

Communication from Public

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Date Submitted: 08/22/2022 01:20 PM
Council File No: 22-0766

Comments for Public Posting: Dear City Councilmembers, Agenda item #18 for your 8.23.22 meeting relates to the approval of LAPD's AB 481 Policy on procurement and use of military equipment. Let us impress upon you the importance of prioritizing public safety over the inconvenience of revising the policy. Please see attached suggestions from the League of Women Voters of Greater Los Angeles (LWVGLA) for improving LAPD's AB 481 Policy. At your 8.12.22 meeting, Councilmembers Bonin and Raman presented strong reasons regarding the need to review LAPD's AB 481 Policy BEFORE approving it. On 8.16.22, the Board of Police Commissioners approved an amendment recommended by the Public Safety Committee, which is a step in the right direction, but the policy requires more scrutiny. Councilmember Harris-Dawson's NO vote at the 8.17.22 Public Safety Committee meeting points to the fact that LAPD's AB 481 Policy is not ready for approval. Note that LAPD's Office of Constitutional Policing and Policy has welcomed LWVGLA to participate in reviewing the policy for the 2023 update and the required annual approval process. We appreciate this opportunity, but contend that the few suggestions we have made could be done simply and in time for the October deadline. We encourage your NO vote on the 8.23.22 agenda item #18 to approve LAPD's AB 481 Policy. Coincidentally, the Los Angeles Times published an article in today's paper regarding City payouts for injuries that happened during first amendment protests:
<https://www.latimes.com/california/story/2022-08-22/protester-shot-by-lapd-projectile-in-2020-mulls-new-future-after-1-25m-settlement> Thank you for your consideration. Carolina Goodman, Chair Committee on Criminal Justice Reform League of Women Voters of Greater Los Angeles

Suggestions for AB 481 Policy Amendments
League of Women Voters of Greater Los Angeles
(July 2022)

In reference to LAPD's 481 Policy:

http://www.lapdpolicecom.lacity.org/062122/BPC_22-136..pdf

Example of “use” vs “user”

On the first page of LAPD's AB 481 Equipment Report, “Background Section,” [PDF p.11] the document restates the protocols established for law enforcement agencies regarding funding, acquisition, **use** and reporting. “Use” connotes circumstances, rather than “user”, which would indicate who authorizes use or who uses the equipment, e.g. Command Officer or equipment operator. We suggest the policy describe both when a weapon is *permitted* for use, and when a weapon is *prohibited* from use.

- One example is on page 9 of the Equipment Report, “Equipment Carried by Specialized Personnel.” [PDF p.18] The phrase “existence of certain factors” needs further explanation. When is it permitted that a weapon can be transitioned to sustained mode, and when is sustained mode prohibited?

Example of the need for more clarity of use

On page 6 of the Equipment Report, “Armored Vehicles, Authorized Use,” [PDF p.15] - “deployed when their functionality will enhance safety during an operation.” LAPD has 7 armored vehicles, including 5 BearCats. We support the adoption of a more clear and detailed armored vehicles policy such as [that adopted by the Oakland Police Department for deployment of its armored vehicles](#). The Oakland policy describes what should be considered before the BearCat armored vehicle is deployed, and clearly excludes deployments for crowd control, routine patrol operations, and public relations activities.

Example of inconsistency within the policy

In Addenda III - Less Lethal and Ammunition

- Item 5 [PDF p.42] states that Defense Technology 37mm Single Launcher is to be used for crowd dispersal after a dispersal order refusal. However, on page 13, second paragraph of the Equipment Report [PDF p.22], AB 48 requirements clearly state that: “kinetic energy projectiles . . . shall not be used solely due to . . . non-compliance with a Department directive. . . they shall only be used to defend against threat to life or serious bodily injury to any individual, or to bring an objectively dangerous and unlawful situation safely and effectively under control.” For the sake of consistency and clarity, we recommend that the use stated in Item 5 of Addenda III be edited to reflect the language in AB 48.

Example of the need to define restrictions on use

In Addenda III - Less Lethal and Ammunition

- Item 50 [PDF p.46] states that the LRAD 100x, LRAD Corporation Audio Speaker System, is used for public safety notification. Given the fact that agencies, such

as the cities of New York and Pittsburgh, have experienced lawsuits (and made payouts) for causing permanent hearing loss on community members, it would behoove LAPD to define restrictions on deployment.

Example of the need to clarify policy/procedure for mutual aid

Note on the bottom of page 5 of “Department Manual, Volume I, 140.25 Use of Equipment Covered by California AB 481” [PDF p. 7] - *“The personnel of any law enforcement agency working with, providing mutual aid to the Department, or operating in conjunction with the department in an investigative or enforcement capacity, shall comply with their own agency’s policy enacted pursuant to AB 481.”*

The concern here is to avoid confusion or mishap when several agencies might be operating together in the same city. The tragedy at Uvalde comes to mind. We are also unclear as to why this statement is classified as a “Note” rather than a distinct component of the policy itself.

- Suggested language for mutual aid: "Coordination with Other Jurisdictions: Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy."
- [Long Beach Police Department AB 481 Policy](#) - Bottom of page 3:
“COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES: Military equipment used by any employee of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department shall comply with the policies of the LBPD.”