



AGENDA REPORT SUMMARY

Meeting Date: March 14, 2023

Subject **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)

Prepared by: Katie Krauss, Captain
Reviewed by: Angela Averiett, Chief of Police
Approved by: Jon Maginot, Assistant City Manager

Attachment(s):

1. AB 481 Annual Report 2022
2. Military Equipment Inventory
3. Los Altos Police Policy 709
4. AB 481 Full Text
5. Ordinance

Initiated by:
Police Department, per requirements of Assembly Bill 481

Previous Council Consideration:
September 20, 2022

Fiscal Impact:
There is no fiscal impact to the General Fund.

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).

City Manager

JM

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: AB 481 Military Equipment Use Annual Report

Policy Question(s) for Council Consideration:

1. Does the Council wish to 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?
2. Does the Council wish to approve the acquisition of the replacement items of military equipment listed in the Annual Report?
3. Does the Council wish to approve the acquisition of the new items of military equipment listed in the Annual Report?

Summary:

- 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.
- Within a year of the initial approval, and at least annually thereafter, the City Council will review this ordinance and related resolutions. The City Council may, by resolution, make amendments, modifications or revisions to the military equipment use policy adopted by the Los Altos Police Department. The ordinance must be reviewed and renewed annually.

Staff Recommendation:

- Staff recommends 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
- Staff recommends Council approve the acquisition of the replacement items of military equipment listed in the Annual Report
- Staff recommends Council approve the acquisition of the new items of military equipment listed in the Annual Report

Purpose

To 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.



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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, 2022. The Military Equipment Use Policy was presented to Council on September 20, 2022 and was approved with minor amendments. The Annual Report, a requirement of AB 481, was presented to citizens at a Town Hall meeting on February 8, 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. 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.



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Recommendation

Staff recommends Council 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. Staff also recommends Council approve the acquisition of the replacement items of military equipment listed in the Annual Report. Staff further recommends Council approve the acquisition of the new items of military equipment listed in the Annual Report.