

Task Force Recommendation on AB481 Policy and Ordinance

To: City Council of the City of Santa Clara

From: City of Santa Clara Task Force on Diversity, Equity, and Inclusion (the “**Task Force**”)

The Task Force strongly recommends to the City Council of the City of Santa Clara that the Military Equipment Funding, Acquisition and Use Policy (the “**Policy**”) be adopted. Police accountability and reform is a core focus of this Task Force – as such, we approached our role and our recommendation with a particular focus on the relevant use of force considerations, transparency objectives, and community engagement efforts.

The full Task Force voted unanimously to send this recommendation to the City Council. Our recommendation comes after diligence and fact-finding efforts by our police subcommittee. Following the subcommittee’s work, the full Task Force reviewed the subcommittee’s findings before coming to the decision to unanimously recommend adoption of the Policy.

Please see a summary of our relevant findings below:

1. **Prior Approval and Equipment Categories.** SCPD holds equipment in 7 of the 15 categories. The City Council has previously approved of all the equipment authorized in the Policy (through numerous prior City Council actions).
2. **No DoD Equipment.** Santa Clara Police Department (“**SCPD**”) does not own any equipment used by any United States Department of Defense (“**DoD**”) agency. SCPD has never acquired any DoD surplus equipment and has no plans to participate in any DoD programs. All SCPD equipment is commercially available.
3. **No Mounted Guns.** There are no guns mounted on any SCPD equipment.
4. **De-Escalation Purpose of Bullet-Resistant Vehicle.** The one vehicle that is bullet resistant is used exclusively for de-escalation to provide time, distance and cover. This vehicle has been used to support responses in multiple nearby cities, including the recent San Jose VTA-yard active shooter incident.
5. **Hand-Held Equipment.** A large part of the hand-held equipment listed is also used exclusively for de-escalation, to provide time, distance and cover.
6. **Proactive Community Engagement.** SCPD has engaged the community in community conversations on this topic. SCPD presented to the Task Force and Chief’s Advisory Council to seek early review and comment.
7. **Transparency and Reform.** The discussion occurred pursuant to a police reform bill, AB481, which requires police agencies to engage the public and seek approval from their elected city councils. SCPD has been a leader on engaging the public and drafting its proposed policy and ordinance thus far.
8. **Annual Reporting and Further Approvals Required.** AB481 requires law enforcement agencies to prepare and post an Annual Report on the Police Department’s website with information required by Government Code Section 7072 for the preceding calendar year for each type of military equipment in the Department’s inventory. The Policy and supporting information must be reviewed annually at a regular City Council meeting. At this meeting, the City Council will consider the adoption of an Ordinance approving

continued use. AB481 also requires law enforcement agencies to seek approval prior to making future purchases of items designated as “military equipment”.

9. **Complaints Process.** SCPD has been proactive on developing its complaints process. SCPD maintained a process required by this legislation, for years prior to this new law.
10. **2020 Protests – No Notable SCPD Incidents.** No notable incidents during 2020 protests. SCPD has responsibly used its existing equipment. This policy will require SCPD to certify any new equipment.