

# Agenda Report



**MEETING DATE:** Tuesday, June 11, 2024

**TO:** City Council

**FROM:** POLICE CHIEF ZAMORA  
POLICE CAPTAIN RODRIGUEZ

**THROUGH:** INTERIM CITY MANAGER VIDES

**SUBJECT:** APPROVAL OF THE ANNUAL MILITARY EQUIPMENT REPORT,  
RENEWAL OF ORDINANCE 4-13 AND WATSONVILLE POLICE  
DEPARTMENT MILITARY EQUIPMENT USE POLICY

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## **RECOMMENDED ACTION:**

Adopt a resolution renewing Chapter 13 (Military Equipment Use) of Title 4 (Public Safety) of the Watsonville Municipal Code, Watsonville Military Equipment Use Policy 708, and finding that the Annual Military Equipment Report complies with the standard of approval set forth in Government Code Section 7071(d).

## **BACKGROUND:**

Effective January 1, 2022, Assembly Bill 481 (codified in Government Code §§7070, et seq.) requires legislative bodies to adopt ordinances approving military equipment use policies before law enforcement agencies can continue to engage in specified activities related to the use of what the state legislature has now defined as "military equipment" in Government Code §7070. The Watsonville Police Department Military Equipment Use Policy and Equipment list was approved by Council on June 14, 2022.

Government Code §7071(e)(1) states that the governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (e)(2), vote on whether to renew the ordinance at a regular meeting.

Paragraph (e)(2) of Government Code §7071 states that the governing body shall determine, based on the annual military equipment report, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d) of §7071, which reads as follows:

(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.

(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.

If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth above, the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

Government Code §7072 requires that any law enforcement agency that receives approval for a military equipment use policy pursuant to §7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

A copy of the annual military equipment report is attached hereto as Attachment 1.

**DISCUSSION:**

The initial proposed ordinance and Military Equipment Use Policy were brought to Council for approval on April 26, 2022. The ordinance and policy were approved by a vote of six in favor and one opposed. On May 10, 2022, the ordinance and policy were brought back to Council for passage. During this meeting, the Council postponed passage of the ordinance and policy. At this same meeting, staff was asked to facilitate a community meeting to provide information and discuss community concerns regarding AB 481. Two public meetings were held, one on May 24, 2022, and the other on May 25, 2022. On June 14, 2022, the City Council unanimously passed the initial ordinance and approved the policy.

On May 17, 2024, and May 24, 2024, the WPD publicized the date and location of the Community Engagement Meeting set for May 29, 2024, through social media platforms.

On May 29, 2024, the WPD held a well-publicized community meeting in the Civic Plaza Community Room to discuss AB 481 and the Annual Report.

The June 11, 2024 Council Meeting will serve as another opportunity for community members to provide comment on the Annual Report.

The Annual Report is meant to provide yearly information about each type of military equipment that was approved by Council. The report contains a summary of how it was used, any complaints or concerns received and any associated costs related to their use. For this reporting period, all costs were within budget allocations.

It is important to highlight new qualifying equipment that was purchased during this reporting period. In total, four unmanned aerial vehicles (drones) were purchased through a five-year contract with Axon Enterprise. The total contract was in the amount of \$114,740.70, which was approved by Council on August 29, 2023. These drones are authorized to be utilized in numerous situations, such as public safety emergencies, natural disaster response and management, tactical operations, and responding to calls for service. Furthermore, only personnel who have completed the Federal Aviation Administration (FAA) Part 107 training and certification may operate these drones. It is the policy of the Police Department to utilize these drones in a manner that respects the privacy of the community, pursuant to State and Federal law.

State law requires the City review and renew its ordinance and policy on an annual basis. Staff is suggesting no changes to the ordinance or policy.

**STRATEGIC PLAN:**

5-Public Safety

**FINANCIAL IMPACT:**

There would not be any new, unplanned direct fiscal impacts to continuing the use of equipment already in the Department's inventory or continuing to collaborate with other law enforcement agencies, including in mutual aid circumstances. Maintenance costs of existing equipment is within the Department's budget.

There will be staff time associated with compliance, annual review, reporting and community engagement meetings, all of which are required pursuant to applicable provisions of the Government Code.

**ALTERNATIVE ACTION:**

Council could make changes to the Military Equipment Use Policy and/or ordinance or if Council determines that a type of military equipment identified in the annual military equipment report has not complied with the standards for approval set forth in subdivision (d) of Section 7071, Council can either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

**ATTACHMENTS AND/OR REFERENCES (If any):**

1. WMC 4-13
2. WPD Military Equipment Use Policy and Inventory List
3. Text of California Assembly Bill 481 (AB 481)