



## **CITY OF MENIFEE**

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SUBJECT: Annual Military Equipment Use Report

MEETING DATE: June 19, 2024

TO: Mayor and City Council

PREPARED BY: Paul Barbieri, Lieutenant

REVIEWED BY: Chris Karrer, Police Chief

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Affirm continued use of Menifee Ordinance No. 2022-339 and Menifee Police Department Policy No. 706, providing approval, acquisition, and reporting requirements of military equipment; and
2. Receive and file the Menifee Police Department's Annual Military Equipment Use Report for 2023 and determine the report complies with the standards of approval, as required by Assembly Bill 481 (AB481).

### **DISCUSSION**

On September 30, 2021, California Governor Gavin Newsom signed AB481, which became effective January 1, 2022. The bill required law enforcement agencies to adopt a Military Equipment Use Policy by May 01, 2022.

On April 6, 2022, the City Council reviewed and approved the Menifee Police Department's (MPD) Military Equipment Use Policy No. 706 ("Policy") and introduced Ordinance No. 2022-339 ("Ordinance"), which established rules and guidelines for the MPD's acquisition and use of military equipment. The adopted Ordinance and Policy requires the MPD to submit an Annual Military Equipment Use Report ("Report") to the City Council each year.

AB481 identifies certain law enforcement equipment as "military equipment" and requires oversight from a governing body for purchase and use of what the bill has deemed as "military equipment". The governing body for the MPD is the Menifee City Council.

The "military equipment", as defined by AB481, acquired by the MPD since the City Council's approval of the Ordinance and Policy is outlined beginning on page eight of the attached Report.

Items acquired in 2023 by the MPD included the replenishment of chemical agents and purchase of six new pepper-ball launchers. There are no anticipated acquisitions for the calendar year 2024.

Per the guidelines of AB481 and based on the annual Report, the Policy and Ordinance is subject to an annual review by the City Council to determine whether the standards set forth have been met. The City Council shall determine, based on the attached Report, whether the use of each type of military equipment identified continues to meet the criteria for approval set forth below.

Ordinance Section 11.50.030(A)(2)(d)(1)

- 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 military equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D.) Prior military equipment use complied with the Military Equipment Use 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.

Finally, per AB481 the Policy has been available for public review on the MPD's website for the past year. The Report was added to the Department's website and made available for public review on April 15, 2024. These documents are included in this staff report as attachments.

The Report presented for City Council's review, meets the requirements of AB481 and the corresponding Ordinance. The Report allows the Department to discuss the previous year's use, acquisition, costs, internal audits, complaints, and itemized military equipment reporting. This Report also reaffirms the MPD's commitment to transparency with our community and governing bodies.

### **STRATEGIC PLAN OBJECTIVE**

Safe and Vibrant Community

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action. The purchase and ongoing costs associated with the equipment are summarized in the attached Report.

### **ATTACHMENTS**

1. Menifee Police Department Military Equipment Use Report
2. Policy No. 706 – Military Equipment
3. Ordinance 2022-339 – Use of Military Equipment

