



THE PORT
OF LOS ANGELES
Executive Director's
Report to the
Board of Harbor Commissioners

DATE: SEPTEMBER 14, 2022

FROM: PORT POLICE

SUBJECT: RESOLUTION NO. _____ - APPROVAL OF HARBOR DEPARTMENT PORT POLICE POLICY ESTABLISHING REQUIREMENTS TO FUND, ACQUIRE, AND USE EQUIPMENT DEEMED "MILITARY EQUIPMENT" PURSUANT TO CALIFORNIA STATE ASSEMBLY BILL 481

SUMMARY:

Staff requests approval of a City of Los Angeles Harbor Department (Harbor Department) Port Police Policy (Policy) regarding the funding, acquisition, use, and reporting of specified law enforcement equipment items pursuant to California Assembly Bill (AB) 481. The bill added Government Code Section 7070, et seq., and designated numerous vehicles, weapon systems, and munitions as "military equipment". This Policy delineates which law enforcement equipment items are now deemed military equipment pursuant to Government Code Section 7070, et seq., and further prescribes the responsibilities of Port Police personnel in their use (including reporting of any use or misuse) of those equipment items. This policy is required in order for the Port Police to fund, acquire, and use military equipment in an effort to achieve their mission statement while protecting the public's welfare, safety, civil rights, and civil liberties.

Effective January 1, 2022, under California Assembly Bill 481 (AB 481), Port Police is required to create and implement a military equipment use policy, which includes a listing of equipment in its possession and fiscal impacts to the agency.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Find that the military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

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3. Find that the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
4. Find that if purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;
5. Find that prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance;
6. Approve the proposed Policy (Policy Manual § 709 Military Equipment);
7. Authorize the Executive Director to execute and the Board Secretary to attest to the Policy; and
8. Adopt Resolution No. _____.

DISCUSSION:

Background/Context – On September 30, 2021, Governor Newsom signed Assembly Bill 481 (AB 481) which became law effective January 1, 2022 and must begin the implementation process no later than May 1, 2022.

Under AB 481, law enforcement agencies are required to present its military equipment use policy to its governing body for approval prior to implementation. Military equipment use policy is defined as a publicly released, written document governing the use of military equipment by a law enforcement agency. The policy document must address, at a minimum, all of the following:

- Detailed listing of equipment including type of military equipment, quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the equipment;
- The purposes and authorized uses for which the law enforcement agency proposes to use each type of equipment;
- The fiscal impact of the equipment;
- The legal and procedural rules that govern its use;
- The training requirements;
- The mechanisms to ensure compliance; and
- The procedure for which members of the public may register complaints, concerns, or questions regarding the use of each type of equipment.

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Utilizing Lexipol, an on-line policy manual platform, Port Police has developed Policy Manual § 709 Military Equipment to comply with AB 481. The proposed policy includes a listing of Port Police's current inventory of military equipment among other items need for compliance under AB 481. Included in this policy, a listing of Port Police's current inventory of military equipment. Most of the equipment noted is not used on a regular day-to-day basis but are in possession so that officers are adequately prepared in the event of an emergency, unusual occurrence, or a threat to the security of the Port of Los Angeles.

The mission of the Port Police is to ensure the safety and security of the Port of Los Angeles through diligence of duty, proactive law enforcement, and a partnership with our customers and community. In an effort to achieve the mission statement, Port Police is cognizant of the responsibilities to protect and serve the citizens of San Pedro and surrounding communities. As a law enforcement agency, Port Police Officers must be prepared to handle situations utilizing the least lethal methods available that are adaptable to the unique environment while preserving the lives and safety of the officers and citizens.

A review of personnel complaints from 2015 to present has been conducted to ensure that all employees have previously used the listed equipment in accordance with the proposed policy with no misuse of equipment noted. Port Police is diligent in ensuring that all staff is properly trained in the use and handling of the equipment as well as scenario training to ensure an abundance of caution is used when selecting the appropriate equipment for the situation or threat level.

Since April 21, 2022, Port Police has published the draft Military Equipment Use Policy (Transmittal 2) on the Harbor Department's website, as required in AB 481. Additionally, a notification to Command Staff was prepared and distributed in an effort to provide guidance on any future purchases. (Transmittal 3). It is the policy of the departments within the City of Los Angeles to follow strict procurement requirements, which include consideration of alternative items, research to ensure the item meets our needs, and that items are being purchased at the best available price. All items purchased are determined to be the best designed to meet our needs while meeting other purchase requirements established by the City of Los Angeles.

Upon approval of draft Policy Manual §709, Military Equipment, Port Police will finalize and release the policy for implementation into our current processes. Annually, an updated inventory list will be presented to the Board including any future proposed legislative updates or changes to the policy.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of Policy Manual § 709 Military Equipment. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

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FINANCIAL IMPACT:

If the proposed Policy is approved, staff does not anticipate any financial impacts. All equipment listed within the proposed Policy has been and will continue to be purchased through the Harbor Department's Procurement Process. Funding for any future equipment purchases covered under the proposed Policy will be requested through a separate Board action as needs arise.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the proposed policy manual section as to form and legality.

TRANSMITTALS:

1. BOHC Information Only Memo
2. DRAFT Port Police Policy Manual §709 Military Equipment
3. Notice to Port Police Command Staff

FIS Approval: MB
CA Approval: SO



RANDALL ALLEN
Deputy Chief of Police



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Chief of Public Safety
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APPROVED:

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