




**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	February 18, 2025
TITLE	Annual Review and Approval of AB 481 Military Equipment Use Policy
DIVISION	Public Safety
FROM	Giorgio Chevez, Police Captain Roberto Filice, Assistant General Manager of Public Safety
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors review and approve the East Bay Regional Park District Police Department's AB 481 Military Equipment Use Policy and receive the Police Department's annual military equipment report.

BACKGROUND

California Assembly Bill 481, codified in Government Code section 7070 et. seq., requires that California law enforcement agencies obtain approval from their governing bodies of a policy for funding, acquiring, and using certain equipment identified by statute as "military equipment." On June 18, 2024, the Board of Directors adopted Ordinance No. 2024-06-____ adopting a Military Equipment Use policy for the Police Department. Pursuant to Government Code section 7072, the Police Department also prepared and posted a military equipment report on the Park District's website.

Government Code section 7070(e) requires that the Board review the Military Equipment Use Policy at least annually and vote on whether to renew the ordinance adopting the policy. Based on the Annual Report provided by the Police Department, the Board is to determine whether the equipment identified in the report complies with the policy, and whether:

- (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 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 that time, or if prior uses did not comply with the accompanying military use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Regarding the annual military equipment report, Government Code section 7072 provides as follows:

(a) a law enforcement agency that receives approval for a Military Equipment Use Policy is required to submit to the governing body an annual military equipment report for each type of military equipment, as defined in Government code 7070, 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

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located Community Engagement Meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

ANALYSIS

Lieutenant Joseph Scott will present the Public Safety Police Department's Annual AB 481 Military Equipment Use Report covering aforementioned items 1 – 6.

A community engagement meeting to review the Annual Report will be scheduled within 30 days of the presentation.

FISCAL IMPACT

None.

ATTACHMENTS

Annual AB 481 Military Equipment Use Report.
Military Equipment Use Policy (Policy # 709)



**EAST BAY REGIONAL PARK DISTRICT
ORDINANCE NO. 2025 – 02 -
FEBRUARY 18, 2025**

**ANNUAL REVIEW AND APPROVAL OF AB 481 MILITARY EQUIPMENT USE
POLICY**

WHEREAS, Government Code Sections 7070 through 7075 (AB 481) require that all law enforcement agencies "shall obtain approval from their governing body of a military equipment use policy by ordinance" prior to the law enforcement agency funding, acquiring, or using equipment identified as military equipment; and

WHEREAS, pursuant to Government Code section 7070(c), equipment deemed to be "military equipment" includes, but is not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbang distraction devices; and

WHEREAS, on June 18, 2024, by Ordinance No. 2024-06- the Board of Directors of the East Bay Regional Park District ("Park District") adopted a Military Equipment and Use Policy; and

WHEREAS, the Park District's Police Department has prepared and presented its Annual AB 481 Military Equipment Use Report with a list of the current equipment used; how the equipment was used and the purpose of its use; a summary of any complaints or concerns received concerning the equipment; the results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response; the total annual cost for each type of equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs; and a list of additional military equipment the Police Department intends to acquire in the next year; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors hereby re-approve the Park District Police Department's Military Equipment Use Policy and receive the Annual Military Equipment Use Report as presented to the Board on February 18, 2025; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and
adopted February 18, 2025, by the following vote:

FOR:

AGAINST:
ABSTAIN:
ABSENT:

