



## City Council Agenda Report

**Meeting Date:** March 25, 2025

**Prepared By:** Katie Krauss

**Approved By:** Gabriel Engeland

**Subject: AB 481 Military Equipment Use - Los Altos Police Policy 709**

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### **COUNCIL PRIORITY AREA**

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### **RECOMMENDATION**

- Approve changes to Los Altos Police Policy 709

### **FISCAL IMPACT**

There is no fiscal impact to the General Fund.

### **ENVIRONMENTAL REVIEW**

Not Applicable.

### **PREVIOUS COUNCIL CONSIDERATION**

September 20, 2022

March 14, 2023

April 11, 2023

February 27, 2024

March 12, 2024

March 11, 2025

### **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 initial proposed military equipment policy was made available on the department website (Government Code § 7071). The police department also hosted a community meeting to discuss AB 481 on May 12<sup>th</sup>, 2022. The Military Equipment Use Policy was presented to Council on September 20, 2022 and was approved with minor amendments. The 2022 Annual Report, a requirement of AB 481, was presented to citizens at a Town Hall meeting on February 8, 2023. It went before Council on March 14, 2023 and Ordinance No. 2023-489 was adopted on April 11, 2023. The 2023 Annual Report went to Council on February 27, 2024. The Ordinance was adopted on March 12, 2024. The 2024 Annual Report was published on the Department webpage on February 10, 2025 prior to the public meeting on February 27, 2025.

## **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. If an agency wishes to acquire additional equipment that is defined as military equipment, they must receive Council approval. The policy/ordinance governing military equipment use must be reviewed and renewed annually.

## **DISCUSSION**

California Assembly Bill 481 requires the Los Altos Police Department to report annually on the inventory, procurement, use and misuse of covered military equipment items. The Annual Report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding for. These changes were highlighted in the 2024 Annual Report that was presented to Council on March 11, 2025.

In February 2024, the City Council authorized the Police Department to acquire four UAS/drones (two exterior, two interior). At the March 11, 2025 Council meeting, the Department presented the AB 481 Annual Report and requested to revise the inventory and purchase different interior models than were presented and approved last year. In addition, the department asked to purchase one training UAS (drone) that can be used by operators indoors or outdoors. The department requested to increase the inventory of Daniel Defense Rifles to accommodate issuing them to each operator rather than having them assigned to specific patrol vehicles.

The department requested the removal of two items from the inventory that are used for training purposes only and have no direct impact on the public's welfare, safety, civil rights and civil liberties as defined by AB 481. The department also asked to add additional uses for the UAS (drones) as prescribed in Policy 611.

At the Council meeting on March 11, 2025, it was directed that we keep the original definitions in Lexipol Policy 709.1.1. These changes are reflected in the attached Military Equipment Policy 709. In addition, City Council directed staff to include language for Item #11, UAS, to include restrictions on the sharing of data or images for immigration purposes. This language was taken from the ALPR Policy as directed by Council and is highlighted in green. The updated inventory list also includes the approved items from March 11, 2025, as well as the removal of two training equipment items from the inventory.

Council expressed preference in authorizing the purchase of American-made interior drones. Staff are researching if a preferential purchase is allowable under the City's purchasing guidelines. If Staff were to purchase American-made drones, the cost would be significantly increased from approximately \$2,000 with the DJI drone requested to an American-made drone that would cost approximately \$20,000.

#### **ATTACHMENTS**

1. AB 481 Annual Report 2024
2. Military Equipment Policy 709
3. Updated Proposed Inventory list
4. Ordinance No. 2023-489