



CITY OF SALINAS COUNCIL STAFF REPORT

to

DATE: MARCH 25, 2025

DEPARTMENT: SALINAS POLICE DEPARTMENT

FROM: CARLOS ACOSTA, CHIEF OF POLICE

BY: TONYA ERICKSON, POLICE SERVICES ADMINISTRATOR

TITLE: 2024 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 City Manager to approve the direct purchase of AB 481 equipment for a total cost not to exceed \$66,056.91.

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, the Salinas Police Department (SPD) is now presenting the 2024 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 approval to purchase AB 481 equipment identified in this report. The department’s Special Weapons and Tactics (SWAT) Team have a need for .308 ammunition from San Diego Police Equipment Company, and specialty SWISS P ammunition from Norma Precision. The department also has the need for replenishment of 40MM Sponge Rounds from LC Action Police Supply and wishes to purchase the Pepper Ball system, consisting of Pepper Balls, launching equipment, and training balls, from Curtis Blue Line. The total cost for all equipment is not to exceed \$66,056.91.

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, require 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 2024 AB 481 Annual Report to City Council. The 2024 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 2024 period, there were no reported violations or complaints related to military equipment use.

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 2024 AB 481 Annual Report was released on February 17, 2025, via posting to the SPD website and corresponding announcements related to the release of the report and the associated Community Meeting were posted via the SPD Facebook and Instagram accounts. Information regarding the 2024 Annual Report and information related to the Community Meeting was also posted on the City website and released via GovDelivery (email/text). The AB 481 Community Meeting was held on Monday, March 17, 2025, at 6:00pm at the City Council Rotunda. The Chief of Police presented a summary of the AB 481 Annual Report to the one member of the public in attendance. No questions were asked, and several SPD staff remained available for more than 30 minutes in case additional members of the public joined the meeting.

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 2024 AB 481 Annual Report that there were no reported violations of the military equipment use policy. Given the information above, the department is requesting that City Council renew Ordinance No. 2657 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.

In addition to the request for renewal of Ordinance No. 2657, the Salinas Police Department is requesting approval to purchase the AB 481 equipment identified below.

The Police Department is requesting approval to replenish the supply of .308 ammunition that is exclusively for use with precision rifles used by our Special Weapons and Tactics (SWAT) Team. This ammunition falls within Category 10 – Specialized Firearms and Ammunition of less than .50 caliber. We have secured a quote for this ammunition from San Diego Police Equipment Company, Inc. for a cost of \$36,970.20. Given the current volatility in supply costs, and the potential increase in price before delivery, we are asking for a 5% contingency to be added to the quote amount to ensure we can complete the purchase should the price change. Given the additional contingency, we are asking for authority to purchase the Federal Tactical Bonded Tip .308 168GR ammunition, as identified on the attached quote from San Diego Police Equipment Co. Inc., for a cost not to exceed \$38,818.71. Existing department appropriations within the General Fund will be utilized for this purchase.

The Police Department is also requesting approval to purchase a small quantity of a new type of specialty SWISS P ammunition for very specific applications. This ammunition also falls within Category 10 – Specialized Firearms and Ammunition of less than .50 caliber. This armor piercing ammunition is generally used to penetrate an engine block on a stationary vehicle in order to prevent the vehicle from becoming mobile. Another usage for this type of round is to defeat body armor or other types of ballistic barriers. Standard duty rounds do not have the same capabilities as armor piercing rounds. Standard rounds typically break apart at impact, which significantly reduces the ability for the round to penetrate. The armor piercing round stays intact, which allows for better penetration on ballistic barriers. In reviewing with several local tactical teams in the Tri-County region, we learned that it has become an industry standard to have armor piercing rounds accessible to SWAT teams. Members of the SWAT team would be required to qualify with the ammunition prior to use in the field, and use would require prior authorization of the Team Leader. We have secured a quote for this ammunition from Norma Precision for a cost of \$2,949.47, excluding sales tax and shipping. Given the current volatility in supply costs, the potential increase in price before delivery, as well as the exclusion of the sales tax and shipping in the quote, we are asking for a 25% contingency to be added to the quote amount to ensure we can complete the purchase after the addition of sales tax and shipping, and should the quoted price change. Given the additional contingency, we are asking for authority to purchase the SWISS P ammunition, as identified on the attached quote from Norma Precision, for a cost not to exceed \$3,686.84. Existing department appropriations within the General Fund will be utilized for this purchase.

The Police Department is also requesting approval to replenish the supply of 40MM Sponge Rounds for use with 40MM Launchers. These 40MM Sponge Rounds fall within Category 14 – 40MM Projectile Launchers and Munitions. In recent years, the 40MM launcher was expanded to Patrol to ensure access by field-based officers. The 40MM launcher affords the ability to use less lethal impact munitions (sponge rounds/foam batons) in conjunction with de-escalation tactics when feasible. This allows officers to address a threat from a greater distance and provides an alternative option for deadly force when reasonable. This can potentially prevent a deadly force encounter. We have secured a quote for the replenishment of 40MM sponge rounds from LC Action Police Supply for a cost of \$4,050.90.

Given the current volatility in supply costs, and the potential increase in price before delivery, we are asking for a 5% contingency to be added to the quote amount to ensure we can complete the purchase should the price change. Given the additional contingency, we are asking for authority to purchase the 40MM Sponge Rounds, as identified on the attached quote from LC Action Police Supply, for a total cost not to exceed \$4,253.45. Existing department appropriations within the General Fund will be utilized for this purchase.

Finally, the Police Department is requesting approval to purchase Pepper Balls and associated launching equipment. These Pepper Balls fall within Category 12 – “Flash-bang” Grenades and Explosive Breaching Tools, “Tear Gas,” and “Pepper Balls,” excluding Standard, Service-issued Handheld Pepper Spray. Only the third line on the attached quote, 104-01-0579 - PepperBall – Live PAVA Powder Projectiles (375 ct. Packaged in clear plastic jar), is subject to AB 481. All other items, including launchers, glass breakers, and the inert powder projectiles used for training, are not AB 481 equipment but included on the quote as they are part of the larger PepperBall system. In the evolving landscape of law enforcement, the emphasis on strategies that ensure safety and de-escalation without resorting to lethal force is paramount. The PepperBall system consists of compressed air-powered launchers and proprietary projectiles. PepperBall launchers operate similar to paintball launchers and deploy projectiles that release an estimated 12-foot cloud of 5% PAVA powder – a powerful organic irritant – on impact. In most individuals, this irritant produces an immediate and debilitating reaction in the mucus membranes that encourages subjects to change their behavior and comply with an officer’s instructions without causing permanent injury. This experience dissipates in roughly five minutes so that the subject is back to normal without inducing any harmful side effects. We have secured a quote for the individual components of the PepperBall system, including the Pepper Balls with live PAVA powder projectiles, from Curtis Blue Line for a cost of \$16,780.80, excluding shipping. Given the current volatility in supply costs, the potential increase in price before delivery, as well as the exclusion of the shipping costs in the quote, we are asking for a 15% contingency to be added to the quote amount to ensure we can complete the purchase after the addition of shipping costs, and should the quoted price change. Given the additional contingency, we are asking for authority to purchase the PepperBall system items, as identified on the attached quote from Curtis Blue Line, for a total cost not to exceed \$19,297.92. Existing department appropriations within the General Fund will be utilized for this purchase.

There are no local vendor that sell the specialized equipment identified in this report, and we have established vendors 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 these direct purchases 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:

There were no scheduled meetings of the Police Community Advisory Committee (PCAC) during January or February 2025, so there was no presentation of the 2024 AB 481 Annual Report.

GOVERNMENT CODE SECTION 843008 APPLIES:

No.

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 Ordinance and authorizing the purchase of the requested AB 481 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.

Information related to funding for the requested equipment is available below.

Fund	Appropriation	Appropriation Name	Total Appropriation	Amount for recommendation	FY 24-25 Operating Budget Page	Last Budget Action (Date, Resolution)*
1000	40.4220-62.4300	Supplies & Materials – Other Tools & Equip	\$114,585	\$42,505.55 <i>(.308 and SWISS P Ammunition)</i>	275	6/11/24, 22979
1000	40.4220-62.5120	Supplies & Materials – Other Clothing & Equip	\$231,460	\$23,551.36 <i>(40MM Sponge Rounds & Pepper Ball System)</i>	275	6/11/24, 22979

* The FY 24-25 Adopted Budget was adopted on June 11, 2024.

ATTACHMENTS:

Resolution
Ordinance No. 2657
Assembly Bill 481
Presentation – 2024 AB 481 Annual Report
AB 481 Equipment Quotes
2024 AB 481 Annual Report