

West Sacramento Police Department

Annual Military Equipment Use Report 2023

On September 30, 2021, Assembly Bill 481 was signed into law. It requires law enforcement agencies to obtain approval for the use of certain items defined as “military equipment” from the applicable governing body (City Council), by adoption of a military equipment use policy. The West Sacramento Police Department is required to seek City Council approval of its Military Equipment Use Policy at a regular open meeting prior to taking certain actions relating to the funding, acquisition, and use of military equipment.

Assembly Bill 481 allows the governing body to approve the funding, acquisition, and use of military equipment within its jurisdiction, only if it determines that the military equipment meets specified standards. The Military Equipment Use Policy is subject to City Council review to determine whether the standards set forth in Assembly Bill 481 have been met, based upon an Annual Military Equipment Use Report.

Finally, Assembly Bill 481 requires publication of the Military Equipment Use Policy and the Annual Military Equipment Use Report on the Department’s website.

(Assembly Bill 481) California Government Code section 7072 states the following:

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall 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. 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.

In addition to maintaining the highest levels of public safety, the West Sacramento Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following 2023 Annual Military Equipment Use Report in accordance with annual reporting requirements set forth in California Government Code section 7072.

AB 481 Definition of Military Equipment (Government Code 7070)

Assembly Bill 481 created Government Code 7070 to designate the following 15 categories of items as military equipment:

Category 1: Unmanned, remotely piloted, powered aerial or ground vehicles.

Category 2: Mine-resistant ambush-protected vehicles or armored personnel carriers.

Category 3: 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 4: Tracked armored vehicles that provide ballistic protection to their occupants.

Category 5: Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

Category 6: Weaponized aircraft, vessels, or vehicles of any kind.

Category 7: Battering rams, slugs, and breaching apparatuses that are explosive in nature.

Category 8: Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.

Category 9: Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code §30515, with the exception of standard-issue handguns.

Category 10: Any firearm or firearm accessory that is designed to launch explosive projectiles.

Category 11: Noise-flash diversionary devices and explosive breaching tools.

Category 12: Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.

Category 13: TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices.

Category 14: Kinetic energy weapons and munitions.

Category 15: Any other equipment as determined by a governing body or a state agency to require additional oversight.

The West Sacramento Police Department possesses or utilizes items in Categories 1, 2, 5, 7, 9, 11, and 12. All items currently in possession of the West Sacramento Police Department have been approved during the associated budgetary periods commensurate with the items purchased.

2022 Military Equipment Usage, Quantity, Complaints and Annual Cost Breakdown:

Item/Category	Equipment Use Type	Frequency of Usage	Complaints	Annual Cost
UAS- Cat. 1	a) Field Deployment b) Planned event	a) 167 b) 7	No complaints	
Breaching Tools- Cat. 7/11	a) Field Deployment b) Planned event	a) 0 b) 5	No complaints	\$0
40 MM- Cat. 9	a) Field Deployment b) Planned event	a) 0 b) 0	No complaints	\$0
Flash Bangs- Cat. 11	a) Field Deployment b) Planned event	a) 0 b) 4	No complaints	\$0
Chemical Agents- Cat. 12	a) Field Deployment b) Planned event	a) 1 b) 0	No complaints	\$0
Rifles- Cat. 9	a) Field Deployment b) Planned event	a) 1 b) 0	1 Complaint- SWAT Incident	\$6,259.28 (2 rifles purchased for SWAT, 3 rifles purchased for Academy)
MRAP- Cat. 2	a) Field Deployment b) Planned event	a) 0 b) 5	No complaints	\$0
Command Vehicle- Cat. 5	a) Field Deployment b) Planned event	a) 5 b) 2	No complaints	\$0
Less Lethal Shotgun- Cat. 9	a) Field Deployment b) Planned event	a) 0 b) 0	No complaints	\$0
Pepperball Launcher- Cat. 12	a) Field Deployment b) Planned event	a) 2 b) 0	No complaints	\$0

Anticipated Purchases:

- The department anticipates the purchase of a new rifle for Patrol use in 2024. The anticipated cost for this item is \$1,328.23.
- The department anticipates purchasing a lower-profiled armored rescue vehicle when the opportunity becomes available.

Community Engagement Meeting:

The West Sacramento Police Department held an Open House Event on February 10, 2024, that included a display of the department's AB 481 designated equipment and an opportunity for the public to review the department's policy and ask questions or make comments. Over 100 community members attended the event. There were no formal comments made to the department.

The Police Department is holding a Community Engagement meeting at the department on March 7, 2024, from 4:00 p.m. until 6:00 p.m. for the public to discuss and ask questions regarding the department's policy, acquisition of equipment and the annual report for 2023.

Complaints or Comments:

Any member of the public can submit a complaint to any member of the Department and in any form (i.e., in person, telephone, email, etc.). Once the complaint is received, it should be routed to the Internal Affairs Division

Complaints and/or concerns can also be sent to the department via our website:

<https://www.cityofwestsacramento.org/government/departments/police/commendation-complaint>

The current military equipment policy can be located on the police department's website at

<https://www.cityofwestsacramento.org/home/showdocument?id=14893&t=638156049913519210>.

Internal Audit:

The Police Department conducted an internal audit of the military equipment use policy. The professional standards unit and the department's use of force review board reviewed the audit and each occurrence of utilization of this equipment. For the events that occurred during 2023, it was determined that there were no violations of the military equipment as outlined in the use policy. There was one complaint involving a department issued rifle, used by a SWAT officer during a deployment. The incident was criminally investigated by the Yolo County District Attorney's Office and a formal administrative investigation was also conducted by the West Sacramento Police Department's Professional Standards Unit. The outcome of both investigations found that the incident was reasonable and within policy. A civil lawsuit was filed against the City of West Sacramento in this case that has now been settled.