



CITY OF MENIFEE

SUBJECT: Menifee Police Department's Annual Military Equipment Use Report

MEETING DATE: October 4, 2023

TO: Mayor and City Council

PREPARED BY: Heriberto Gutierrez, Captain

REVIEWED BY: Chris Karrer, Police Chief

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Affirm continued use of 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 2022 and determine the report complies with the standards of approval, as required by Ordinance No. 2022-339 and Menifee Police Department Policy No. 706.

DISCUSSION

Assembly Bill 481 (AB 481), which took effect on January 1, 2022, identifies certain law enforcement equipment as "military equipment" and requires oversight from the City Council for purchases and use of what the bill has deemed as "military equipment". That oversight is effectuated through the adoption of a Military Equipment Use Policy.

In compliance with this new law, on April 6, 2022, the City Council reviewed and approved the Menifee Police Department's (MPD) Military Equipment Use Policy No. 706 and introduced Ordinance No. 2022-339, which established rules and guidelines for the MPD's acquisition and use of military equipment. As required by AB 481, the adopted policy and ordinance requires that MPD submit an Annual Military Equipment Use Report ("Report") to the City Council each year.

The Report is provided as Attachment 1. At page seven, it identifies the "military equipment", as defined by AB481, acquired by the MPD since the City Council's approval of the policy and ordinance. There are no anticipated acquisitions for the calendar year 2023.

Per the guidelines of AB481 and based on the 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.

- (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 August 25, 2023. These documents are included in this staff report as Attachments 1 and 2.

The Report presented for City Council's review, meets the requirements of AB481 and corresponding Ordinance No. 2022-339. 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.

ATTACHMENTS

1. Menifee Police Department Military Equipment Use Report
2. Policy No. 706 – Military Equipment
3. Ordinance 2022-339 – Use of Military Equipment
4. Assembly Bill 481