



AGENDA REPORT SUMMARY

Meeting Date: September 20, 2022

Subject AB 481 Military Equipment Use Policy

Prepared by: Katie Krauss, Captain of Operations

Reviewed by: Angela Averiett, Chief of Police

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Los Altos Police Department Draft Policy 709, Military Equipment Use
2. Assembly Bill No. 481 Full Text Version
3. Ordinance NO. 22-_____

Initiated by:

Police Department, per requirements of Assembly Bill 481

Previous Council Consideration:

N/A

Fiscal Impact:

None

Environmental Review:

This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).

Policy Question(s) for Council Consideration:

- Does the Council wish to approve Los Altos Police Lexipol Policy 709 by ordinance in order to continue the use of this previously acquired military equipment?

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: AB 481 Military Equipment Use Policy

Summary:

- California Assembly Bill 481 requires the Los Altos Police Department to obtain City Council approval by the adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the legislature.

Staff Recommendation:

Staff recommends adoption of Los Altos Police Department Draft Policy 709, Military Equipment Use.

Purpose

To adopt an ordinance approving Los Altos Police Lexipol Policy 709 pertaining to the funding, acquisition, and use of military equipment.

Background

On September 30, 2021, Governor Newsom signed a series of eight (8) policing reform legislation aimed at increasing transparency of peace officer misconduct records and creates a system to decertify peace officers for serious misconduct, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creates a public forum for the funding, acquisition and use of military equipment. Assembly Bill 481 (AB 481) was authored by Assemblymember David Chiu (D-San Francisco) to address the funding, acquisition and use of military equipment.

California Government Section 7071 requires a law enforcement agency's military equipment policy, which includes the type of equipment the department may acquire and use, to be approved by the governing body. "Military equipment" is not related to whether or not the equipment was acquired through military sources. The Los Altos Police Department does not possess any equipment specifically designed for military use, nor has the department acquired any equipment through a military surplus program, commonly known as the 1033 Program. Our "military equipment" is included in the attached policy under inventory, and includes items such as patrol rifles, several less lethal force options, and training flash bangs utilized as diversionary devices by our SWAT team.

As part of the approval process outlined in Assembly Bill 481, the proposed military equipment policy was made available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The police department also hosted a community meeting to discuss AB 481 on May 12th.



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Pursuit to Government Code 7072, upon approval of a military equipment policy, the Chief of Police or the authorized designee will submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use. The first annual report will be presented in September 2023.

Discussion/Analysis

California Assembly Bill 481, signed into law on September 30, 2021, requires police agencies to obtain City Council approval by the adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the legislature. The bill requires an annual report to the governing board regarding the military equipment.

Recommendation

The staff recommends Council adopt the attached policy by ordinance, allowing for the Police Department to continue the utilization of their military equipment.