



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 18

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: Police Department
MEETING DATE: April 18, 2022
SUBJECT:
Ordinance Introduction – Military Equipment Policy

RECOMMENDATION:

Introduce an Ordinance to establish a Military Equipment Policy in accordance with state law.

BACKGROUND:

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law, relating to the use of military equipment by law enforcement agencies. The text of AB 481 and resultant sections of California Government Code are attached for reference (Attachment 2). AB 481 requires law enforcement agencies obtain approval from their governing body, by ordinance, to adopt a military equipment policy, prior to taking certain actions relating to the funding, acquisition or use of military equipment as defined. Staff is seeking City Council approval of the San Mateo Police Department's Draft Military Equipment Policy (Exhibit A to Attachment 1), by ordinance, to allow continued use of the vital equipment specified therein.

The San Mateo Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. The term "military equipment," as defined in AB 481, encompasses many items utilized as component of overall best practices by law enforcement agencies, which are employed specifically to reduce risk to community members. The list includes, but is not limited to unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, chemical agents, less-lethal shotguns, less-lethal 40mm projectile launchers, distraction devices and long-range acoustic devices. These items provide peace officers the ability to safely resolve volatile situations and are vital tools that facilitate compliance with our stringent use of force policy. These tools have been tested in the field, and are used to enhance citizen and officer safety. The equipment utilized by SMPD, as well as the capabilities, purpose/authorized uses, legal/procedural rules governing use, and training required to staff prior to use are detailed as required by Government Code in the proposed Military Equipment Policy.

The Police Department is not requesting to purchase any new equipment. Much of the existing relevant equipment was acquired a long time ago and has been utilized for many years. Future acquisition of any military equipment, as defined, will require a further public meeting, policy update and City Council approval. In compliance with Government Code, the policy sets forth transparency, oversight and accountability measures including establishing that the Police Department is responsible for preparing an Annual Military Equipment Report which will be posted on the City website and shared with the community via a public, noticed meeting, and delivered to the City Council annually to confirm compliance.

It is recommended the City Council introduce the proposed Ordinance which approves the Military Equipment Policy and makes determinations required by Government Code including that the military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and that the proposed Military

Equipment Policy will safeguard the public's welfare, safety, civil rights and civil liberties. The draft Military Equipment Policy is consistent with the requirements of AB 481. The policy was posted on the San Mateo Police Department's page of the City website on March 15, 2022, in accordance with Government Code requiring publication at least 30 days prior to this meeting. The second reading and proposed adoption of the Ordinance would take place on May 2, 2022.

BUDGET IMPACT:

There is no budget impact associated with this action.

ENVIRONMENTAL DETERMINATION:

This action is not a project subject to CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Ordinance

Att 2 – Assembly Bill 481

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