



Legislation Text

File #: 22-304, **Version:** 1

Ordinance First Reading Approving And Adopting A Military Equipment Funding, Acquisition and Use Policy And Adding Chapter 4-42 "Military Equipment Funding, Acquisition and Use Policy" To Title 4. "Public Welfare" Of The Municipal Code In Compliance With Assembly Bill 481

SUMMARY AND RECOMMENDATIONS

The purpose of California Assembly Bill 481 is to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used by law enforcement agencies.

Staff recommends the City Council approve and adopt the Military Equipment Funding, Acquisition and Use Policy and adding Chapter 4-42 "Military Equipment Funding, Acquisition and Use Policy" to Title 4. "Public Welfare" of the Municipal Code in compliance with California Assembly Bill 481.

BACKGROUND

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 relating to the use of military equipment by law enforcement agencies, codified in California Government Code sections 7070 through 7075. The law now requires law enforcement agencies to obtain approval of the applicable governing body (City Council) for funding, acquiring, or using military equipment by an ordinance adopting a "military equipment" use policy. The item must be heard during a regular meeting held pursuant to open meeting laws prior to taking certain actions relating to the funding, acquisition, or use of military equipment. California Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.

Government Code section 7070 defines the term "military equipment" to not necessarily indicate equipment that has been used by the military or purchased from the federal government. Rather, the definition includes, but is not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, less lethal projectile launchers, and flashbangs. California Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.

Pursuant to Assembly Bill 481, staff prepared a "Military Equipment Funding, Acquisition and Use Policy," "Military Equipment Inventory List" and corresponding ordinance for City Council consideration.

Analysis

The San Leandro Police Department's "Military Equipment Funding, Acquisition and Use Policy," as well as the required "Military Equipment Inventory List" are attached to this report.

The policy requires the department to:

- Identify equipment the department intends to acquire that requires approval by the City Council;
- conduct an annual inventory of all military equipment;

- collaborate with any other California law enforcement agency that may use military equipment within the City (Government Code § 7071);
- schedule an annual community engagement meeting regarding the department's funding, acquisition, and use of equipment;
- prepare and publish an annual military equipment inventory on the department website (Government Code § 7072);
- establish a procedure for a person to register a complaint, concern, or question about the use of a type of military equipment, and how the department will respond in a timely manner.

The San Leandro Police Department does not have any equipment obtained from the Law Enforcement Support Officer (LESO) 10-33 program. However, due to the broad definition of "military equipment" in Assembly Bill 481, the Police Department is in possession of equipment that is defined as "military equipment." Included in the inventory list is:

- Equipment Description
- Capabilities
- Quantity
- Expected Lifespan
- Purpose
- Authorized Use
- Fiscal Impact
- Training
- Legal and Procedural Rules
- Miscellaneous Information

Therefore, for the department to continue to use the equipment, the City Council must adopt an ordinance to authorize the Military Equipment Funding, Acquisition and Policy and approve the policy.

Fiscal Impacts

There is no new fiscal impact as a result of this policy. As outlined in this policy, each request for a new purchase and use of a defined piece of military equipment will be brought before the City Council for review and approval.

PREPARED BY: Luis Torres, Assistant Police Chief

ATTACHMENT

- Military Equipment, Funding, Acquisition and Use Policy Ordinance
- Military Equipment, Funding, Acquisition and Use Policy 707
- Military Equipment Inventory List