



COUNCIL REPORT

DATE: May 13, 2025

CATEGORY: New Business

DEPT.: Police

TITLE: **AB 481 Military Equipment Annual Report and Policy Adoption**

RECOMMENDATION

Introduce an Ordinance of the City of Mountain View Renewing Approval of Mountain View Police Department Military Equipment Use Policy, Adopting Updated Military Equipment Use Policy, and Finding That This Action is Not Subject to the California Environmental Quality Act, to be read in title only, further reading waived, and set a second reading for May 27, 2025 (Attachment 1 to the Council report).

BACKGROUND

On September 30, 2021, Governor Newsom signed a series of police reform bills, including Assembly Bill 481 (AB 481), which stated that the public has a right to know and participate in the decision-making processes related to the funding, acquisition, or use of military equipment by state or local government officials in an effort to increase transparency, accountability, and oversight. AB 481, codified in Government Code Sections 7070-7075, called for local agencies to develop a policy and prepare an annual report in accordance with the requirements below. In so doing, the legislation encouraged agencies to give strong consideration to the public's welfare, safety, civil rights, civil liberties, and public input.

The Mountain View City Council adopted Ordinance No. 7.22 on May 10, 2022, which approved Mountain View Police Department Policy 709: Military Equipment ("Policy"), in accordance with AB 481, and Council renewed the ordinance on May 9, 2023 (Resolution No. 18799). Council adopted Ordinance No. 6.2024 on May 28, 2024, which adopted an amended Policy.

In addition to the above requirements, AB 481 also requires, at least annually, that the law enforcement agency:

- Prepare an annual military equipment report ("Annual Report") with at least one "well-publicized and conveniently located community-engagement meeting" to allow for public discussion of the report; and

- Present the Ordinance for review at a Regular Meeting of the governing body. During this review, the governing body shall consider the annual report and determine whether each type of military equipment has complied with specified standards for approval. Furthermore, inventory changes to reflect planned or anticipated acquisition or funding of military equipment are considered amendments to the Policy and must be adopted by ordinance.

Required Annual Report Contents

Government Code Section 7072(a) requires that the annual report 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.

The 2024 AB 481 Military Equipment Annual Report ("2024 Annual Report") (Attachment 2) provides the aforementioned information, and this memorandum summarizes its salient points.

DISCUSSION

AB 481 Definition of Military Equipment

AB 481 defines "military equipment" as listed below and differentiates the equipment by category. AB 481 does not prohibit law enforcement from obtaining and using military equipment as defined; rather, it creates a public process for obtaining approval for these types of equipment and their authorized uses. The Mountain View Police Department (MVPD) possesses or intends to purchase equipment in nine of the 15 categories listed, as noted with an asterisk (*). The 2024 Annual Report includes full descriptions of the equipment in each category.

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

Category 2: Mine-resistant, ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

***Category 3:** High-mobility multi-purpose wheeled vehicles (HMMWV), commonly referred to as "Humvees," two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

Category 4: Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

***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. However, items designed to remove a lock, such as bolt cutters or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

***Category 8:** Firearms of .50-caliber or greater. However, standard-issue shotguns are specifically excluded from this subdivision.

***Category 9:** Ammunition of .50-caliber or greater. However, standard-issue shotgun ammunition is specifically excluded from this subdivision.

***Category 10:** Specialized firearms and ammunition of less than .50-caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard-issue service weapons and ammunition of less than .50-caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

Category 11: Any firearm or firearm accessory that is designed to launch explosive projectiles.

***Category 12:** "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

Category 13: Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).

***Category 14:** The following projectile launch platforms and their associated munitions: 40-millimeter projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

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

Current MVPD Equipment Meeting Military Equipment Definition

The MVPD continues to carefully assess what equipment is needed to protect the public and officers when resolving critical incidents, such as active shooter response, apprehending violent offenders, hostage rescue, and barricaded subjects, among others. Certain equipment is also beneficial in providing information and creating cover, distance, and time that help to improve the decision-making process during critical incidents. This allows responding officers to take in and evaluate the totality of the circumstances, which results in increased safety and reduced risk for everyone involved.

For the most part, the equipment listed in the report is highly specific in its use and is not carried day-to-day. Items may be used a few times a year, and their deployment requires departmental notifications. **In 2024, the equipment was minimally used, largely related to training and certification.** While in certain appropriate circumstances equipment may be taken into the field, it does not mean that any equipment was used or fired. More information about the frequency and manner of use for various types of equipment is provided in Attachment 2.

Many of the items designated by AB 481 as military equipment have been in MVPD’s equipment inventory for decades. The MVPD’s operating procedures and training program instruct staff in the proper use of this equipment.

The MVPD does not possess any equipment related to the 1033 Department of Defense program. In Fiscal Year 2024-2025, the department returned all of the AR-15 rifles that were acquired as part of the program.

Current Policies and Procedures for Equipment Purchase and Use

The MVPD adheres to the City’s budget process and purchasing policies and procedures when procuring its equipment. The acquisition of new or replacement equipment or items meeting the reporting requirements of AB 481 is funded from MVPD’s budget in accordance with MVPD Policy No. 709: Military Equipment and the approval of the City Council.

As noted, and anticipated in the 2024 AB 481 Annual Report, MVPD purchased 36 noise-flash diversionary devices to replace ones that had expired at a cost of approximately \$3,700. In

addition, the department purchased forty (40) 40-millimeter LMT Single Shot Sponge Round Launchers at a cost of approximately \$42,000. To accompany those launchers, five hundred (500) sponge rounds were purchased at a cost of \$11,000. Additional purchases may occur to replace materials used up during the year for training or operational purposes, potentially including ammunition, specialty munitions, noise flash diversionary devices, and breaching equipment.

MVPD Policy No. 300, Use of Force and Deescalation Policy, and Policy No. 308, Control Devices and Techniques, govern the use of equipment. In addition, the State of California Commission on Peace Officer Standards and Training (POST) establishes operational guidelines and training recommendations for certain equipment and tactics, and MVPD's designated subject matter experts manage compliance with these guidelines.

All MVPD policies and procedures that govern safe handling, storage, and qualification related to specified equipment remain in effect. This includes, but is not limited to, California Occupational Safety and Health Agency (OSHA) certification of energetic breaching operators; Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) oversight of energetic breaching materials; and ATF oversight of Noise-Flash Diversionary Devices.

In 2024, the City received no complaints or concerns regarding the use of equipment specified in AB 481.

Proposed Purchases/Changes in Inventory

The Annual Report is required to include new equipment that the City intends to purchase in the next fiscal year that falls within the definition of "military equipment" under AB 481. Although not purchased at the time of this report, the department plans to acquire a Terradyne Armored Rescue Vehicle (ARV) at an estimated cost of \$382,200. An ARV would provide a safe, robust, rapid-response option in emergency situations where there is a risk of gunfire, violent confrontations, or hazardous conditions (such as active shooter events, dangerous rescues, high-risk warrant services, and natural disasters). An ARV can shield first responders, such as paramedics, firefighters, and police, from harm and can help safely extract injured or trapped individuals from dangerous areas. Having an ARV in Mountain View will enable timely and reliable response rather than having to rely on the availability of and wait for mutual aid.

Although the military equipment category for the ARV (category 3) contains a broad range of possible equipment types, including traditional military vehicles such as "Humvees," the proposed ARV for the City is not designed for military use. Instead, it is a purpose-built public safety vehicle constructed on a standard Ford F-550 chassis.

The other planned purchases are mostly focused on replacing or replenishing equipment used throughout the year. In 2025, MVPD plans on purchasing the following:

- Approximately 1,000 rounds of .308-caliber ammunition at a cost of \$2,000.
- Three hundred (300) 40-millimeter sponge rounds to replace those used in training, operationally, or expiring at a cost of approximately \$8,000.
- Chemical munitions to replace munitions used in training, operationally, or expiring, at a cost of approximately \$5,000.
- Primacord, Nonel MS (blasting cap), and explosive breaching initiators to replace materials used in training in 2024 at a cost of \$1,000.

Community Engagement Meeting

The 2024 AB 481 Annual Report was presented at a community meeting on April 21, 2025, at the City Hall Plaza Conference Room to meet the requirement for a public discussion on the MVPD use, funding, and acquisition of military equipment. This community engagement meeting, held in a well-publicized and accessible location, took place within 30 days of the report's submission to the City Council and publication on the City's website, as required under AB 481. The Annual Report was submitted and published on April 11, 2025, on the MVPD AB 481 webpage.

The meeting was publicized through the City's biweekly e-newsletter, City Hall Connection, MVPD's social media channels, and shared directly with various community groups and stakeholders. These included the leadership and members of the Mountain View Coalition for Police Reform and Accountability (MVCPPRA), Cafecito Con Aroma a Justicia (Cafecito), the Faith Leaders Advisory Council, the Latino Community Advisory Committee, Community Services Agency (CSA), and the Day Worker Center. Spanish services were offered; however, translation services were not requested.

A total of eight people attended the public meeting (three in person, five virtually). Following the staff presentation, community members asked several questions. Most attendees expressed appreciation for the transparency and notification process, with one participant voicing an opinion that there was not enough public notice.

The majority of questions and comments focused on the proposed purchase of the ARV. The questions related to:

- Scenarios where the ARV would be deployed with specific questions about how the ARV would be deployed to a potential school shooting.
- Situations where staff believed the ARV's presence might escalate tension.

- Inquiry into the availability of other city's ARVs and examples and frequency of past incidents that would have benefited from an ARV but lacked immediate access to one.
- Whether the ARV would be equipped with weapons.
- The dimensions of the ARV and how many people could fit inside of it.
- Examples of how the ARV or other reported equipment like 40-millimeter sponge round launchers (less-lethal kinetic energy weapons) could contribute to de-escalation and increased public safety.
- Storage plans for the ARV in the new public safety building.
- Clarification of the proposed ARV's AB 481 equipment category and quantity of ARVs proposed for purchase.
- Concern about potential cost increases due to tariff-related financial uncertainty.

One attendee opposed the purchase of the ARV, while others expressed support.

Additional questions focused on the 40-millimeter sponge rounds recently purchased, such as how many sponge rounds were used in training and how to maintain the right balance of specialized equipment to meet the Department's operational needs.

FISCAL IMPACT

The MVPD anticipates purchasing ammunition, less-lethal projectiles, explosive breaching equipment, noise flash diversionary devices, and chemical munitions at the estimated total cost of \$18,000 to replace those anticipated to be used or to expire in the next fiscal year. The funding source for these items is the General Operating Fund. The MVPD also anticipates purchasing an ARV at an estimated cost of \$382,200 which is to be funded from the General Operating Fund, State Asset Forfeiture funds, and Shoreline Regional Park Community funds.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a "license, permit, or other entitlement for use" if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more

- Attachments:**
1. Ordinance and Exhibit A (MVPD Policy 709: Military Equipment)
 2. Military Equipment Annual Report