

# STAFF REPORT

## *City Council Business Item*

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**DATE:** August 7, 2023

**TO:** Honorable Mayor and Council Members

**FROM:** Casey Day, Chief of Police

**THROUGH:** Merritt Perry, City Manager

**SUBJECT:** **Accept the Annual Military Equipment Report Required by Assembly Bill 481;**  
*Resolution 2023-22*

### **STAFF RECOMMENDATION:**

Accept the Annual Military Equipment Report required by Assembly Bill 481, and adopt *Resolution 2023-22*.

### **BACKGROUND:**

On September 30, 2021, Assembly Bill 481 (AB-481) required all law enforcement agencies to adopt a military use policy by ordinance. The City of Fortuna adopted Ordinance No. 2022-753 in compliance with AB-481.

AB-481 required law enforcement agencies to submit to the City Council, an annual Military Equipment Report on the use of the equipment, any complaint(s) or concern(s) regarding the use of the equipment, results of any internal audits on the use of the equipment, the annual costs for the equipment, the quantity possessed by the agency and the intention to purchase additional equipment in the following budget year. In addition, within 30 days of submitting and publicly releasing the report, a well-publicized community engagement meeting must be held to allow for the public comments.

### **EXECUTIVE SUMMARY:**

On May 2, 2022, the Fortuna City Council adopted Ordinance No. 2022-753 approving a Military Equipment Use Policy pursuant to AB-481. In accordance with AB-481 and the Fortuna Police Department's policy, a military equipment report shall be submitted to the City Council annually for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use.

### **ACTION(S):**

To meet the original requirements of AB-481, a review of inventory pre-existing property designated as "Military Equipment" was conducted prior to the adoption of Ordinance No. 2022-753. The Fortuna Police Department's original military equipment inventory and the findings were documented in Fortuna Police Department Policy No. 709, § 709.4 which is attached to this staff report.

Since the adoption of AB-481, the Fortuna Police Department acquired the following equipment:

1. In December of 2022, the City Council approved the purchase and acquisition of an additional Unmanned Aerial Vehicle (UAV) through Resolution No. 2022-35. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
2. Additional PepperBall LIVE-X Projectile munitions were purchased to maintain the required inventory. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
3. Additional ammunition for patrol rifles were purchased to maintain the required inventory. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.

### **COMPLAINTS OR CONCERNS:**

No complaints or concerns were reported regarding the use of equipment in 2022. The department maintains an AB-481 Military Equipment Transparency website link as well as a dedicated email address and telephone number for any member of the public wishing to contact the department's Military Equipment Coordinator regarding complaints or concerns. The link, email address, and telephone number are publicly published in English and Spanish on the department's website under the sub-link, "*California Assembly Bill 481 Agency Transparency*" and are contained in the department policy manual under the sub-link, "*California Senate Bill 978 Agency Transparency*".

### **INTERNAL AUDIT:**

There were no violations of the Military Use Equipment Policy in 2022.

### **INTENT TO PURCHASE IN 2023:**

The Fortuna Police Department intends to purchase two (2) additional patrol rifles in 2023 as defined in Fortuna Police Department Policy No. 709, § 709.4, subsection (c). The department patrol rifles comply with Fortuna Police Department Policy No. 312 and are specified in § 312.3.3 as AR-15 style nomenclature - .223 caliber / 5.56mm (NATO) semi-auto or select fire (auto) carbine rifles.

The department maintains an inventory of practice and duty ammunition for patrol rifles. The department also maintains an inventory of pepper ball munitions. The approximate quantity, description, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4 which is attached to this staff report. The department budgets approximately \$15,000 per fiscal year for all range and firearm supplies including ammunition (100-2000-5515).

### **PUBLICIZED COMMUNITY ENGAGEMENT MEETING:**

The required community engagement meeting was held and facilitated by the Chief of Police on July 7, 2023, from 5:30 PM to 6:00 PM. The meeting was publicly posted and was held in the City Council Chambers, located at 621 11<sup>th</sup> St., Fortuna, CA. No community members attended to ask questions or offer input. The meeting was posted on the City of Fortuna's webpage on June 1<sup>st</sup> 2023.

**FISCAL IMPACT:**

There is no fiscal impact related to the production of the annual report. In addition, all purchases past and present derive from the department's allotted budget (100-2000-5515). Individual equipment costs can be found in Fortuna Police Department Policy No. 709, § 709.4 which is attached to this staff report.

**RECOMMENDED COUNCIL ACTION:**

1. Receive staff presentation and review Council questions with staff
2. Open public comment
3. Close public comment
4. Motion to adopt *Resolution 2023-22* and read by title only. Roll call vote.

**ATTACHMENTS:**

- *Resolution 2023-22, A Resolution of the City Council of the City of Fortuna Accepting the Annual Military Equipment Report by the Police Chief and Making Findings Related Thereto*
- Fortuna Police Department Policy No. 709 § 709.4