CITY COUNCIL MEETING

APRIL 26, 2022

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

AGENDA QUESTIONS AND ANSWERS

LOG

AGENDA QUESTIONS & ANSWERS MEETING DATE: April 26, 2022

Item #10 WS 22-010

AB 481 Policy Review: Council Work Session to Review Proposed Policy Regarding the Hayward Police Department's Funding, Acquisition, and Use of "Military Equipment", as Defined by Assembly Bill 481

Is it possible to get a history of the cost changes with the unmanned aerial systems? I believe the cost has changed from staff report to staff report and now I see a cost here. I believe it was significantly higher in the staff reports.

Is there a definition of "Military Equipment"? I know there's a list of what is covered in the law, but why these items? What distinguishes a piece of military equipment other than the fact that it is listed in the legislation?

The cost estimated in the UAS staff report was \$14,000 for 4 UAS and \$4,700 for initial operator training (estimated \$18,700 to start the program). The cost listed in the HPD equipment list totals \$15,822.78 for 4 drones as the actual unit cost includes tax, shipping, etc.

The legislation does not offer a definition of "military equipment." As far as we can tell, the reason it is classified as military equipment is simply because it is listed in the legislation. As far as why these items were deemed "military equipment" or were listed in the bill, any answer to that from HPD or City staff would be speculation and the question would need to be directed to the bill's author.

eCOMMENTS

ITEM #10

WS 22-010

REVIEW PROPOSED POLICY
REGARDING THE HAYWARD
POLICE DEPARTMENT'S FUNDING,
ACQUISITION, AND USE OF
"MILITARY EQUIPMENT", AS DEFINED
BY AB 481

From:

noreply@granicusideas.com

Sent:

Saturday, April 23, 2022 12:47 PM

To:

CityClerk

Subject:

[BULK] New eComment for City Council on 2022-04-26 7:00 PM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.



New eComment for City Council on 2022-04-26 7:00 PM

Pamela Low submitted a new eComment.

Meeting: City Council on 2022-04-26 7:00 PM

Item: 10. WS 22-010 AB 481 Policy Review: Council Work Session to Review Proposed Policy Regarding the Hayward Police Department's Funding, Acquisition, and Use of "Military Equipment", as Defined by Assembly Bill 481 (Report from Police Chief Chaplin)

eComment: Reject current guidelines as is and require HPD to address the following: The proposed policies for all this gear don't incorporate limitations on use of chemical agents and impact rounds under AB 48 The proposed policies exclude a description of procedures to follow and training required for the equipment, both of which are required by AB 481 for use policies The proposed policies don't outline authorized or prohibited uses, as required by AB 481, but only who can use the equipment

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PUBLIC COMMENTS

ITEM #10

WS 22-010

REVIEW PROPOSED POLICY
REGARDING THE HAYWARD
POLICE DEPARTMENT'S FUNDING,
ACQUISITION, AND USE OF
"MILITARY EQUIPMENT", AS DEFINED
BY AB 481

FW: Veto Hayward Police Department's Equipment Guidelines

From: Pamela Low

Sent: Saturday, April 23, 2022 11:27 AM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov> **Subject:** Veto Hayward Police Department's Equipment Guidelines

Dear Mayor Halliday and City Council Members:

My name is Pamela Low, and I'm a long time resident of Hayward. My family has lived in Hayward for over 50 years, and both of my parents and I are Cal State East Bay (formerly Hayward) alumni.

I am writing to urge Hayward City Council to veto the Hayward Police Department's current guidelines as drafted. As you know, HPD receives nearly half of Hayward's general fund while other social services and community organizations remain chronically underfunded. Our community deserves a better accountability and transparency plan on the military equipment costing over \$1.6 million dollars that HPD already has. That equipment cost does not include the 4 instances of unknown fiscal impacts, the missing cost of training for all the equipment listed, and the cost of all chemical weapons.

In light of the city-commissioned survey, national protests, and the continued conversation around the role of policing in our community, I encourage City Council to reject current equipment guidelines as is and require HPD to address the following concerns:

- 1. 2.
- 3. The proposed policies for all this gear don't incorporate limitations on use of chemical agents and impact rounds
- 4. (in AB 48, a different law), that prohibit their use for compliance with a police order, crowd control except for extreme situations, or enforcing a curfew.
- 5. 6.
- 7.
- 8. The proposed policies exclude a description of procedures to follow and training required for the equipment -
- 9. both of which are required by AB 481 for use policies.
- 10.
- 11. 12.
- 13. The proposed policies don't outline authorized uses, as required by AB 481, but only who in HPD can use the equipment.
- 14.
- 15. 16.
- 17. The document is not searchable nor can it be used with an audio reader, which is a violation of the ADA.
- 18.
- 19.
- 20.
- 21. The proposed policies don't prohibit any uses.

22.

23.

24.

25. The proposal doesn't identify the make of some military equipment, including the carbine assault rifles, as required

26. by AB 481.

27.

I care about the toolkit that HPD has because my family has had horrible encounters with HPD, as a result of the officers' poor de-escalation skills. I cannot allow HPD having this much money invested in weaponry when their trainings on de-escalation and civilian interactions are clearly inadequate.

Thank you.

Pamela Low

Pronouns: She, Her, Hers

| <u>LinkedIn</u>

FW: Public Comment: April 26 meeting, Item 11- PH 22-020

From: Mary Ann Higgs

Sent: Monday, April 25, 2022 9:48 AM

To: List-Mayor-Council < List-Mayor-Council@hayward-ca.gov > **Subject:** Public Comment: April 26 meeting, Item 11- PH 22-020

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello City Council,

This is a difficult topic for everyone. While we would all love to live in a society where these types of weapons are not necessary, we do not currently live in that society. In the time I've lived in Hayward, I have seen crime increase and most recently, violent crime seems to have increased across the Bay Area. Rarely is there a night when the local news does not report a shooting or robbery at gun point. It is helpful to me to know the types of military equipment we have in the HPD inventory. I do believe it is necessary to position our Police Officers with the equipment they need to do their job in the world in which we currently live. Unfortunately, that world includes military weapons in the hands of citizens. Therefore, I support providing the equipment HPD needs to do their job, including the right mix of military equipment.

That being said, after reading the staff report, the question that stood out for me is "For the military equipment that we have, how many times in the past 5 years has this equipment been used and under what circumstances?". This would tell me how frequently HPD required this equipment indicating whether it is truly "needed" and if additional equipment is needed in the future. And, it would be an indicator of the decision process HPD follows to use this type of equipment in their policing practices. Meaning, is HPD using the military equipment they have in a responsible way? Also, I would be interested to know whether or not this equipment was used in assistance to neighboring communities (i.e. Oakland, San Francisco, San Jose). This equipment is expensive and it seems that if cities are going to invest in this type of equipment, there should be opportunity for neighboring communities to benefit from all that is available in the area if the need arises.

Good luck with this one. Mary Ann Higgs Westview Way Hayward, CA 94542

FW: Military weapons for our police: NO

From: Edward Opton

Sent: Monday, April 25, 2022 10:33 AM

To: List-Mayor-Council < List-Mayor-Council@hayward-ca.gov>

Subject: Military weapons for our police: NO

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

April 25, 2022

The proposal to equip our Hayward Police Department with military weapons is profoundly mean, bigoted, and stupid. If enacted, it will make Hayward look like Birmingham, Alabama, in the 1960s: small-time cops using outsized weapons to make themselves feel big. That's not something we should permit. In the 1960s, the Birmingham police, who dominated the city government, tried to use the hi-tech weapons of their day--high pressure fire hoses and dogs trained to be vicious--to suppress the city's Black population and especially Rev. Martin Luther King and the Southern Christian Leadership Conference. We all know, or should know, how that worked out. Birmingham became a national symbol of hatred and meanness. Its city officials revealed themselves to be small-minded haters.

Don't follow in the footsteps of 1960s Birmingham. We are better than that. We are counting on you to be better than that.

Yours sincerely,

Edward Opton

FW: [BULK] Re: Call to Action TONIGHT: Demand De-militarization!

From: Jeff Syrop

Sent: Tuesday, April 26, 2022 11:04 AM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: [BULK] Re: Call to Action TONIGHT: Demand De-militarization!

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and City Council Members,

I won't be able to make it to the City Council meeting tonight, **but if I were, I would be there wearing green.** Hayward is a town where every time you go downtown you run into someone you know by name. Hayward is a relatively safe and beautiful town, and it amazes me that this militarization of our police force is even being considered! This waste of city funds would be downright ugly and counterproductive.

Sincerely,

Jeff Syrop Hayward CA 94542

On Apr 26, 2022, at 9:30 AM, Hayward Community Coalition from HayWire < haycocoa@substack.com > wrote:

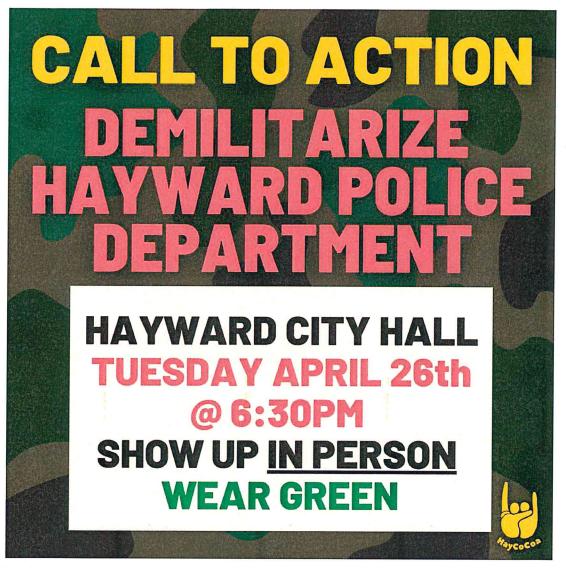
HayCoCoa Update

Call to Action TONIGHT: Demand Demilitarization!

DEMILITARIZE HPD • FUND THE COMMUNITY • CREATE POLICE OVERSIGHT



Apr 26 🗘



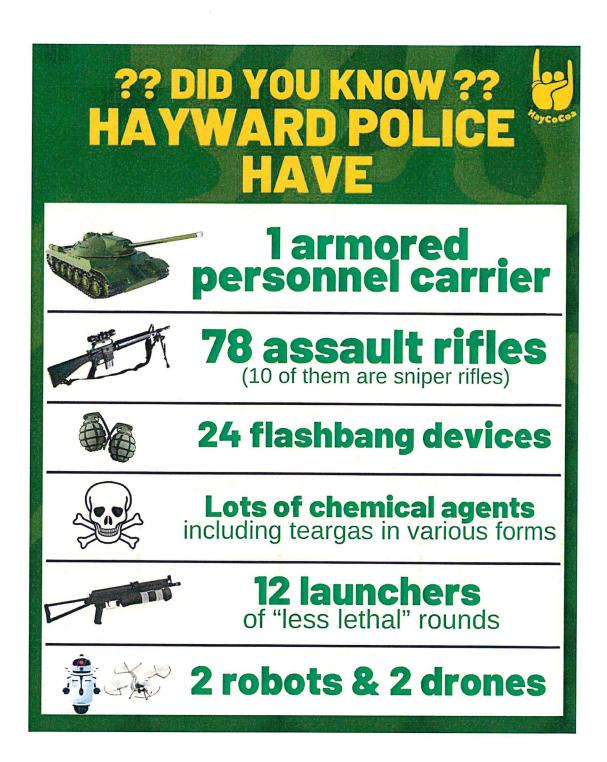
Today, April 26th, the Hayward Police Department will be asking City Council to review their own, self-drafted Military Equipment policy. We are asking the community to show up to Hayward City Hall at 6:30pm, wear green, & spread the word in support of our three demands:

- 1. Demilitarize HPD
- Redistribute funds allocated towards military equipment to other community services & resources
- 3. Create an independent, civilian police oversight body

CLICK HERE FOR ACTION DETAILS

Last year, Governor Newsom passed AB481, which finally requires Hayward City Council to review and approve the Hayward Police Department's (HPD) funding, purchase, and use of military equipment.

AB481 is a bill that requires police departments across the state to be transparent about its to funding, purchases, and use of **military equipment**. HPD has a hefty inventory (see image below), and the policy they've created lacks specificity on how and when these weapons can be utilized. For more information on AB481 and tonight's action, click this link: **bit.ly/hcc42622**.



HPD is spending over 1.6 MILLION DOLLARS on its military equipment.

We believe these dollars should be going towards our chronically underfunded social services. For two years we've demanded a de-militarized police force and watched as our community service providers have been forced to compete over a limited pot of funding. This is our opportunity to remove military equipment from HPD's policy, remove unwanted

weapons from our community, and return the dollars we spend on them back to the people. Additionally, AB481 requires an oversight mechanism for military equipment, and HPD's current policy does not include this. We demand that an independent, civilian oversight mechanism is added to the ordinance.

CLICK HERE FOR ACTION DETAILS

Council will **not** be voting on this agenda item today, but they will be directing staff to modify HPD's policy. This is our opportunity to weigh in on what Hayward is putting OUR tax dollars towards. Demilitarizing HPD will bring dollars back into the community so we can increase funding for more of the services that truly keep us safe. See you at City Hall!



Denise Chan

Subject:

FW: Item 10. WS 22-010

From: Adriana Ortiz

Sent: Tuesday, April 26, 2022 1:30 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Item 10. WS 22-010

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and City Council Members:

My name is Adriana Ortiz, and I was born and raised in Hayward, my home.

As you know, HPD receives nearly half of Hayward's general fund while other social services and community organizations remain chronically underfunded. Because of AB481, we now know exactly what military equipment HPD has, and that **it's costing us over 1.6 MILLION DOLLARS** (and that's not even counting the additional costs of training and chemical weapons). Our community deserves better accountability and transparency regarding Hayward's use of and spending on military equipment.

In light of the city-commissioned survey, national protests, and the continued conversation around the role of policing in our community, I am asking that each council member give clear direction to staff to meet HayCoCoa's three demands to demilitarize HPD, redistribute funds allocated towards military equipment to other community services, and create an independent police oversight body.

This is an issue that is near to me as someone who grew up in Hayward and still considers it home. It's disheartening to hear about issues such as school closures, high COVID rates, and other pressing matters, meanwhile the Hayward Police Department has **so much** money. Why is this so? Why are the police funded and given military equipment while elementary schools that my friends and family members attended had to close this past year? How is this serving the community?

I urge you to please consider HayCoCoa's plans for redistributing funds and demilitarization of HPD so we can better work for and support our Hayward community.

Thank you, Adriana Ortiz

Adriana Ortiz

MA, Arts & Culture Management | University of Denver '21 BS, Anthropology | Santa Clara University '18

FW: Item 10. WS 22-010

From: Alex Moreno

Sent: Tuesday, April 26, 2022 2:45 PM

To: List-Mayor-Council < List-Mayor-Council@hayward-ca.gov>

Subject: Item 10. WS 22-010

Dear Mayor Halliday and City Council Members:

My name is Alex Moreno, lifelong Hayward resident and member of the Hayward Community Coalition . As you know, HPD receives nearly half of Hayward's general fund while other social services and community organizations remain chronically underfunded. Because of AB481, we now know exactly what military equipment HPD has, and that it's costing us over 1.6 MILLION DOLLARS (and that's not even counting the additional costs of training and chemical weapons). Our community deserves better accountability and transparency regarding Hayward's use of and spending on military equipment.

In light of the city-commissioned survey, national protests, and the continued conversation around the role of policing in our community, I am asking that each council member give clear direction to staff to meet HayCoCoa's three demands to demilitarize HPD, redistribute funds allocated towards military equipment to other community services, and create an independent police oversight body.

These three demands represent a commitment to the community that we call home. OUR HOME should not be a place where childhood fantasies of playing GI Joe should be realized under guise of "safety". The long standing practice of the PD purposely harassing and intimidating people of color in this city needs to stop. By taking action on these 3 demands, we would reaffirm the commitment the community that accountability and care does exist in Hayward.

Thank you, Alex M

FW: Item 10. WS 22-010

From: Rosio Almaguer Andrade

Sent: Tuesday, April 26, 2022 3:21 PM

To: List-Mayor-Council < List-Mayor-Council@hayward-ca.gov>

Subject: Item 10. WS 22-010

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and City Council Members:

My name is Rosio Almaguer Andrade. My wife and I have lived in Hayward since 2019 when we purchased our home. My wife was raised in Hayward and attended Tennyson High School and was also a teacher at Envision Charter School. I have volunteered as a delegate for the Hayward participatory budget. We are caring and engaged community members.

As you know, HPD receives nearly half of Hayward's general fund while other social services and community organizations remain chronically underfunded. Because of AB481, we now know exactly what military equipment HPD has, and that **it's costing us over 1.6 MILLION DOLLARS** (and that's not even counting the additional costs of training and chemical weapons). Our community deserves better accountability and transparency regarding Hayward's use of and spending on military equipment.

In light of the city-commissioned survey, national protests, and the continued conversation around the role of policing in our community, I am asking that each council member give clear direction to staff to meet HayCoCoa's three demands to demilitarize HPD, redistribute funds allocated towards military equipment to other community services, and create an independent police oversight body.

Our Hayward community deserves to be invested in, not hyper policed. Our community deserves clean open spaces, our libraries deserve state of the art technology and resources for our community, our Hayward youth deserve to be invested in and to have access to enriching activities, we need investment in our bike paths and public transportation, grants and funding to help small businesses grow and thrive. Our communities have spoken up and showed up to tell you (City leaders) where we want our tax funds to go. We do not need or want a militarized HPD.

Thank you,

Rosio

FW: Item 10. WS 22-010

From: Amanda Popoca

Sent: Tuesday, April 26, 2022 2:56 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Item 10. WS 22-010

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and City Council Members:

My name is Amanda Karyn Popoca Hernandez and I am a resident of Hayward, California and go to Chabot Community College.

As you know, HPD receives nearly half of Hayward's general fund while other social services and community organizations remain chronically underfunded. Because of AB481, we now know exactly what military equipment HPD has, and that **it's costing us over 1.6 MILLION DOLLARS** (and that's not even counting the additional costs of training and chemical weapons). Our community deserves better accountability and transparency regarding Hayward's use of and spending on military equipment.

In light of the city-commissioned survey, national protests, and the continued conversation around the role of policing in our community, I am asking that each council member give clear direction to staff to meet HayCoCoa's three demands to demilitarize HPD, redistribute funds allocated towards military equipment to other community services, and create an independent police oversight body.

It is important to me that these demands are met as I want to be able to live in a community that does not treat its citizens as threats, and treats us like humans. Much of the issues we have as a community could be resolved and treated if we had the funds for the resources we need. It is unnecessary and a waste of money when we allocate these funds toward military equipment. We are citizens of this city, not a threat. We need help and resources from our community services and organizations. Not a militant police force! I would like to feel safe and comfortable in my own community knowing that our police force does not have military equipment at their disposal.

Thank you,

Amanda Karyn Popoca Hernandez

FW: Item 10. WS 22-010

From: ardon.j.carlos

Sent: Tuesday, April 26, 2022 2:56 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Subject: Item 10. WS 22-010

Dear Mayor Halliday and City Council Members:

My name is Carlos Ardon and I have been living in Hayward since I first attended 1st grade. I am 27 now and graduated from Impact Academy of Arts and Technology in 2014.

As you know, HPD receives nearly half of Hayward's general fund while other social services and community organizations remain chronically underfunded. Because of AB481, we now know exactly what military equipment HPD has, and that **it's costing us over 1.6 MILLION DOLLARS** (and that's not even counting the additional costs of training and chemical weapons). Our community deserves better accountability and transparency regarding Hayward's use of and spending on military equipment.

In light of the city-commissioned survey, national protests, and the continued conversation around the role of policing in our community, I am asking that each council member give clear direction to staff to meet HayCoCoa's three demands to demilitarize HPD, redistribute funds allocated towards military equipment to other community services, and create an independent police oversight body.

These demands matter to me because not only will it affect our community, but it will also affect the way the community perceives our city and those who control it. The city needs to be more keen on helping the people of Hayward through compassion and empathy. We have all gone through a rough few years and need help, support, and resources more than ever. Invest the funds back into our community to get them back on their feet. Fear and force is not the way. Please consider this when making your decision.

Thank you, Carlos Ardon Subject: Attachments:

FW: Public Comment - AB 481 Demilitarization Work Session Item AB 481 Report- Demilitarization - Questions and Comments.pdf

From: Zachariah Oquenda

Sent: Tuesday, April 26, 2022 3:16 PM

To: List-Mayor-Council < List-Mayor-Council@hayward-ca.gov>

Subject: Public Comment - AB 481 Demilitarization Work Session Item

Dear Mayor and City Council,

Since the presentation of the AB 481 to the Community Advisory Panel, I've been thinking about how to approach sorting the various equipment and uses outlined in AB 481.

The attached brief letter outlines one way I've tried to think about the various categories of military equipment that our HPD uses and how they relate to the public safety needs of our community. Perhaps you may find these tiers as helpful suggestions when deciding what we should permit HPD to continue to use and what we can consider eliminating for both financial savings and safety of our residents.

I appreciate your time and consideration.

Thanks, Zachariah

Zachariah Oquenda, Esq., M.P.P.
he/him/his
California Policy Attorney, SBN 336420
Root & Rebound | www.rootandrebound.org
Planning Commissioner,
Hayward Planning Commission
Community Advisor,
Hayward Community Advisory Panel to the Chief of Police
Schedule a Meeting

TO: Mayor and City Council

FROM: Zachariah Oquenda, Community Advisory Panel to the Chief of Police

DATE: April 26, 2022

RE: Recommended Policy for Use of Military Equipment in HPD

Below is one way I've tried to think about the various categories of military equipment that our HPD uses and how they relate to the public safety needs of our community. Perhaps you may find these tiers as helpful suggestions when deciding what we should permit HPD to continue to use and what we can consider eliminating for both financial savings and safety of our residents.

Tier 1 - Required/Useful for special public safety incidents (\$551,954.78 total)

I consider this tier as much of the core tactical equipment that can help us in not only certain critical incidents, but also many of these technologies can have other uses to benefit public safety if deployed thoughtfully.

- 1. Avatar Tactical Robot (x2) \$30,000 each \$60,000 total
- 2. Unmanned Aerial Systems (x2) \$6,500 each \$13,000 total
- 3. Mini Unmanned Aerial Systems (x2) \$1,411.39 each \$2,822.78 total
- 4. Armored Rescue Vehicle (x1) \$82,660 (\$2,500 annual maintenance)
- 5. Freightliner MT-55 LDV Model C34MCC-10 (x1) \$387,672 (\$2,500 annual maintenance)
- 6. Breaching Shotgun Slugs (x50) \$4 each \$200 total
- 7. Winchester .223 Ranger frangible (training ammo) (x1000) \$0.6/round \$600 total

Tier 2 - Useful but could downsize stock (\$203,779.43 - \$273,779.43 total)

I consider this tier as containing useful arms for the potential of heavily armed active shooter threats. But I question whether we really need this large of an arsenal. For example, 64 Carbine Rifles seems like far too many. I think we can reduce the number of carbine rifles by 25%-50% and reduce the amount of carbine ammunition by 25%-50% and use the cost savings to fund other public safety obligations.

- 1. Carbine Rifle (x64) \$1,039.75 each \$79,344 total
 - a. Annual service costs \$10,000 \$20,000
- 2. H&K MP5 rifles (x4) \$1,200 each \$4,800 total
- 3. PWS MK216-LE .308 rifle (x5) \$1,994.99 each \$9,974.95 total
- 4. Remington 700 .308 long rifle (x5) \$1,300 each \$6,500 total
 - a. Annual service costs \$0 \$10,000
- 5. Winchester .223 (carbine ammo) (x25,000) \$0.488/round \$12,200 total
- 6. Winchester 5.56 full metal jacket (carbine ammo) (x67,000) \$.358/round \$23,986 total
- 7. Winchester .308 match king (long rifle ammo) (x2,000) \$2.50/round \$5,000 total
- 8. Noise Flash Diversionary Device (x24) \$82.27 each \$1,974.48 total
- 9. Ammunition maintenance cost \$50,000 \$100,000

Tier 3 - Use should be prohibited (\$19,700 - \$24,700 total)

I consider this tier as one that contains military weapons we should prohibit in Hayward, and it contains chemical agents and 40 mm launchers. In 1997, the International Chemical Weapons Convention (CWC) banned the use of riot control agents in warfare, but we continue to tolerate its use in our own communities and on our own people. Not to mention these rounds can cause serious damage when they strike individuals after being fired as we witnessed during the Summer of 2020 in many cities across the country.

- 1. Chemical Agents "Tear Gas" (97 rounds) (\$0-\$5,000 annually)
 - a. CS 79 rounds
 - b. OC 18 rounds
- 2. Pepper Powder Less Lethal Launcher (x2) \$850 each \$1,700 total
- 3. LMT Tactical Single Shot 40mm Launcher (x10) \$1,100 each \$11,000 total
- 4. CTS 40 mm Launcher (x4) \$1,250 each \$5,000 total
- 5. 40 mm Sponge Rounds (x100) \$20 each \$2,000 total