



Legislation Details (With Text)

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Title: ***BILL B- 10 (Intro. 4/28/2022) (For Adoption) - Adding Chapter 5, Article 6 to the Fresno Municipal Code establishing rules for the Fresno Police Department to fund, acquire and use military equipment as defined in Assembly Bill 481 (Subject to Mayor's Veto).

Sponsors: Police Department

Indexes:

Code sections:

Attachments: 1. 22-724 Ordinance adding Chapter 5, Article 6 to the Fresno Municipal Code, 2. 22-724 Fresno PD 706_Military Equipment Funding_Acquisition and Use Policy, 3. 22-724 Fresno PD Military Equipment Inventory_April 2022, 4. 22-724 PPT Photos of Existing AB 481 Military Equip, 5. Supplement_File ID 22-724_PoliceDeptMilitaryEquipment_Public Comments

Date	Ver.	Action By	Action	Result
5/12/2022	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: PACO BALDERRAMA, Chief of Police Police Department

BY: MICHAEL S. REID, Deputy Chief Support Division

SUBJECT

***BILL B- 10 (Intro. 4/28/2022) (For Adoption) - Adding Chapter 5, Article 6 to the Fresno Municipal Code establishing rules for the Fresno Police Department to fund, acquire and use military equipment as defined in Assembly Bill 481 (Subject to Mayor's Veto).

RECOMMENDATION

It is recommended that the Council of the City of Fresno adopt the attached Ordinance establishing a policy for the funding, acquisition, and use of military equipment by the Fresno Police Department which will take effect as provided in Charter Section 600(b) and 610(b).

EXECUTIVE SUMMARY

AB 481 was signed into law on September 30, 2021, taking effect on January 1, 2022. The newly enacted legislation requires all law enforcement agencies in the State of California to obtain their governing body's approval through the adoption of an ordinance that allows for the funding, acquisition, and use of military equipment. AB 481 specifically

defines the types of equipment that approval must be obtained for and once adopted, mandates annual reporting to the governing body to ensure compliance with the Ordinance being introduced today.

To meet this mandate, the City Attorney's Office and the Fresno Police Department have drafted and published for public comment, a policy outlining the use of military equipment and a comprehensive inventory of this military equipment as defined in AB 481. Additionally, an Ordinance has been drafted by the Fresno City Attorney and is being introduced today to take effect as provided in Charter Section 600(b) and 610(b).

BACKGROUND

AB 481 was authored by Assemblymember David Chiu (San Francisco) to address the funding, acquisition, and use of military equipment by law enforcement agencies. AB 481 seeks to create more transparency, oversight, and accountability in the use and acquisition of police equipment which qualifies, by legislative definition, as military equipment. On September 30, 2021, Governor Newsom signed AB 481 into law which took effect on January 1, 2022.

AB 481 designated the following 15 categories of items as military equipment. These include:

Category 1. Unmanned, remotely piloted, powered aerial or ground vehicles.

Category 2. Mine-resistant ambush-protected vehicles or armored personnel carriers.

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.

Category 4. Tracked armored vehicles that provide ballistic protection to their occupants.

Category 5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

Category 6. Weaponized aircraft, vessels, or vehicles of any kind.

Category 7. Battering rams, slugs, and breaching apparatuses that are explosive in nature

Category 8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns

and standard-issue shotgun ammunition.

Category 9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Codes § 30510 and §30515, with the exception of standard-issue service weapons.

Category 10. Any firearm or firearm accessory that is designed to launch explosive projectiles.

Category 11. Noise-flash diversionary devices and explosive breaching tools.

Category 12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.

Category 13. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices

Category 14. Kinetic energy weapons and munitions.

Category 15. Any other equipment as determined by a governing body or a state agency to require additional oversight).

AB 481 requires each law enforcement agency's governing body to adopt a written military equipment funding, acquisition, and use of military equipment policy by ordinance in a public forum in order to continue the use of previously acquired military equipment and commence this process by May 1, 2022. If adopted, this Ordinance and supporting documents must be provided to the State of California

To meet the requirements of AB 481, the Fresno Police Department has worked with the Fresno City Attorney's Office to draft the Ordinance and to develop policies consistent with the intent of AB 481. To guide this process, the Fresno Police Department published the Draft Policy as well as an extensive and detailed equipment inventory of all categories of equipment defined within AB 481. In accordance with the provisions of AB 481, these documents were published 30 days prior to introduction of the Ordinance.

ENVIRONMENTAL FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378, this item is not a project for the purposes of CEQA.

LOCAL PREFERENCE

Local preference not implemented as this is an introduction and adoption of the City's local codes.

FISCAL IMPACT

There is no fiscal impact for this request as it is an adoption of an Ordinance. Attachments:

- 01.0--Ordinance adding Chapter 5, Article 6 to the Fresno Municipal Code
- 02.0--Fresno Police Department Policy 706: Military Equipment Funding, Acquisition and Use Policy
- 03.0--Fresno Police Department Military Equipment Inventory (April, 2022)
- 04.0--PPT Photos of Existing AB 481 Military Equip