



PUBLIC CORRESPONDENCE

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To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Debra Strichartz](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM 12 - JUNE 12 2022
Date: Monday, June 13, 2022 3:09:39 PM

To Mayor, Vice-Mayor, and Councilmembers I do not support the approval of our draft Military Equipment Use policy as is. The policy as proposed does not safeguard the public's welfare, safety, civil rights, and civil liberties, so it should not be approved. The policy leaves too many loopholes for the usage of military equipment in any capacity. I want to see prohibited use cases for each piece of military equipment so that we can minimize injuries and fatalities in our community. Thank you for your consideration of this matter. Sincerely

Debra Strichartz

From: [Annie Rogaski](#)
To: [Public Comment](#)
Subject: Public Comment Agenda, Item 12, June 12, 2022
Date: Tuesday, June 14, 2022 1:50:28 PM

Dear Mayor, Vice-Mayor, and Councilmembers,

I do not support the approval of the current draft of the Military Equipment Use policy. It does not sufficiently safeguard the public's welfare, safety, civil rights, and civil liberties, so should not be approved. The policy leaves too many loopholes for the usage of military equipment in any capacity. I want to see prohibited use cases for each piece of military equipment so that we can minimize injuries and fatalities in our community and best protect public safety.

Thank you for your consideration of this matter.

Best,
Anne Rogaski
Los Altos Resident

From: [Los Altos Racial Equity](#)
To: [Public Comment](#); [City Council](#)
Subject: Fwd: Military Equipment Use Policy
Date: Tuesday, June 14, 2022 2:23:14 PM

Dear Mayor, Vice-Mayor & City Council Members,

The LAPD has submitted its Military Equipment Use Policy for review and vote by City Council. As per CA Govt. Code 7071, City Council can only approve this policy if it meets all four of these requirements:

(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 the 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, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

LARE does not feel that this proposal meets requirement B. Below we outline the issues and our proposed changes to safeguard the safety and civil rights of Los Altans. We would be happy to chat about our proposal and go over any questions you may have.

Renee Rashid
On behalf of LARE.

GOVERNING BODY

Current:

709.1.1: Los Altos City Council should be explicitly defined as the governing body so there is no confusion.

Proposed Change:

709.1.1 - Governing body - **The Los Altos City Council which oversees the department.**

MILITARY EQUIPMENT

Current:

The definitions of military equipment used in this policy do not match the definitions in AB 481. We believe they should match.

Proposed Change:

The offending definitions along with the corrections to make it match AB 481 are below.

- Tracked armored vehicles that provide ballistic protection to their occupants **and utilize a tracked system instead of wheels for forward motion.**
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include items **designed to remove a lock, or** a handheld, one-person ram.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms **and ammunition of less than .50 caliber.**
- Munitions containing tear gas or OC (**Oleoresin capsicum**), excluding standard, service-issued handheld pepper spray.
- Kinetic energy weapons and munitions, **including lethal and less-lethal implementations.**

VIOLATIONS OF POLICY

Current:

709.2: There is no indication of who can investigate violations of this policy and repercussions for violations found. Los Altos should have a route for private right of action for violations on the usage of military equipment by the Police Department.

Proposed Change: 709.2 could be modified in the following way, or a new section - 709.9 - could be created for COMPLIANCE AND ACCOUNTABILITY, which is what 7070 (d)(6) requires. (We would prefer a new section be created, but sample wording/accountability is below)

709.2 - It is the policy of the Los Altos Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment. **Any violations can be investigated by the Los Altos IIO and be brought to the City Council. The City Council may vote on sanctions for violations. If the Los Altos Police Department or its individual officers violate this policy, they shall be liable for actual damages resulting from military equipment used against individuals.**

AUTHORIZED USE OF EQUIPMENT

Current:

Each of the military equipment items listed in the PD inventory must have an authorized use. In fact, every one of our authorized use cases uses the language “may include, but not limited to”. This seemingly authorizes ALL use cases without limitation. However, the use of lethal and non-lethal weapons has limitations in the CA penal code, which is not evident here. We are still digging in to whether there are loopholes in state law that we feel should be addressed here through prohibited use cases to strengthen accountability, but at the very least, we should state more explicitly that we rely on state laws and penal code.

Proposed Change:

Each of authorized use cases should have verbiage like this that refer to our state code.

"Examples of situations for deploying the <equipment> may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized or unauthorized use cases under applicable penal codes and case law, and, in general, shall reflect necessary, reasonable, and proportional use of <lethal or non/lethal> weapon systems"

Thank you for your consideration,

Renee Rashid
on behalf of Los Altos for Racial Equity