

# STAFF REPORT

## *City Council Business Item*

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**DATE:** August 5, 2024

**TO:** Honorable Mayor and Council Members

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

**THROUGH:** Amy Nilsen, Interim City Manager

**SUBJECT:** **2024 Annual Military Equipment Report; Assembly Bill 481**

**STAFF RECOMMENDATION:**

Receive staff report and public comment. Council should consider accepting the *2024 Annual Military Equipment Report* and adopt *Resolution No. 2024-25*.

**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 the requirement of AB-481.

As a condition of the legislation, AB-481 required law enforcement agencies to submit to City Council(s), an annual Military Equipment Report, detailing the use of the equipment, complaint(s) received or concern(s) regarding the use of the equipment. The report must also disclose the 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 thirty (30) days of submitting and publicly releasing the annual report, a well-publicized community engagement meeting shall be facilitated in order to allow for public comment.

**EXECUTIVE SUMMARY:**

On May 2, 2022, the Fortuna City Council adopted Ordinance No. 2022-753 approving the department's Military Equipment Use Policy pursuant to the requirements set forth in Assembly Bill 481 (AB-481). In accordance with AB-481 and Fortuna Police Department policy, military equipment report have been submitted to the City Council annually. The current report as well as previous reports outline each type of approved military equipment, which is available for use.

**ACTION(S):**

To meet the original requirements of AB-481, a review of inventory of 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, all military equipment acquired by the Fortuna Police Department has been disclosed in the annual report and contained in the military equipment policy of the Fortuna Police Department. The following equipment was procured during this reporting period:

1. One, Unmanned Aerial Vehicle (UAV). The brand, make, and model are as follows: DJI, Avata 2. Cost: \$1,886.01. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
2. 5000 rounds of ammunition was purchased for patrol rifles to maintain the department's inventory. 5000 rounds of Hornady brand, 5.56mm, 55 grain, NATO, TAP, training rounds: Cost: \$2,917.00. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
3. 500 rounds of ammunition was purchased for patrol shotguns to maintain the department's inventory. 500 rounds of Hornady, 12ga, OO Buck. Cost: \$621.50. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
4. 250 rounds of ammunition was purchased for patrol shotguns to maintain the department's inventory. 250 rounds of Hornady, 12ga, Slug TAP. Cost: \$471.00. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
5. Two (2) Daniel Defense, 02-088-MK 18, short barrel patrol rifles (223 caliber). Cost: \$3,357.68. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.
6. Four (4) Surefire brand, patrol rifle sound suppressors (cans). Cost: \$4,052.01. The description, quantity, capabilities, and purchase cost are contained in Fortuna Police Department Policy No. 709, § 709.4.

### **COMPLAINTS OR CONCERNS:**

No complaints were received regarding the use of military equipment in 2023. One concern was reported during the 2024 Community Engagement Meeting. The concern addressed the disclosure of personally owned assault rifles deployed as patrol rifles by police personnel in the line of duty. Since all patrol rifles for police personnel are agency owned, this concern was determined to be immaterial. 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 2023.

### **INTENT TO PURCHASE IN 2024:**

The Fortuna Police Department intends on purchasing and procuring two (2) – four (4) additional patrol rifles in 2024 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 PepperBall munitions for a less-lethal force option. 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 12, 2024, from 5:30 PM to 6:00 PM. The meeting was well publicized and was publicly posted and held in the City Council Chambers, located at 621 11<sup>th</sup> St., Fortuna, CA. One community member attended to ask questions and offer concerns. The meeting was posted on the City of Fortuna's webpage on May 28<sup>th</sup> 2024, forty-five (45) days in advance.

**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 accept the *2024 Annual Military Equipment Report* and adopt *Resolution No. 2024-25*, read by title only. Roll Call Vote.

**ATTACHMENTS:**

- *Resolution No.2024-25, A Resolution of the City Council of the City of Fortuna Accepting the Annual Military Equipment Report by the Police Chief and Findings Related Thereto.*
- Fortuna Police Department Policy No. 709 § 709.4