



# CITY OF FOUNTAIN VALLEY CITY COUNCIL COUNCIL ACTION REQUEST

To: Honorable Mayor and  
Members of the City Council

Agenda Date: May 16, 2023

SUBJECT: Annual military equipment report per California Assembly Bill 481

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## **Three-Year Strategic Goals**

- Enhance the culture and environment of “A Nice Place to Live”
- Attract and retain revenue producing businesses
- Achieve fiscal stability in accordance with the 20-Year Financial Plan
- Attract and retain quality staff
- Not applicable

## **EXECUTIVE SUMMARY:**

Assembly Bill 481 requires City Council approval of the Annual Military Equipment Report.

## **DISCUSSION:**

On May 17, 2023, the City Council adopted Ordinance 1585 (Attachment 1), approving a Military Equipment Use Policy – Policy 707, pursuant to Assembly Bill 481 (“AB 481”). In accordance with AB 481 and Policy 707, a military equipment report must be submitted to the City Council annually for each type of military equipment approved within one year of authorization, and annually thereafter, for as long as the military equipment is available for use. In compliance with AB 481, outlined below is the 2022 Annual Military Equipment Report and attached is the updated policy (Attachment 2).

## **Background**

On September 30, 2021, AB 481 required law enforcement agencies to adopt a military equipment use policy (Policy 707) by ordinance, no later than May 1, 2022. The Fountain Valley Police Department complied with AB 481 and adopted Ordinance No. 1585 approving Policy 707.

AB 481 also requires law enforcement agencies to submit to the City Council an annual military equipment usage report (“Annual 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 year. In addition, within 30 days of submitting and publicly releasing the Annual Report, a well-publicized and community engagement meeting must be held to allow for public comments.

To meet the requirements of the Annual Military Equipment Usage Report pursuant to AB 481 and Government Code § 7072, the annual report must include the following information for the immediately preceding calendar year for each type of military equipment:

- A summary of how the military equipment was used and its purpose.
- A summary of any complaints or concerns received regarding the military 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 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.
- The quantity possessed for each type of military equipment.
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

### **Complaints or Concerns**

All use of force incidents are reviewed by assigned supervisors and Watch Commanders. The supervisor for each use of force incident completes a supervisor's report and provides a determination if the use of force was consistent or conflicts with Department policy. The supervisor's report is reviewed by the Operations Bureau Lieutenant and Captain, and ultimately the Chief of Police, to ensure employees are performing their duties within guidelines set by Department policy and applicable law.

During 2022, no violations were discovered, and officers were found to be operating in a manner that met or exceeded Department and community expectations. As listed below in the use summary, Fountain Valley Police Department did not receive any complaints or concerns related to the use of military equipment.

### **Equipment Purchases in 2022**

Distraction Devices - A device used to distract dangerous persons.

Current Inventory: COMBINED TACTICAL SYSTEMS (CTS), MODEL 7290 FLASH BANG  
Description: This is the standard diversionary flash-bang device. It is a non-bursting, non-fragmenting single use device that produces a 175db and 6-8 million candela of light output. It is ideal for distracting potentially dangerous suspects during assaults, hostage rescue, building/room entry or other high-risk arrest situations.

Quantity: 18

Purchase Price: \$45 each

Purpose: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. It produces atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6-8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

Authorized Use: Diversionary devices shall only be used: (a) By officers who have been trained in their proper use, (b) In hostage and barricaded subject situations, (c) In high-risk warrant (search/arrest) services where there may be extreme hazards to officers, (d) During other high-risk situations where their use would enhance officer safety, and (e) During training exercises.

Expected Lifespan: Five years.

Fiscal Impact: No annual maintenance.

Training: Prior to use, officers must attend diversionary device training conducted by POST certified instructors.

Internal Audit: The Department conducted an internal audit and determined there were no violations of the military equipment use policy.

Intention to Purchase Additional Equipment in 2023:

At this time, Fountain Valley Police Department does not intend to acquire additional types of military equipment; however, future attempts to obtain new equipment will include adhering to procedures set forth in the Government Code and Policy 707; this includes a public hearing and City Council approval prior to acquisition.

At this time, forecasted purchases for Fountain Valley Police Department in 2023 only include additional ammunition and chemical agents which need to be replenished after being used in either the field or training environments. All items needing to be replenished are included in the policy and attached inventory that was previously approved by the City Council.

Department inventory and all costs associated with the use of this equipment is believed to be consistent with the military equipment inventory list, policy and Department budget, previously approved by the City Council. It should be noted, these operating costs are good faith estimates that are subject to changes made by vendors and/or manufacturers based on variables related to availability, shipping and general market increases.

Public Hearing: Fountain Valley Police Department gives strong consideration to the public's welfare, safety, civil rights and civil liberties. In a continued effort for greater transparency, the Department places high regard on meaningful public input related to the use of military equipment in our community.

Department policy requires Fountain Valley Police Department to hold at least one well publicized and conveniently located community engagement meeting where community members may discuss and ask questions regarding the annual military equipment report. Meetings must be held within 30 days of posting this report on the Department website.

Fountain Valley Police Department will provide this opportunity on May 16, 2023, at 7:00 pm, during the City's regularly scheduled City Council meeting.

In compliance with the requirements of AB 481, this staff report, which includes the Annual Report, and the updated policy were published on the Department's website as of May 15, 2023.

**FISCAL REVIEW:**

**Option A.** There is no fiscal impact related to this item.

**PUBLIC NOTIFICATION:**

Public notification was made through the regular agenda process.

**ATTORNEY REVIEW:**

The Attorney(s) for the City has reviewed and concurs with the recommended action.

**ALTERNATIVES:**

**Alternative No. 1:** There are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

**RECOMMENDATION:**

Staff recommends City Council approve the Annual Military Equipment Report per Assembly Bill 481.

Prepared by: Jarrod Frahm, Lieutenant  
Approved by: Matthew L. Sheppard, Chief of Police  
Fiscal Review: Ryan Smith, Finance Director  
Legal Review: Colin Burns, Attorney for the City  
Approved by: Maggie Le, City Manager

Attachments:

- Ordinance
- Policy 707
- Military Equipment Inventory List