



Date: May 23, 2023

Honorable Mayor and Council Members:

Author and title: Danny Renfrow, Chief of Police

Title: **Truckee Police Department Policy 709 to Comply with State Legislation Under Assembly Bill 481**

Jen Callaway, Town Manager

Recommended Action: Introduce Ordinance 2023-04 readopting the Truckee Police Department Policy 709 – Military Equipment Funding, Acquisition and Use Policy.

Discussion:

Background: On September 30, 2021, the Governor of the State of California approved Assembly Bill 481 requiring law enforcement agencies to obtain approval from the applicable governing body (Town Council) to use any equipment defined as military equipment by AB 481 by adopting a military equipment use policy. In addition, the Police Department was required to seek Town Council approval for the possession or use of any military equipment through the Town Council's adoption of an ordinance at a regular open meeting.

AB 481 declares the public has a right to know about any funding, acquisition, or use of military equipment as well as a right to participate in the decision to fund, acquire, or use such equipment. The Truckee Police Department committed to adopting internal processes related to the funding, acquisition, and use of defined military equipment as codified by Government Code sections § 7070, § 7071, and § 7072, which can be found here:

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=12.8.&article=

The new law allowed the Town Council to approve the funding, acquisition, or use of defined military equipment within Truckee only if the Council determined that the defined military equipment meets specified standards.

After consideration, Town Council adopted Ordinance 2022-04, establishing Truckee Police Department Policy 709 - Military Equipment Funding, Acquisition, and Use Policy. This ordinance approved the use of specified military equipment, which is now subject to an annual Town Council review to determine whether, based on an annual military equipment report, the standards outlined in the approved ordinance continue to be met. The Town Council may renew the authorizing ordinance, disapprove authorization for particular military equipment where standards are no longer met, or require modifications to the military equipment use policy.

In accordance with Government Code Section § 7072, the Truckee Police Department held a well-publicized community meeting on April 24, 2023, to discuss the 2022-2023 annual military equipment report and to address any concerns from the community regarding the use of military equipment. Unfortunately, we did not have any members of the public attend this meeting, but we were able to

present to the Chief's Advisory Committee (CAC). The CAC had no concerns with this type of equipment or our annual usage report (attached). This meeting was required by law to be held at least 30 days before the Town Council's annual review of the ordinance.

AB 481 requires the governing body that oversees a law enforcement agency (the Town Council, in our case) to AB annually review the ordinance adopting a military equipment use policy at a regular meeting held in accordance with the Brown Act. "Military equipment" includes but is not limited to: small Unmanned Aircraft Systems (sUAS or drones), large-caliber firearms, less-than-lethal projectile launchers, less-than-lethal projectiles, or armored personnel carriers (see TPD Policy 709 section 709.1.1 for a complete list).

The ordinance must be re-adopted annually before the Truckee Police Department may request, seek funds, acquire, or collaborate to deploy, use, or solicit a proposal for any type of military equipment.

The ordinance must contain certain findings, including:

- 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.

In addition to hosting the military equipment use policy on the Truckee Police Department's website, the Police Department must submit an annual military equipment report (Exhibit A) to the Town Council detailing the equipment used in the preceding year. This report must include a summary of how the equipment was used, a summary of complaints received, the result of any internal audit and actions taken in response, the total annual cost and the quantity possessed of each type of military equipment, and any additional equipment the agency intends to acquire in the next year. Each year the Town Council must review the annual report and determine whether each type of military equipment identified in that report has complied with the standards for approval set forth above and vote on whether to renew it, in accordance with Government Code Section 7071(e)(2).

AB 481 outlines fifteen categories of equipment that are defined as "military equipment," ranging from a remotely piloted drone or robotic equipment to simunition firearms used only for training purposes. Of these fifteen categories of equipment, the Truckee Police Department acquires and has available for use three of the fifteen categories of equipment – two of the three categories of equipment are primarily or solely used for training purposes (simunition firearms and rounds) or wildlife diversion (Pepperball launcher and munitions and Bean-Bag shot-guns and rounds). The third category of equipment the Truckee Police Department consists of unarmed drones. The equipment outlined in the Equipment List attached to Policy 709 is purchased with General Fund dollars and the Town's prescribed purchasing policy and procedures are adhered to when acquiring this equipment.

For the proposed authorized expenditures outlined in the attached 23'-24' Military Equipment List, the total amount requested for re-stocking and maintenance of existing military equipment is \$7,600. This figure is \$4,850 less than the requested authorized amount from the 22'-23' Military Equipment list (\$12,450), due to no new equipment being needed, and only minor adjustments being made on the 23'-24' list to account for inflation and other rising costs from manufacturers.

In compliance with Government Code Section § 7072, staff recommends that the Town Council introduce and adopt ordinance 2023-04 Truckee Police Department Policy 709 - Military Equipment Funding, Acquisition, and Use Policy (Exhibit C).

Priority:

<input type="checkbox"/>	Enhanced Communication	<input type="checkbox"/>	Climate and Greenhouse Gas Reduction	<input type="checkbox"/>	Housing
<input type="checkbox"/>	Infrastructure Investment	<input type="checkbox"/>	Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/>	Core Service

Fiscal Impact: \$7,600 is needed to provide for the annual maintenance of military equipment and to re-stock training and wildlife diversion equipment consumable materials. This amount has been included in the draft budget which is schedule to be brought to Council as a separate item at the Tuesday, June 13, 2023 Council Meeting.

Public Communication: Community meeting April 24th, 2023

Attachments:

Exhibit A – Usage report

Exhibit B – TPD Equipment List

Exhibit C – TPD Policy

Exhibit D - Ordinance