



## CONSENT CALENDAR

### City of San Bernardino Request for Council Action

**Date:** August 7, 2024

**To:** Honorable Mayor and City Council Members

**From:** Rochelle Clayton, Acting City Manager  
Darren Goodman, Chief of Police

**Department:** Police

**Subject:** **Executive Order 14074 Notification to Civilian Governing Body (All Wards)**

#### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, review and approve the proposed "Notification to Civilian Governing Body and Local Community" letter, as required by Presidential Executive Order 14074 governing the potential acquisition of controlled federal government property.

#### **Executive Summary**

The San Bernardino Police Department is a participant in the Law Enforcement Support Office Program which allows law enforcement agencies to receive surplus controlled property from the Federal Government to support law enforcement operations. Presidential Executive Order 14074, requires law enforcement agencies participating in the program to notify their civilian governing bodies and community annually of the law enforcement agency's intent to obtain any equipment available through the Law Enforcement Support Office Program. The San Bernardino Police Department does not have any current intention of requesting property through the program and is submitting this notification letter as required by executive order so that it may have the flexibility to immediately request equipment should it become available through the Law Enforcement Support Office at some point during the next year.

#### **Background**

On May 24, 2022, Presidential Executive Order (EO) 14074 "Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety" was signed by President Biden. This EO, in part, controlled the transfer/purchase of certain federal equipment by directing what equipment may be released to law enforcement agencies and the processes law enforcement agencies must comply with before requesting surplus military equipment from the Law

Enforcement Support Program. Specifically, EO 14074 requires local law enforcement agencies to notify both the community and their governing body of any potential intent to request controlled property.

Historically, the San Bernardino Police Department has used the Law Enforcement Support Program (LESO) to acquire federal equipment to help support and streamline policing operations. Over the years LESO has augmented the City budget by thousands of dollars that would have traditionally been encumbered from the General Fund.

### **Discussion**

The San Bernardino Police Department is responsible for providing policing services to the community. The Department's Primary objective is to provide law enforcement services as safely as possible for the community and staff. The Police Department uses various equipment to accomplish this goal. The needed equipment is acquired in a multitude of ways. One method of obtaining needed equipment is through the LESO Program. This program allows local law enforcement agencies to obtain federally controlled equipment that the Federal Government no longer needs. When the LESO Program makes equipment available to law enforcement agencies, the LESO Program often quickly receives requests for the item from multiple law enforcement agencies. This makes it necessary for the Police Department to be able to respond quickly to be competitive with other law enforcement agencies when it requests needed items through the LESO Program.

In addition to the standard protocols set in place, to ensure departmental accountability for federally controlled equipment available through the LESO Program, EO 14074 now requires notification of any potential intent to acquire listed equipment to the governing body and community annually. Though the San Bernardino Police Department does not currently have any specific intent to request LESO property, the notification to the governing body must be completed before any request is made. The LESO Program's expedited process for notifying agencies of equipment availability and distributing property makes it impractical for the Police Department to make notification to the governing body before a request for specific property is made to the LESO program. As such, the list of Controlled Property Descriptions in the Notification to Civilian Governing Body and Local Community letter includes all equipment controlled by EO 14074. Including all controlled equipment provides the Department with the greatest opportunity for obtaining needed equipment when required items become available.

Attached is the Notification to Civilian Governing Body and Local Community letter signed by the Chief of Police and published on the Police Department's website. This document will be sent to our State LESO coordinator once viewed and approved by the Mayor and City Council. By doing so, the Police Department will be eligible to request equipment through LESO for one year.

### **2021-2025 Strategic Targets and Goals**

Approving the notification aligns with Key Target No. 2: Focused, Aligned Leadership and Unified Community, b. evaluate operations and performance, investment in resources, technology, and tools to continually improve organizational efficiency and effectiveness.

### **Fiscal Impact**

There is no fiscal impact to the City.

### **Conclusion**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, review and approve the proposed "Notification to Civilian Governing Body and Local Community" letter, as required by Presidential Executive Order 14074 governing the potential acquisition of controlled federal government property.

### **Attachments**

Attachment 1 Notification to Civilian Governing Body and Local Community Letter

### **Ward:**

All Wards

### **Synopsis of Previous Council Actions:**

December 7, 2022

The Mayor and City Council received the Notification to Civilian Governing Body and Local Community for the potential intent to request controlled equipment from the Federal Government.