

A photograph of several police officers in dark blue uniforms. The focus is on the officers' chests and shoulders, showing their patches and insignia. The patches are circular with a yellow border and blue center, featuring a mountain, a river, and a tree, with the text "VISALIA" at the top, "FOUNDED 1852" in a banner, and "GATEWAY TO THE SEQUOIAS" at the bottom. The officers are standing in a line, and the background is blurred.

Assembly Bill (AB) 481

VISALIA POLICE DEPARTMENT

May 16, 2022, City Council Session

Agenda Item

AB 481 – Military Equipment Funding, Acquisition, & Use Policy

Introduce and conduct the first reading of Ordinance No. 2022-09 adopting a proposed Visalia Police Department Military Equipment Policy 708 per California Assembly Bill (AB) 481.

Schedule a second reading and adoption on June 20, 2022, for City Council approval of the proposed Ordinance and Visalia Police Department Military Equipment Policy 708.

Description & Purpose

AB 481 – Military Equipment Funding, Acquisition, & Use Policy

- AB 481 requires law enforcement agencies to obtain the approval of the governing body (Mayor and City Council), by an ordinance adopting a military equipment use policy.
- AB 481 also requires an annual report that summarizes the use of military equipment, complaints received, internal audits, costs, and other information published by the Department.

Requirements

In addition to the policy obligations, AB 481 required the City of Visalia to:

- Publish the draft military equipment use policy to the Police Department's website 30 days ahead of a public hearing to approve the policy.
 - A draft military equipment use policy was published on April 7, 2022.
- Publish an annual report identifying all equipment in possession or in use by the Department that falls under the categories identified in AB 481 and approved by the City Council.
 - Hold at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting, presenting, and publicly releasing the annual military equipment report.

Surplus “Military Equipment”

DOD 1033 Program

The Visalia Police Department does not have, nor does it utilize, any equipment procured from the United States Department of Defense through the Law Enforcement Support Office (also known as the 1028 or 1033 program).

“Military Equipment” Categories

The Visalia Police Department has equipment that meets the criteria for 7 of the 15 categories.

- Equipment Category 1 - Unmanned, remotely piloted, powered aerial or ground vehicles.
- Equipment Category 2 - Mine-resistant ambush-protected vehicles or armored personnel carriers.
- Equipment Category 3 - High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Equipment Category 4 - Tracked armored vehicles that provide ballistic protection to their occupants.
- Equipment Category 5 - Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

“Military Equipment” Categories

The Visalia Police Department has equipment that meets the criteria for 7 of the 15 categories.

- Equipment Category 6 - Weaponized aircraft, vessels, or vehicles of any kind.
- Equipment Category 7 - Battering rams, slugs, and breaching apparatuses that are explosive in nature.
- Equipment Category 8 - Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Equipment Category 9 - Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code §30515, with the exception of standard-issue handguns.
- Equipment Category 10 - Any firearm or firearm accessory that is designed to launch explosive projectiles.

“Military Equipment” Categories

The Visalia Police Department has equipment that meets the criteria for 7 of the 15 categories.

- Equipment Category 11 - Noise-flash diversionary devices and explosive breaching tools.
- Equipment Category 12 - Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Equipment Category 13 - TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices.
- Equipment Category 14 - Kinetic energy weapons and munitions.
- Equipment Category 15 - Any other equipment as determined by a governing body or a state agency to require additional oversight.

Location of Published Inventory

AB 481 – Military Equipment Inventory List

Visalia Police Department Policy 708 which includes a Military Equipment Inventory List was published on the City of Visalia website on April 7, 2022, at least (30) days prior to the adoption of this ordinance approving the proposed policy.

https://www.visalia.city/depts/police/public_records_act/default.asp

Policy 708 shall be made publicly available on the City of Visalia website for as long as the military equipment contained in the inventory is in use.

Timeline

Important Dates & Future Actions

- September 30, 2021: CA AB 481, relating to the use of military equipment by law enforcement agencies in the State of California, was signed into law.
- April 7, 2022: Documents pertaining AB 481 have been made available on the City of Visalia website.
- May 16, 2022: First reading of the proposed Ordinance adopting a proposed Visalia Police Department Military Equipment Policy 708 per CA AB 481.
- June 20, 2022: Second reading and adoption for City Council approval of the proposed Ordinance and Visalia Police Department Military Equipment Policy 708.

Action Plan

What is Council required to act on tonight?

Obtain approval from City Council via adoption of a “military equipment” use policy by ordinance prior to requesting, seeking funding, acquiring, and collaborating with other jurisdictions regarding the deployment and use of equipment identified in AB 481 as military equipment.

The military equipment policy must be approved by City Council by ordinance and reviewed annually thereafter.

Recommended Motion

AB 481 – Military Equipment Funding, Acquisition, & Use Policy

Introduce and conduct the first reading of Ordinance No. 2022-09 an ordinance to approve the adoption of Visalia Police Department Military Equipment Policy 708 per California Assembly Bill (AB) 481. Schedule a second reading and adoption on June 20, 2022, for City Council approval of the proposed Ordinance and Visalia Police Department Military Equipment Policy 708.

A photograph of several police officers in dark blue uniforms. The focus is on the chest area of the officers, showing their patches. The patches are circular with a yellow border and blue center. The text on the patches includes "VISALIA" at the top, "FOUNDED 1832" in a banner, "GATEWAY TO THE SEQUOIAS" at the bottom, and "POLICE" at the very bottom. The background is blurred, showing other officers and what appears to be an outdoor setting.

Questions?

VISALIA POLICE DEPARTMENT

May 16, 2022, City Council Session

Thank You.