



CITY COUNCIL STAFF REPORT

ITEM NO. 6.9

DATE: April 13, 2026

TO: Honorable Mayor and City Council

FROM: Jeramy Young, Police Chief

SUBJECT: Resolution receiving the 2025 Annual Review of Military Equipment Report, determining that the equipment identified in the report complies with applicable standards, and authorizing the City of Livermore Military Equipment Ordinance 2.36.200 to be renewed and remain in effect.

RECOMMENDED ACTION

Staff recommends City Council adopt a resolution:

1. Accepting the 2025 Annual Military Equipment Report;
2. Determining that the equipment identified in the report complies with the City's policy and the statutory requirements; and
3. Determining that the policy set forth in Livermore Municipal Code section 2.36.200 Military Equipment Policy should be renewed and remain in effect.

DECISION TYPE

Legislative

SUMMARY

The Livermore Police Department (LPD) regularly utilizes a wide range of equipment to provide effective public safety service to the community. This variety of equipment provides a multitude of options to help address and de-escalate situations that are often tense, uncertain, and rapidly evolving. Having the availability of different equipment options minimizes the potential for harm to the public, the suspect, and the police department staff.

In 2022, a new state law (AB 481) required City Councils to adopt, by ordinance, a policy pertaining to the finding, acquisition, and use of certain types of equipment utilized by local police departments. The law also mandated other considerations related to public engagement and annual reporting. LPD's first report was prepared on April 11, 2022, and this report serves as the annual report for 2025.

DISCUSSION

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481, related to law enforcement's funding, acquisition, and use of certain types of equipment, which AB 481 identified as "military equipment." This designation of military equipment is not necessarily synonymous with items regularly used by the United States military of surplus items provided to law enforcement agencies through federal programs such as the 1033 Program. None of the designated items by the LPD were obtained from the federal government through the 1033 Program.

Many items identified in this legislation have been in local use for years, while others have never been used by the LPD. Many of the designated items, such as bean bag launchers, are commonly used as alternatives to higher levels of force, while others are not directly related to the use of force by law enforcement (ie. Command post vehicles and non-weaponized robots/drones).

Assembly Bill 481 was codified in Government Code Sections 7070 through 7075. The bill required law enforcement agencies to obtain City Council approval for an equipment policy via ordinance, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of certain equipment identified in the Government Code. All California law enforcement agencies wishing to continue their use of this equipment were required to commence the authorization process by May 1, 2022. The Livermore City Council complied with this requirement on April 11, 2022. On April 25, 2022, Ordinance No. 2134 was adopted by adding section 2.36.200 Military Equipment Policy to the Livermore Municipal Code.

Government Code 7070 designates certain equipment as "military equipment." Included in that definition are the following items possessed and/or used by the LPD within the normal scope of operations (refer to Exhibit A for specific quantities and additional information):

- Unmanned, remotely piloted, powered aerial or ground vehicles (note: these items are used for observation purposes only, and do not possess weapons capabilities).
- Armored personnel carriers.
- Wheeled vehicles that have an attached breaching or entry apparatus.
- Command and control vehicles built or modified to facilitate the operational control and direction of public safety units.
- Battering rams, slugs, breaching apparatuses that are explosive in nature (this does not include hand-held, one-person rams).
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code Section 30510 and Penal Code Section 30515, except for standard-issue weapons.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC (pepper spray), excluding standard, service issued handheld pepper spray.
- Kinetic energy weapons and munitions.

LPD policies and case law dictate when and how certain types of equipment may be used. Departmental equipment, especially any items that could be used as a force option, is expected to be used in a manner consistent with all applicable laws and policies. Department policies also require officers to utilize de-escalation and crisis intervention techniques, as well as other alternatives to force when feasible.

In addition to the equipment owned by the City of Livermore, use of allied agency equipment is also subject to the requirements of the policy. The use of equipment from allied agencies augments the department's inventory for command and control, scene safety, intelligence gathering, lethal force

applications, and less-lethal force applications to meet the vast array of potential circumstances that might require law enforcement action. Many of those allied agency options may never actually be needed but are important tools to have available when facing uncertain and uncommon circumstances.

Government Code Section 7071(e)(2) allows the governing body of a city to approve the funding, acquisition, or use of military equipment, or other equipment as determined by the governing body to require additional oversight, within its jurisdiction only if it makes specified determinations, which include the following:

1. Equipment is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian.
2. The LPD Military Equipment Policy (#709) will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The equipment is reasonably cost effective compared to available alternatives that can achieve the same objectives of officers and civilians.
4. The policy is approved.

In addition to the initial requirements of the legislation, law enforcement agencies must also complete the following:

- Designate a member of the department to act as the coordinator for the listed military equipment.
 - o Compliance: The department has complied with this requirement by designating the Force Options Unit Lieutenant as the Coordinator. Additional staff support the Force Options Unit Lieutenant in meeting all requirements.
- Identify department equipment that qualifies as military equipment (as defined by Government Code Section 7070) in the current possession of the LPD, or the equipment the LPD intends to acquire that requires approval by the governing body.
 - o Compliance: The department has complied with this requirement by conducting a related inventory of current equipment (attached hereto and incorporated by reference) and by identifying future acquisitions as part of the budget.
- Conduct an inventory of all listed equipment.
 - o Compliance: The department has completed the current inventory and has added the inventory as an attachment.
- Collaborate with any allied agency that may use listed equipment within the jurisdiction of the LPD.
 - o Compliance: The department has collaborated with allied agencies and included allied agency assets in the "Allied Agency Equipment" section of the attached equipment inventory. This collaboration includes the department's partnership with the Pleasanton Police Department to form a joint Special Weapons and Tactics (SWAT), known as the East County Tactical Team. Additional forms of listed equipment should not be used in this jurisdiction, except in exigent circumstances with approval of the Chief of Police or his/her designees. Any such exigent use shall be reported to the public on the department's website within 30 days of use unless it is deemed to be confidential under the law. Applicable reporting shall include a description of the item used, the general reason for its use, and any reasonably known fiscal impact resulting from the equipment used.
- Prepare for, schedule, and coordinate an annual community engagement meeting to include publicizing the details of the meeting and prepare for public questions regarding the department's funding, acquisition, and use of listed equipment.
 - o Compliance: The Force Options Unit Lieutenant has been designated to complete this requirement. A community meeting was held on March 19, 2026, at the LPD.
- Prepare an annual report for submission to the Chief of Police and ensure the report is made available on the department website.

- o Compliance: The Force Options Unit Lieutenant was assigned to complete this task on an annual basis. Refer to the attached 2025 Annual Military Equipment Report.
- Establish a procedure for a person to register a complaint of concern, or how that person may submit a question about the use of a type of equipment listed by Government Code Section 7070 and how the department will respond in a timely manner.
 - o Compliance: The Professional Standards Unit Sergeant has been assigned to meet this requirement by adding an applicable section and email link on the LPD website containing an AB 481 section under the Transparency and Information page. The website contains all applicable sections and an email link for complaints or concerns. No complaints or concerns were received in 2025.

Staff worked diligently to comply with all requirements of this legislation. Additionally, staff plans to include future acquisition authorizations through the regular budget approval process.

FISCAL AND ADMINISTRATIVE IMPACTS:

The legislation is not expected to have any significant fiscal or administrative impacts beyond the labor required to meet the annual inventory and transparency related to requirements for the 2025 Annual Review of Military Equipment Report.

COMMUNITY PILLAR:

1: A Safe Community that Thrives

GOAL:

3: Implement processes that ensure a high degree of public trust and community support.

ATTACHMENTS

1. LPD Military Equipment Policy #709
2. Ordinance 2.36.200
3. Resolution
4. Exhibit A - 2025 Annual Military Equipment Report and Inventory

Prepared by: John Reynolds
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Approved by:



Marianna A. Burch
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director