



**CITY OF SOUTH PASADENA
PUBLIC SAFETY COMMISSION REGULAR MEETING AGENDA**

**CITY COUNCIL CHAMBERS
1424 MISSION STREET, SOUTH PASADENA, CA 91030
IN-PERSON**

Monday, September 11, 2023 at 8:30 a.m.

South Pasadena Public Safety Commission Statement of Civility

As your appointed governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made today will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

The South Pasadena Public Safety Commission Meeting will be conducted in-person from the Council Chambers, Amedee O. "Dick" Richards, Jr., located at 1424 Mission Street, South Pasadena.

The Public Safety Commission Meeting for **September 11, 2023** will be broadcasted via zoom teleconference and will take place in-person.

To maximize public safety, members of the public may attend and/or participate by the following means:

The Meeting will be available:

- In-person: 1424 Mission Street, South Pasadena, CA 91030
- Via Zoom – **Meeting ID: 841 9322 6718**
- Zoom Link – <https://us06web.zoom.us/j/84193226718>

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in one of the methods below:

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information; or
2. Click on the following unique Zoom Meeting link: <https://us06web.zoom.us/j/84193226718>
3. You may listen to the meeting by calling: +1-669-900-6833 and entering the Zoom Meeting ID

For additional Zoom assistance with telephone audio, you may find your local number at:

<https://zoom.us/u/aiXV0TAW2>

CALL TO ORDER

ROLL CALL

Commissioners Tricia Desmarais, Armando Munoz, Walter Cervantes, Bethesda Gee, Amin Alsarraf, Vice Chair Lisa Watson, Chair Ed Donnelly

COUNCIL LIAISON:

Councilmember Michael Cacciotti

PUBLIC COMMENT AND SUGGESTIONS

The City Council welcomes public input. If you would like to comment on an agenda item, members of the public may participate **by means of one of the following options:**

Option 1:

Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak for up to 3 minutes per item.

Option 2:

Email public comment(s) to pscpubliccomment@southpasadenaca.gov.

Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Agenda item you are submitting public comment on.
- 2) Submit by no later than 6:00pm September 10, 2023.

NOTE: Pursuant to State law, the Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

1. Public Comment

ACTION/DISCUSSION

2. **Minutes of the Public Safety Commission Regular Meeting of August 14, 2023**
Consideration of the minutes of the Public Safety Commission Special Meeting of August 14, 2023.
3. **Annual Review of the South Pasadena Police Department AB 481 Military Equipment Policy, Ordinance 2365**
Request for Commissioner discussion and recommendation on renewal of military equipment policy.

INFORMATION REPORTS

No items.

COMMUNICATIONS

4. **City Council Liaison Communications**
5. **Staff Liaison Communications**
8. **Commissioner Communications**

ADJOURNMENT

PUBLIC ACCESS TO AGENDA DOCUMENTS

The complete agenda packet may be viewed on the City's website, www.southpasadenaca.gov.

Meeting recordings will be available for public viewing after the meeting. Recordings will be uploaded to the City's YouTube Channel no later than the next business day after the meeting. The City's YouTube Channel may be accessed at: https://www.youtube.com/channel/UCnR169ohzi1AlewD_6sfwDA/featured

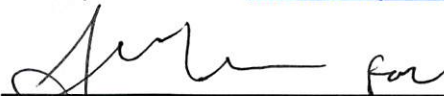
ACCOMMODATIONS

The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division via e-mail at CityClerk@southpasadenaca.gov or by calling (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

*I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA, and the City's website at www.southpasadenaca.gov on **September 7, 2023** as required by law.*

September 7, 2023

Date



Brian Solinsky, Chief of Police



CITY OF SOUTH PASADENA
VIA HYBRID / IN-PERSON
CITY COUNCIL CHAMBERS
1424 MISSION STREET, SOUTH PASADENA, CA 91030

PUBLIC SAFETY COMMISSION REGULAR MEETING MINUTES

Monday, August 14, 2023 at 8:30 a.m.

CALL TO ORDER

Date/Time: August 14, 2023 / 8:35 a.m.

ROLL CALL

Commissioners Present: Commissioners Desmarais, Munoz, Cervantes, Alsarraf, Vice Chair Watson, Chair Donnelly

Commissioners Absent: Commissioner Gee

Officials Present: Councilmember Michael Cacciotti, Police Chief Brian Solinsky, Fire Chief Paul Riddle, Management Analyst Alison Wehrle and Police Clerk Nelly Ochoa

Officials Absent: None

PUBLIC COMMENTS AND SUGGESTIONS

1. **Public Comment:** Yvonne LaRose

ACTION/DISCUSSION

2. **Minutes of the Public Safety Commission Special Meeting of June 5, 2023**

Motion: MOTION BY COMMISSIONER CERVANTES AND SECOND BY VICE CHAIR WATSON, CARRIED 5-0, to approve the Minutes of the June 5, 2023 Public Safety Commission Special Meeting as presented.

Ayes: Commissioners Desmarais, Munoz, Cervantes, Vice Chair Watson, Chair Donnelly

Noes: None

Abstain: Commissioner Alsarraf

3. **Update on Draft Local Hazard Mitigation Plan for the City of South Pasadena for Submission and Approval by California State Office of Emergency Services and the Federal Emergency Management Agency**

Fire Chief Paul Riddle provided a informational presentation detailing an update on the draft Local Hazard Mitigation Plan, which serves as a support document for the

Emergency Operations Plan for the City of South Pasadena. The City's Local Hazard Mitigation Plan (LHMP) outlines appropriate actions to reduce risk to people and property and reduce the cost of recovering from a disaster. Federal guidelines require LHMPs to be updated and adopted every five years. The report includes a profile of the community, detailed risk assessment, hazards affecting the City, hazard mitigation actions, and the maintenance process for the plan.

Councilmember Cacciotti joined the meeting at 8:44 a.m.

INFORMATION REPORTS

No items

COMMUNICATIONS

4. City Council Liaison Communications

Councilmember Cacciotti provided an update on the local food bank, the City's mobile crisis unit usage, and electrification project.

Vice Chair Watson left the dais at 9:31 a.m.

5. Staff Liaison Communications

Police Chief Brian Solinsky discussed recent traffic enforcement efforts, recruiting efforts, and an presented a photo of one of the Department's upcoming Tesla patrol vehicle. Chief Solinsky also mentioned the upcoming additional public outreach meeting for the Police Department assessment and will provide the date once the meeting is scheduled. Fire Chief Paul Riddle informed the Commission on the hiring of two new Firefighter/Paramedic employees, with the anticipated hiring of one additional Firefighter/Paramedic. Chief Riddle also mentioned the recent brush fire located in the arroyo.

6. Commissioner Communications

Commissioner Cervantes brought up the damage caused by the wildfire in Maui and requested that City staff look into a drone show instead of fireworks for future holiday celebrations. Commissioner Cervantes also discussed crossing guards during school hours.

ADJOURNMENT

Date/Time: August 14, 2023 / 9:57 a.m.

Respectfully Submitted:

Approved By:

Alison Wehrle
Recording Secretary

Ed Donnelly
Chair



Public Safety Commission Agenda Report

ITEM NO. 3

DATE: September 11, 2023

FROM: Brian Solinsky, Chief of Police
Andrew Dubois, Police Sergeant

SUBJECT: **Annual Review of the South Pasadena Police Department AB 481 Military Equipment Policy, Ordinance 2365**

Recommendation:

It is recommended that the Public Safety Commission consider recommending the renewal of Ordinance No. 2365, which would approve the policy guiding the South Pasadena Police Department's annual military equipment funding, acquisition, and use.

Background

On June 1, 2022, the City Council granted approval for the attached policy and Ordinance No. 2365 regulating the funding, acquisition, and use of military equipment. Assembly Bill (AB) 481 requires law enforcement agencies to publish a report concerning military equipment on its website annually. Additionally, the agency is required to host at least one community engagement session, affording the public an opportunity to present questions and engage in discussions regarding the report.

The annual report is required to incorporate the following:

- 1) A concise overview of each category of military equipment.
- 2) The equipment's designated purpose.
- 3) Equipment utilization by the agency throughout the preceding year.
- 4) A brief outline of any grievances received concerning the equipment.
- 5) The outcomes of any internal audits regarding violations of the military equipment use policy.
- 6) A comprehensive expense analysis associated with each type of equipment and the quantity owned.

AB 481 further mandates that the governing body undertake a review of any previously enacted ordinance authorizing the funding, acquisition, or utilization of military equipment on at least an annual basis. Following this review, a vote by the governing body will be conducted to renew the ordinance. The City Council possesses the authority to opt for renewal, decline the authorization for equipment if compliance standards are not met, or

stipulate revisions to the military equipment use policy. This decision is based on an evaluation of whether the equipment specified within the annual report adheres to the policy and aligns with the prescribed standards detailed in California Government Code Section 7071, subdivision (d).

This report serves to promote transparency, establish accountability, and offer an understanding of the Department's procurement, utilization, and application of military equipment within the specified reporting period of June 1, 2022, and September 11, 2023.

Analysis

The South Pasadena Police Department has established a demonstrated history of delivering professional law enforcement services to the local community while prioritizing the safety of those under its care. The officers of South Pasadena undergo comprehensive education and training in contemporary police methodologies, placing significant emphasis on de-escalation strategies and the implementation of leading practices within the field.

Following the approval of AB 481, the Police Department is required to identify particular tools employed and operated by its personnel, encompassing less-than-lethal projectiles and specialized firearms. Within the AB 481 categorization, we have also incorporated equipment essential for apprehending individuals who present a threat to both the community and first responders. Additionally, equipment necessary for rescuing members of the public or first responders from hazardous situations is included, which comprises tear gas, noise-flash diversionary devices, delivery platforms, specialty rifles, and ballistic ammunition.

As outlined in Attachment 1, the Department holds items from four distinct categories consumables of that align with the classifications outlined for military equipment as specified in AB 481. All of these items were procured and funded exclusively through fiscal year budgets which gained approval from the City Council, or through grant funding. The possession of this equipment provides the Police Department with the means to mitigate potential hazards for both community members and first responders in the event of rapidly evolving and high-risk situations. This equipment also serves to sustain a state of preparedness through ongoing training and familiarity, enabling the Police Department to effectively carry out its mission of safeguarding life and property with strategic precision.

Fiscal Impact

There is no fiscal impact associated with this report. The military equipment annual report outlines the fiscal implications associated with each item of equipment. Requests for

AB 481 Military Equipment Policy Review
Public Safety Commission
September 11, 2023

future funding and acquisition of new military equipment will require City Council review and approval.

Attachments:

- A. SPPD 2022 Military Equipment Funding, Acquisition, and Use Annual Report (Draft)
- B. South Pasadena Ordinance 2365 and Policy
- C. California Legislature Assembly Bill 481 Full Text

ATTACHMENT A

SPPD 2022 Military Equipment Funding, Acquisition,
and Use Annual Report (Draft)

South Police Department June 2022 - September 2023 Annual Military Equipment Use Report



1422 Mission Street
South Pasadena, CA 91030
www.southpasadenaca.gov

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OUR MISSION AND VALUES

- **Our Mission** is to provide *"Our Community with the Safest Possible Environment Using Interactive Crime Prevention Methods, public Education Programs, and the Equitable and Professional Application of the Law"*
- **Our Values** are:
 - **Integrity** - Police Officers are entrusted with lives and property. They are exposed to situations where, if lacking a high level of integrity, they can take advantage of that trust. The community must have confidence that their officers have the highest level of ethics and morals. Personal integrity is fundamental in the prevention of corruption. Police Officers have a solemn obligation to be honest and trustworthy, accurately document probable cause and the circumstances of an arrest in reports and during courtroom testimony, report ethical violations when committed by others, and serve as a role model for the public.
 - **Quality of Service** - The residents and business owners of South Pasadena have high expectations of the quality of service provided by the South Pasadena Police Department. Historically, the Department has provided an exemplary level of service. When handling any type of call for service, criminal or traffic investigation, officers should always provide a level of service they would want their family to receive. They should be guided by what is the right thing to do to solve the problem that resulted in their response.
 - **Respect for People** - Police Officers must treat all people with as much respect and dignity as the situation allows. Even in a confrontational, adversarial encounter, officers remain professional and respectful. Respect towards others breeds respect in return. And, respect towards others must begin between co-workers. If employees are not respectful towards each other, they will not be respectful to the public. All employees must treat each other with respect and recognize that the diversity each employee brings to the South Pasadena Police Department helps to make the Department able to police the diverse community we serve.
 - **Work Ethic** - The employees of the South Pasadena Police Department are government employees and public servants. The South Pasadena Police Department runs a tight ship, and is committed as a team supporting each other to accomplish the goals and objectives of the organization. This requires a firm commitment from each and every employee.



PREFACE

The South Pasadena Police Department (SPPD) upholds a steadfast commitment to upholding public trust, nurturing community collaboration, practicing transparency, ensuring accountability, adhering to best practices, and complying with legal mandates. In line with these principles, the Department has formulated and released this Military Equipment Use Report in strict accordance with Assembly Bill 481, Government Code 7072, and the SPPD Military Equipment Use Policy. Approval for the SPPD's utilization of the specified equipment was granted by the South Pasadena City Council in June 2022. This document presents a comprehensive overview of details spanning the timeframe from June 2022 to September 2023. The ensuing content encompasses the following particulars as stipulated by Government Code 7072(a):

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/or any actions taken in response.
4. The total annual costs for each type of military equipment, including acquisitions, 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. The additional military equipment SPPD intends to acquire in the next year, and the quantity sought for each type of military equipment.

EQUIPMENT OVERVIEW:

The South Pasadena Police Department does not possess any tactical equipment procured from military sources, nor does it own any equipment originally intended for military purposes. The Department abstains from involvement in the Law Enforcement Support Officer (LESO) 10-33 program. Additionally, the Department is not presently receiving or employing surplus military equipment from the Federal government. The established policy of the South Pasadena Police Department dictates the acquisition and utilization of equipment is intended to bolster the capabilities of municipal law enforcement in ensuring public safety and well-being.

Items categorized as "military equipment" by Government Code § 7070 serve as integral components within the framework of best practices adopted by law enforcement agencies nationwide. These tools have undergone field testing and are adopted by law enforcement entities to elevate both the safety of citizens and officers alike.



The term "military equipment," as applied in Government Code § 7070, doesn't exclusively signify equipment that has undergone military utilization. In accordance with AB 481, articles classified as "military equipment" encompass a range of items, which are not limited to unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper-ball launchers, less lethal shotguns, less lethal 40mm projectile launchers, long-range acoustic and distraction devices.

The South Pasadena Police Department is guided by a policy aimed at procuring and utilizing equipment intended to amplify law enforcement's capacity in safeguarding public safety and well-being. It is incumbent upon members to adhere to the stipulations outlined in Government Code § 7071 pertaining to the utilization of military equipment. For the purpose of this report, California Government Code § 7070 establishes a compilation of equipment categories categorized as "military equipment," and the Military Equipment Use Policy comprises details pertaining to any such equipment categories employed by the South Pasadena Police Department.

BACKGROUND: ASSEMBLY BILL 481

On September 30, 2021, Governor Newsom approved AB-481 requiring law enforcement agencies to obtain approval of the applicable governing body (City Council), by adoption of a military equipment use policy. The Department is required to seek City Council approval of their military equipment use procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.

Effective January 1, 2022, AB 481 allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The ordinance is subject to annual City Council review to determine whether, based on an annual military equipment use report, the standards set forth in the approving ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular military equipment where standards have not been met, or require modifications to the military equipment use policy to address any non-compliance with standards.

Lastly, the bill mandates the dissemination of both the military equipment use policy and the yearly military equipment use report on the Department's official website. The military equipment use protocol is required to be made available on the website no less than 30 days prior to the scheduled Council meeting.

The full text of AB 481 is available at <https://www.southpasadenaca.gov/government/departments/police/military-equipment-ab-481>



SUMMARY AND QUANTITY OF MILITARY EQUIPMENT

The following constitutes a list of military equipment utilized by the Department that meets the statutory definition of military equipment:

1. Defense Technology LMT 40 mm kinetic energy projectile launcher platform (Current Quantity: 7)
2. Defense Technology eXact iImpact 40 mm Projectile, Standard Range Sponge (Current Quantity: 50)
3. Defense Technology Direct Impact 40 mm Projectile, OC Crushable Foam Round (Current Quantity: 2)
4. Defense Technology Direct Impact 40 mm Projectile, Expulsion Grenade - Inert (Current Quantity: 4)
5. Defense Technology Direct Impact 40 mm Projectile, Ferret - inert liquid powder (Current Quantity: 50)
6. Defense Technology Direct Impact 40 mm Projectile, Gas (Current Quantity: 50)
7. Diversionary Devices (Flashbang), Combined Systems Inc. (Current Quantity: 108)
8. Diversionary Devices (OC Agent), Unknown (Current Quantity: 5)
9. Colt AR-10 .308 Caliber Precision Rifle (Current Quantity: 2)
10. Accuracy International Model England U4393 .308 Caliber Bolt Action Precision Rifle (Current Quantity: 2)
11. Winchester .308 Caliber Rifle Ammunition, Match Hollow Point Boat Tail 168 Grain (Current Quantity: 1500)
12. Federal .308 Caliber Rifle Ammunition, Gold Medal Sierra Matchking 168 Grain (Current Quantity: 600)
13. Federal .308 Caliber Rifle Ammunition, Tactical Bonded Tip 168 Grain (Current Quantity: 300)
14. Federal .308 Caliber Rifle Ammunition, Berger Full Metal Jacket 185 Grain (Current Quantity: 200)
15. Hornaday .308 Caliber Rifle Ammunition, GMX Tap Bar 165 Grain (Current Quantity: 200)
16. Hornaday .308 Caliber Rifle Ammunition, I B Tap Bar 165 Grain (Current Quantity: 100)

It should be noted, the numerical inventory of military equipment may fluctuate based upon a variety of reasons. Factors such as operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines or schedules may change the quantity of inventory. The South Pasadena Police Department is committed to providing the most accurate military equipment inventory and information at the time of the publication of this report.



MILITARY EQUIPMENT USE

This section outlines the military equipment usage for June 2022 - September 2023 by the South Pasadena Police Department. Certain items of military equipment, particularly consumables (ammunition, diversionary devices, pepper balls, chemical agents, etc.) are used periodically for training in order to maintain proficiency. The mere possession of the equipment does not warrant its use for every incident.

The following is the data for military equipment usage by category for this reporting period:

Equipment	Deployments
1. Defense Technology 40mm Kinetic Energy Launcher Platform	0
2. Defense Technology eXact iMPact 40 mm projectile, Standard Range Sponge	0
3. Defense Technology Direct Impact 40 mm projectile, OC Crushable Foam Round	0
4. Defense Technology Direct Impact 40 mm projectile, Expulsion Grenade	0
5. Defense Technology Direct Impact 40 mm projectile, Ferret - inert liquid powder	0
6. Defense Technology Direct Impact 40 mm projectile, Gas	0
7. Diversionary Devices (Flashbang), Combined Systems Inc.	0
8. Diversionary Devices (OC Agent)	0
9. Colt AR-10 .308 Caliber Precision Rifle	0
10. Accuracy Internat'l Model England U4393 .308 Caliber Bolt Action Precision Rifle	0
11. Winchester .308 Caliber Rifle Ammunition, Match Hollow Point Boat Tail 168 Grain	0
12. Federal .308 Caliber Rifle Ammunition, Gold Medal Sierra Matchking 168 Grain	0
13. Federal .308 Caliber Rifle Ammunition, Tactical Bonded Tip 168 Grain	0
14. Federal .308 Caliber Rifle Ammunition, Berger Full Metal Jacket 185 Grain	0
15. Hornaday .308 Caliber Rifle Ammunition, GMX Tap Bar 165 Grain	0
16. Hornaday .308 Caliber Rifle Ammunition, I B Tap Bar 165 Grain	0
Total	0



SUMMARY OF COMPLAINTS OR CONCERNS

The South Pasadena Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

There were **0** formal complaints, or officer involved shootings related to the use of military equipment as investigated by the Police Department during this reporting period.

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy by any of the following means:

1. Via email to: onlineaccountability@southpasadenaca.gov
2. Via phone call to: 626-403-7297
3. Via mail sent to: South Pasadena Police Department,
1422 Mission Street,
South Pasadena, CA 91030



SUMMARY AND RESPONSES TO MILITARY EQUIPMENT USE POLICY VIOLATIONS

The South Pasadena Police did not have any policy violations with the deployment or use of military equipment; therefore, it did not need to conduct any internal audits.

FISCAL IMPACT

The South Pasadena Police Department is budgeted for 34 sworn officers, 9 dispatchers, and 11 full time and part-time professional staff. The operating budget for the department for the 2022-2023 fiscal year is \$10,684,973.

The City of South Pasadena adopts an operating budget on a fiscal year basis (beginning July 1). The equipment owned and possessed by the department was approved in June of 2022 by the City of South Pasadena City Council. The cost of equipment purchases and expenditures is reflected in this report for June 2022 to September 2023 pursuant to Assembly Bill 481.

During this reporting period, The South Pasadena Police Department did not acquire or spend any funding for equipment and training specified in AB 481. The total expenditures represent 0.0% of South Pasadena Police Department's operational budget. No grant funding was utilized for training or equipment acquisition during this reporting period.



TRAINING SUMMARY

The safe and proficient use of the equipment outlined by AB481 requires countless hours of initial and on-going training as well as required certifications. Most training for department personnel is conducted internally by department personnel to ensure adherence to law and policy. There are times when department personnel are sent to external training courses to enhance and supplement internal trainings and to obtain train the trainer certifications. Consumable and non-consumable equipment are used during training to ensure proficiency and competency during real-life emergencies. Funding sources for all internal and external training are reflected in the South Pasadena Police Department's operations budget. <https://www.southpasadenaca.gov/government/departments/finance/budget-and-acfr>

TRAINING COSTS

The following is a breakdown of training costs associated with each piece of authorized military equipment. The quantity captured within the "consumable equipment" column indicates equipment that was expended during training. The personnel cost of training is captured in the department's general operating budget to include line-items in the Training Unit budget as well as individual department units who train to utilize authorized military equipment.

Equipment	Initial Cost	Consumable Equipment Used	External Training	Total Cost
1. Defense Technology 40mm Kinetic Energy Launcher Platform	\$811.00/unit	\$0	\$0	\$0
2. Defense Technology eXact iMpaact 40 mm projectile, Standard Range Sponge	\$18.00/round	\$0	\$0	\$0
3. Defense Technology Direct Impact 40 mm projectile, OC Crushable Foam Round	\$25.00/round	\$0	\$0	\$0
4. Defense Technology Direct Impact 40 mm projectile, Expulsion Grenade	\$25.00/round	\$0	\$0	\$0
5. Defense Technology Direct Impact 40 mm projectile, Ferret - inert liquid powder	\$12.00/round	\$0	\$0	\$0
6. Defense Technology Direct Impact 40 mm projectile, Gas	\$25.00/round	\$0	\$0	\$0
7. Diversionary Devices (Flashbang), Combined Systems Inc.	\$50.00/canister; \$18.00/round	\$0	\$0	\$0
8. Diversionary Devices (OC Agent)	\$30.00/round	\$0	\$0	\$0
9. Colt AR-10 .308 Caliber Precision Rifle	\$2,970.00/unit	\$0	\$0	\$0
10. Accuracy Internat'l Model England U4393 .308 Caliber Bolt Action Precision Rifle	\$6,500.00/unit	\$0	\$0	\$0
11. Winchester .308 Caliber Rifle Ammunition, Match Hollow Point Boat Tail 168 Grain	\$46.00/20 rounds	\$0	\$0	\$0
12. Federal .308 Caliber Rifle Ammunition, Gold Medal Sierra Matchking 168 Grain	\$40.00/20 rounds	\$0	\$0	\$0
13. Federal .308 Caliber Rifle Ammunition, Tactical Bonded Tip 168 Grain	\$40.00/20 rounds	\$0	\$0	\$0
14. Federal .308 Caliber Rifle Ammunition, Berger Full Metal Jacket 185 Grain	\$46.00/20 rounds	\$0	\$0	\$0
15. Hornaday .308 Caliber Rifle Ammunition, GMX Tap Bar 165 Grain	\$44.00/20 rounds	\$0	\$0	\$0
16. Hornaday .308 Caliber Rifle Ammunition, I B Tap Bar 165 Grain	\$44.00/20 rounds	\$0	\$0	\$0
Total		\$0	\$0	\$0



EQUIPMENT COSTS

The following were the equipment related expenditures for April 2022 to March 2023. Also listed is the projection of expenses in calendar year 2023. Equipment expenditures include the acquisition of new equipment, the replacement or repair of damaged equipment, and the ongoing maintenance of our AB 481 military equipment which are captured in our Annual Maintenance/Replacement column.

#	Equipment Type	Acquisitions	Annual Maintenance/ Replacement	Projections
1.	40mm Kinetic Energy Launcher Platform	\$0	\$0	\$0
2.	eXact iMPact 40 mm projectile, Standard Range Sponge	\$0	\$0	\$0
3.	Direct Impact 40 mm projectile OC Crushable Foam Round	\$0	\$0	\$0
4.	Direct Impact 40 mm projectile, Expulsion Grenade	\$0	\$0	\$0
5.	Direct Impact 40 mm projectile, Ferret - inert liquid powder	\$0	\$0	\$0
6.	Direct Impact 40 mm projectile, Gas	\$0	\$0	\$0
7.	Diversionsary Devices (Flashbang), Combined Systems Inc.	\$0	\$0	\$0
8.	Diversionsary Devices (OC Agent)	\$0	\$0	\$0
9.	Colt AR-10 .308 Caliber Precision Rifle	\$0	\$0	\$0
10.	Accuracy Internat'l Model England U4393 .308 Caliber Bolt Action Precision Rifle	\$0	\$0	\$0
11.	Winchester .308 Caliber Rifle Ammunition, Match Hollow Point Boat Tail 168 Grain	\$0	\$0	\$0
12.	Federal .308 Caliber Rifle Ammunition, Gold Medal Sierra Matchking 168 Grain	\$0	\$0	\$0
13.	Federal .308 Caliber Rifle Ammunition, Tactical Bonded Tip 168 Grain	\$0	\$0	\$0
14.	Federal .308 Caliber Rifle Ammunition, Berger Full Metal Jacket 185 Grain	\$0	\$0	\$0
15.	Hornaday .308 Caliber Rifle Ammunition, GMX Tap Bar 165 Grain	\$0	\$0	\$0
16.	Hornaday .308 Caliber Rifle Ammunition, I B Tap Bar 165 Grain	\$0	\$0	\$0
	TOTAL:	\$0	\$0	\$0



PROJECTED ACQUISITIONS FOR 2023

While some purchases and acquisitions can be anticipated, the unanticipated replacement of existing AB 481 equipment may be necessary due to damage beyond that of repair. Replacement of these items will be handled on a case-by-case basis dependent on operational and departmental need. These unexpected needs-based acquisitions will be in accordance with department policy and AB 481.

CONSUMABLE MILITARY EQUIPMENT

Consumable AB 481 military equipment acquisitions in the next 12-months will remain consistent with current department replenishment schedules and policies. Acquisitions and purchasing of these consumables will replenish quantities previously approved by the department.

Categories of consumables are as follows:

- Ammunition- all calibers
- Diversionary Devices
- Chemical Agents and Smoke Canisters
- Specialty Munitions (40mm and Less Lethal Munitions)



CONCLUSION

This Annual Military Equipment Use Report is intended to not only adhere to the law and SPPD policy, it also demonstrates our commitment to transparency with information provided to our community and elected officials. The equipment, resources, and training outlined in this report support South Pasadena Police Officers' efforts to protect our communities, and enhance the safety of the public and officers. Our police department firmly believes responsible use of the equipment described in this report enhance our ability to deliver the highest level of professional, efficient and effective service when faced with incidents requiring a thoughtful law enforcement response.

Understanding law enforcement is a partnership between the police and community, we will continue to serve and do all we can to guard against harmful actions of a few individuals. SPPD prides itself on providing "Public Safety through Professional Law Enforcement."

General Contact information:

Office of Professional Standards and Accountability

1. Via email to: onlineaccountability@southpasadenaca.gov
2. Via phone call to: 626-403-7297

For more information on SPPD Military Equipment visit: <https://www.southpasadenaca.gov/>

ATTACHMENT B
South Pasadena Ordinance 2365 and Policy

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CITY OF SOUTH PASADENA

ORDINANCE NO. 2365

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A POLICY FOR THE USE OF MILITARY EQUIPMENT BY THE SOUTH PASADENA POLICE DEPARTMENT

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill No. 481 ("AB 481"), codified as Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval from their governing body before requesting, funding, acquiring, using, or collaborating in the use of military equipment, as defined in Government Code section 7070; and

WHEREAS, any elected body that oversees a law enforcement agency with military equipment must adopt a Military Equipment Use Policy by ordinance at a regular meeting held pursuant to open meeting laws; and

WHEREAS, the elected body must make specific findings before approving a Military Equipment Use Policy; and

WHEREAS, the South Pasadena Police Department's proposed Military Equipment Use Policy ("Policy") is attached hereto as Exhibit A and is incorporated herein by reference; and

WHEREAS, the Policy was published on the South Pasadena Police Department's internet website on April 4, 2022, more than 30 days before the Policy was considered at a public hearing before the City Council on May 4, 2022; and

WHEREAS, the Policy meets the requirements of California Government Code section 7070, subdivision (d); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds recitals above are true and correct and incorporates them herein. Based on the recitals and the information provided to the City Council at the public hearing on the Military Equipment Use Policy, the City Council finds as follows:

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.

SECTION 2. IMPLEMENTATION

The City Council authorizes the Chief of Police to designate a Military Equipment Coordinator to implement the Policy.

SECTION 3. CEQA- EXEMPTION

This proposed ordinance has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). The ordinance is not a project under CEQA Guidelines Section 15378 because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

SECTION 4. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of South Pasadena hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 5. PUBLICATION AND EFFECTIVE DATE

This ordinance shall be published in accordance with applicable provisions of law, by either:

- publishing the entire ordinance once in a newspaper of general circulation, published in the City of South Pasadena, within fifteen (15) days after its

passage and adoption, or

- publishing the title or appropriate summary in a newspaper of general circulation, published in the City of South Pasadena, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance; and

This Ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED ON this 1st day of June, 2022.

AYES: Donovan, Mahmud, Zneimer, Primuth, Cacciotti
NOES: None
ABSENT: None
ABSTAIN: None




Michael A. Cacciotti, Mayor

ATTEST:



Christina A. Muñoz

APPROVED AS TO FORM:



Andrew L. Jared, City Attorney

EXHIBIT A

South Pasadena Police Department
Military Equipment Use Policy
(Government Code § 7070, et seq.)

South Pasadena Police Department

Military Equipment Policy

(Government Code § 7070, et seq.)

I. POLICY

It is the policy of the City of South Pasadena (“City”) and the South Pasadena Police Department (“Department”) that members of this Department comply with the provisions of Government Code §7071 and other applicable law with respect to military equipment, as defined herein.

II. PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (as defined herein)” as required under California Assembly Bill 481 (AB-481) and codified in California Government Code §§ 7070 – 7075.

III. BACKGROUND

On September 30, 2021, the Governor of the State of California approved AB-481 requiring law enforcement agencies to obtain approval of the applicable governing body (City Council), by adoption of a “military equipment” use policy, as defined under AB-481. The Department is required to seek City Council approval of this Military Equipment Use Procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of “military equipment,” as defined. The legislation allows the City Council to approve the funding, acquisition, or use of “military equipment” within its jurisdiction only if it determines that the “military equipment” meets specified standards. The ordinance is subject to annual City Council review to determine whether, based on an annual “military equipment” report, the standards set forth in the approving ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular “military equipment” where standards have not been met, or require modifications to this “military equipment” use procedure to address any non-compliance with standards.

Finally, the legislation requires publication of this Military Equipment Use Procedure and the annual “military equipment” report on the Department’s website. The Military Equipment Use Procedure must be posted on the website at least 30 days prior to the Council meeting.

IV. DEFINITIONS

Definitions related to this policy shall be as stated below:

“Governing body” means the South Pasadena City Council. (“City Council”)

“Military equipment” means the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police or heavy-duty versions of standard consumer vehicles are specifically excluded from this definition.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles and motorized dirt bikes are specifically excluded from this definition.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, and handheld, one-person rams are specifically excluded from this definition.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms of less than .50 caliber.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Flashbang grenades and explosive breaching tools, tear gas, and pepper balls, excluding standard, service-issued hand-held pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs). Excludes department approved Electronic Control Device (ECD) utilized pursuant to Policy 302.
- The following are projectile launch platforms and their associated munitions:
 - Kinetic energy weapons,
 - 40mm projectile launchers, and
 - Specialty impact munition (SIM) weapons.
- Military equipment does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

“Military equipment use policy” refers to this policy governing the use of military equipment by the Department that addresses, at a minimum, all of the following:

- 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.”
- The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of “military equipment.”

- 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.
- The legal and procedural rules that govern each authorized use.
- The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any sworn member 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.
- 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.
- 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.

V. MILITARY EQUIPMENT TYPES AND USAGE GUIDELINES

The Department acquires and utilizes a wide variety of military equipment, as defined, in order to best enhance the quality of life in, and safeguard, the community. While the inventory of military equipment is varied, the mere possession of the equipment does not warrant its use for every incident.

The Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted for use only in certain instances and in some cases only by certain units. While this procedure is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize military equipment to be used in a manner not outlined within this procedure. In scrutinizing those particular instances, the judgment of the incident commander influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used.

It is incumbent upon incident commanders, supervisors, individual officers, and specific units to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

The following are the various types, descriptions, and guidelines for usage of military equipment currently employed by the Department. Because the acquisition and inventory of military equipment may not be consistent throughout the year, in describing quantities of military equipment, this Procedure has included the quantity of “military equipment” currently in the

Department's possession, and, in brackets, the quantity that the City Council has authorized to be acquired throughout the year. (*NOTE: The manufacturer descriptions contained within are referenced via publicly accessible website source citations. The website source citations utilized in this procedure are for descriptive purposes only and are not an endorsement by the City or the Department of a particular product or vendor.)

The following list constitutes a list of description, purchase costs, quantity, and capabilities of Department military equipment:

1. Description: 40mm Launchers (Projectile Launch Platforms)

- a. Cost: \$811.00/unit
- b. Quantity: The Department has seven 40mm LMT™ in current inventory. The future purchase of Launchers will not exceed ten of the same or similar manufacture.
- c. Capabilities: A single shot Extended Range Impact Weapon (ERIW) launcher capable of firing a variety of 40mm rounds. 40mm launchers are considered "Projectile Launch Platforms" under AB-481. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
- d. Manufacturer: Defense Technology Model 1425 or Combined Tactical Systems model TG
- e. Manufacturer Description: (From Defense Technology) A tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single- and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. (From Combined Tactical Systems) A 40mm single-shot break-open frame launcher with a rifled barrel, fixed stock and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.
- f. Purpose and Authorized Use: 40mm launchers utilized with less lethal pong rounds are designed to impact armed and/or violent suspects so officers can gain compliance, overcome resistance, or prevent serious injury or death to bystanders, officers, and the suspect.
- g. Expected Lifespan: 10,000 rounds
- h. Fiscal Impact: The annual fiscal impact of less than \$500 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: All Department 40mm launcher operators are trained in the usage of the 40mm Launcher and must maintain current ERIW qualifications.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.9, Kinetic Energy Projectile Guidelines and Use of Force 300 lists the policy for deployment and training for officers.

2. Description: eXact iMPact 40mm Standard Range Sponge Round

- a. Cost: \$18.00 per round
- b. Quantity: The Department has 50 Sponge Rounds in current inventory. The future purchase of Sponge Rounds are not to exceed 200 of the same or similar manufacture.
- c. Capabilities: 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and therefore

- d. have velocities that are extremely consistent.
- d. Manufacturer: Defense Technology
- e. Manufacturer Description: A point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications. (Defense Technology: <https://www.defense-technology.com/product/exact-impact-40-mm-standard-range-sponge-round/>)
- f. Purpose and Authorized Use: Crowd control, patrol, and tactical applications. Designed to be used with 40mm launchers utilized with less lethal sponge rounds are designed to impact armed and/or violent suspects so officers can gain compliance, overcome resistance, or prevent serious injury or death to bystanders, officers, and the suspect.
- g. Expected Lifespan: 10 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget at current replacement cost per round.
- i. Training: All Department 40mm launcher operators are trained in the usage of the 40mm Launcher and associated sponge rounds, and must maintain current ERIW qualifications, pursuant to Policy 303.10.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.9, Kinetic Energy Projectile Guidelines and Use of Force 300 lists the policy for deployment and training for officers.

3. Description: Colt AR-10 Semi-Automatic Rifle

- a. Cost: \$2,970/unit
- b. Quantity: The Department has two rifles in current inventory. The future purchase of replacement 308 semi-automatic rifles are not to exceed an inventory of two rifles of the same or similar manufacture.
- c. Capabilities: A semi-automatic shoulder-fired rifle with precision optics that fires a .308 cartridge. The .308 semi-automatic rifle provides the ability to engage hostile suspects at great distances with accuracy. The .308 semi-automatic riled platform allows for precision rifle fire to be delivered at a faster rate than a bolt action rifle.
- d. Manufacturer: Colt
- e. Manufacturer Description: The Colt .308 Modular Carbines are lightweight, fully ambidextrous, gas operated, magazine fed, .308 Win caliber carbines. The Colt .308 Modular Carbines incorporate the same safety features found on the M16/M4 weapon systems. The unique design features a modular monolithic upper receiver with a MIL-STD-1913 rail at the 12, 3, and 9 o'clock positions as well as a lower rail system with a MIL-STD-1913 rail at the 6 o'clock position. (Operators Manual for Colt .308 Modular Carbines).
- f. Purpose and Authorized Use: These rifles are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 10,000 rounds
- h. Fiscal Impact: The annual fiscal impact of less than \$200 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST training course and demonstrated proficiency and understanding of the safe use of patrol rifles shall be permitted to operate this firearm system.
- j. Legal and Procedural Rules: South Pasadena Police Department Duty Manual 305.3.7 Special Purpose Firearms and Use of Force 300 and lists the policy for deployment and training for officers.

4. Description: Accuracy International model England U4393 .308 Bolt Action Rifles

- a. Cost: \$6,500/unit
- b. Quantity: The Department has two rifles in current inventory. The future purchase of replacement 308 bolt action rifles are not to exceed an inventory of two rifles of the same or similar manufacture.
- c. Capabilities: A bolt-action shoulder-fired rifle with precision optics that fires a .308 rifle cartridge. The .308 blot action rifle provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Accuracy International
- e. Manufacturer Description: .308 caliber rifle. (Accuracy International website).
- f. Purpose and Authorized Use: These rifles are typically deployed during high-risk operations and special events or instances where an over watch team are needed. They are normally utilized, by the officers trained in their use, for arrest and search warrant service, surveillance of armed and/or dangerous subjects, and responding to calls requiring special weapons.
- g. Expected Lifespan: 5,000 rounds
- h. Fiscal Impact: The annual fiscal impact of less than \$200 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers selected by the department who are POST certified in precision long-rifle class and maintain the department standards by regularly train and qualify shall deploy this system.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

5. Description: .308 Caliber Rifle Ammunition Winchester Match Hollow Point Boat Tail 168 Grain.

- a. Cost: \$46.00 per 20 rounds.
- b. Quantity: The Department has 1,500 rounds in inventory. The future purchase of replacement ammunition are not to exceed 2,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: Rifle ammunition manufactured specifically for rifles chambered in .308 caliber. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Winchester
- e. Manufacturer Description: The sleek bullet profile, large boattail and small hollow point combine to make Winchester Match one of the most sought-after rounds. The qualities ensure long-range accuracy even in challenging atmospheric conditions. Available in most tack-driving calibers and bullet sizes, this ammunition defines accuracy. (Winchester)
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. .308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$100 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system

shall be permitted to operate the associated weapon system with this ammunition.

- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

6. Description: Federal Gold Medal Sierra MatchKing 168 Grain

- a. Cost: \$40.00 per 20 rounds.
- b. Quantity: The Department has 600 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Federal Gold Medal Sierra MatchKing 168 grain full metal jacket rifle ammunition manufactured specifically for rifles chambered in .308 caliber. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Federal
- e. Manufacturer Description: 168 grain boat-tail hollow-point bullet; uniform match jacket; Federal ® brass; specialty formulated propellant; benchrest-quality Gold Medal ® primer.
(<https://www.federalpremium.com/rifle/gold-medal/gold-medal-sierra-matchking/11-GM308M.html>)
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

7. Description: Federal Tactical Bonded Tip 168 Grain

- a. Cost: \$40.00 per 20 rounds.
- b. Quantity: The Department has 300 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Federal Tactical Bonded Tip 168 grain Tactical Bonded Tip rifle ammunition manufactured specifically for rifles chambered in .308 caliber. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire..
- d. Manufacturer: Federal
- e. Manufacturer Description: Fine-tuned to provide exceptional accuracy through factory rifles. Ballistic coefficients exceed those of comparable designs thanks to a hybrid nose design that combines tangent and secant ogive features. The bullets are loaded with the finest nickel-plated brass, Gold Medal primers and specially

- formulated propellant for the best consistency and reliability.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
 - g. Expected Lifespan: 25 years.
 - h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
 - i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
 - j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

8. Description: Federal Berger Full Metal Jacket 185 Grain

- a. Cost: \$46.00 per 20 rounds.
- b. Quantity: The Department has 200 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Federal 185 grain full metal jacket is designed to be used for extreme distance with little deviation in travel to target. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire..
- d. Manufacturer: Federal
- e. Manufacturer Description: The most sought-after bullets among competitors on the Precision Rifle Series are now loaded into the industry's most trusted factory rifle ammunition. Gold Medal® Berger® loads feature an advanced boat-tail bullet with a high ballistic coefficient to provide the flattest trajectories, less wind drift and surgical long-range accuracy. The loads use Gold Medal match primers, Federal® brass and specially formulated propellant, and they adhere to Federal Premium's strictest specifications for accuracy, pressure and velocity.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

9. Description: Hornady 165 Grain GMX Tap Bar

- a. Cost: \$44.00 per 20 rounds
- b. Quantity: The department has 200 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Hornady 165 grain GMX Tap Bar rifle ammunition provides consistent performance through different barriers. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Hornady
- e. Manufacturer Description: TAP® Heavy Barrier™ turns cover into concealment. The 165 gr. GMX® TAP® Heavy Barrier™ is constructed of a monolithic copper alloy. It shoots cleaner than pure copper, fouls less and delivers devastating terminal performance. The GMX® bullet penetrates heavy barriers such as 1" laminated glass with exceptional weight retention while still delivering superior terminal performance.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

10. Description: Hornady 165 Grain I B Tap Bar

- a. Cost: \$44.00 per 20 rounds
- b. Quantity: The department has 100 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Hornady 165 I B Tap Bar is designed for accurate penetration and expansion to avoid over-penetration. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Hornady
- e. Manufacturer Description: Hornady no longer manufactures this design of ammunition.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system

- shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

The following chemical and diversionary devices have been purchased by the South Pasadena Police Department prior to January 1, 2022. The munitions are retained in inventory for training purposes only to address adverse environments that officers experience in on-duty circumstances:

1. Description: **Direct Impact 40mm OC Crushable Foam Round**

- a. Cost: \$25.00 per round
- b. Quantity: 2 rounds used for police training [2]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fire round that releases an OC foam on contact.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: A point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget.
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

2. Description: **Direct Impact 40mm Expulsion Grenade, Inert Agent**

- a. Cost: \$25.00 per round
- b. Quantity: 4 rounds used for police training [4]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fired round that releases an inert agent to mark the area of dispersion.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: Training device that will allow team members to deploy the grenade without effecting roll players. This compact, non-pyrotechnic, inert powder device provides safe expulsion without risk of fire.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget.
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

3. Description: **Direct Impact 40mm Ferret, Inert Liquid Powder**

- a. Cost: \$12.00
- b. Quantity: 50 rounds used for police training [50]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fired round that releases an inert marking powder.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: Training device that will allow team members to deploy the grenade without effecting roll players. This compact, non-pyrotechnic, inert powder device provides safe expulsion without risk of fire.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget.
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

4. Description: Direct Impact 40mm Gas

- a. Cost: \$25.00 per round
- b. Quantity: 50 rounds used for police training [50]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fired round that releases an OC gas in a localized area.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent. The projectile design has a unique user-adjustable patented gas-bleed feature, which allows kinetic energy to be adjusted for two design points addressing close-in and extended range engagements. In the opened position, the standard range velocity allows for engagements of 1.5 – 40 meters. In the closed position, the extended range velocity allows for engagements of 40 – 70 meters.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

5. Description: Diversionary Devices aka Flashbangs

- a. Cost: \$50.00 per reusable canister and \$18.00 per insert round.
- b. Quantity: 108 rounds used for police training [Existing stock on hand]
- c. Capabilities: Canisters that emit a loud noise and bright light. The Diversionary Devices can release large amounts of stored energy in the form of heat, light, pressure, and noise.
- d. Manufacturer: Unknown, received from Combined Systems, Inc.

- e. Manufacturer Description: The standard for diversionary flash-bang devices. Produces an 175db and 6-8 million candela of light output. The patented design incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget
- i. Training: The Department emphasizes the importance of officers operating in a light, sound, and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

6. Description: Diversionary Devices of OC Agents

- a. Cost: \$30.00 per round
- b. Quantity: 5 rounds used for police training [5]
- c. Capabilities: Canisters contain an OC agent that is dispersed in three to five seconds in a closed environment.
- d. Manufacturer: Unknown
- e. Manufacturer Description: Unknown
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

V. APPROVAL OF MILITARY EQUIPMENT BY GOVERNING BODY

Under Government Code Sections 7070, et. seq., as adopted by AB481, and other applicable law, all military equipment acquired and/or in use by the Department shall be approved by the City Council by an ordinance adopting this or a successor military equipment use policy. (Government Code § 7071). As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the City Council and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue. (Government Code § 7071). This approval by the City Council must be granted prior to any of the following:

- (a) Requesting military equipment made available pursuant to 10 USC §2576a.
- (b) 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.
- (c) Acquiring military equipment, permanently or temporarily, by either borrowing or

leasing.

- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department. Outside agencies may have access to "military equipment" used by any member of Department and shall be approved for use and in accordance with Department policy. Military equipment used by other jurisdictions that are providing mutual aid to Department or operating in conjunction in a law enforcement capacity with Department shall comply with their respective military equipment use policies in rendering mutual aid.
- (e) The immediate action of a fluid situation may result in the need to evolve tactics to meet the changing circumstances not listed in this policy. This is an affirmative stance by the Department designed to provide additional confidence and needed support to officers in making their decisions regarding use of force in the field.
- (f) 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.
- (g) Acquiring military equipment through any means not provided above.
(Government Code § 7071).

VII. ANNUAL MILITARY EQUIPMENT REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use. (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

Within 30 days of submitting and publicly releasing the annual military equipment report, the Department shall 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 the Department's funding, acquisition, or use of military equipment.

VIII. MILITARY EQUIPMENT COMPLAINTS AND INQUIRIES

Department members are bound to adhere to this Policy, in addition to state and local laws and ordinances when employing the use of military equipment at any time. Violations of the law or this Policy may result in criminal or administrative investigations and, or actions.

Members of the public may register complaints as per South Pasadena Duty Manual Policy 1013. Additionally, members of the public may submit questions or concerns about the use military equipment in this Policy by any of the following means:

1. Via email to : onlineaccountability@southpasadenaca.gov
2. Via telephone to: (626) 403-7297
3. Via mail to: South Pasadena Police Department
Attn: Military Equipment Use Coordinator
1422 Mission Street
South Pasadena, CA 91030

A. MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a member of this Department to act as the Military Equipment Coordinator. The responsibilities of the Military Equipment Coordinator include but are not limited to:

- (a) Acting as liaison to the City Council for matters related to the requirements of this policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by City Council.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Department (Government Code § 7071). Outside agencies may have access to military equipment used by any member of Department and shall be approved for use and in accordance with Department policy. Military equipment used by other jurisdictions that are providing mutual aid to Department or operating in conjunction in a law enforcement capacity with Department shall comply with their respective military equipment use policies in rendering mutual aid.
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- (f) Preparing the annual "military equipment" report for submission to the City Council and ensuring that the report is made available on the Department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of "military equipment," and how the Department will respond in a timely manner.

IX. USAGE OF "MILITARY EQUIPMENT" WHEN COLLABORATING WITH OTHER LAW ENFORCEMENT AGENCIES

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction, or otherwise engaged in law enforcement operations in this

jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid.

The immediate action of a fluid situation may result in the need to evolve tactics to meet the changing circumstances not listed in this policy. This is an affirmative stance by the Department designed to provide additional confidence and needed support to officers in making their decisions regarding use of force in the field.

The City Council, as a matter of policy, approves of inter-agency collaboration between the Department and other law enforcement agencies, and of Department use of "military equipment" during these collaborations when the above policies and procedures are followed.

X. TESTING AND EVALUATION OF MILITARY EQUIPMENT FOR POTENTIAL FUTURE ACQUISITION

While the Department's current inventory of military equipment is wide ranging and versatile, advancements in technology, tactics, and operational effectiveness may necessitate the expansion or complete replacement of certain items of military equipment in the current catalog, beginning with the testing and evaluation of potential new or replacement military equipment.

The following limitations shall apply should the Department receive military equipment for the Testing and Evaluation process:

(a) Only similar military equipment within the Department's current military equipment inventory may be used for Testing and Evaluation provided authorization is received from the Police Chief. Examples include (not all inclusive):

1. AR-15 type weapons platform or similar firearms by a manufacturer other than those approved in current inventory.
2. UAS platforms featuring a different make and/or model other than those approved in current inventory.
3. Diversionary devices or chemical agents featuring a different make and/or model other than those approved in current inventory, etc.

Military equipment that is not similar to the Department's current military equipment inventory must be approved by the City Council and Police Chief, before acquisition for the Testing and Evaluation process as set forth above. Examples include (not all inclusive):

- (a) New military equipment technology not currently approved or currently in use by the Department.
- (b) Firearms as defined under military equipment that operate with a different weapons platform other than what is approved in the current procedure.

Military equipment items that have been assessed and recommended for final approval after undergoing the Testing and Evaluation process must be approved by the City Council and Police Chief before being formally acquired for Department inventory and operational use.

ATTACHMENT C

California Legislature Assembly Bill 481 Full Text

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of 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.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) 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.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) 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.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(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.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) 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 that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(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.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall 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 the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(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 a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body 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, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O