

ASSEMBLY BILL 481

FUNDING, ACQUISITION, AND USE
OF MILITARY EQUIPMENT POLICY



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

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Introduction

On September 30, 2021, Governor Newsom signed into law seven major peace officer reform bills, including Assembly Bill 481. AB 481 was authored by Assembly member David Chieu (D-San Francisco) to address the funding, acquisition, and use of items lawmakers deemed to be considered “military equipment.”

California Assembly Bill 481, effective January 1, 2022, requires law enforcement agencies to obtain approval from the applicable governing body, by way of an ordinance adopting a military equipment use policy prior to a law enforcement agency taking actions relating to the funding, acquisition, or use of defined military equipment (whether the equipment is possessed by the agency or used by another agency within the same jurisdiction), and further requires a report.

This report serves as both the Bureau of Investigations’ (BOI) acknowledgement of this law we have incorporated it into our policy manual and as a notification of the weaponry in our possession. None of the items were purchased or supplied via the military.

AB 481 Definition of Military Equipment (CA Government Code 7070)

AB 481 created CA Government Code section 7070 to define the following 15 categories of items as military equipment:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in § 30510 and §30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepperballs," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and Long Range Acoustic Devices (LRADs).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

The Tulare County District Attorney's Office is in current possession of Category 10 items.

Tulare County District Attorney's Office Military Equipment

CATEGORY 10- Specialized firearms and ammunition of less than .50 caliber

RIFLES

Shoulder-fired firearms, with rifling cut into its barrel, intended to cause projectiles to spin, improving accuracy over a long distance.

1. Description, capabilities, quantity, and cost:

a. AR-15 Style .223/5.56 Rifle- A lightweight, shoulder-fired, magazine-fed, gas operated semi-automatic rifle. Modular accessories aiding in the operation and use may vary on each individual rifle.

I. Colt M4 Carbine .223/5.56 Rifle equipped with a non-magnified optic, flashlight, modular hand guard and adjustable sling. Cost: \$1200, Quantity: (8), Link to Specifications: Colt.com.

II. Bushmaster XM15 5.56 Rifle. Cost: \$0 (Acquired from other agency), Quantity: (1), Link to Specifications: Bushmaster.com.

III. Armalite M15 5.56 Rifle- Cost: \$0 (Acquired from other agency), Quantity: (5), Link to Specifications: Armalite.com.

IV. PWA Commando 5.56 Rifle- Cost: \$0 (Acquired from other agency), Quantity: (1), Link to Specifications: unavailable.

V. Colt AR-15 5.56 lower receiver- Cost: \$0 (Acquired from other agency), Quantity: (2), Link to Specifications: Colt.com.

VI. Colt Sporter Lightweight .223 Rifle (Inert Training Gun)- Cost: \$0 (Acquired from other agency), Quantity: (1), Link to Specifications: Colt.com.

b. Ammunition.

I. Duty: Winchester 55gr Ranger Pointed Soft Point, Cost: \$0.52 per round, Quantity: 1,000 rounds, Link to Specifications: Winchester.com.

2. Purpose: A precision weapon used to address a threat with more accuracy at greater distances than a handgun.

3. Authorized Use: District Attorney Investigators deploying a carbine rifle must have received California POST certified training as set forth in the California Penal Code and must meet the Tulare County District Attorney's Office qualification requirements which at minimum bi-annual qualification with the rifle. The use of this equipment is also determined by Policy 300 Use of Force and Policy 306 Patrol Rifle. Situations that may warrant the deployment of a shoulder-fire rifle include but are not limited to situations where an officer reasonably anticipates an armed encounter, when an officer reasonably believes that a suspect may be wearing body armor, and or a situation that requires more accurate and effective long-range fire.

4. Expected Lifespan: Estimated to be 20 years, however dependent upon operational usage and wear.

5. Fiscal Impact: Annual maintenance for each rifle is approximately \$0 - \$100. Due to operational readiness and capabilities in support of District Attorney Investigators' missions, the periodic purchase of ammunition and or carbine rifles may be required during the year.

CHEMICAL AGENTS AND ACCESSORIES

Chemical agents, such as pepper spray (OC) are used in volatile situations, such as a riot where a danger to life and or property exists. They can be used by law enforcement to bring an incident under control where other methods would be ineffective or more dangerous, minimizing the risk or serious injury to suspects, District Attorney Investigators, and others.

Description, capabilities, quantity, and cost:

a. Pepper Ball Launcher- A compact lightweight 0.68 mm semi-automatic projectile launcher which uses high pressure air as a launching mechanism.

I. PepperBall FTC Launcher 0.68mm projectile launcher. Cost: \$500, Quantity: (2), Link to Specifications: pepperball.com.

b. Projectiles

I. Pepper ball Projectile PURPLE (Inert), fired from pepper ball launcher for training purposes. Cost: \$300, Quantity: 150, Link to Specifications: pepperball.com.

II. PepperBall Projectile RED (PAVA), fired from pepper ball launcher to provide small amounts of chemical agent, Cost: \$1300, Quantity: 300, Link to Specifications: pepperball.com.

2. Authorized Use: The above listed chemical agents and accessories are infrequently used but are effective in the quelling of combative subjects and or situations, while mitigating serious injury to involved parties. Deployment and use are relegated to POST certified district attorney investigators who have completed POST approved chemical agent training.

3. Life Span: Chemical agent projectiles have a recommended life span of three to five years.

4. Fiscal Impact: Annual maintenance for each launcher is estimated at \$0-\$150. Due to readiness and operational needs the purchase of projectiles may be required periodically during the year.

Section 7072 – Annual Military Equipment Report

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use:

None of the patrol rifles or the pepper ball launchers were deployed in the field for use.

(2) A summary of any complaints or concerns received concerning the military equipment:

No complaints or concerns were received during the 2023 year.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response:

No audits were conducted due no deployments of equipment throughout 2023. There were also no violations of policy or actions taken by the department.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report:

There were no cost incurred for any of the listed equipment. All training conducted throughout the year was done with existing items and no new purchases were made.

(5) The quantity possessed for each type of military equipment:

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I. Duty: Winchester 55gr Ranger Pointed Soft Point, Cost: \$0.52 per round, Quantity: (1,000 rounds) Link to Specifications: Winchester.com

Chemical Agents and Accessories

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 - I. Pepperball FTC Launcher 0.68mm projectile launcher. Cost: \$500, Quantity: (2), Link to Specifications: pepperball.com.
- b. Projectiles
 - I. Pepper ball Projectile PURPLE (Inert), fired from pepper ball launcher for training purposes. Cost: \$300, Quantity: 150, Link to Specifications: pepperball.com
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(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment:

There are no plans to acquire any additional equipment listed in Government Code 7071 during 2024.