



REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: February 27, 2024

SUBJECT: ANNUAL MILITARY EQUIPMENT USE REPORTING AND
APPROVAL OF CONTINUED USE PER LA MESA
ORDNANCE NO. 2022-2896 (LA MESA POLICE
DEPARTMENT'S MILITARY EQUIPMENT USE POLICY –
ASSEMBLY BILL 481)

ISSUING DEPARTMENT: Police

SUMMARY:

Issue:

Should the City Council accept the annual report and, by Resolution, approve the Police Department's Military Equipment Use Policy, the continued use of military equipment, and the acquisition of new military equipment as requested by the La Mesa Police Department based on the findings as required by law.

Recommendation:

Review and accept the annual report and, by Resolution, approve the policy and the continued use of military equipment by the La Mesa Police Department based on the findings as required by law.

Fiscal Impact:

There would not be any new, unplanned direct fiscal impacts to continuing the use of equipment already in the Police Department's inventory or continuing to collaborate with other law enforcement agencies, including under mutual aid agreements. Maintenance costs of existing equipment and replenishment of consumable equipment, such as ammunition, are within the Department's budget. The costs of any approved additions to the equipment inventory will be funded by grant funds or directly from the Police Department budget.

City's Strategic Goals:

- Maintain a community where residents and visitors feel safe.

Public Notice

The Military Equipment Use Police Annual Report was made public via the Police Department's website on February 21, 2024 and the City's website when the agenda for this meeting was posted. Also, in accordance with AB481, there will be an additional opportunity for community engagement regarding the report at a meeting of the Community Police Oversight Board on March 20, 2024.

BACKGROUND:

Effective January 1, 2022, Assembly Bill 481 (codified in Government Code section 7070, *et seq.*) requires legislative bodies to adopt ordinances approving military equipment use policies before law enforcement agencies can continue to engage in specified activities related to the use of what the state legislature has now defined as "military equipment" in Government Code section 7070.

The La Mesa Police Department has several pieces qualifying as "military equipment" in inventory and engages in critical public safety activities in coordination with other local jurisdictions.

On May 10, 2022, the La Mesa City Council adopted Ordinance No. 2022-2896, approving a Military Equipment Use Policy.

DISCUSSION:

The Police Department is responsible for ensuring that all provisions of Government Code sections 7071 and 7072 are met. The City Council is required by law to review the ordinance and policy at least annually and have the opportunity to renew it or make any necessary changes.

The annual policy approves the continued use of equipment currently in the Police Department's inventory by authorized and trained personnel when the use is necessary to maintain public safety. It also approves the purchase and use of new equipment as requested by the Police Department.

The policy approval would also allow the continued collaboration with other law enforcement agencies in the deployment or other use of military equipment within the City, when necessary. The Police Department works closely with other local, county, state and federal law enforcement agencies within San Diego County on police-related matters, including safeguarding the public's welfare and safety, working on regional task forces, conducting training exercises, providing mutual aid and responding to emergencies. In certain circumstances, there arises a need to deploy military equipment from, or lend military equipment to, outside entities to promote the safety and security of community members.

A full inventory of the Police Department's military equipment is contained in the Annual Report, which is attached. Government Code §7071(d)(1) sets forth the findings that City Council must

make in order to annually approve the policy and ordinance. The City Council can make the required findings because:

1. Authorizing the use of military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The use of this equipment is part of the La Mesa Police Department's overall approach to Critical Incident Management, Use of Force, De-Escalation and public safety. The equipment will enable department members to properly respond to both planned and unplanned events efficiently and effectively.

2. The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties by ensuring required reporting out, the opportunity for community engagement and feedback, and transparency and oversight regarding the acquisition and use of the specified military equipment in the City of La Mesa.

3. For the proposed equipment purchases, 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 has complied with the military equipment use policy that was in effect at the time.

CONCLUSION:

Staff recommends that the Council adopt the following actions:

1. Review and accept the Military Equipment Use Policy Annual Report, attached.
2. By Resolution, re-approve the Military Equipment Use Policy (Ordinance No. 2022-2896) and the continued use of military equipment by the La Mesa Police Department based on the findings, as required by law, and approve the acquisition of new equipment as requested in the Annual Report.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Ray Sweeney
Chief of Police

Attachments:

1. Attachment A - Resolution No. 2024-
2. Attachment B – Military Equipment Use Policy Annual Report

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3. Attachment C – Military Equipment Inventory
4. Attachment D – Ordinance No. 2022-2896
5. Attachment E – Military Equipment Use Policy 706