



Item No. 4 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: STEVE McCULLEY, CHIEF OF POLICE

DATE: FEBRUARY 21, 2024

**SUBJECT: ANNUAL REPORT REGARDING USE OF MILITARY
EQUIPMENT PURSUANT TO AB 481**

RECOMMENDATION

It is recommended that the City Council accept the AB 481 Annual Report, take public comment, and direct staff to post the report pursuant to Government Code 7072.

BACKGROUND

In January and June of 2022, the Council was informed of Assembly Bill 481 (AB 481), codified in Government Code §§ 7070, 7071 and 7072, which prescribes certain procedures for law enforcement agencies as they relate to the funding, acquisition, and use of military equipment, as defined. Among the required procedures, 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 approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use.

With approval of Council this report will be made available to the public on the Town's website.

ANALYSIS

AB 481 Definition of Military Equipment:

AB 481 has designated certain types of law enforcement equipment as "military equipment." The Atherton Police Department has equipment that meets the criteria, including:

- 40MM tactical single shot launcher, quantity - 3
- 40MM kinetic energy projectiles, quantity – 29
- 40MM CS kinetic energy projectile, quantity – 14
- Nighthawk Unmanned Ariel System (UAS) Autonomous Drone - 1

Use of Equipment:

To limit the escalation of conflict where deployment of lethal force is prohibited or undesirable. Situations for use may include, but are not limited to:

- i. Self-destructive, dangerous, or combative individuals
- ii. Barricaded suspects
- iii. Riot/crowd control and civil unrest incidents
- iv. Training exercises

Related Complaints or Concerns Received in 2023:

None

Audits; Violations of Use Policy; Action Taken:

In 2023, the 40MM launchers and munitions were not used during a use-of-force incident, subsequently, there were no policy violations.

In 2023, there were 47 drone flights. All flights are in accordance with policy for training or for calls for service.

Equipment Training:

For 2023, all required equipment training was completed by assigned personnel.

Annual Cost of Equipment:

Annual costs can range from \$5,000 to \$20,000 depending on use and acquisition.

FISCAL IMPACT

There is no fiscal impact for approval of the AB 481 Annual Staff Report.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area A – Maintain Fiscal Responsibility
- Goal Area E – Strengthen Community Engagement and Transparency

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also

disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service provides (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item has not been before a Town Committee or Commission

ATTACHMENTS

None