



Administrative Report

L.2., File # 22-4457

Meeting Date: 8/2/2022

To: MAYOR AND CITY COUNCIL
From: JOE HOFFMAN, CHIEF OF POLICE

TITLE

PUBLIC HEARING FOR INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING TITLE 3, CHAPTER 16 OF THE REDONDO BEACH MUNICIPAL CODE GOVERNING THE USE OF MILITARY EQUIPMENT BY THE REDONDO BEACH POLICE DEPARTMENT, APPROVING THE MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481 AND CONSIDERATION OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR THE PROPOSED CODE AMENDMENTS IN ACCORDANCE WITH SECTION 15308 OF THE CEQA GUIDELINES

PROCEDURES:

1. OPEN THE PUBLIC HEARING AND TAKE TESTIMONY;
2. CLOSE THE PUBLIC HEARING; AND
3. INTRODUCE ORDINANCE BY TITLE ONLY

INTRODUCE BY TITLE ONLY ORDINANCE NO 3238-22 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADDING TITLE 3, CHAPTER 16 TO THE REDONDO BEACH MUNICIPAL CODE GOVERNING THE USE OF MILITARY EQUIPMENT BY THE REDONDO BEACH POLICE DEPARTMENT AND APPROVING THE MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481

EXECUTIVE SUMMARY

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481 (AB 481), codified in Government Code sections 7070 through 7075. AB 481 requires a law enforcement agency to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy by ordinance, prior to acquiring, or using equipment deemed military equipment as defined in Assembly Bill 481. Adoption of the proposed Ordinance is necessary for the Police Department to be in compliance with AB 481 and to formally approve the Department's Military Equipment Use Policy.

BACKGROUND

The term "military equipment," as used in AB 481, in fact, does not necessarily indicate the equipment has been used or acquired through the military. Items deemed to be "military equipment" by AB 481 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement to enhance public and officer safety. None of the equipment in the Redondo Beach Police Department inventory has been obtained from the military, nor is it solely designated for military use.

Pursuant to AB 481, items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, less lethal shotguns, less-lethal 40mm projectile launchers, and flashbangs. AB 481 requires law enforcement agencies to “commence a governing body approval process” prior to May 1, 2022. Additionally, if the governing body does not approve and adopt the military equipment use policy within 180 days of when it is first submitted, the agency must cease using the military equipment until the policy is approved and the ordinance adopted. Further, AB 481 requires that the draft policy be posted on the Police Department website at least thirty days prior to any public hearing on the policy.

The Redondo Beach Police Department is committed to using the most up-to-date tools and equipment to safeguard our citizens. Many of the items deemed to be “military equipment” by AB 481 are in fact employed by the Police Department, and other law enforcement agencies across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy, also provide all members of the Police Department with vital tools that facilitate compliance with the Police Department use of force policy. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Redondo Beach.

There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the tools identified in the equipment list is vital to the vision and mission of the Police Department and will continue to be strictly regulated through internal processes and oversight.

The proposed ordinance is in compliance with AB 481 and as required, the draft Policy was posted on the Police Department’s website on April 19, 2022, over 30 days prior to the introduction of the Ordinance. The policy includes a link to each item identified in Government Code section 7070 as military equipment that is currently owned and utilized by the Police Department which also includes the current use and cost of each item. These particular items, and their stated uses, have been in place prior to the implementation of AB 481. Therefore, future acquisitions of any item deemed to be “military equipment” could require a policy update, and City Council approval. The proposed Policy protects the public’s welfare, safety, civil rights, and civil liberties while ensuring that there are safeguards, including transparency, oversight, and accountability measures in place.

There are no reasonable alternatives to the applicable equipment items listed that are currently in use by the Police Department. Additionally, the Police Department has not discovered alternative items that can achieve the same officer and civilian safety objectives. Any use of what has been deemed military equipment by AB 481 must be reasonably necessary and conform to all applicable Police Department policy sections. The facts and circumstances surrounding any incident must be carefully weighed and considered before authorizing the use of, or utilizing this equipment. Adoption of the proposed Ordinance is necessary in order for the Police Department to be in compliance with AB 481 and to formally approve the Department’s Military Equipment Use Policy.

ENVIRONMENTAL STATUS

The ordinance amendments are exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) of the Guidelines for the

Implementation of CEQA because the activity will not result in direct or reasonably foreseeable indirect physical change to the environment. Further, pursuant to Section 15060(c)(3) the activity is not considered a project under CEQA and therefore qualifies for the general rule exemption under Section 15378(b)(5) of the CEQA Guidelines.

COORDINATION

The Police Department coordinated preparation of the ordinance with the City Attorney's Office.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of the proposed Ordinance.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Ordinance
- Military Equipment List
- Military Equipment Policy
- AB 481 Bill text
- CEQA Exemption
- Legal Ad Public Hearing Notice
- AB 481 Presentation