



City of Huntington Beach

File #: 23-462

MEETING DATE: 6/6/2023

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Al Zelinka, City Manager

VIA: Eric Parra, Chief of Police

PREPARED BY: Capt. Gaute Svendsbo

Subject:
Annual Military Equipment Use Report (AB 481)

Statement of Issue:

California Government Code Chapter 12.8, "Funding, Acquisition, and Use of Military Equipment" in part requires that the City annually review the ordinance (Ordinance 4255 - Exhibit 3) that approved the funding, acquisition, or use of military equipment, and vote on whether to renew the ordinance at a regular City Council meeting.

In addition, the City is required to determine, based on the annual military equipment report submitted as part of this annual process, whether each type of military equipment identified in that report has complied with the standards for approval detailed in the Analysis section below.

Financial Impact:

The estimated ongoing annual maintenance and equipment replacement costs total is \$61,050. Sufficient funds are budgeted each year for the Police Department out of the General Fund to cover these costs.

Recommended Action:

A) Find that each type of military equipment identified in that report attached hereto as Attachment 1 complies with the following standards for approval: 1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. 2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties. 3. Any future purchased equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety. 4. 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; and,

B) Renew Ordinance No. 4255 authorizing the continued use of the listed military equipment by the Police Department (Annual Military Equipment Use Report (AB 481), Exhibit 3).

Alternative Action(s):

Do not renew authorization, and direct staff accordingly.

Analysis:

Per the HBPD's Annual Military Equipment Use Report (Attachment 1), the HBPD possesses and uses a wide variety of military equipment to assist in safely achieving the furtherance of its mission, i.e. to provide the highest level of service to our residents, businesses, visitors and the public through a partnership with our community to preserve and improve the quality of life in Huntington Beach. While the inventory of military equipment varies, the mere possession of the equipment does not warrant its use for every incident. Per HBPD Policy 707 (Exhibit 2), the use of military equipment is restricted to certain instances as controlled by HBPD Policy 300 - Use of Force (Attachment 2), and in some cases only by certain units and personnel. The use of the Department's military equipment is continuously evaluated and the use of such equipment by department personnel is taken into account when considering the totality of the circumstances, public safety, officer safety, State and Federal law, and other information available at the time, as detailed in HBPD Policy 300.

As part of HBPD's continued use of this equipment, California Government Code Chapter 12.8, "Funding, Acquisition, and Use of Military Equipment" in part requires that the City annually review the ordinance (Ordinance 4255 - Exhibit 3) that approved the funding, acquisition, or use of military equipment, and vote on whether to renew the ordinance at a regular City Council meeting.

In addition, the City is required to determine, based on the Annual Military Equipment Use Report submitted as part of this annual process, whether each type of military equipment identified in that report has complied with the following standards for approval:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. 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.
4. 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 City 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 City 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.

It is staff's recommendation to renew the Ordinance due to the City's continued compliance with the standards of approval above.

Furthermore, within 30 days of submitting this report, the Huntington Beach Police Department will hold a community engagement meeting. At the meeting the general public may ask questions regarding the annual military equipment report and the funding, acquisition, or use of military equipment.

Environmental Status:

Pursuant to CEQA Guidelines Section 15378(b)(5), administrative activities of governments that will not result in direct or indirect physical changes in the environment do not constitute a project.

Strategic Plan Goal:

Financial Sustainability, Public Safety or Other

Attachment(s):

1. HBPD Annual Military Equipment Use Report (AB 481), including Exhibits 1-5.
2. HBPD Policy 300