



City Council AGENDA REPORT

DATE: 04/13/2022

AGENDA OF: 04/26/2022

DEPARTMENT: Police

SUBJECT: AB 481 - Military Equipment Funding, Acquisition and Use Policy (PD)

RECOMMENDATION: Motion to:

- (1) Introduce for publication an ordinance amending City of Santa Cruz Municipal Code (“SCMC”) Chapter 9.90; and
 - (2) Approve Santa Cruz Police Department (“Department”) Policy 705 and an inventory of military equipment as defined by AB 481; and
 - (3) Provide direction as necessary.
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BACKGROUND: California State Assembly Bill 481, effective January 1, 2022, establishes requirements for the acquisition and use of items deemed to be “military equipment” in law enforcement and state agencies. Specifically, the bill requires that law enforcement agencies obtain approval of their governing body via ordinance adopting a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment.

The military equipment use policy must, at a minimum, address the following:

- (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
- (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
- (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
- (4) The legal and procedural rules that govern each authorized use.
- (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
- (6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
- (7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

The approval process for the military equipment use policy for equipment acquired prior to January 1, 2022 must commence no later than May 1, 2022.

Once the policy is established, the Department must post the policy on the Department website and submit an annual report regarding use of the equipment. The City Council shall review the annual report and vote whether to renew the adopted ordinance on an annual basis.

DISCUSSION: The Department draft Military Equipment Policy #705 includes: a definition of military equipment in alignment with AB 481; the roles and responsibilities assigned to the Department's Military Equipment Coordinator; the Department's current military equipment inventory, including a description of the items, quantity, capabilities, purchase cost, purpose, authorized use, expected lifespan, training and legal and procedural rules; when approval is needed for funding, acquiring or using military equipment; coordination with other jurisdictions, community engagement and annual report; and the public process to submit complaints, concerns and questions.

If this ordinance is not approved the Department will be required to redesign policies, procedures, and operations for critical incident response. This would include the Department's ability to provide and receive mutual aid, address an immediate threat, or have more expansive less-lethal options. Public safety will be negatively impacted with diminished access to the resources currently in the Department's inventory.

The Department posted the draft Military Equipment Policy #705 on its website on March 18, 2022, and received comments from the public on the draft policy at both the Public Safety Committee meeting on March 22, 2022 and the AB 481 Virtual Community meeting held on April 11, 2022.

FISCAL IMPACT: None.

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Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. DRAFT ORDINANCE ADDING CHAPTER 9.90 - AB 481 MILITARY EQUIPMENT.DOCX
2. SANTA CRUZ POLICE DEPARTMENT POLICY #705 MILITARY EQUIPMENT.DOCX
3. SANTA CRUZ POLICE MILITARY EQUIPMENT INVENTORY.DOCX