



## MEMORANDUM

**TO:** City Council

**FROM:** Michael Martinez, Chief of Police

**BY:** David Culver, Police Commander

**SUBJECT:** Receive and File Annual Military Equipment Report Pursuant to California AB 481; Review and Consider Renewal of Ordinance No. 714

**DATE:** April 11, 2023

---

### **SUMMARY OF ACTION:**

Annual update regarding the Police Department's ongoing use of military equipment as defined in Assembly Bill 481 (AB 481) and codified in Government Code sections 7070 through 7075; Gov. Code 7071(e)(1) requires a motion to approve the renewal of Ordinance No. 714 to authorize continued use of the specified equipment listed in the Police Department's Military Equipment Report.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

The Arroyo Grande Police Department is currently in possession of items categorized as military equipment following the Council's adoption of Ordinance No. 714 Military Equipment Use Policy. The fiscal impacts associated with Ordinance No. 714 for FY 2022-23 include purchasing specialized equipment, annual training costs, and replacement of munitions totaling \$15,245.71. The cost of maintaining the current inventory and purchasing new equipment in 2023 is outlined in the Police Department's Military Equipment Report.

### **RECOMMENDATION:**

Receive and file the "Military Equipment Use Inventory Report" in accordance with California Assembly Bill 481 and make a motion to approve the renewal of Ordinance No. 714.

### **BACKGROUND:**

On September 30, 2021, Assembly Bill 481 (AB 481) was codified in Government Code sections 7070 through 7075 and required the governing body of a law enforcement agency to adopt a "Military Equipment Use" Policy ("Policy") no later than May 1, 2022. The Police Department complied with AB 481 in the development of a policy, holding a community meeting, and making the Policy documents available on their website prior to

**Item 9.i.**

**City Council**  
**Annual Update on Military Equipment Pursuant to California AB 481**  
**April 11, 2023**  
**Page 2**

the Council adopting the Policy via Arroyo Grande City Ordinance No. 714 on April 12, 2022 (Attachment 3).

AB 481 requires the City Council to review, at least annually, the Ordinance adopting the Military Equipment Use Policy, and vote on whether to renew the ordinance to allow the Police Department to continue to use the equipment covered by the Policy. AB 481 also requires the Police Department to present an annual report to the City Council that covers: 1) the use of the equipment; 2) any complaint(s) or concern(s) regarding the use of the equipment; 3) results of any internal audits on the use of the equipment; 4) the annual costs for the equipment, including acquisition, personnel, training, storage, and other ongoing costs, as well as the source from which the funds will be provided for this purpose; 5) the quantity of each type of military equipment possessed by the agency; and 6) if the Police Department intends to purchase additional equipment in the following year, the quantity sought for each type of equipment.

The procedural requirements of AB 481 for the Council to approve the Annual Military Equipment report are defined by California Government Code Section 7072 as follows:

A law enforcement agency that receives approval of 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.

**ANALYSIS OF ISSUES:**

AB 481 was introduced to increase transparency and accountability for the funding, acquisition, and use of military equipment by state and local law enforcement agencies. The legislation includes a broad definition of what constitutes “military equipment,” including items such as drones that are commonly used in everyday society by members of the public and have been effectively deployed for many years by law enforcement agencies to respond to emerging threats, civil unrest, and mass casualty events. Furthermore, several of the items the bill defines as “military equipment” are not necessarily used by the military but are less-than-lethal, standard issue equipment for peace officers. While possession of such equipment does not warrant its use in common circumstances, this essential equipment is deployed based on the situational necessity to effectively de-escalate intense situations or bring volatile conditions and critical incidents to a safe resolution.

Staff reviewed department records and determined there were no complaints or concerns raised regarding the use of the City’s military equipment in 2022. Staff’s internal audit of

**City Council**  
**Annual Update on Military Equipment Pursuant to California AB 481**  
**April 11, 2023**  
**Page 3**

equipment use determined there were no violations of the Policy (AGPD Policy #709) or any other departmental policy. Included herewith as Attachment 2 is an Annual Military Equipment Report, prepared pursuant to the requirements of Government Code section 7072.

New Equipment for 2023

Staff has reviewed the equipment needs for the Police Department and determined there is a need to purchase more unmanned aircraft system (UAS) (specifically, four “DJI Mavic Minis”), more specifically identified in the 2023 Military Equipment Inventory included as Attachment 1, and which would fall under the Military Equipment Use Policy. The DJI Minis UAS are available through commercial retail stores selling to the public.

**ALTERNATIVES:**

The following alternatives are provided for the Council’s consideration:

1. 1) Receive and file Annual Military Equipment Report pursuant to California AB 481; and 2) Review and make a motion to renew Ordinance No. 714;
2. Do not move to approve the renewal of Ordinance No. 714 or accept the annual Military Equipment Report; or
3. Provide alternative direction to staff.

**ADVANTAGES:**

Taking the recommended action will comply with State law requirements and will promote transparency involving Police Department acquisitions, use, and/or purchases of equipment identified and defined in AB 481. The equipment outlined in this report is essential to law enforcement’s mission.

**DISADVANTAGES:**

No disadvantages are identified.

**ENVIRONMENTAL REVIEW:**

No environmental review is required for this item.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2. In accordance with AB 481, the proposed Military Equipment Use Policy was also posted on the Police Department’s website, [www.agpd.org](http://www.agpd.org), on March 16, 2023.

Attachments:

1. 2022 Military Equipment Inventory
2. 2023 Annual Military Equipment Report
3. Ordinance No. 714