



# Agenda Report

**MEETING DATE:** Tuesday, April 26, 2022

**TO:** City Council

**FROM:** POLICE CHIEF ZAMORA  
ASSISTANT POLICE CHIEF SIMS

**SUBJECT:** INTRODUCTION OF A NEW ORDINANCE FOR THE CITY OF WATSONVILLE, ADDING CHAPTER 4-13 AND APPROVING A MILITARY EQUIPMENT USE POLICY

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## **STATEMENT OF ISSUES:**

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 has some equipment that qualifies as “military equipment” in inventory and engages in critical public safety activities in coordination with other local jurisdictions, which will be prohibited within 180 days unless an ordinance meeting the requirements of Government Code §7071 is adopted.

## **RECOMMENDED ACTION:**

Staff recommends that the City Council introduce an Ordinance which adds a new chapter 13 entitled “Military Equipment Use Ordinance” to Title 4 (Public Safety) of the Watsonville Municipal Code, and approving a Military Equipment Use Policy for Police Services”; and direct the City Clerk to read the title of the proposed ordinance.

## **DISCUSSION:**

The proposed ordinance would approve a Military Equipment Use Policy (Attachment 2) that is consistent with the Department’s current policy and meets the relevant requirements of AB 481 (Attachment 1). As required by Government Code §7071(b), the proposed policy was posted on the Department’s website at: [Cityofwatsonville.org/197/Police](http://Cityofwatsonville.org/197/Police) on Wednesday March 23, 2022. If adopted, the Police Department would be responsible for ensuring that all provisions of Government Code §7071 and §7072 are met. The Council would be required by law to review the ordinance and policy at least annually and have the opportunity to renew it or make any necessary changes.

The proposed policy approves the continued use of equipment currently in the Police Department’s inventory by authorized and trained personnel, when the use is necessary to maintain safety.

The proposed policy would also allow the continued collaboration with other law enforcement agencies in the deployment or other use of military equipment within the City when exigent circumstances require a swift response. The Department works closely with other local, county, state and federal law enforcement agencies on police-related matters, including safeguarding the public's welfare and safety, working on regional task forces, conducting training exercises, providing mutual aid and responding to emergencies. In exigent circumstances, there is sometimes the need to deploy military equipment from or lend military equipment to outside entities to promote the safety and security of community members. When military equipment is used under exigent circumstances, the proposed ordinance requires reporting on the use to the City Council within a specified time period.

Government Code §7071(d)(1) sets forth the findings that Council must make in order to adopt the proposed policy and ordinance. Staff believes that Council can make the required findings because:

1. Authorizing the use of military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The acquisition and use of this equipment is part of the Watsonville Police Department's overall approach to critical incident management, use of force, de-escalation and public safety. The equipment will enable department members to properly respond to both planned and unplanned events efficiently and effectively.
2. The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties by ensuring required reporting out, the opportunity for community engagement and feedback, and transparency and oversight regarding the acquisition and use of the specified military equipment in the City of Watsonville.
3. Prior military equipment use complied with the military equipment use policy that was in effect at the time of the use.

**STRATEGIC PLAN:**

6-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 choose not to go forward with introducing the ordinance.

**ATTACHMENTS AND/OR REFERENCES:**

1. Text of California Assembly Bill 481 (AB 481)
2. Watsonville Police Department-Policy 708