



CITY OF SALINAS COUNCIL STAFF REPORT

to

DATE: APRIL 23, 2024

DEPARTMENT: SALINAS POLICE DEPARTMENT

FROM: JOHN C. MURRAY, ACTING CHIEF OF POLICE

BY: TONYA ERICKSON, POLICE SERVICES ADMINISTRATOR
DIANA CALIZO, ADMINISTRATIVE ANALYST I

TITLE: 2023 AB 481 ANNUAL REPORT, RENEWAL OF ORDINANCE
NO. 2657, AND PURCHASE OF AB 481 EQUIPMENT

RECOMMENDED MOTION:

A motion to approve a Resolution to renew Ordinance No. 2657 pertaining to military equipment funding, acquisition, and use, and authorize the Interim City Manager to approve the direct purchase of AB 481 equipment for a total cost not to exceed \$10,499.11.

RECOMMENDATION:

Staff recommends that City Council renew Ordinance No. 2657 pertaining to military equipment funding, acquisition, and use, as required by Assembly Bill 481. Staff further recommends that City Council authorize the direct purchase of AB 481 equipment for use by the Special Weapons and Tactics (SWAT) Team. Equipment will be purchased from LC Action for a total cost not to exceed \$10,499.11.

EXECUTIVE SUMMARY:

Assembly Bill 481 (AB 481 or the Bill), codified in Government Code sections 7070 through 7075 requires a law enforcement agency to obtain approval from the applicable governing body, by adopting a military equipment use policy by ordinance, prior to taking certain actions related to the funding, acquisition, or use of “military equipment” as defined by the Bill. City Council adopted a military equipment use policy by Ordinance on August 23, 2022, and this requires annual renewal. As required by AB 481, SPD is now presenting the 2023 AB 481 Annual Report and requesting the renewal of Ordinance No. 2657 to allow SPD to continue utilizing this necessary equipment.

The department is also requesting the purchase of new AB 481 equipment. The department’s Special Weapons and Tactics (SWAT) Team have a need for new precision rifles to be purchased from LC Action for a total cost not to exceed \$10,499.11.

BACKGROUND:

On September 30, 2021, Governor Newsom signed AB 481 – Military Equipment Funding, Acquisition, and Use into law. The Bill designated fifteen categories of police equipment items as military equipment. AB 481 required SPD to obtain approval of the City Council, by an ordinance adopting a military equipment policy, prior to any of the following activities:

1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
2. Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the city limits.
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to this chapter.
6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
7. Acquiring military equipment through any means not identified above.

From January 1, 2022, forward, all new acquisitions of military equipment, as designated by AB 481, requires approval by City Council.

Information about AB 481 – Military Equipment Funding, Acquisition, and Use is available on the Police Department's webpage and can be accessed at <https://salinaspd.com/assembly-bill-481/>. The webpage contains the AB 481 defined list of police equipment deemed military equipment by numbered category and identifies each category of equipment SPD possesses. The webpage contains several links to additional information, including the full text of AB 481, the SPD Military Equipment policy, and the military equipment inventory currently in SPD's possession. The webpage also contains a link to a webform where community members may ask questions, make comments, or voice concerns. Answers to those questions, and responses to the comments or concerns, are found by accessing another link. For those wishing to make a formal complaint, a link directs them to the complaint process webpage. SPD has and will continue to update this webpage as equipment inventory changes, and as usage and cost data is reported via the AB 481 Annual Reports. The webpage will remain accessible so long as military equipment is available for use.

On August 23, 2022, City Council adopted Ordinance No. 2657 which added Article III to Chapter 27 of the Salinas Municipal Code pertaining to the military equipment use policy in compliance with Assembly Bill 481. Before adopting the Ordinance, the Council determined several factors:

- 1) The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and community member safety.
- 2) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

- 3) If purchasing additional equipment, it is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and community member safety.
- 4) Use of Military Equipment complied with the Policy that was in effect at the time of the use, or if prior uses did not comply with the Policy, corrective action has been taken to remedy non-conformance and ensure future compliance.

After adoption of the Ordinance, SPD is required to seek renewal of the Ordinance annually thereafter to continue using military equipment. SPD is required to submit to the governing body an annual military equipment report within one year of approval, and annually thereafter for as long as the military equipment is available for use. SPD is also required to hold a community engagement meeting where the public may discuss and ask questions about the AB 481 Annual Report.

As required by AB 481, codified in Government Code § 7072(a), SPD is submitting the 2023 AB 481 Annual Report to City Council. The 2023 AB 481 Annual Report is posted on the SPD website and attached to this document. The report includes a summary of how the military equipment was used and the purpose of its use, a summary of complaints or concerns received concerning the military equipment, information regarding violations of the military equipment use policy, the total annual cost for each type of military equipment, and the quantity possessed for each type of military equipment. For the calendar year 2023 period, there were no reported violations of the military equipment use policy and one reported complaint related to the use of Category 2 equipment, the Mine Resistant Ambush Protected (MRAP) vehicles at community events.

As required by AB 481, codified in Government Code § 7072(b), after releasing the annual military equipment report SPD is required to hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and SPD's funding, acquisition, or use of military equipment. The 2023 AB 481 Annual Report was released on March 16, 2024, via posting to the SPD website and with a corresponding announcement related to the release of the report and the Community Meeting scheduled for April 15, 2024, at 6:00pm at the City Hall Rotunda. A follow-up social media post was done prior to the Community Meeting. To ensure maximum opportunity for input, SPD also provided a presentation to the Police Community Advisory Committee (PCAC) on March 27, 2024. Acting Chief John Murray presented the 2023 AB 481 Annual Report and PCAC members were told of the upcoming Community Meeting. During the presentation, PCAC Committee Member Eddy stated that she did not feel that the MRAP should not be displayed at community events. Committee Member Perez stated that a display of the MRAP may be acceptable in other areas of the county, but not in his district. Committee Chair Miller stated that the MRAP does not have any offensive capabilities and the display helps the community to understand the equipment and know that it comes to help. She suggested that SPD do more to provide education about use of the MRAP, such as displaying pictures of its use during the 2023 Floods. Committee Chair Miller also stated that she was glad to see the usage costs were low which aligns with the infrequent usage. A member of the community spoke during public comment and stated that he had another opinion about the MRAP use at community events, as he felt that seeing the MRAP may inspire children to want to be police officers so they can drive such equipment. The AB 481 Community Meeting was held on Monday, April 15, 2024, at 6:00pm at

the City Council Rotunda. Several SPD staff remained available for more than 30 minutes, but no members of the public attended the Community Meeting during which SPD personnel were prepared to present the report and answer any questions related to AB 481.

As required by AB 481, codified in Government Code § 7071(e), City Council shall review any Ordinance at least annually and, subject to paragraph (2), vote on whether to renew the ordinance. The referenced paragraph (2) states the governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in the report has complied with the standards for approval set forth in subdivision (d). The referenced subdivision (d) references the requirement that the use of military equipment complied with the Policy that was in effect at the time of the use, or if prior uses did not comply with the Policy, corrective action has been taken to remedy non-conformance and ensure future compliance.

SPD contends that the Ordinance, policy, and military equipment it possesses continues to meet all requirements set forth in AB 481 and has documented via the 2023 AB 481 Annual Report that there were no reported violations of the military equipment use policy. There was one complaint related to the use of Category 2 equipment, the MRAP, at community events. Given the information above, the department is requesting that City Council renew Ordinance No. 2657 ordinance as required by AB 481. The renewal of this Ordinance will allow SPD to continue using the vital equipment specified therein. Items deemed to be military equipment by AB 481 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been utilized by SPD and other law enforcement agencies to enhance community and officer safety. Loss of these items would jeopardize the welfare of both our community and the peace officers within SPD.

The department is also requesting the approval to purchase four new precision rifles for use by the Special Weapons and Tactics (SWAT) Team. These rifles are a different platform than currently possessed by SPD and have the ability to be used for a wider variety of critical incidents. We have secured a quote for the precision rifles from LC Action totaling \$9,999.15. Given the delay between quote and potential purchase, we are asking for a 5% contingency to be added to the quote amount to ensure we have the ability to purchase should the price change. Given the additional contingency, we are asking for authority to purchase the four precision rifles from LC Action for a cost not to exceed \$10,499.11. Existing department appropriated General Fund will be utilized for these purchases.

There are no local vendors that sell this specialized equipment, and we have an existing vendor with a long and positive history serving law enforcement. Given the absence of local vendors, as well as the information provided, the City Council has the authority to approve this direct purchase under Salinas Municipal code Section 12-27 and without application of the local purchasing preference pursuant to Salinas Municipal Code Section 12-28.080.

POLICE COMMUNITY ADVISORY COMMITTEE:

To ensure maximum opportunity for input, SPD also provided a presentation. Acting Chief John Murray presented the 2023 AB 481 Annual Report to the Police Community Advisory Committee (PCAC) on March 27, 2024 and PCAC members were also told of the upcoming Community Meeting. Comments made at the PCAC Meeting are described earlier in this report.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

Renewing the proposed Ordinance and authorizing the purchase of equipment will support the City Council's Strategic Plan Goal of Public Safety.

DEPARTMENTAL COORDINATION:

The Police Department and Legal Department coordinated on the Ordinance and legal compliance with Assembly Bill 481, and the department will coordinate with the Finance Department during the purchasing process.

FISCAL AND SUSTAINABILITY IMPACT:

Approving the renewal of Ordinance No. 2657 will have no direct fiscal impact on the City's General Fund, Measure E or Measure G funds. Oversight, including administrative data collection and reporting, is completed by existing Salinas Police Department staff.

Funds for the requested equipment is appropriated and available in the Patrol Division budget, account 1000.40.4220. Additional funds are not being requested for the purchase of the AB 481 equipment.

ATTACHMENTS:

Resolution
Ordinance No. 2657
Assembly Bill 481
Presentation – 2023 AB 481 Annual Report
AB 481 Equipment Quote
2023 AB 481 Annual Report