



Legislation Text

File #: 22-1166, **Version:** 1

Recommendation to adopt the Long Beach Police Department (LBPD) Special Order and authorize the department to continue the use of military equipment as outlined by California Assembly Bill (AB) 481; and

Direct City Attorney to prepare ordinance adopting the Long Beach Police Department Special Order. (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 and obtain approval of the governing body, by an Ordinance, adopting a military equipment use policy at a regular meeting of the governing body.

LBPD staff, with the guidance of the City Attorney's Office, have reviewed AB 481, its definition of military equipment, and the requirements of the legislation. Based on this review, LBPD has determined that it retains and utilizes equipment defined as military equipment. The AB 481 defined list of military equipment currently in LBPD possession is included in the proposed policy (Attachment A), as well as each item's purpose, authorized use, expected lifespan, and fiscal impact. It is the intent of 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.

City Council approval is requested to allow LBPD to continue to use vital equipment acquired prior to January 1, 2022. To comply with the various requirements mandated by AB 481, LBPD has:

- Established a Military Equipment Use policy and made it available on the department website 30 days prior to any public meeting concerning military equipment. LBPD published its initial Special Order on the department webpage on May 6, 2022 for the July 5, 2022 City Council meeting, and most recent policy on July 13, 2022, after additional equipment was added.
- Established a process for the public to provide input via email, where the public can submit questions or concerns regarding the proposed policy to AB481@longbeach.gov <<mailto:AB481@longbeach.gov>>.
- Notified the public and local media outlets of the webpage, the proposed policy, and

the procedures via a [press release <https://www.longbeach.gov/police/press-releases/l.b.p.d.-announces-assembly-bill-481-webpage/>](https://www.longbeach.gov/police/press-releases/l.b.p.d.-announces-assembly-bill-481-webpage/) on May 6, 2022.

- After governing body approval is received, in accordance with Government Code Section 7071, LBPB will submit 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 annual report will be published on LBPB's AB 481 webpage, and within 30 days of releasing, will 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 report and the agency's funding, acquisition, or use of equipment.

LBPB utilizes equipment for the purpose of public safety with the overall goal of having a peaceful resolution for all police-public contacts. The department recognizes that critical incidents are unpredictable, fluid, and dynamic in nature and prides itself on its training, use of best practices, forward-thinking technology, and the tools it acquires and utilizes in its mission for the safety of community members and its personnel. In addition, all officers are required to attend training and demonstrate proficiency before using the identified equipment. Lastly, LBPB has not procured any military equipment from the United States Department of Defense through the Law Enforcement Support Program in recent years.

Governing Body Policy Adoption and Approval

AB 481 requires a law enforcement agency seeking to continue the use of any military equipment acquired prior to January 1, 2022, to commence a governing body approval process no later than May 1, 2022, and the adoption of a use policy within 180 days following submission of the use policy or cease the use of the military equipment until it receives approval of the governing body in the form of an Ordinance. In accordance with Government Code 7071(d)(1), the governing body, as part of the approval process, must determine the following:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. 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.
4. 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.

AB 481 also requires the governing body to annually review the Ordinance and to either disapprove a renewal of the authorization for a type 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, that the military equipment does not comply with the standards for approval.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on September 15, 2022 and by Budget Management Officer Nader Kaamoush on September 14, 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. LBPD has a firm policy prohibiting any bias-based policing practices as stipulated by Section 3.49.2 in the Long Beach Police 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 October 4, 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