

Public Hearing

California Assembly Bill 481

Military Equipment Use Policy

CITY COUNCIL REGULAR MEETING

DECEMBER 11, 2023

ITEM 5.1



Summary

- The Police Department is requesting City Council to hold a public hearing to consider an ordinance amending Chapter 9.20, titled “Military Equipment Use Policy”, to updated existing Military Equipment List for Military Equipment Use Policy No. 706, by incorporating funding, acquisition, and use of new military equipment for the Lathrop Police Department, in compliance with Government Code Sections 7070-7075, Assembly Bill 481 (Chieu).
- Additionally, staff requests City Council to adopt a Resolution accepting the Annual Military Equipment Report, summarizing the equipment use and funding from the initial approval, June 2022 to date.

Background

- On September 30, 2021, Governor Newsom signed into law 7 major peace officer reform bills, including Assembly Bill 481 (AB 481), to address the funding, acquisition and use of items lawmakers deem to be considered military equipment.
- AB 481 codified in GC Sections 7070-7075, requires local Police Departments to implement a new military equipment use policy via ordinance, prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

Background – Prior Ordinances

- On June 13, 2022, the City Council adopted Ordinance 22-436, amending Title 9 “Public Peace and Welfare” of the Lathrop Municipal Code (LMC) by adding Chapter 9.20 titled “Military Equipment Use Policy” to establish a policy for the proper use, funding and acquisition of military style equipment as set forth by AB 481.
- Military Equipment Use Policy No. 706 authorized the new Lathrop Police Department to fund, acquire, and use thirty-five 5.56mm semiautomatic rifles and ammo, and eight 40mm launchers and rounds.

Background – Prior Ordinances

- Subsequently, on December 12, 2022, the City Council adopted Ordinance 22-441, amending Chapter 9.20, by adding Section 9.20.050 titled “Active Policies” to incorporate new Lathrop Police Department Policy No. 606, regulating “Unmanned Aerial System (UAS) Operations”, and formally codifying previously approved Military equipment Use Policy No. 706, in compliance AB 481.
- Military Equipment Use Policy No. 606 authorized the Police Department to fund, acquire, and use four UAS operations, known as drones.

Requirements of AB 481

- Publish the draft military equipment use policy to the Police Department's website 30 days ahead of a public hearing to approve the policy.
- Obtain approval by the applicable governing body, by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.
- Publish an annual report by the law enforcement agency to include each type of military equipment approved by the governing body.

Requirements of AB 481

- Annual review of the military equipment use ordinance by the governing body, and option to either disapprove a renewal of a type of military equipment or amend the military equipment use policy if it determines that the military equipment does not comply with standards for approval.
- Hold at least one well publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.
- On November 10, 2023, the City published the revised Military Equipment List for Military Equipment Use Policy No. 706 and the Annual Military Equipment Report on the dedicated Police Dept. AB 481 web page.
- The Public Hearing Notice was also published with the Manteca Bulletin on November 10, 2023.

Equipment Proposed for Policy No. 706

Equipment Name	Quantity Sought	Cost of Equipment
5.56mm Semiautomatic Rifles and ammo	11 (11.5")	\$2,010.08 each; \$22,110.88 total
Remington 870 Less Lethal Launcher / Drag Stabilized 12-Gauge Bean Bag Round	8	Previously owned; repurposed for new use.
Super-sock Bean Bag Ammunition	50 sets of 5 units; total 250	\$7.50 per 5 Units; \$375.00 total
5.56mm & 9mm Specialty Impact Munitions	3,000	\$3,000

Equipment Use Proposed for Policy No. 706

Equipment Name	Equipment Use
5.56mm Semiautomatic Rifles and ammo	The purpose of these equipment types are to address a threat with more precise and or greater distance than a handgun, if feasible. This equipment is also used in training scenarios. Officers are required to successfully complete extensive firearms training, including entry and movement trainings, and consistent weapons qualifications to maintain proficiency with the equipment.
Remington 870 Less Lethal Launcher / Drag Stabilized 12-Gauge Bean Bag Round	
Super-sock Bean Bag Ammunition	
5.56mm & 9mm Specialty Impact Munitions	

Proposed Equipment

5.56MM SEMIAUTOMATIC RIFLES
AND AMNO



REMINGTON 870 LESS LETHAL LAUNCHER /
DRAG STABILIZED 12-GAUGE BEAN BAG
ROUND



Proposed Equipment

SUPER-SOCK BEAN BAG
AMMUNITION



5.56MM & 9MM SPECIALTY IMPACT
MUNITIONS



Future Considerations for Policy No. 706 – Currently Approved for Mutual Aid Operations

Equipment Name & Use	Future Quantity to be Requested	Approximate Cost of Equipment
Command and Control Vehicles used to facilitate the operational control and direction of public safety units – CA Gov't Code §7071(c)(4) - Assist in command and control during law enforcement operations, natural disasters, and public safety issues	1	LDV USA Custom Build Approximately \$370,000, if available will apply for grants from Office of Homeland Security, approximate annual maintenance \$4,000
Lenco Bearcat G3 – 4 Door Model with CBRNE capability – The increased ground clearance and robust suspension allows for emergency response in rural regions and natural disaster scenarios where standard armored SWAT vehicles would experience challenges.	1	LENCO BEARCAT Approximately \$281,000; if available will apply for COPS grant; approximate annual maintenance \$3,500

Future Considerations

COMMAND AND CONTROL VEHICLES



LENCO BEARCAT G3



Council Requested Actions

1. Hold a Public Hearing to hear testimony regarding the proposed Ordinance and Annual Report.
2. Introduce and conduct the first reading of the proposed ordinance amending Chapter 9.20, of Title 9, by amending Section 9.20.050 titled "Active Policies" to update existing Military Equipment List for Military Equipment Use Policy No. 706, by incorporating funding, acquisition, and use of new military equipment for the Latrop Police Department, in compliance with Government Code Sections 7070-7075, pursuant to Assembly Bill 481.
3. Adopt Resolution accepting Annual Military Equipment Report, summarizing the equipment use and funding from the initial approval, June 2022 to date.