



City Council Agenda Item

City Council Meeting Date: May 17, 2022

TO: Dean Albro, City Manager

FROM: Joseph A. Mariani, Chief of Police
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SUBJECT: Adoption of Ordinance No. 1694(22) Approving Lompoc Police Department Military Equipment Use Policy, Pursuant to AB 481

Recommendation:

Staff recommends the City Council:

- 1) Open the public hearing and receive testimony from the public; and
- 2) Adopt Ordinance No. 1694(22) approving the Lompoc Police Department's current and future inventory and its 'Use Policy' for specialized police equipment, also referred to as 'military equipment' (Attachment 1).

Background:

On April 19, 2022, the City Council introduced Ordinance No. 1694(22), which would approve Lompoc Police Department's Military Equipment Use Policy (Policy). As required by Assembly Bill 481, the Policy has been posted on the Police Department's website for 30 days, and the City Council shall conduct a public hearing and consider adoption of the Ordinance.

On September 30, 2021, California Governor Gavin Newsom signed Assembly Bill 481 (AB 481), which became effective January 1, 2022. AB 481 requires the Lompoc Police Department to create a Military Equipment Use Policy, which must be presented to the City Council by May 01, 2022, and adopted within 180 days thereafter. Due to recent events in our nation, the public has asked state and local leaders to enact law enforcement reforms and set statewide standards for safe de-escalation techniques.

AB 481 identifies certain law enforcement equipment as 'military equipment' and requires oversight from a governing body for purchase and usage of that military equipment. For the City of Lompoc Police Department, the governing body is the City Council. The purpose of this request is to seek approval and support from the City Council in adopting the list of inventory (specialized equipment) and its use. The Use Policy (to be added to the Lompoc Police Department Policy) establishes an ongoing standard and policy for

safe de-escalation techniques and military equipment use/application, which is attached as required by AB 481. (Attachment 1.)

The list of identified 'military equipment' is currently deployed by the Lompoc Police Department as well as neighboring agencies within Santa Barbara County, and throughout the state of California, as well as law enforcement organizations across the nation and AB 481 lists equipment that is recognized and more appropriately identified by local, state, and federal law enforcement entities as **SPECIALIZED POLICE EQUIPMENT**. For additional context, the Lompoc Police Department, over a span of many years has acquired its 'military equipment' with previous City Council approval either during the annual budget process or as an individual request. Specialized police equipment is used only by highly trained and experienced law enforcement professionals. The list of itemized equipment is listed below as required by AB 481. This inventory list ranges from modernized tools, aerial drones, to off-road vehicles whose primary purpose is the preservation of human life when utilized in responding to critical incidents, which often involve high-risk apprehension, search and rescue, fast responses to catastrophic events, reduce liability of physical injury to public and department personnel, and allow for de-escalation tactics during high-risk encounters with armed violent suspects. The tools, equipment, and resources can function as a force-multiplier in some cases to reduce manpower hours and is ultimately a cost savings to the City.

Although most tools, equipment, and resources listed as military equipment in AB 481 are found in a military environment and may be similar in nature, the application in which the equipment is used is significantly different for public safety and law enforcement. Below you will find a list of specialized equipment inventory and a variety of their uses.

Lompoc Police Department Specialized Equipment Inventory:

- **Unmanned, remotely piloted powered aerial or ground vehicles**
 - Search and locate reported missing children or at-risk adults;
 - Search and Rescue Operations to locate lost or Injured hikers;
 - A law enforcement specific application involving Aerial DRONES are used for open terrain or large field searches as a force-multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects barricaded inside a residence or commercial structure;
 - A tracked armored vehicle remotely piloted for use in explosive ordinance disposal;
 - Unmanned robotics have numerous applications. Robotics are used instead of personnel in high-risk environments to increase safety for law enforcement.

- **Armored Vehicles**
 - Inventory includes a BATT-X Armored Rescue Vehicle, primarily used during high-risk tactical enforcement operations, officer rescues, and vehicle borne interventions. Additional deployments are used during criminal unrest and riots. Rescue vehicles provide ballistic safety during containment and apprehension of armed violent suspects;
 - Rescue vehicle for on-campus active shooter incidents to rescue injured victims;
 - 4X4 capability to transport or evacuate victims in a flood, fire or other natural disaster;
 - Rescue vehicles provide numerous safety capabilities for law enforcement, victim rescues, and overall community safety;
 - Armored vehicles have attachable metal booms that can be used for breaching structures, fences, or ramming objects during high-risk incidents, to include active shooter incidents on school grounds or buildings.
- **Non-handheld battering rams, slugs, and breaching apparatuses that are explosive in nature**
 - Explosive breaching tools;
 - Avon frangible shotgun ammunition is used to breach doors and points of entry on fortified doors or structures. The rounds are used to impact door hinges, doorknobs and locks.
- **Assault Weapons defined under PC 30510 & PC 30515**
 - Inventory includes AR style rifles that function at full and semi-automatic capability;
 - Semi-automatic Benelli shotgun;
 - Increased accuracy and precision at long range distances;
 - Currently used by most law enforcement agencies across the nation.
- **Flashbang grenades and explosive breaching tools**

- Light Sound Diversionary Device (LSDD-“Flashbangs”) are diversionary devices used to minimize risk to all parties through the temporary distraction or disorientation of armed and violent suspects that pose significant danger to the deputies and community. The effects of the LSDD reduce a suspect’s reactionary capabilities and allow for momentary disorientation, which creates a tactical advantage. LSDD is a hand delivered device and generally deployed on the exterior of structures;
- Provides a humane fright of aggressive dogs that pose a threat to deputies;
- Explosive breaching tools are used to breach fortified structures to establish a point of entry. Explosive charges are fashioned to produce little to no fragmentation at the time of detonation. Explosive breaching effectively reduces the time spent overcoming a fortified door or structure. The reduction in time mitigating a hardened structure increasing officer safety and the element of surprise. Blast injuries are reduced by using low yield explosives that mechanically overcome door frames and locking mechanisms. Explosive breaching mandates extensive schooling and certification processes.
- **Tear Gas**
 - Chemical agents are deployed through various means to include hand delivery and weapon launchable, such as pepper ball. Munitions are either 37 mm or 40 mm caliber, shotgun ferret rounds or canister shotgun launched ordinance. Hand delivered chemical agents are placed in metal burn boxes to reduce fire hazards.
- **Command and Control Vehicles built or modified to facilitate the operational control and direction of public safety units**
 - Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles are built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communication abilities, computers, white boards, lightening, generators, and mission essential supplies.
- **40 mm projectile launchers**
 - Less lethal 40 mm launchers and rubber projectile munitions. Munitions are configured for high and low energy impact. Munitions

have the additional benefit as a barrier round for breaking vehicle and residential glass so that chemical munitions can be deployed. 40 mm less lethal has been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement, or the public.

- **Bean Bag Launchers**
 - Less lethal bean bag is utilized through a marked/orange colored easily identifiable less lethal shotgun. The bean bag round is a small led pellet filled munition made of high-density cloth. Bean bag is the predecessor to 40 mm less lethal having similar benefits as other less lethal platforms.

- **Rubber Projectile launchers**
 - Sting ball grenade launches .38 caliber rubber projectiles and are hand delivered. Generalized use in a tactical operation is infrequent in use and deployment. Search warrants, violent combative subjects, or hostage rescue scenarios are criteria for consideration and use against suspects. Sting balls have a greater application in a Jail Corrections Environment;
 - 40 mm and 37 mm launchers capable of deploying rubber projectile munitions. An effective less lethal tool used routinely with success.

Discussion:

Law enforcement agencies are responsible in ensuring the highest standard of public safety, protect and serve members of the community, and apprehend criminal offenders. To help achieve and maintain the highest standard of public safety, law enforcement receives support from our local elected officials who are committed in funding operational needs, which includes the approval to purchase and finance necessary tools, protective gear and specialized equipment for the purpose of helping protect and save lives and property. With the City Council's partnership and approval, the Lompoc Police Department can operate with the most advanced technology, equipment, and resources available with the goal to protect and serve the community with increased effectiveness, be prepared for the unexpected, and ultimately save lives with a uniform response standard by all law enforcement agencies across all jurisdictions and within our county.

Pursuant to AB 481, the City Council shall only approve the military equipment use policy if it determines all of the following:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and
- (D) Prior military equipment use complied with the Department's policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Fiscal Impact:

There is no fiscal impact associated with this request. The Lompoc Police Department is seeking approval of the equipment that has been in use by the Department that falls within the requirements of AB 481.

Conclusion:

The Lompoc Police Department is committed to working cooperatively across jurisdictional boundaries to ensure that all catastrophic events, response to critical incidents, search and rescue operations and many other multi-jurisdictional events that arise from neighboring agencies and counties are supported safely and justifiably. Any which require the use of any of the above listed specialized equipment are conducted in a fair, transparent and professional manner. The City Council shall conduct the public hearing and vote either for or against the Department's list of existing 'military equipment', and thereafter shall do so annually. Annually, the Department's Use Policy and a Military Equipment Report will also be submitted to the City Council. Upon City Council approval, a copy of the Policy will be sent to the Governor's Office. A copy of the full text of AB 481 is attached with this document or may be accessed at <https://leginfo.legislature.ca.gov>

Respectfully submitted,

Joseph A. Mariani, Chief of Police

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Dean Albro, City Manager

- Attachments:
- 1) Ordinance No. 1694(22), with Proposed Lompoc Police Department Policy Section 709 Attached
 - 2) Copy of AB 481