



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

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: MEUP 03-14-23
Date: Monday, March 13, 2023 11:42:14 AM

CC 03-14-23

I am a long time resident of Los Altos and I am concerned with our compliance with (AB) 481 including public participation in the policy review and with proposed requests for additional military equipment.

California Assembly Bill (AB) 481 requires California law enforcement agencies to obtain approval of a Military Equipment Use Policy by their applicable governing body prior to taking certain actions related to the funding, acquisition, or use of military equipment as defined by the legislature. It also mandates annual review of both usage and acquisition of additional military equipment and annual review of the policy.

The Los Altos PD released their updated MEUP draft and submitted for discussion during the 09/20/22 council meeting.

I am concerned that policy 709.9 draft was not presented to the public for final discussion and review but was posted as final on 2/8/23 with changes.

I am also concerned with the new request for Flashbangs and Chemical Grenades. I have not seen data providing the need for this additional equipment that Los Altos has never had, and I therefore cannot endorse these acquisitions.

Flashbangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.

OC Grenades (Purchase Cost \$52.10 each, quantity 5): The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections used to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor-use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation.

Debra Strichartz
Los Altos

Debra Strichartz

From: [Jill Woodford](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM #8 - March 14, 2023
Date: Monday, March 13, 2023 11:57:10 AM

Dear Los Altos City Council,

I am writing about City Council Agenda Discussion Item 8. AB 481 Military Equipment Use Annual Report: **Review and renew** Ordinance No. 2023-489 by introducing and **waiving further reading** of Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481 (K. Krauss)

[Assembly Bill 481](#) clearly states that Los Altos must hold open public meetings prior to taking action related to their military equipment use policy. Bill 481 also mandates that the governing body annually review and approve not only the equipment list but also the military equipment policy. The proposed annual “review and renew” should be a public discussion plus Council approval. My concern is that the proposed 709.9 military equipment policy must include public input, per the [Brown Act Chapter IV.1.C](#), on any and all changes, and must be approved by Council annually. Given the wording in the Council agenda, it seems, due process is being circumvented.

Furthermore, the [Brown Act](#) Chapter IV.1.A requires that all items on the Council agenda must be posted at least 72 hours before a public meeting, yet the [Los Altos Police Department Military Equipment Use Policy draft](#) that has been posted does not properly reflect all changes made since approval by Council in September 2022. There are additions that have not been disclosed to the public via highlight, thereby misleading the public as to the scope and extent of proposed changes. Specifically, 709.3.1 in the agenda draft does not exist in the minutes from the [approved edited version dated 09/07/2002](#) in the September 20, 2022 City Council minutes.

709.3.1 EXIGENCY- PROCUREMENT AND USE

Nothing in this policy shall prohibit the procurement or use of controlled equipment when exigent circumstances exist. In rare circumstances, exigent circumstances may occur where the immediate procurement and use of controlled equipment may be necessary to preserve life, prevent physical harm to officers or other persons, prevent the destruction of relevant evidence, prevent the escape of the suspect, or maintain public safety. In the event such an event occurs, the Chief of Police or the authorized designee may authorize the procurement and use of controlled equipment. Any exigent procurement and/or use of controlled equipment will be reported to the governing body, in writing, unless such information is confidential or privileged under local, state or federal law.

I am writing to ask that you revise the agenda to include public discussion, post the approved version of Policy 709 from September 2022 and the 2023 proposed version highlighting any changes for full transparency, and change the agenda item summary to reflect compliance with AB481, removing “review and renew” and “waive further reading” and ensuring annual review and approval of the Military Equipment Use policy and Military Equipment List. Military equipment seems extreme for a safe community like Los Altos, and I have concern about any policy that limits or attempts to remove public input from its formation and approval.

Thank you for considering my concerns.

Regards,
Jill Woodford

Sources:

March 14, 2023 City Council Agenda

Discussion Item 8. AB 481 Military Equipment Use Annual Report

<https://meetings.municode.com/adaHtmlDocument/index?cc=LOSALTOSCA&me=bbb5a83bd09b4178b9bf3b4d94623fd6&ip=True>

March 14, 2023 meeting link to proposed Policy 709 Military Equipment

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-bbb5a83bd09b4178b9bf3b4d94623fd6/ITEM-Attachment-001-ac799fc0ad154679adc2bc0afdb9180c.pdf>

September 20, 2022 City Council Agenda

Discussion Item 11: AB481 Military Equipment Use Policy

<https://meetings.municode.com/adaHtmlDocument/index?cc=LOSALTOSCA&me=a55392285efa4a4d8810b5cebcd8e78d&ip=True>

September 20, 2022 meeting link to edited Policy 709 Military Equipment

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-a55392285efa4a4d8810b5cebcd8e78d/ITEM-Attachment-002-836d2451a7864bb3bffbc7da828c773.pdf>

Brown Act

<https://oag.ca.gov/system/files/media/the-brown-act.pdf>

State Assembly Bill 481 -

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB481

“This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval.”

From: [Jeanine Valadez](#)
To: [Public Comment](#)
Cc: [Angel Rodriguez](#); [Kathryn Krauss](#); [Angela Averiett](#); [Gabriel Engeland](#)
Subject: PUBLIC COMMENT AGENDA ITEM #8 3/14/2023
Date: Monday, March 13, 2023 12:58:59 PM
Attachments: [2023_03_14 PUBLIC COMMENT AGENDA ITEM 8 J9 edits V.0.docx](#)
[2023_03_14 PUBLIC COMMENT AGENDA ITEM 8 J9 edits V.0.pdf](#)

Honorable Mayor, Vice-Mayor, and Councilmembers,

(Angel, please post this email and the PDF attachment to the public comment portal. Do not post the Word Document. That is for the councilmembers and staff, should they prefer it. Thanks!)

This letter comments on the AB481 Annual Report, dated 2023_03_14 and my overarching concerns with the ME 709 currently in the packet, while the attachment is my redline edit of the ME 709 Policy. That redline includes many bracketed commentaries airing either justifications for specific edits or written concerns I have.

AB481 Annual Report Concerns:

1. I and many members of the public were unable to find the ME 709 named in the opening lines of the Annual Report. We were expecting to find the Council-approved ME 709 dated on or about 9/23/2022, which was the date the revisions accepted by Council were approved in the 9/20/2022 Council meeting. But, instead, posted at the website we found a new ME 709 dated 2/8/2023. This document was markedly DIFFERENT from the one approved 9/20/2022. An no edit marks reflected the changes.
2. I scrutinized videos of the 9/20/2022 and the 2/8/2023 PD town hall and could find no PD mention or Council direction for some of those changes. How can this be? This violates the tenets of AB481 for transparent and public purview of proposed changes against prior revisions.
3. The Annual Report pages are unnumbered, so it makes commenting difficult. I will use page number in order: On Page 2, last para, it should be noted that the 9/20/22 revision will not stand for a whole year, but will come for review at this time. When we look back on this report from the future, this distinction will be important..
4. On Page 3, Item 2, it is unclear which version of the ME 709 policy is Exhibit A. Is it the 9/23/2022 version? or the 2/28/23 version? It absolutely should be the 9/23/2022 version since that is what the public had the chance to see. The earlier version had no exigency section, for example. My red lines explain these distinctions.
:
5. Equipment Usage for 2022: Is it a forgone conclusion that the training use of ME should not be documented here? Why not? Please explain.
6. Summary of Complaints for 2022: It seems reasonable that concerns received as written public comments be archived within this section? Or is this only for formal written complaints? Because AB481 says “complaints or concerns” (Sec 7072 (a) (2).
7. Violations of Policy 709: Is there no independent oversight to verify the stated findings?:

8. All of the sections in the asks for replacements or new buys need to be written out in the standard outline format with same headings and subheadings of the inventory list in 709.9. It is very difficult to keep track of these items to verify that all data points are there.

9. 40mm launchers: Do the old 3 remain as is and in use in our armory? If not where do they go? Why change from bean bag shotguns to baton launchers? Are there usage data to support the significant increase in purchase or rounds here?

10. Rifles for SWAT: is there really any usable life remaining in these retired weapons? Aren't we afraid that low-grade mil equip could make it's way out to resale market and be dangerous? Why buy 5 rifles if we only have two SWAT officers? Pls itemize projected headcount timing to justify this expense.

11. Why do we need Flashbangs? Where is the MV usage data? Why do we have to pay for flashbangs that are never used here in Los Altos?

12. Chemical Agents: Wow. Why do we need chemical grenades? Where is the use data to support this need? Also, please add this clause to the Authorized uses for these munitions: "Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system."

Overall, and despite the weight given to less-lethal options, there seems to be a dramatic escalation of weaponry, munitions and violence-based aspects to the armory. The usage data absolutely does not support this escalation. Is this warranted? I cannot see the justification, other than replacing weapons at end of lifespan. And yet, if those weapons are good enough to sell to someone else, why aren't they good enough for us? I worry we are sending bad stuff to less fortunate agencies. Is this equitable? Wise?

Concerns about ME 709 in the Council Mtg Packet::

1) Lack of independent oversight per AB481 sec 7070 (d) (6) requires "(d) "Military equipment use policy" means...a document governing the use...that addresses, at a minimum, all of the following: ...(6) The mechanisms to ensure compliance with the ...policy, including which *independent* persons or entities have oversight."

Under no circumstances are the Chief ,or the City manager, or the Council an independent person or entity due to the reporting structure of our city; therefore, this criterion MUST be added to comply with AB481.

2) There are section-numbering errors. Also, the Annual Report sections that seek replacement and new Military Equipment acquisitions do not follow the standard formatting and paragraph requirements of the main inventory list in 709.9..

3) Section 709.3.1 (should be 709.4.1) describing acquisition of ME outside specified process as allowable due to "exigency" creates a massive loophole for on-the-ground decisions that acquire ME first and ask for permission later. But importantly, this section was added without public input and without meeting the public oversight requirements of AB481. It magically appeared after the Sept 2022 version was approved by Council and before the upcoming opportunity for the public to review new changes. In fact, the edit was never "blue-lined" as

new!

4) The same thing happened with another section 709.3.2 (should be 709.4.2), though the content of that section was more benign. However, it remains very troubling that our PD would slip in content without going through due public process.

5) There are ambiguities introduced about chain of command in Section 709.4 (should be 709.5) due to contradictions or lack of clarity with the wording of that section compared to the Intergovernmental Agreement between Mountain View and Los Altos PDs for the joint ("Regional") SWAT team..(see redlines for specifics)

6) Members of the public have two ways of submitting complaints in Los Altos: to the Independent Intake Official (who can assure confidentiality) and to the PD directly. Currently, the PD channel is listed first and the IIO channel second. CM Neysa Fligor requested in September of 2022 that these entities be reversed in their ordered listing in the policy and at our website. I agree.

Thank you,

Jeanine Valadez

[2023 03 13]

Military Equipment (**PUBLIC COMMENT v.0 JAV**)

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). Assembly Bill 481 (AB 481), signed into law on September 30, 2021, requires law enforcement agencies to create a policy establishing guidelines and requirements for the funding, acquisition, and use of "military equipment" (Government Code § 7070, 7071, and 7072), including requirements to host informational meetings with the public, generate annual "military equipment" use reports, and seek annual approval from their respective governing bodies. The purpose of this policy is to make sure that safeguards exist, including transparency, governing body oversight, independent oversight, [please do not summarily ignore this edit! It is justified and required per AB481 7070 (d) (6): "(d) "Military equipment use policy" means...a document governing the use...that addresses, at a minimum, all of the following: ... (6) The mechanisms to ensure compliance with the ...policy, including which **independent** persons or entities have oversight." Under no circumstances are the Chief, or the Council an independent person or entity due to the reporting structure of our city; therefore, this criterion **MUST** be added to comply with AB481. and accountability measures, to ensure the funding, acquisition, and use of "military equipment" is consistent with the provisions set forth by the governing body and as outlined in AB 481. This policy will also provide the public with a transparent view of the "military equipment" utilized by the Los Altos Police Department. The military equipment use policy will safeguard the public's welfare, safety, civil rights and civil liberties.

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The Los Altos City Council for the adoption of this ordinance and the approval of the annual report

POST - Peace Officer Standards and Training

SWAT - Special Weapons and Tactics

Military equipment – Per AB 481, military equipment ~~includes but is not limited to~~ means [wording per AB481] the following:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a

tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

709.2 POLICY

It is the policy of the Los Altos Police Department that members of the department comply with the provisions of Government Code § 7071 with respect to qualifying "military equipment". "Military equipment" should be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST). See the Military Equipment Inventory List (section 709.4) for associated "military equipment" training requirements.

"Military equipment", which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- Los Altos Police Department Policy 300 (Use of Force)
- Los Altos Police Department Policy 308 (Control Devices and Techniques)
- Los Altos Police Department Policy 312 (Firearms)

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

- Los Altos Police Department Policy 414 (Hostage and Barricade Incidents)
- California Assembly Bill No. 48 (Use of Kinetic Energy Projectiles and Chemical Agents-Assemblies, Protests, and Demonstrations)
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

This policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Altos Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit any questions about the use of a type of military equipment, and how the Department will respond in a timely manner.

709.3 709.4 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing or governing body discussion concerning the military equipment at issue (Government Code § 7071).

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

The military equipment policy must be approved by the governing body before the Department engages in any of the following (Government Code § 7071):

- (a) Requests military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeks funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquires military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborates with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Uses any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Solicits or responds to a proposal for, or enters into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquires military equipment through any means not provided above.

709.3.1 709.4.1 EXIGENCY- PROCUREMENT AND USE

Nothing in this policy shall prohibit the procurement or use of controlled equipment when exigent circumstances exist. In rare circumstances, exigent circumstances may occur where the immediate procurement and use of controlled equipment may be necessary to preserve life, prevent physical harm to officers or other persons, prevent the destruction of relevant evidence, prevent the escape of the suspect, or maintain public safety. In the event such an event occurs, the Chief of Police or the authorized designee may authorize the procurement and use of controlled equipment. Any exigent procurement and/or use of controlled equipment will be reported to the governing body, in writing, unless such information is confidential or privileged under local, state or federal law. **[where did this section come from? This was NOT in the MEUP approved 2022 09 20! Videos of both the city council meeting of 2022 09 20 and the PD Town Hall of 2023 02 08 were scrutinized and no such mention of this section was vocalized by either Katie Krauss or Chief Averiett. Moreover, no edition was ever posted publicly with highlighting blue-lines signifying the change. Therefore, this section was added without public input and should be removed! This section is a substantive and alarming addition to our policy – it has never been part of our policy. Exigency has been used as an excuse by many bad actors to justify departure from policy. This unpublicized addition is in direct violation of the transparency requirements of AB481.]**

709.3.2 709.4.2 MAINTENANCE AND RESUPPLY OF CONTROLLED EQUIPMENT

In the event a previously approved supply of controlled equipment falls below the approved quantity **due to breakage (weapons) or having been expended (munitions) [want to make sure the reduction in inventory is not because of sale, loan or gifting elsewhere]**, the Department may replenish the supply, as needed, without first obtaining additional approval from the Governing

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

Body. [this section was also added without being blue-lined in any edition for public review; when was this section added? In the 2022 09 20 City Council Meeting, at 3:05:16, Capt Krauss verbalizes this but the text was not in her blue-lined document presented to the public. This is an AB481 public-notice compliance problem as well, though we can accept the content as long as the proviso describing the reasons inventory might fall below spec above is accepted (I find it specifically inappropriate to let loss or having been stolen be a good enough reason to replenish absent stock of weapons/munitions.)]

709.4 709.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction should comply with their respective military equipment policies in rendering mutual aid. [There are ambiguities introduced with this section about chain of command and/or governing policy concerning use of ME due to contradictions or lack of clarity with the wording of the Intergovernmental Agreement between Mountain View and Los Altos PD for the joint ("Regional") SWAT team. The wording in this section implies that policies regarding ME use by outside agencies in Los Altos should adhere to their respective remote policies (and therefore chain of command), while the Joint Agreement maintains that the procedures and rules followed shall be those where the mutual aid is rendered. This ambiguity must be resolved before this policy is approved.]

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

709.5 709.6 ANNUAL REPORT AND POLICY REVIEW

Upon approval of a military equipment policy, the Chief of Police or the authorized designee ~~should~~ shall 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 (Government Code § 7072).

The Chief of Police or the authorized designee ~~should~~ shall also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.6 709.7 POLICY COMPLIANCE AND SUBMITTING COMPLAINTS

The Chief of Police or the authorized designee will ensure that all Los Altos Police Department employees comply with this policy. Suspected violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", should be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct). Additionally, violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", will be reported to the governing body via the annual Military Equipment Report.

Any member of the community can submit a complaint regarding the use of "military equipment" to the Independent Intake Official or any Los Altos Police Department employee ~~or the Independent Intake Official.~~ [This was CM Fligor's original request that was only partially carried out.] Complaints can be submitted in any form (e.g., in person, online, telephone, email, etc.). Once a complaint is received, it will be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct) and LAPD Policy 1020 (Personnel Complaints). Formal complaints regarding alleged violations of this policy will be handled by an independent investigator whose authority rests outside the Department and Governing Body. [this addition is made in the spirit of trying to add some description and substance to what/who this investigator is; there is little substance to explain this role to the public.]

Complaints may be made directly to the Independent Intake Official (IIO) Stephanie Atigh in one of the following ways:

Online Submission:

[Complaint IIO WEBFORM](#) (online)

By Email:

Fill out the appropriate Civilian Complaint Submission form (located online), save it to your computer and email as an attachment to stephatigh@sbcglobal.net

By Phone:

(831) 915-4643

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

Complaints may be made directly to the Los Altos Police Department in one of the following ways (for online options, please visit <https://www.losaltosca.gov/police/page/how-are-we-doing-0>):

In Person:

Los Altos Police Department

Los Altos Police Department

Los Altos Police Department Policy Manual

Military Equipment

1 N. San Antonio Road, Los Altos, CA 94022

Online Submission:

[Complaint PD WEBFORM](#)

By Email:

Fill out the appropriate Civilian Complaint Submission form (online), save it to your computer and email as an attachment to PoliceFeedback@losaltosca.gov

By Phone:

(650) 947-2770

709.7 709.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department ~~should~~ shall hold at least one well-publicized and conveniently located community engagement meeting, at which the ~~Department~~ General Public should discuss the report and ask questions ~~respond to public questions~~ regarding the funding, acquisition, or use of military equipment. [The modifications written just prior are the proper wording of the relevant section of AB481, Sec 7072 (b). Staff's wording materially sidesteps the law. And in fact, the PD Townhall on Feb 8, 2023 did not allow public discussion nor offer the public the opportunity to directly ask questions in an open forum. And finally, very little room was allowed for Q&A at all. All these factors caused the public to withhold their input in frustration. Moreover, staff should have posted both the 9/23/2022 and the 2/8/2023 versions of the MEUP 709 policy simultaneously so we could compare the before and after versions. They are clearly different, as has been proven in this review of the policy and some of the differences were never highlighted with edit marks. And finally, even if the 2/8/2023 version of the Policy was posted on 2/8, the accompanying Annual Report was not published until Fri 3/10, giving the public very little time to prepare its review and arguments in favor or against the revisions and new equipment requests. Staff and Council should notice that the body of the policy from 709.1-709.8 are dated 2023/02/08, while the attachment 709.9, the MEUP Inventory List is dated with the council approved 2022/09/23 original date; the dates should be reconciled with the signing of this ordinance. In all, the technical accuracy and the community engagement aspects of this year's policy have been insufficient and not in accordance with the letter and spirit of AB481]

709.9 MILITARY EQUIPMENT INVENTORY

See attachment: [MILITARY_EQUIPMENT_INVENTORY_709.9.pdf](#)

Attachments

Los Altos Police Department

Los Altos Police Department Policy Manual

MILITARY EQUIPMENT INVENTORY

Attachment

Los Altos Police Department Policy Manual

MILITARY_EQUIPMENT_INVENTORY_709.9.pdf

**NO EDITS SUGGESTED TO 709.9, SO
DID NOT INCLUDE IN THIS PUBLIC
COMMENT.**

From: [Cindy Sidaris](#)
To: [Public Comment](#)
Cc: [Angel Rodriguez](#); [Gabriel Engeland](#); [Angela Averiett](#); [Kathryn Krauss](#)
Subject: PUBLIC COMMENT AGENDA ITEM 8 - March 14, 2023
Date: Monday, March 13, 2023 1:10:36 PM

March 13, 2023

To: Los Altos City Council

CC: Gabriel Engeland, City Manager
Police Chief Angela Averiett
Police Captain Kathryn Krauss
Angel Rodriguez, City Staff

Re: Agenda Item 8: “**AB 481 Military Equipment Use Annual Report: Review and renew Ordinance No. 2023-489 by introducing and waiving further reading of Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481 (K. Krauss)**”

I am very concerned that California’s Assembly Bill 481 law regarding Military Equipment Use by Police (MEUP) is not being properly followed by our Police Department and City staff. I’m urging City Council to **NOT** “renew Ordinance No. 2023-489 by introducing and waiving further reading of Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481”. I believe Council and the City will be violating AB 481 if the policy is approved without proper advance availability of the draft version of the policy, and with no public comment forum and formal review prior to approval.

How did we get here? On Feb 8, 2023 Chief Averiett and Captain Krauss conducted a Town Hall titled “**Public Safety Update Virtual Meeting on February 8, 2023**” (video link below). This meeting announcement did not receive the publicity it should have, nor was the title informative enough - topics covered were MEUP and ALPRs. The meeting was announced on the Los Altos PD facebook page; it should have been described in the City Manager Weekly email.

During the Public Safety Update meeting, Captain Krauss conducted the “review” of the MEUP program. She said, “**Our [MEUP] policy has been approved and sent to all of our staff. Is also available online; no longer in draft form so you feel free to take a look at that...**”.

This statement cannot be correct because the City Council has not approved the policy in a public meeting as required by AB 481.

Here are the legal and process problems with what has apparently happened:

1.
The Police Dept posted the DRAFT of the 2023 policy (dated 2023/02/08) on the Los Altos PD website around Feb 08 as “approved”. That 2023/02/08 Draft Policy has NOT been approved by the City Council in a public meeting as required by AB 481.
2.
There have been changes to the MEUP Policy document (from 2022/09/23 version to the 2023/02/08 version) that are not marked as changes, such as the addition of section 709.3.1. What other changes were made that haven’t been marked as changes? This omission of change tracking has resulted in suspicion and concern. Council should require a fully change-tracked version of the proposed policy for review.
3.
The CURRENT approved MEUP Policy, dated 2022/09/23, is no longer available on the Los Altos PD website. It MUST be restored to public access.
4.
While the draft Policy (2023/02/08) was apparently available on the LA PD website, it was only made available through the City Council agenda on 3/10/23 - 4 days prior to the 3/14 meeting. This is insufficient time for public review.
5.
The availability of the 2023/02/08 version was not adequately announced by the City or PD. A much more rigorous process must be followed to announce new policies so that the public has proper time to access, evaluate and comment.

As to the specific request for replacement and new purchases of military equipment, I ask the Council to fully understand the following:

1.
Why the need to go from three (3) PENN ARMS 40mm single shot launchers to 10?
2.
Rifles for SWAT - during the Virtual meeting on Public Safety, Captain Krauss stated that the desired 5 Daniel Defense V7s AR-15/M4 will be used for patrol AND SWAT. Which is it - just SWAT or for all patrol too?
3.
The policy specifics around the NEW equipment being sought, ie, the information in the AB 481 Annual Report 2022 (in agenda packet), is not sufficient. The full policy update needs to be reviewed by Council.

I urge you to carefully review the proposed policy and allow public comment and participation in the process as AB481 demands.

Sincerely,
Cindy Sidaris
Los Altos resident

References:

Video of Public Safety Update Virtual Meeting on February 8, 2023

<https://www.youtube.com/watch?v=8RYSdzglV4>

From: [Toni Moos](#)
To: [Public Comment](#)
Cc: [Angel Rodriguez](#); [Gabriel Engeland](#)
Subject: 2023_03_14 Public Comment Agenda Item 8, Toni Moos
Date: Monday, March 13, 2023 1:19:43 PM

2023_03_14 PUBLIC COMMENT AGENDA ITEM 8 -- Toni Moos

Dear Mayor Meadows, Vice Mayor Weinberg, and Councilmembers,

Thank you for taking the time to listen to my concerns.

I am disappointed that the required annual Military Equipment Use Policy review was discussed at the Police Town Hall on February 8th, 2023, instead at a City Council Meeting where it would be posted and therefore more accessible to members of the public for public comment. In the interest of transparency, all changes from the approved September 2022 MEUP should have been noted to allow for public input.

I note, for example, that on today's Agenda regarding AB 481 Military Equipment Use Annual Report, the staff is "recommending a review and renew Ordinance No. 2023-489 by introducing and waiving further reading of Ordinance No. 2023-489 and approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment." This does not subscribe to the legal requirements to elicit/allow public input/comments prior to approval.

In terms of the "ask" by the police for 36 Single Band and 12 9-BangFlashbangs, I would like to ask why the police feel that this is needed in our community. Have we ever used them in the past? Are we anticipating riots? I would caution against the approval of unnecessary military equipment.

As noted in the March 6th edition of *The Mercury News*, "The nation's largest state, progressive California has also led the nation in procuring military weaponry, despite a host of studies that have shown a link between the size of departments' armories and their rate of police shootings", [former Assemblymember David] Chiu said. "David Chiu, D-San Francisco, who authored AB 481, hopes the mindset is changing. He said the main goal of his legislation was to rebuild community trust in local law enforcement by increasing transparency, oversight and, eventually, accountability about how public dollars are being used."

I ask that the City Council provide sufficient time for the public to be able to review the changes in the MEUP before approving this edited policy and I ask the Los Altos Police Department for reasons to justify their need for the Flashbangs and chemical weapons that are being requested.

Thank you,

Toni Moos

From: [Maureen Griffin](#)
To: [City Council](#); [Public Comment](#)
Cc: [Maureen Griffin](#)
Subject: Military Equipment Usage Policy - Public Comment Agenda Item 8
Date: Monday, March 13, 2023 1:31:32 PM

To the Los Altos City Council Members –

I understand the Military Equipment Usage Policy (MEUP) has been added to the agenda for the Los Altos City Council meeting tomorrow night, Tuesday, 3/14/23, at 7pm.

This email is to address my concerns with this Policy:

1. I understand that Section 709.3.1 was added without public input and without meeting the public oversight requirements of [AB481](#). It appeared after the Sept 2022 version was approved by Council. The edit was never 'blue-lined' as new and the opportunity for public review and discussion of these new changes was not given. Section 709.3.1 describes the acquisition of military equipment outside of the specified process as allowable due to "exigency". Exigency -- a state of affairs that makes urgent demands.
 - **QUESTION:** What in the city of Los Altos required exigency? This is an extreme measure to take for our Bay Area city.
 - I am extremely disappointed this was added without public input and without meeting the public oversight requirement of AB481.
2. Per AB481 sec 7070 (d) (6) A provision of independent oversight is required. This provision is not indicated in the MEUP. The Chief of Police and City Council are not independent entities and an independent auditor must be added to this document.
 - **ASK:** an independent auditor must be added to this document.
3. In Section 709.4 there are ambiguities about the chain of command in the Intergovernmental Agreement for the joint regional Special Weapons and Tactics (SWAT) team between Mountain View Police Department and Los Altos Police Department.
 - **ASK:** add specific verbiage specifying the chain of command between Mountain View Police Department and Los Altos Police Department.

Thank you.

Maureen Griffin

23 Alma Court, Los Altos

