lethal Munition Launcher- 2
9. Mobile Command and Communications Unit (MCCU)- 2
10. Anti Vehicle Barriers- 4
11. Diversionary Devices- 2
12. Less Lethal Baton- 0
13. Less Lethal Bean Bag- 0
14. Chemical Munitions- 2
15. Sniper Rifle- 0

Number of training uses per applicable items:

1. Armored Vehicle (Bearcat)- 7
2. Drone (all)- 10
3. Tactical Robot (ICOR Mini Caliber)- 3
4. Long Range Acoustical Device (LRAD)- 1
5. SWAT Rifle- 24
6. Patrol/Officer Rifle- 4
7. Less Lethal Shotgun- 5
8. Less Lethal Munition Launcher- 3
9. Mobile Command and Communications Unit (MCCU)- 3
10. Anti Vehicle Barriers- 0
11. Diversionary Devices- 4
12. Less Lethal Baton- 1
13. Less Lethal Bean Bag- 1
14. Chemical Munitions- 6
15. Sniper Rifle- 12

The Police Department has not received any community complaints regarding the use of “military equipment” during this reporting period.

Once submitted, a copy of this report will be placed on the Police Department’s website.

On September 10, 2024, the council approved Resolution No. 11256 accepting Department of Homeland Security grant funds awarded to the Police Department. As outlined in last year’s AB 481 compliance staff report, the Police Department’s intention was to utilize those funds to replace a tactical robot used by the SWAT team.

In May 2025, the Police Department received a new tactical robot. The robot is manufactured by ICOR (Model Mini Caliber) and will primarily be used by the department’s SWAT team. This robot is designed for rapid tactical missions and is easily operated from a handheld controller. Its capabilities include the ability to remotely search rooms, undercarriage of vehicles, hallways, stairwells, and confined spaces. It also gives the operator the ability to communicate with suspects/victims through a two-way omnidirectional microphone and see the inside of structures or vehicles with video capability. The robot also includes an extendable, rotating claw that simplifies opening door handles. As part of a de-escalation package, the robot can also be used to deliver equipment, such as a phone or medical supplies, establish communication with suspects/victims during an extended incident without exposing personnel.

The SWAT team is currently still in the training and familiarity phase with this piece of equipment. It will be utilized operationally upon approval of this report.

#### Ordinance Renewal

As shown in the annual report, each type of equipment used has complied with the standards for approval referenced in the Policy/Rule section of this report.

Over the past year, there have been no changes to the necessity for any of the listed equipment. It remains the case that no reasonable alternatives exist to achieve the same objectives of officer and civilian safety gained by use of the listed equipment. As stated to the Council in our initial presentation on this issue, items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement to enhance citizen safety and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Folsom. For example, the rifles deemed to be “military equipment” allow peace officers to address lethal threats from a greater distance, with greater precision. These statements remain true today.

Police Policy 707 has and will continue to safeguard the public’s welfare, safety, civil rights, and civil liberties. As explained in association with adoption of Ordinance 1326, all sworn officers with the Folsom Police Department are bound by a stringent set of laws, policies, and procedures which are in line with the public’s welfare, safety, civil rights, and civil liberties. Similarly, all officers are trained in a variety of strategies and tactics which are in line with the laws, policies, and procedures by which we are bound, prior to the use or application of any

military type equipment. These policies, procedures, and training requirements are all reflected in Police Policy 707 and no changes to that Policy are proposed.

The Police Department's use of military type equipment over the past year complied with Police Policy 707. As explained above, the equipment was used in a variety of incidents including but not limited to: barricaded subjects, high risk incidents, critical incidents, high risk building entries, felony vehicle stops, suspect searches, missing person searches, outside agency assistance, training, etc. The equipment used in each incident was authorized for such uses, as documented in Police Policy 707. In addition, the officers using the equipment were properly trained before each deployment, as required.

### **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or activities that are not otherwise considered a "project" as defined by Public Resources Code § 21065. (CEQA Guidelines § 15061(c)(3) and § 15378.) The Council's decision regarding renewal of Ordinance 1326 meets the above criteria and is not subject to CEQA. No environmental review is required.

### **FINANCIAL IMPACT**

The estimated yearly financial impact of listed items (training and operational), including maintenance costs during this reporting period, was approximately \$76,293.

### **ATTACHMENTS**

1. Resolution No. 11394- A Resolution Renewing Ordinance No. 1326 and Determining that Specified "Military Equipment" Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law
2. Updated Inventory List of Equipment
3. Folsom Police Policy 707

Submitted,

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Richard Hillman, Chief of Police