City of Culver City

Staff Report Details (With Text)

File #:	24-299	**Version:** 1	**Name:**	AB481 Military Equipment Annual Report
Type:	Minute Order		**Status:**	Action Item
			In control:	City Council Meeting Agenda
On agenda:	10/9/2023		**Final action:**	
Title:	CC - ACTION ITEM: (1) Review and Approval of the 2022-2023 Culver City Police Department Military Equipment Annual Report Pursuant to Government Code Section 7071(e)(2); (2) Review and Renewal of (i.e., Continuation of) Ordinance No 2022-005, Codified as Subchapter 3.04.400 of the Culver City Municipal Code, Governing the Use of Military Equipment by the Culver City Police Department, Pursuant to Government Code Section 7071(e)(1); and (3) Direction to the Police Chief as Deemed Appropriate.			
Indexes:	Chapter 3 - Adminstration			
Code sections:	Title 3 - ADMINISTRATION			
Attachments:	1. 2023-10-09_ATT1_ CCPD Military Equipment Policy.pdf, 2. 2023-10-09_ATT2_Ordinance 2022-005 Military Equipment.pdf, 3. 2023-10-09_ATT3_CCPD Military Equipment Annual report.pdf			

Date	Ver.	Action By	Action	Result
10/9/2023	1	City Council Meeting Agenda		

CC - ACTION ITEM: (1) Review and Approval of the 2022-2023 Culver City Police Department Military Equipment Annual Report Pursuant to Government Code Section 7071(e)(2); (2) Review and Renewal of (i.e., Continuation of) Ordinance No 2022-005, Codified as Subchapter 3.04.400 of the Culver City Municipal Code, Governing the Use of Military Equipment by the Culver City Police Department, Pursuant to Government Code Section 7071(e)(1); and (3) Direction to the Police Chief as Deemed Appropriate.

Meeting Date: October 9, 2023

Contact Person/Dept: Assistant Police Chief Troy Dunlap/Police Department

Phone Number: (310) 253-6396

Fiscal Impact: Yes [] No [X] **General Fund:** Yes [] No []

Public Hearing: [] **Action Item:** [X] **Attachments:** [X]

Commission Action Required: Yes [] No [X]

Public Notification: (E-Mail) Meetings and Agendas - City Council (10/03/2023); (Posted) Police Department Website (08/28/2023)

Department Approval: Jason Sims, Chief of Police (09/19/2023)

RECOMMENDATION

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Staff recommends the City Council (1) review and approve the Culver City Police Department Military Equipment Annual Report (2022 - 2023) pursuant to Government Code Section 7071(e)(2); (2) review and approve the renewal of (i.e., continuation of) Ordinance No 2022-005, codified as Chapter 3.04 of the Culver City Municipal Code (CCMC), governing the Use of Military Equipment by the Culver City Police Department; and (3) provide other direction to the Chief of Police as deemed appropriate.

BACKGROUND

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481 (AB 481 or the Bill), codified as Government Code sections 7070 through 7075. AB 481 requires a law enforcement agency (LEA) to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy (the Policy) by ordinance (the Ordinance), prior to the LEA funding, acquiring, or using equipment deemed military equipment as defined in Assembly Bill 481.

The term "military equipment," as used in AB 481, in fact, does not necessarily indicate the equipment has been used by or acquired through the military. Items deemed to be "military equipment" by AB 481 are used as a component of overall best practices for LEAs throughout the country. These tools have been tested in the field and are used by LEAs to enhance public and officer safety. None of the equipment in the Culver City Police Department's (CCPD) inventory has been obtained from the military, nor is it solely designated for military use.

Pursuant to AB 481, items deemed to be "military equipment" include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, and flashbangs.

In compliance with AB 481, CCPD developed a military equipment policy and military equipment inventory in the spring of 2022 (Exhibit A to Attachment 2). In compliance with state law, the policy and inventory were posted for public viewing on the Department's website and City website.

On September 12, 2022, City Council adopted Ordinance No. 2022-005 (Attachment 2), adding Subchapter 3.04.400 to the CCMC, governing the Use of Military Equipment by CCPD, and approving CCPD's military equipment use policy. The current, approved CCPD military equipment policy as it appears in the CCPD duty manual is included with this report as Attachment 1 for ease of reference.

Annual Requirements

Government Code Section 7071(e)(1) provides that "the governing body shall review any ordinance that it has adopted pursuant to this section … at least annually" and vote on whether to "renew" the ordinance. Further, Government Code Section 7072 provides that the law enforcement agency must submit an annual military equipment report on an annual basis to the governing body.

Per Government Code section 7072, the annual report must include the following:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.
(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
(5) The quantity possessed for each type of military equipment.
(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Additionally Government Code section 7071(e)(2) states that "the governing body shall determine, based on the annual military equipment report submitted," whether each type of military equipment identified in the report complies with the original standards of approval set forth in the statute. The standards in Government Code Section 7071 include:

(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 preparing and submitting an annual report, a law enforcement agency is required to hold a community meeting where the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

Accordingly, on August 28, 2023, CCPD posted its Annual Report (Attachment 3), on its website, various social media platforms, and Gov delivery, and provided notification of a community meeting scheduled for September 28, 2023. The purpose of the community meeting is to receive community input on CCPD's current and future use of Military Equipment as defined in the CCMC and state law.

DISCUSSION

The CCPD prepared an Annual Report in compliance with state law, regarding use of Military Equipment (Attachment 3), all of which was funded or acquired through Council-approved annual budgets. The availability and use of Military Equipment (as defined in Government Code 7070) enables the Police Department to minimize risk to members of the community and officers during high-risk incidents while fulfilling its mission to protect life and property. The annual report includes an inventory detailing each type of military equipment possessed by the Police Department, its

quantity, authorized use, fiscal impact, and training requirements. The report includes the number of instances where military equipment was utilized by Police Department personnel from September 12, 2022 - September 11, 2023.

CCPD has clearly established working relationships with police departments from Mutual-Aid Group A (*Santa Monica PD, Beverly Hills PD, West Hollywood Sheriffs, and UCLA PD*), the Los Angeles Police Department, California Highway Patrol, the Los Angeles County Sheriff's Department, and other Los Angeles County law enforcement agencies. In these exigent circumstances *(i.e., high-risk warrant service, barricaded suspect, hostage rescue, active shooter, bomb threat, etc.*), and with prior approval of the Chief of Police, CCPD has identified military equipment that may be deployed by outside entities to promote the safety and security of community members and officers. The identified equipment is listed in the AB 481 Policy and consists of the use of armored vehicles and robots.

If an armored vehicle or a robot from an outside agency is deployed in Culver City, notification to the City Council will be made within 30 days. As defined by AB 481, military equipment used by other jurisdictions providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

On September 28, 2023, the Police Department hosted a community engagement meeting where community members were encouraged to attend and ask questions of Police Department staff on the current and future use of Military Equipment. The Police Department provided a presentation on the importance of Military Equipment and the instances where this equipment was utilized in the last 12 months.

CCPD seeks City Council review and approval of the Military Equipment Annual Report, and renewal of (i.e., the continuation of) Ordinance 2022-005 (CCMC Subchapter 3.04.400), to allow CCPD to use military equipment and neighboring agencies to use the same equipment when providing mutual aid during exigent circumstances.

FISCAL ANALYSIS

There is no fiscal impact associated with reviewing the Annual Report or with continuing with Ordinance 2022-005, as adopted in September 2022. There are no new financial considerations for replacing existing military equipment and munitions.

ATTACHMENTS

1. 2023-10-09_ATT1_CCPD Duty Manual 704 (Military Equipment Policy)
2. 2023-10-09_ATT2_Ordinance 2022-005 Military Equipment
3. 2023-10-09_ATT3_Military Equipment Use Annual Report (’22 - ’23)

MOTION

That the City Council:

1. Review and Approve the CCPD Annual Report; and
2. Approve the renewal of (i.e., continuation of) Ordinance 2022-005, codified as CCMC Subchapter 3.04.400 Governing the Use of Military Equipment by the Culver City Police Department; and
3. Provide other direction to the Chief of Police as deemed appropriate.

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