



Council Agenda Report

From: Ricky Lehr, Police Sergeant

Subject: Acceptance of Annual Report on Military Equipment Use Pursuant to AB 481 and Renewal of Ordinance No. 1119.CEQA Determination: The City find that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.

Date: July 18, 2023

Facts

1. Governor Gavin Newsom signed Assembly Bill 481 into law in 2021; the bill requires law enforcement agencies to obtain approval of an ordinance adopting a military equipment policy through that agency's governing body (i.e. City Council).
2. On June 21, 2022, City Council adopted Ordinance 1119 N.S, adopting the City's Military Equipment Use Policy.
3. Upon approval of a military equipment policy, the Chief of police, or the designee, must annually submit to the City Council a military equipment report which details information about how and when the military equipment was used in the preceding calendar year (Government Code 7072).
4. The Paso Robles Police Department possesses and uses equipment regulated by this ordinance (Attachment 1).
5. The Paso Robles Police Department has implemented a military use policy in accordance with Assembly Bill 481 (Attachment 2). Per the policy, section 706.1, the Paso Robles Police Department must submit an annual report for military equipment use.
6. The term "military equipment" is defined in California Government Code 7070(c) and includes many items which are considered industry standard, are commercially produced, not obtained from the military.
7. Assembly Bill 481 also requires the City Council to review and vote on whether to renew the military equipment use ordinance at a regular meeting (Government Code 7071).

Options

1. Take no action;
2. Approve the annual military equipment report pursuant to California Government Code 7072 and vote to renew Ordinance 1119 N.S.;
3. Provide alternative direction to staff.

Analysis and Conclusions

AB 481 was enacted to increase transparency, accountability, and oversight surrounding the use and acquisition of military equipment by state and local law enforcement. It requires law enforcement agencies to obtain approval from the legislative bodies that oversee them before purchasing, raising funds for, or acquiring military equipment, by any means. Law enforcement agencies are also required to obtain approval by their legislative bodies before collaborating with another law enforcement agency in

the deployment or use of military equipment within the law enforcement agencies jurisdiction, or before using any new or existing military equipment not previously approved.

Under AB 481, a governing body approval must take the form of an ordinance adopting a publicly released, written military equipment use policy, which must address a number of specific topics, including the type, quantity, capabilities, purposes, and authorized uses of each type of military equipment, the fiscal impact of their acquisition and use, the legal and procedural rules that govern their use, the training required by any officer allowed to use them, the mechanisms in place to ensure policy compliance, and the procedures by which the public may register complaints. This ordinance must be renewed by a vote of the governing body each year.

AB 481 also requires any law enforcement agency that receives approval for the use of military equipment to submit annual reports to the governing body regarding the use of the equipment, any complaints received, any internal audits or other information about violations of the military equipment use policy, the cost of such use, and other similar information. Law enforcement incidents can be unpredictable and complex. In order to de-escalate violent and tense situations at times special equipment, tools or resources may be necessary to reduce the possibility of harm to community members, individuals directly involved in the incident and officers and increase the likelihood of a positive outcome. Items identified as “military equipment” include, but are not limited to, unmanned aerial (Drones) or ground vehicles, bulletproof vehicles, pepper balls, less lethal 40mm projectile launchers and distraction devices. These tools have been tested in the field and are used to help enhance citizen safety, officer safety and reduce the need for escalation of force. They are commonly utilized by law enforcement and their use is considered best practices. The Department has not discovered other reasonable alternatives for these tools that can achieve the same objectives of community member safety and officer safety as these tools can do.

The Department is committed to utilizing equipment that helps to safeguard the community and reduce the risk of escalating volatile situations that might rise to the level of a lethal encounter.

The ordinance and Policy #706 provide for safeguards to the public’s safety, welfare, and civil rights and ensures transparency, oversight and accountability measures are in place. The Department will be required to conduct annual audits of the equipment to ensure compliance with the policy, annually report to City Council the use of this equipment, seek approval prior to purchasing tools deemed to be “military equipment.”

Since adopting this policy, the Paso Robles Police Department has purchased two DJI MAVIC MINI UAS drones (Attachment 1). The Paso Robles Police Department has not retired any approved military equipment over the past year.

Fiscal Impact

None

CEQA Determination

The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.

Recommendation

(Option 2)

Approve the annual military equipment report pursuant to AB 481.

Attachments

1. Military Equipment Annual Report
2. PRPD Military Equipment Policy 706