

Agenda Report

October 16, 2023

TO: Honorable Mayor and City Council
FROM: Pasadena Police Department
SUBJECT: MILITARY EQUIPMENT ANNUAL REPORT AND RENEWAL OF EXISTING MILITARY EQUIPMENT

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the project proposed herein is exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3), the "Common Sense" exemption that CEQA applies only to projects that may have an effect on the environment;
2. Find that each type of military equipment identified in the Pasadena Police Department (PPD) June 2022 to June 2023 Annual Military Equipment Report has complied with the standards for approval set forth in the PPD Military Equipment Policy 711 and Government Code Section 7070 et seq.; and
3. Approve the continued use of the currently authorized military equipment by renewing Ordinance no. 7395 pursuant to Government Code Section 7071(e)(1).

EXECUTIVE SUMMARY:

The Pasadena Police Department (PPD) is required to produce an annual military equipment report as described in Pasadena Police Department Military Equipment Policy 711 and Government Code Section 7072. The City Council utilizes the annual report as a mechanism to ensure PPD's compliance with the Pasadena Police Department Military Equipment Policy 711 and to help determine whether to approve, revise, or revoke components of the Military Equipment Policy for the subsequent year. PPD has submitted the required annual report covering the reporting period of June 2022 to June 2023; held a required community engagement presentation; and is seeking the City Council review and continued approval for use of the equipment.

BACKGROUND:

Government Code Section 7070 *et seq.*, became effective on January 1, 2022, and requires law enforcement agencies that seek to continue the use of military equipment to have accomplished the following by May 1, 2022:

- Draft a military equipment policy that describes each piece of military equipment, including quantity, capabilities, purchase cost, purpose, authorized uses, and fiscal impact for each piece of equipment.
- Seek approval of the policy from their governing body by ordinance; and,
- Make publicly available on the agency's website any proposed or final military equipment policy for as long as the military equipment is available for use.

On June 20, 2022, the City Council adopted Ordinance no. 7395 which established the Pasadena Police Department Military Equipment Policy 711. The policy has been posted on the City's website as required.

The public may also access the policy at the following website:

<https://www.cityofpasadena.net/police/news/ab-481-military-equipment-policy>.

On an annual basis, the PPD must hold at least a "community engagement" meeting pursuant to Government Code Section 7072(b). Additionally, the City Council must review the military equipment policy; receive an annual report prepared by the law enforcement agency to include how any equipment was used in the prior year; a summary of any complaints or concerns received; the results of any internal audits, policy violations, total annual cost, quantities, new acquisitions planned in the next year, and the Council must vote on whether to renew the ordinance at a regular meeting.

Attachment B to this Agenda Report is PPD's annual report documenting all required information for the reporting period of June 2022 to June 2023. PPD held a community engagement meeting through its June 21, 2023, presentation at the City Council Public Safety Committee.

PPD is seeking City Council approval for the continued use of all authorized military equipment identified in the Military Equipment Inventory List. This is attached to the Military Equipment Policy 711 and both are included in this Agenda Report. As shown in the annual report, required by Government Code Section 7072(a), PPD used some but not all of the listed equipment. In addition, PPD had no policy violations associated with the deployment or use of the military equipment.

The City Council does not generally play a direct role in approving PPD policies, due to Charter provisions that establish the Council-Manager form of government. However, Government Code Section 7074 in the new State law states that "ensuring adequate oversight of the acquisition and use of military equipment is a matter of

statewide concern rather than a municipal affair.” Due to Government Code Section 7071(e), staff needs to obtain the Council’s renewal of the ordinance approving of the policy.

Definition of Military Equipment

The term “military equipment,” as used in State law, does not necessarily indicate equipment that has been used by the military. Military equipment includes unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, tear gas, pepper balls, less-lethal 40mm projectile launchers, specialized firearms and ammunition, and light-sound distraction devices commonly known as “flashbangs.” Except for three Bell OH-58 helicopters, which were obtained from the military, all other equipment in PPD’s inventory has been sourced through direct purchases and seizures.

Many items described as “military equipment” are less-than-lethal, standard-issue equipment for peace officers and used as a component of overall best practices for law enforcement agencies throughout the country. The equipment is intended for use to save civilian lives, protect law enforcement personnel, reduce risk for the city, and enhance public safety. Doing so allows responding officers to take in and evaluate the totality of the circumstances, resulting in increased safety and reduced risk for everyone involved. The tools included in the inventory have been thoroughly tested and used in the field to enhance public and officer safety.

COUNCIL POLICY CONSIDERATION:

The posting of the Military Equipment Policy 711 and the Annual Military Equipment Report ensures that law enforcement continues to have access to equipment that will provide police officers with as many options as possible to safeguard lives and ensure public safety. It also ensures that there are safeguards, including transparency, oversight, and accountability measures in place, for the equipment used within the city.


ENVIRONMENTAL ANALYSIS:

The proposed contract has been determined to be exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061 (b)(3), the “Common Sense” exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Such is the case with the approval of the Military Equipment Policy.

FISCAL IMPACT:


There is no fiscal impact for the action requested. No grant funding was utilized for equipment acquisition during this reporting period and there are no intentions of acquiring additional military equipment at this time.

Respectfully submitted,

 (ACTING FOR CHIEF HARRIS)

EUGENE HARRIS
Chief of Police

Prepared by:


Monica Cuellar
Police Lieutenant

Approved by:


MIGUEL MARQUEZ
City Manager

Attachment A: 2022 Ordinance no. 7395
Attachment B: Annual Military Equipment Report