



## Legislation Text

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**File #:** 22-0753, **Version:** 1

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Recommendation to authorize the Long Beach Police Department to continue the use of military equipment as outlined by California Assembly Bill (AB) 481. (Citywide)

On September 30, 2021, Governor Newsom signed Assembly Bill (AB) 481 into law, which established protocols for law enforcement agencies regarding the funding, acquisition, use, and reporting of specific pieces of law enforcement equipment under Government Code Section 7070. Among the various requirements in the bill, it stipulates that each law enforcement agency in the State establish a policy on the use of equipment identified in the statute for the governing body's approval by Ordinance.

The AB 481-defined list of military equipment currently in the Long Beach Police Department's (LBPd) possession is included in the proposed policy (Attachment), as well as each item's purpose, authorized use, expected lifespan and fiscal impact updated on an annual basis. It is the intent of the Long Beach Police Department (LBPd) that there be legally enforceable safeguards including transparency, oversight, and accountability measures in place to ensure the public's welfare, safety, civil rights, and civil liberties are uplifted before equipment is funded, acquired, or used.

To comply with the various requirements mandated by AB 481, LBPd has:

- Established a Military Equipment Use policy as ascribed by AB 481.
- Published an AB 481 webpage on May 6, 2022, which is more than 30 days ahead of the planned public meeting. Additionally, on May 6, 2022 a press release was issued which notified the public and local media outlets of the new webpage, the proposed equipment use policy, and outlined how the community can submit questions or concerns.
- Scheduled a community meeting after publicly releasing the equipment report on the webpage. In consultation with the City Attorney's Office, following a 30-day public review period, LBPd's proposed equipment use policy is now presented to the City Council which, for this purpose, is considered a community meeting.
- Established a concern or complaint process for the community to provide input, and submit comments, questions, or concerns regarding LBPd's proposed policy via email to: [AB481@longbeach.gov](mailto:AB481@longbeach.gov) <<mailto:AB481@longbeach.gov>>.
- Plans to prepare an Annual Report, to be first issued in 2023, to include the use of military equipment, any complaints received, any internal audits and any other required information. The Annual Report will be published on LBPd's AB 481 webpage, and within 30 days of publishing 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.

### **Military Equipment Use Policy**

City Council approval is requested to allow LBPD to continue to use vital equipment specified therein that was acquired prior to January 1, 2022. Of the categories listed under Government Code Section 7070; LBPD's inventory list meets the criteria for 11 of the 15 categories (categories 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, and 15). Currently, the Department has not utilized any military equipment procured from the United States Department of Defense through the Law Enforcement Support Program (also known as the 1028 or 1033 program). In addition, all officers are required to attend training and demonstrate proficiency before using any of the identified equipment, as required by their assignment.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on June 16, 2022 and by Budget Management Officer Nader Kaamouh on June 15, 2022.

### **EQUITY LENS**

The City has incorporated the Equity Toolkit in this recommendation, as requested by the City Council on April 21, 2020. The equipment authorized herein will be used in accordance with State and federal laws to protect life and property, and to serve all people with respect, dignity and in a constitutional manner. The Department has a firm policy prohibiting any bias-based policing practices as stipulated by Section 3.49.2 in the Long Beach Department Policy Manual: "Biased policing and racial profiling are prohibited both in the enforcement of the law and the delivery of other police services."

City Council action is requested on July 5, 2022, to comply with the requirements set forth by Assembly Bill 481.

There is no fiscal impact associated with this recommendation. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

Approve recommendation.

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WALLY HEBEISH  
CHIEF OF POLICE

APPROVED:

THOMAS B. MODICA  
CITY MANAGER