

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 481 (Chiu) – As Introduced February 8, 2021

SUBJECT: Law enforcement agencies: military equipment: funding, acquisition, and use.

SUMMARY: Establishes requirements that must be met before a law enforcement agency may take a number of specified actions related to the acquisition and use of military equipment.

Specifically, **this bill**:

- 1) Requires a law enforcement agency to obtain approval of its governing body, by an ordinance adopting a military equipment impact statement (impact statement) and a military equipment use policy (use policy) at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Bagley-Keene Act) or the Ralph M. Brown Act (Brown Act) prior to engaging in any of the following:
 - a) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code (commonly referred to as the 1033 Program);
 - b) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers;
 - c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing;
 - d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body;
 - e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this bill;
 - f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment; and,
 - g) Acquiring military equipment through any means not provided by this bill.
- 2) Requires, no later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, to commence a governing body approval process in accordance with the requirements of this bill. If the governing body does not approve the continuing use of military equipment, including by adoption of an impact statement and use policy submitted pursuant to the provisions of this bill, within 180 days of submission of the proposed impact statement and use policy to the governing body, the law enforcement agency must cease its use of the military equipment until it receives the approval of the governing body in accordance with the requirements of this bill.

- 3) Requires a law enforcement agency, in seeking the approval of the governing body pursuant to this bill, to submit a proposed impact statement and use policy to the governing body and make those documents available on the law enforcement agency's internet website (website) at least 30 days prior to any public hearing concerning the military equipment at issue.
- 4) Requires the governing body to consider a proposed impact statement as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Act or the Brown Act, as applicable.
- 5) Requires the governing body to only approve a request to fund, acquire, or use military equipment pursuant to this bill if it determines all of the following:
 - a) The military equipment is necessary because there are no available alternatives;
 - b) The proposed impact statement and use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
 - c) The use of military equipment will not create, or reinforce an existing, disparate impact or disproportionately impact any community or group;
 - d) If purchasing the equipment, the use of military equipment is the most cost-effective option among all available alternatives; and,
 - e) Prior military equipment use complied with the accompanying military equipment use policy.
- 6) Requires, in order to facilitate public participation, any proposed or final impact statement and use policy to be made publicly available on the website of the relevant law enforcement agency for as long as the military equipment is available for use.
- 7) Provides that, if the impact statement identifies a risk of potential adverse impacts on the public's welfare, safety, civil rights, or civil liberties, including on marginalized communities that experience disproportionate rates of police killings and higher rates of military equipment deployment, the approval for the funding, acquisition, or use of military equipment by the governing body pursuant to this bill shall not be deemed an acquiescence to those impacts, but instead an acknowledgment of the risk of those impacts and the need to avoid them proactively.
- 8) Prohibits the funding, acquisition, or use of military equipment by a law enforcement agency without the express approval of the governing body, including adoption of an impact statement and use policy submitted to the governing body pursuant to the requirements of this bill.
- 9) Requires the governing body to review any ordinance that it has adopted pursuant to this bill approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Act or the Brown Act, as applicable.

- 10) Requires the governing body to determine, based on the annual military equipment report (annual report) submitted pursuant to the provisions of this bill whether each piece of military equipment identified in that report has complied with the standards for approval set forth in this bill. If the governing body determines that a piece of military equipment identified in that annual report has not complied with these standards for approval, the governing body shall either disapprove a renewal of the authorization for that piece of military equipment or require modifications to the use policy in a manner that will resolve the lack of compliance.
- 11) Requires a law enforcement agency that receives approval for the funding, acquisition, or use of military equipment pursuant to the requirements of this bill to submit to the governing body an annual report for each piece 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 report publicly available on its website for as long as the military equipment is available for use.
- 12) Requires the annual report mandated by this bill to include the following information for the immediately preceding calendar year for each piece of military equipment:
 - a) A summary of how the military equipment was used and the purpose of its use;
 - b) If applicable, a breakdown of where the military equipment was used geographically by individual census tract, as defined in the relevant year by the United States Census Bureau. For each census tract, the law enforcement agency shall report the number of days the military equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization;
 - c) A summary of any complaints or concerns received concerning the military equipment;
 - d) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
 - e) An analysis of any discriminatory, disparate, or other adverse impacts that the use of military equipment may have had on the public's safety, welfare, civil rights, and civil liberties and on any community or group, including, but not limited to, those protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution and Title VII of the Civil Rights Act of 1964, or any community group that has been historically marginalized based on race, religion, nationality, immigration status, gender identity and expression, sexuality, disability, or socioeconomic status;
 - f) If available, the racial demographics of people impacted by military equipment deployment, including, but not limited to, suspects, arrestees, witnesses, and bystanders; and,
 - g) The total annual cost for each piece 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.

13) Requires a law enforcement agency, within 30 days of submitting and publicly releasing an annual report pursuant to this bill, to 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 report and the law enforcement agency's funding, acquisition, or use of military equipment.

14) Provides the following definitions:

- a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county;
- b) "Law enforcement agency" means any of the following:
 - i) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges;
 - ii) A sheriff's department;
 - iii) A district attorney's office;
 - iv) A county probation department;
 - v) The Department of the California Highway Patrol;
 - vi) The Department of Justice; or,
 - vii) Any other state or local agency authorized to conduct criminal investigations or prosecutions;
- c) "Military equipment" means equipment that is militaristic in nature and includes, but is not limited to, all of the following:
 - i) Powered aircraft with a crew aboard, such as an airplane, that use a fixed wing for lift;
 - ii) Powered aircraft with a crew aboard that use a rotary wing for lift, such as a helicopter;
 - iii) Unmanned, remotely piloted, powered aerial or ground vehicles;
 - iv) Wheeled armored vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier;

- v) Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, a five-ton truck, or have a breaching or entry apparatus attached;
 - vi) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion;
 - vii) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units;
 - viii) Weaponized aircraft, vessels, or vehicles of any kind;
 - ix) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or explosive in nature;
 - x) Firearms of .50 caliber or greater;
 - xi) Ammunition of .50 caliber or greater;
 - xii) Specialized firearms and ammunition of less than .50 caliber, other than service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency;
 - xiii) Any firearm or firearm accessory that is designed to launch small, explosive projectiles;
 - xiv) Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat;
 - xv) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools;
 - xvi) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons;
 - xvii) Long-range acoustic devices; and,
 - xviii) Camouflage uniforms, other than uniforms with woodland or desert patterns or solid color uniforms.
- d) "Military equipment impact statement" means a publicly released, legally enforceable written document that includes, at a minimum, all of the following:
- i) A description of each piece of military equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the military equipment;

- ii) The purposes and reasons for which the law enforcement agency proposes to use each piece of military equipment;
 - iii) The fiscal impact of each piece of military equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs;
 - iv) An assessment specifically identifying any potential impacts that the use of military equipment might have on the welfare, safety, civil rights, and civil liberties of the public, including on marginalized communities that experience disproportionate rates of police killings and higher rates of military equipment deployment, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts; and,
 - v) Alternative method or methods by which the law enforcement agency can accomplish the purposes for which the military equipment is proposed to be used, the annual costs of alternative method or methods if the military equipment is to be purchased, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public;
- e) "Military equipment use policy" means a publicly released, legally enforceable written document governing the use of military equipment by a law enforcement agency that addresses, at a minimum, all of the following:
- i) The specific purpose or purposes that each piece of military equipment is intended to achieve;
 - ii) The specific capabilities and authorized uses of military equipment, the legal and procedural rules that govern each authorized use, and the potential uses of the military equipment that are prohibited;
 - iii) The course of training that must be completed before any officer, agent, or employee of the law enforcement agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy;
 - iv) The mechanisms to ensure compliance with the use policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy; and,
 - v) The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner;
- f) "Disparate impact" means a discriminatory outcome that adversely impacts a marginalized group, including, but not limited to, those protected under the First, Fourth,

and Fourteenth Amendments to the United States Constitution or Title VII of the Civil Rights Act of 1964.

- 15) Expresses a number of findings and declarations regarding the adverse impacts that the acquisition of military equipment and its deployment in our communities can create on the public's safety and welfare, and the public's right to know about and participate in any government agency's decision to fund, acquire, or use such equipment.
- 16) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.
- 17) Finds and declares that this bill furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies, and declares, pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings: Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.
- 18) Provides that no reimbursement is required by this bill because the only costs that may be incurred by a local agency or school district under this bill would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **Author's Statement.** According to the author, "California's local law enforcement agencies have acquired more military equipment than any other state over the last 30 years. Yet the public often have little to no information about such acquisitions, which can cost local governments tens of millions of dollars. With troubling examples of this military equipment being used without clear protocol in recent years against peaceful demonstrators from Orange to Walnut Creek, it is time to reevaluate how law enforcement receives and implements war weapons in our communities.

"This bill is about rebuilding community trust. Our streets in California are not war zones, and our citizens are not enemy combatants. Law enforcement in California are our partners in public safety, and the weapons and equipment they carry should reflect that reality."

This bill is sponsored by the Women's Foundation California, Alliance for Boys and Men of Color, PolicyLink, and Stop Terrorism and Oppression by Police Coalition.

- 2) **Background.** While the militarization of local police departments has been in news headlines for several years, it is not new. It has been researched and written about for at least the past two decades, having its roots in the law enforcement response to the social unrest of the 1960s, and the development of Special Weapons and Tactics (SWAT) units. There has been a dramatic expansion in the use of SWAT teams since then, with a significant increase in their use for drug raids, as noted in an article released by the U.S. Department of Justice in December 2013 entitled “Will the Growing Militarization of Our Police Doom Community Policing?” The article also cites the use of battle dress uniforms and stress training as contributors to the increased militarization of local police practices.

The ACLU released a comprehensive report in June of 2014 entitled, “War Comes Home: The Excessive Militarization of American Policing,” which recommends that state legislatures and municipalities “impose meaningful restraints on the use of SWAT” and notes that there needs to be greater documentation, transparency, and accountability on how the police are spending tax dollars. The report also includes a laundry list of recommendations for local agencies, primarily directed at best practices in the use of SWAT teams.

- 3) **1033 Program.** The Department of Defense 1033 Program allows surplus U.S. military equipment to be transferred to municipal police departments free of charge. The 1033 Program is named for the section of the National Defense Authorization Act of 1997 that granted permanent authority to the Secretary of Defense to transfer defense material to federal and state agencies for use in law enforcement, particularly those associated with counter-drug and counter-terrorism activities.

According to the Defense Logistics Agency (DLA), which administers the 1033 Program, “Since its inception, the program has transferred more than \$7.5 Billion worth of property. In Fiscal Year 2020, \$252 Million worth of property (based on initial acquisition cost) was transferred to law enforcement agencies...As of June 2020, there are around 8,200 federal, state and local law enforcement agencies from 49 states and four U.S. territories participating in the program.

Participating states must have a state coordinator, who is responsible for ensuring proper oversight of participating law enforcement agencies from that state. Each state must also sign a Memorandum of Agreement (MOA) with DLA’s Law Enforcement Support Office (LESO) outlining the responsibilities, rules and regulations that a state must follow to participate. A State Plan of Operation (SPO) must be signed between the state coordinator and any law enforcement agency that receives approval to participate in the program. The SPO mirrors the requirements of the MOA and can be a method for the state to place additional requirements on the program.

Requests that are approved by the state coordinator are routed to the LESO for further review. Every request for property must have a justification outlining how the property will be used, and must be for bona fide law enforcement purposes. State coordinators are responsible for maintaining property accountability records, investigating any alleged misuse of property and reporting MOA violations to DLA.

In addition to a denied request based on insufficient justification, law enforcement agencies may be restricted from obtaining property if they are in a punitive status or have limitations

imposed on them by the Department of Justice, LESO, or the state coordinator. Limitations may be due to a law enforcement agency already at their allocation limit for property, overdue actions related to accountability or other violations of the MOU.

According to DLA, “As part of the application process, law enforcement agencies must receive approval from their relevant local governing body to request and obtain controlled property, which is required by 10 U.S. Code 2576a. Per the statute, law enforcement agencies must certify: They have obtained the authorization of the relevant local governing authority (city council, mayor, etc.); they have adopted publicly available protocols for the appropriate use of controlled property, the supervision of such use, and the evaluation of the effectiveness of such use, including auditing and accountability policies.

“In 2015, Congress amended 10 USC 2576a to make it clear that each individual agency acquiring controlled equipment is responsible for training its personnel in the proper use, maintenance and repair. The law requires each law enforcement agency to certify on an annual basis that it provides annual training to relevant personnel on the maintenance, sustainment and appropriate use of controlled property.

DLA maintains a public website that links to a spreadsheet with the status of property issued to law enforcement agencies, listed by state. The spreadsheet serves as a quarterly snapshot of all LESO/1033 Program equipment currently under the control of a law enforcement agency. DLA prohibits certain equipment for transfer to law enforcement agencies because of their tactical military characteristics. DLA notes, “Prohibited equipment includes: any aircraft, vessels or vehicles that inherently contain weaponry, (e.g. tanks, Bradley fighting vehicles, armed drones); crew served/large caliber (.50 cal or greater) weapons and ammunition; military uniforms; body armor; Kevlar helmets; and explosives or pyrotechnics of any kind. Also, aircraft and vehicles available in the program are “demilitarized,” meaning that any specific military technology (e.g. communication equipment) are removed prior to transfer to law enforcement agencies.

“In addition to the LESO/1033 Program, law enforcement agencies can obtain military-style equipment from multiple federal government programs that provide support through grants or property transfers. These include the U.S. Department of Homeland Security Homeland Security Grant Program, the U.S. Department of Justice’s Justice Assistant Grant Program, the DOJ Equitable Sharing Program, the U.S. Department of the Treasury Forfeiture Fund’s Equitable Sharing Program and the General Services Administration Federal Surplus Personal Property Donation Program. Also, many police departments procure military-style equipment from the commercial market using their own internal funds.”

The Governor's Office of Emergency Services (OES) administers the 1033 Program for California.

- 4) **Bill Summary.** This bill establishes requirements that law enforcement agencies and their governing bodies must follow before undertaking specified actions regarding military equipment.
 - a) The bill contains the following parts:
 - i) **Requirements on Law Enforcement Agencies:**

- (1) **Approval From Governing Body.** This bill requires law enforcement agencies to obtain approval from their governing bodies, via an ordinance adopting an impact statement and use policy at a regular meeting, before doing any of the following: requesting military equipment under the 1033 Program; seeking funds for or acquiring military equipment; collaborating with another law enforcement agency in deploying military equipment; using any military equipment in a manner or by a person not previously approved in accordance with this bill's requirements; soliciting or responding to a proposal for, or entering an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use or collaborate in the use of military equipment; and, acquiring military equipment through any means not provided by this bill;
- (2) **Impact Statement and Use Policy.** A law enforcement agency must submit a proposed impact statement and use policy to its governing body and make those documents available on the agency's website at least 30 days before any public hearing concerning the equipment. These documents, either proposed or final, must remain on the agency's website for as long as the equipment is available for use;

The proposed impact statement must include a number of elements, including specified information about each piece of equipment, the purposes for its use, its fiscal impact, potential impacts of its use and measures to safeguard the public from potential adverse impacts, and alternatives the agency can pursue instead of using military equipment;

The proposed use policy must address the purposes for each piece of military equipment, capabilities and uses of the equipment, training that must be completed before equipment can be used, mechanisms to ensure compliance with the use policy, and procedures the public may follow to register complaints, concerns or questions about the use of the equipment and how the agency will ensure a timely response;

- (3) **Annual Report and Community Engagement.** A law enforcement agency that receives approval for funding, acquisition or use of military equipment must submit to its governing body within one year of approval and annually thereafter an annual report for each piece of equipment approved. This report must also be posted on the agency's website for as long as the equipment is available for use. The agency must hold a well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the report;

The report must include specified information for the prior calendar year for each piece of equipment, including: how it was used; where it was used, broken down by census tract; a summary of complaints or concerns regarding the equipment; the results of any audits, information about violations of the use policy and any responses taken; an analysis of any adverse impacts on public safety, welfare, civil rights, civil liberties and any community or group; and the total annual cost for each piece of equipment;

- (4) **Continued Use of Equipment.** Law enforcement agencies must complete the approval process created by this bill in order to continue using military equipment acquired before January 1, 2022;
- ii) **Requirements on Governing Bodies.** Governing bodies must consider a proposed impact statement submitted by a law enforcement agency as an agenda item for open session at a regular meeting and provide for public comment, and can only approve a request to fund, acquire, or use military equipment if it makes specified determinations as outlined in the bill. Governing bodies must also determine whether each piece of military equipment in a law enforcement agency's annual report complies with these determinations. If not, the governing body must disapprove a renewal of authorization for that piece of equipment or require modifications to the use policy that will resolve the lack of compliance. Any ordinance adopted, pursuant to the bill, must be reviewed at least annually and renewed via a vote at a regular meeting;
- iii) **Other Provisions.** This bill also includes these additional provisions:
- (1) The funding, acquisition, or use of military equipment by a law enforcement agency is expressly prohibited without governing body approval in accordance with this bill's provisions;
 - (2) If an impact statement identifies a risk of potential adverse impacts on the public's welfare, safety, civil rights, or civil liberties, the approval for the funding, acquisition, or use of military equipment by a governing body, pursuant to this bill, shall not be deemed an acquiescence to those impacts, but instead, an acknowledgment of the risk of those impacts and the need to avoid them proactively; and,
- b) This bill would apply to the following entities:
- i) **Law enforcement agencies include:**
 - (1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges;
 - (2) A sheriff's department;
 - (3) A district attorney's office;
 - (4) A county probation department;
 - (5) The Department of the California Highway Patrol;
 - (6) The Department of Justice; and,

- (7) Any other state or local agency authorized to conduct criminal investigations or prosecutions;
- ii) **Governing bodies** include the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county; and,
- iii) **Charter cities.** This bill provides that it addresses a matter of statewide concern rather than a municipal affair and, therefore, applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.
- 5) **Policy Considerations.** The Committee may wish to consider the following policy issues:
- a) **School District Requirements.** SB 242 (Monning), Chapter 79, Statutes of 2015, required a school district's police department to obtain approval from its governing board prior to receiving federal surplus military equipment. The Committee may wish to ask the author if the provisions of this bill should apply to school districts.
- b) **Collaboration During Active Incidents.** This bill requires law enforcement agencies to obtain approval from their governing bodies before collaborating with another law enforcement agency in deploying military equipment. It is not clear how this requirement could affect an active incident to which multiple law enforcement agencies respond concurrently. Even if each law enforcement agency individually complies with this bill's provisions and receives approval for the use of military equipment, do they still need additional approval to deploy this equipment in a situation where multiple agencies "collaborate" in responding to the same incident? The Committee may wish to ask the author to discuss this provision.
- 6) **Previous Legislation.** AB 3131 (Gloria and Chiu) of 2017 was substantially similar to this bill. AB 3131 was vetoed with the following message:

"The list of equipment contemplated by this bill is overbroad-broader than that covered by now-repealed Executive Order 13688 which was the basis for AB 36 (Campos) in 2015, which I also vetoed. The current list not only includes items that are clearly 'militaristic in style,' but many that are commonly used by law enforcement and do not merit additional barriers to their acquisition. In my view this bill creates an unnecessary bureaucratic hurdle without commensurate public benefit, and I cannot sign it."

AB 36 (Campos) of 2015 prohibited local agencies, except local law enforcement agencies that are directly under the control of an elected officer, from applying to receive specified surplus military equipment from the federal government, unless the legislative body of the local agency approved the acquisition at a regular meeting held pursuant to the Brown Act. AB 36 was vetoed with the following message:

"Transparency is important between law enforcement and the communities they serve, but it must be tempered by security considerations before revealing law enforcement

equipment shortages in a public hearing. This bill fails to strike the proper balance. Moreover, the bill is unnecessary, as President Obama's Executive Order 13688 will implement a similar requirement for governing bodies to grant approval of surplus military equipment."

SB 242 (Monning), Chapter 79, Statutes of 2015, required a school district's police department to obtain approval from its governing board prior to receiving federal surplus military equipment.

- 7) **Proposition 42.** Proposition 42 was passed by voters on June 3, 2014, and requires all local governments to comply with the Public Records Act and the Brown Act and with any subsequent changes to those Acts. Proposition 42 also eliminated reimbursement to local agencies for costs of complying with the Public Records Act and the Brown Act.

This bill contains language that says that the Legislature finds and declares that this bill furthers the purpose of the California Constitution as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the Constitution, the bill also includes a finding that states, "This act ensures that more Californians can meaningfully participate in the meetings of legislative bodies of local agencies."

This bill specifies that no reimbursement for local agencies to implement the bill's provisions is necessary because "the only costs that may be incurred by a local agency or school district...would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution."

- 8) **Arguments in Support.** The Women's Foundation California, Women's Policy Institute, sponsor of this measure, writes, "AB 481 will regulate the use of military equipment by local law enforcement by requiring agencies to get approval from their local governing body prior to applying for and using such equipment, and to provide a public impact statement that outlines the intended use and cost of such equipment. Regulating police acquisition of military equipment is critical because the militarization of police departments leads to increased civilian deaths, and militarized policing teams are more often deployed in communities of color. This bill would provide crucial local government oversight, and allow the public to have a voice in determining the military grade weapons and equipment that are brought into their communities."
- 9) **Arguments in Opposition.** The Peace Officers Research Association of California (PORAC), in opposition, states, "PORAC believes the job of a local elected body is to approve budgets for the various agencies and departments. How department heads spend the budgeted revenues are based on their needs to provide the community with the best service possible. Local Chiefs and sheriffs have responsibility to keep our community safe and should continue to be allowed to determine how best to spend their budgeted revenues."

- 10) **Double-Referral.** This bill is double-referred to the Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

The Women's Foundation of California, Women's Policy Institute [SPONSOR]
Alliance for Boys and Men of Color [CO-SPONSOR]
The Stop Terror and Oppression by Police (STOP) Coalition [CO-SPONSOR]
Alliance San Diego
American Civil Liberties Union/northern California/southern California/san Diego and Imperial Counties
American Friends Service Committee
Asian Solidarity Collective
Bay Rising
Bend the Arc: Jewish Action
Buen Vecino
California Faculty Association
California for Safety and Justice
California Latinas for Reproductive Justice
California League of United Latin American Citizens
Change Begins With Me Indivisible Group
Clergy and Laity United for Economic Justice
Communities United for Restorative Youth Justice (CURYJ)
Community Legal Services in East Palo Alto
Courage California
Del Cerro for Black Lives Matter
Drug Policy Alliance
Ella Baker Center for Human Rights
Empowering Pacific Islander Communities (EPIC)
Fair Chance Project
Fresno Barrios Unidos
Friends Committee on Legislation of California
Immigrant Legal Resource Center
Initiate Justice
John Burton Advocates for Youth
Legal Services for Prisoners With Children
March for Our Lives California
Oakland Privacy
Pillars of The Community
Public Health Advocates
Re:store Justice
Root & Rebound
San Francisco Public Defender
Secure Justice
Showing Up for Racial Justice (SURJ) San Diego
Showing Up for Racial Justice North County
Social Workers for Equity & Leadership
Southeast Asia Resource Action Center
Team Justice
The W. Haywood Burns Institute

Think Dignity
We the People - San Diego
Young Women's Freedom Center
Youth Alive!

Opposition

California State Sheriffs' Association
Los Angeles County Sheriff's Department
Peace Officers Research Association of California

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