



Virtual Community Meeting to discuss AB 481: Military Equipment Funding, Acquisition and Use

Facilitated by
Police Chief Pat Nikolai
Lieutenant Cory Morgan
Senior Management Analyst Carolyn McDowell

February 10, 2022



Agenda

- Why Assembly Bill AB 481
- How AB 481 defines military equipment
- Why equipment is needed
- How equipment is funded, acquired, used
- SCPD's equipment inventory
- Community engagement activities
- Questions and answers



Why AB 481

- September 30, 2021 – Gov. Newsom signed 8 police reform bills, including AB 481
- Increase transparency, accountability, oversight for acquisition and use of equipment
- Provide safeguards to protect public's welfare, safety, civil rights and liberties
- Requires an annual report to summarize
 - equipment usage and updates
 - document internal audits
 - summarize community feedback
- Create public forum for input and engagement



AB 481 Requires Initial Approval and Annual Reporting

- AB 481 requires approval for continued use of item purchased prior to January 1, 2022
- It also requires an annual report; SCPD's first annual report is planned for May 2023
- Annual report to include:
 - how equipment is being used
 - maintenance and use costs
 - internal audits
 - community feedback on use



Why do we need this equipment?

Goal:

Safe, peaceful resolution for the involved parties, the public and officers

Concerns:

Actions, capabilities and intentions

Factors that influence sound decisions:

Time, distance and cover



Critical Incidents in Santa Clara County

Date	Incident	Brief Summary of Incident
7/28/19	Gilroy Garlic Festival	Gunman killed 3 people and wounded 17
May - June, 2020	County-wide protests in response to George Floyd murder	Riots, fires and looting ensued, resulting in a community-wide curfew. Officers were injured after being hit with objects thrown at them during protests
8/5/20	Santa Clara County Main Jail	Gunman restrained in handcuffs fired several rounds at officers in Main Jail sallyport. Containment took 4 hours *
8/9/20	Santa Clara County Main Jail	Driver slammed through Main Jail security gate and refused to surrender *
5/26/21	VTa Railyard Shooting	9 people killed
November – December, 2021	Retailer break-ins	Organized groups of 15-30 people breaching retail stores to steal high end merchandise

* At the times of these incidents, SCPD had officers in the jail booking area with their own arrestees



How Equipment Can Be Funded

- City of Santa Clara General Fund
- City of Santa Clara Capital Improvement Project
- Asset Forfeiture Funding
- Local, State and Federal Grants
- Reallocation of City Resources
- Transfer of Department of Defense property to Law Enforcement Agencies (obtained through the 1208 or 1033 Programs) *

** SCPD has NOT sought out or received the transfer of Department of Defense equipment through the 1208 or 1033 Programs*



Equipment Categories per AB 481

- Unmanned, remotely piloted, powered aerial or ground vehicles (Category 1)
- Mine-resistant ambush-protected vehicles or armored personnel carriers (Category 2)
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached (Category 3)
- Tracked armored vehicles that provide ballistic protection to their occupants (Category 4)
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (Category 5)
- Weaponized aircraft, vessels, or vehicles of any kind (Category 6)
- Battering rams, slugs, and breaching apparatuses that are explosive in nature (Category 7)
- Firearms of .50 caliber or greater (Category 8) |
- Ammunition of .50 caliber or greater (Category 9)
- Specialized firearms and ammunition of less than .50 caliber (Category 10)
- Any firearm or firearm accessory that is designed to launch explosive projectiles (Category 11)
- Noise-flash diversionary devices and explosive breaching tools, munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray (Category 12)
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (Category 13)
- Kinetic energy weapons and munitions (Category 14)
- Any other equipment as determined by a governing body or a state agency to require additional oversight (Category 15)

NOTE: SCPD is in possession of item(s) that meet the criteria for the highlighted categories



SCPD's Equipment Inventory

Equipment Category	Item(s)	Funding Source for Acquisition	Prior Council Approval	In Use by SCPD Since
1	Robot and Unmanned Aircraft	Federal grant	Yes	2005
3	Armored Rescue Vehicle	Federal grant	Yes	2010
5	Crisis Negotiation van, SWAT van, Crime Scene Investigation van	Grant, General Fund and City's disposal/reuse program	Yes	2002
7	Breaching equipment	Grant, Asset Forfeiture and General Fund	Yes	2007
10	Rifles, bullets	Grant, Asset Forfeiture and General Fund	Yes	1975
12	Noise flash diversionary device, tear gas and pepperball	Grant, Asset Forfeiture and General Fund	Yes	2000
14	40mm less lethal platform, sponge round	Grant, Asset Forfeiture and General Fund	Yes	1999



Community Engagement Activities

- January 10, 2022 – meeting notice on SCPD website and social media
 - Full text of AB 481
 - AB 481 defined list of military equipment currently in SCPD's possession
 - SCPD's summary of AB 481
 - Draft Lexipol Policy 706
- January 24, 2022 – Chief's Advisory Committee presentation
- February 2, 2022 – Diversity, Equity and Inclusion subcommittee presentation
- February 7 and 10, 2022 – distributed reminder of pending meeting on SCPD website and social media
- February 10, 2022 – Community meeting
- March 4, 2022 – publicize details of March 8 City Council meeting (*tentative date*)
- March 8, 2022 – present to City Council to gain approval and recommendations (*tentative date*)



How Does this Affect Santa Clara?

- **With** City Council approval of Lexipol Policy 706:
 - SCPD will continue to have access to each of the resources currently available. In addition, the corresponding policies and procedures would remain in effect
 - Staff will be required to implement a tracking system for equipment use in preparation for the AB 481 Annual Report; this is an increase to existing workload
- **Without** City Council approval of Lexipol Policy 706:
 - The Department will cease the use of equipment designated by AB 481 as this equipment on April 30, 2022
 - The Department will be required to redesign our policies, procedures and operations for critical incident response; this includes our ability to provide and receive mutual aid
 - Public safety will be negatively impacted



City Council Consideration of AB 481

Report to Council #22-1582

Tentatively scheduled on March 8, 2022

Ways to view the Council meeting and/or offer feedback:

- **View on Comcast cable channel 15**
- **View on AT&T channel 99**
- **View on the City's website**
- **View on the City's YouTube channel**
- **View on the City's Facebook page**
- **Speak during the Public Comment section**
- **Submit an eComment**



Questions, comments and concerns

Santa Clara Police Department
601 El Camino Real
Santa Clara, CA 95050

police@santaclaraca.gov

