AB-481 Law enforcement and state agencies: military equipment: funding, acquisition, and use. (2021-2022)

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Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. Funding, Acquisition, and Use of Military Equipment

7070. For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(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 Sections 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 a 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 "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(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.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) "Type" means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of the military equipment until it receives the approval

of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (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.

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

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

(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.

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

(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.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

MiraCosta College Police Department

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Valencia Warner-Saadat, Chief of Police

AB 481 Compliance Inventory

5.56 Rifle-Bushmaster	
Description	Bushmaster M4 Carbine Cal 5.56 Rifle
Quantity	7
Capability	This firearm can stop threats of great bodily injury or death from close to extended ranges. The platform is capable of firing more accurately and quicker than a pistol while holding more ammunition in the magazine.
Lifespan	Varies by use
Manufacturer's Description	Introducing the M4 Patrolman's™ Flat Top Rifle from Bushmaster® Firearms. Handcrafted in America and Proven® to perfection, it's the ideal rifle for duty, recreation, and sport shooting. Featuring a 16” 4150 CMV barrel with salt bath nitride finish, carbine-length gas system, and Midwest Industries Inc. Combat Rifle rear flip sight. Lightweight and compact, it includes a 30-round aluminum BFI® magazine, making it the ultimate choice for those who demand the best.
Purpose	These are a necessary force options because there is no reasonable alternative that can achieve the same objective of officer and community safety and will safeguard the public's welfare, safety, civil rights, and civil liberties.
Training Required	California Peace Officer Standards And Training Commission 16-hour patrol rifle course, plus yearly qualifications and in-service training.
Authorized Uses	Department personnel trained and qualified in its use. Used as a force option when allowed by Department Policy, state and federal law, and the US Constitution.
Fiscal Impact	Initial Cost: $1000.00 Recurring Costs: N/A Maintenance Costs: N/A Year Obtained: 2010 Funding Source: Department budget.

5.56 Rifle-Colt	
Description	Colt Manufacturing LLC - M4 Carbine (5.56)
Quantity	8
Capability	The Colt M4 Carbine is a lightweight, magazine-fed, gas-operated rifle in semi-auto.
Lifespan	Varies by use
Manufacturer's Description	Throughout the world today, Colt's reliability, performance, and accuracy provide our armed forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat proven brother, the Colt M4.
Purpose	These are a necessary force options because there is no reasonable alternative that can achieve the same objective of officer and community safety and will safeguard the public's welfare, safety, civil rights, and civil liberties.
Training Required	California Peace Officer Standards And Training Commission 16-hour patrol rifle course, plus yearly qualifications and in-service training.
Authorized Uses	Department personnel trained and qualified in its use. Used as a force option when allowed by Department Policy, state and federal law, and the US Constitution.
Fiscal Impact	Initial Cost: $1000.00 Recurring Costs: N/A Maintenance Costs: N/A Year Obtained: 2013 Funding Source: Department budget

5.56 Ammunition	
Description	Winchester Q3131 5.56 55Grain
Quantity	4246 - Inventory Varies
Capability	Caliber: 5.56 Bullet Weight: 55 grain Bullet Style: Ful Metal Jacket Muzzle Velocity: 3270 fps
Lifespan	Consumable item, replaced as needed.
Manufacturer's Description	Backed by generations of legendary excellence, Winchester “USA White Box” stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of hunter’s and shooter’s needs.
Purpose	Maintaining perishable marksmanship skills.
Training Required	N/A
Authorized Uses	Used for training purposes only at facilities requiring this type of ammunition.
Fiscal Impact	Initial Cost: $359.00 per 1000 rounds Recurring Costs: N/A

	Maintenance Costs: N/A Year Obtained: 2016-2020 Funding Source: Department budget

5.56 Ammunition	
Description	Winchester RA 556B 5.56 55Grain
Quantity	1143
Capability	Caliber: 5.56 Bullet Weight: 64 grain Bullet Style: Bonded Solid Base Muzzle Velocity: 2935 fps
Lifespan	Consumable item, replaced as needed.
Manufacturer's Description	Winchester® Ranger ammunition can be relied on to deliver consistent stopping power in real world situations. The Winchester brand has helped protect law enforcement officers and defend the general public for more than 145 years. Combining innovation, comprehensive testing and a proven track record of success; Ranger ammunition is designed to meet the toughest requirements set by the law enforcement community.
Purpose	Maintaining perishable marksmanship skills. To safely resolve critical situations by allowing for a force option that is deployable at range. These are a necessary force option because there is no reasonable alternative that can achieve the same objective of officer and community safety, and will safeguard the public's welfare, safety, civil rights and civil liberties.
Training Required	N/A
Authorized Uses	Department personnel trained and qualified in its use. Used as a force option when allowed by department policy, state and federal law and the US Constitution.
Fiscal Impact	Initial Cost: $684.20 per 1000 rounds Recurring Costs: Consumable item replaced as needed Maintenance Costs: N/A Year Obtained: 2016-2020 Funding Source: Department budget

Remington 870-Less Lethal	
Description	Remington 870 Shotgun-Less Lethal Munition Designated, orange synthetic stock
Quantity	8
Capability	Delivery of Less Lethal kinetic energy munitions.
Lifespan	Varies by use
Manufacturer's Description	The Remington Model 870 Pump Shotgun is a reliable 12-gauge with double-action bars for smooth pump operation. A steel lined/grooved fore-end provides a stronger grip, while the Flexi tab feeding system provides positive and easier cycling. A less-lethal application shotgun is available with the addition of a blaze orange synthetic Speed Feed stock and fore-end for the instant recognition required.
Purpose	Deployment of munitions at close to intermediate range. These are a necessary force option because there is no reasonable alternative that can achieve the same objective of officer and community safety and will safeguard the public's welfare, safety, civil rights, and civil liberties.
Training Required	Annual in service training .
Authorized Uses	Department personnel trained and qualified in its use. Used as a force option when allowed by Department Policy, state and federal law, and the US Constitution.
Fiscal Impact	Initial Cost: $600.00 Recurring Costs: N/A Maintenance Costs: N/A Year Obtained: 2018 Funding Source: Department budget.

12 Gauge Bean Bag Less Lethal Munition	
Description	CTS 2581 12 Gauge Super-Sock ® Bean Bag, Point Control Impact Munition
Quantity	158
Capability	This less lethal force option allows for direct impact to a maximum effective range of 75 feet.
Lifespan	Consumable item replaced as needed.
Manufacturer's Description	The Model 2581 Super-Sock® is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock® is an aerodynamic projectile, and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock® is first in its class providing point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. The effective range is 75ft.
Purpose	To safely resolve critical situations by allowing for a force option that is deployable at range. These are a necessary force option because there is no reasonable alternative that can achieve the same objective of officer and community safety and will safeguard the public's welfare, safety, civil rights, and civil liberties.
Training Required	Annual in service training.
Authorized Uses	Department personnel trained and qualified in its use. Used as a force option when allowed by Department Policy, state and federal law, and the US Constitution.
Fiscal Impact	Initial Cost: $6.00 per round Recurring Costs: Consumable items replaced as needed. Maintenance Costs: N/A Year Obtained: 2018 Funding Source: Department funds.

Unmanned Aircraft Systems (UAS) - Drone	
Description	DJI Mavic 3 Fly More Combo - Quadcopter Drone
Quantity	1
Capability	UAS can support first responders in any hazardous incident which would benefit from an aerial perspective. These uses could include search and rescue, barricaded suspects or high-risk tactical operations, disaster response, and video and photographic documentation of special events as well as crime scenes.
Lifespan	Approximately 5 years.
Manufacturer's Description	Capture stunning imagery with the legendary Hasselblad drone camera and enjoy a smooth flight with omnidirectional obstacle sensing. Every improvement on Mavic 3 sets a higher standard for aerial photography. Fly with Mavic 3 and discover imaging above everything.
Purpose	Primarily to provide aerial support Facilities personnel. Can also be used to safely search buildings or other structures as a safer alternative to inserting police personnel.
Training Required	To be determined once acquired and will be outlined in the policies and procedures manual.
Authorized Uses	Uses for the UAS include but are not limited to: Searches (i.e. for an outstanding suspect, article search, public safety hazard), video/photographs for investigative support, HAZMAT response, search and rescue, missing persons, barricaded persons, traffic collision investigations, Overwatch for officers and SWAT operations, disaster response, and special events
Fiscal Impact	Initial Cost: $2,816.17 Recurring Costs: None Maintenance Costs: ~$100 Year Obtained: 2022 Funding Source: Facilities Department budget.

Command Trailer **(Decommissioned)**	
Description	24’ Weekend Warrior Travel Trailer
Quantity	1
Capability	For use as a mobile command post during emergency operations.
Lifespan	10 years however Varies depending on use.
Manufacturer's Description	A Montclair, California company, and trailer and motorhome builder, Weekend Warrior entered the marketplace in 1992. Fifth wheel and travel trailers have been built by Weekend Warrior ranging up to 43 feet in length. Weekend Warrior motorhomes (first constructed in 2008) are focused on a Class C configuration powered by a diesel engine.
Purpose	The command trailer is utilized as a remote command center in the event that all other Emergency Operations Centers are unavailable.
Training Required	As needed, how to attach to tow.
Authorized Uses	To be used in cases of an emergency where a remote emergency operations center is needed.
Fiscal Impact	Initial Cost: $29,223.65 Recurring Costs: Varies Maintenance Costs: Varies Year Obtained: 2008 Funding Source: Department budget.

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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706.2 POLICY

It is the policy of the MiraCosta College Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of MiraCosta College Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[Insert attachment here]

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

706.6 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.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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The Board of Trustees has established the MiraCosta College Police, under the supervision of a Chief of Police, shall report directly to the Assistant Superintendent/Vice President of Administrative Services. The purpose of the department is to enforce the law on or near the campuses, centers, and other grounds or properties owned, operated, controlled, or administered by the district or by the state acting on behalf of the district.

District police officers shall be employed as members of the classified staff but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Government Code §1031 and Penal Code §§830.32 (a), et seq.

Public safety services must adhere to principles of diversity, equity, inclusion, and accessibility. Public safety services must advance access to education, educational equity, and opportunities for student success by creating safe, secure, peaceful, and inclusive campus environments in which all persons may fully develop their individual potential without fear or undue risk of physical or emotional harm.

The superintendent/president shall establish minimum qualifications of employment for the chief of police, including, but not limited to, prior employment as a peace officer or completion of a peace-officer-training course approved by the Commission on Peace Officers' Standards and Training (POST).

The superintendent/president shall ensure that every member of the College Police Department first employed by the district before July 1, 1999, satisfies the requirements of state law regarding qualifications for continued employment.

Every member of the College Police Department shall be issued a suitable identification card and badge bearing the words "MiraCosta College Police."

The superintendent/president, in cooperation with the chief of police, shall issue such other regulations as may be necessary for the administration of the College Police. Sworn police officers and dispatchers of the College Police Department shall comply with all POST requirements.

Adoption History:	11/3/09, 5/20/21, 1/18/24
Periodic Review:	7/7/15, 3/16/16
References:	Education Code §§72330 et seq. Government Code §§3300 et seq.
CCLC Update:	#16, 4/09, #28, 4/16, #36, 4/20, #42, 4/23, #42 Addendum, 5/23
Steering:	VPAS

Use of Military Equipment

The superintendent/president will develop procedures to ensure the chief of police obtains approval from the Board of Trustees of a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment as defined in the Government Code.

Campus Policing and Student Success

The superintendent/president will develop procedures to ensure the district develops a "Public Safety Compact" with district stakeholders, including college police officers. The Public Safety Compact will establish the district's requirements for the delivery of public safety-related services on campus, including the respective roles and responsibilities of administrators, faculty, college police officers, mental health and social services workers, crisis counselors, community non-profits, and other related service providers in responding to the public safety needs of the college.

The district will establish a public safety advisory committee to make recommendations to the district governing board related to district policies governing college public safety services. The district will engage in active efforts to recruit advisory committee members from historically underserved communities.

Policing Data

The superintendent/president will develop procedures to ensure the chief(s) of police will record policing data metrics, including key performance indicators, track data related to traffic stops and other officer-initiated contacts, and conduct stakeholder climate surveys focused on college public safety services.

Use of Force

The chief of police shall obtain approval from the Board of Trustees to adopt a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment. The superintendent/president shall submit the proposed military equipment policy to the Board of Trustees and make those documents available on the College Police Department website at least 30 days prior to any public hearing concerning the military equipment at issue. The Board of Trustees shall consider the proposed military equipment policy as an agenda item for an open session meeting in accordance with the Brown Act.

Report Regarding Complaints

The chief(s) of police shall regularly provide the board with a report regarding complaints against the College Police Department and police officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the board.

See Administrative Procedures 7600.

Human Resources is delegated the responsibility to establish minimum qualifications of employment for the college chief of college police, and all campus public safety personnel including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers' Standards and Training. The employment of campus public safety personnel will be subject to the equal employment opportunity regulations.

The College Police Department must participate in Peace Officer Standards and Training Commission programs. All college police officers must be certified by the Commission. College police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830 et seq. The district requires in the hiring, retention, and promotion of college police officers that officers demonstrate a commitment to policing with a commitment to policing using an equity-minded and trauma-informed approach. College police officers must adhere to community policing principles and evidence-based policing practices as defined in the applicable Title 5 regulations.

Every member of the College Police first employed by the district before July 1, 1999, must, in order to retain their employment, meet the requirements of Education Code §72330.2, including but not limited to:

A. Submission of one copy of their fingerprints, which shall be forwarded to the Federal Bureau of Investigation.

B. A determination that the employee is not a person prohibited from employment by a California community college district.

C. If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Every member of the College Police shall be supplied with, and authorized to wear, a badge bearing words "MiraCosta College Police." Every member of the College Police shall be issued a suitable identification card.

Effective Date:	11/3/09, 2/19/16, 5/6/21, 11/2/23
Periodic Review:	7/7/15, 3/10/22
References:	Education Code §72330 Government Code §§3300 et seq. and 7070 et seq.; Penal Code §830 et seq.; Title 5 Sections 51028, 51100, 51102, and 59700 et seq.
CCLC Update:	#28, 4/16; #32, 4/20; #38, 4/21, #42, 4/23, #42 Supplemental, 5/23
Steering:	VPAS / N/A

Salaries for College Police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the Classified Senate and Classified Administrators.

The district, in cooperation with the Chief of College Police, shall issue such other regulations as may be necessary for the administration of the College Police, including:

A. Schedules and shifts.

B. Hiring procedures in compliance of Peace Officers' Standards and Training (POST) standards.

C. Call-back procedures.

D. Weapons practices and weapons retention.

E. Use of vehicles.

F. Pursuit practices.

G. Use of Force procedures.

H. Discipline procedures.

I. Training

J. Department of Justice, California Law Enforcement Telecommunications System (CLETS) Training. Complete CLETS use and training information can be found in the MiraCosta College Police Procedures Manual.

College police officers must participate in regular training related to the conduct and methods of community policing, anti-bias, cultural responsibility, conflict avoidance, and de-escalation. College police officers shall receive community college-specific training as required by the law, and as made available by the commission.

The district must provide college police officers routine mental health services and prompt referral to crisis counseling following any critical incident.

The College Police Department shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault;
- Geographical boundaries of the operational responsibilities; and
- Mutual aid procedures.

Report Regarding Complaints
The Chief of Police shall provide the Board of Trustees, when requested, with a report regarding complaints against the police department and police officers. This report

must disaggregate the complainants by race/ethnicity, gender identity, sexual orientation, disability, or any other characteristic identified by the board.

Use of Military Equipment
The chief of police will work with the superintendent/president to ensure the Board of Trustees approves a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment as defined in the Government Code §7070. The chief of police shall submit the proposed military equipment policy to the Board of Trustees through the superintendent/president and make those documents available on the police department website at least 30 days prior to any public hearing concerning the military equipment at issue.

If the College Police Department receives approval for the military equipment use policy, it shall submit to the Board of Trustees an annual military equipment report for each type of military equipment approved by the Board of Trustees within one year of approval, and annually thereafter for as long as the military equipment is available for use. The College Police Department shall also make each annual military equipment report available on its internet website for as long as the military equipment is available for use. The Board of Trustees shall annually review the policy and either disapprove a renewal of the authorization of the military equipment use policy or amend the policy if it determines that the military equipment does not comply with the standards set forth state law.

The Board of Trustees prohibits auxiliary organizations from purchasing military equipment, unless authorized by the Board of Trustees following standards required by law for the purchase of equipment for police agencies made with public funds.

Campus Policing and Student Success
College police officers are required to offer contact information to individuals they stop or otherwise subject to a police officer-initiated interaction, except where doing so would pose a safety risk.

The district encourages individuals who have interacted with college public safety personnel to submit to the district a response related to the interaction. The chief of police will establish a process to encourage individuals to submit a response.

The district requires college police officers to attend and participate in campus activities not involving a “police response” or other formal public safety-related activities, such as participating in student events when invited, in town halls, convocations, and other similar events where informal or social interactions with other campus stakeholders is possible.

Public Safety Data
The chief(s) of police shall record policing data metrics, including key performance indicators, track data related to traffic stops and other officer-initiated contacts; and conduct stakeholder climate surveys focused on campus public safety services. The chief(s) of police will establish a process to solicit responses regarding the individual’s perception of the interaction and the district’s public safety practices, via an accessible method for all individuals to provide responses. Such responses shall be permitted to be anonymous. The chief of police shall provide to the Advisory Board an aggregated summary or otherwise anonymized version of the responses received. Retaliation against anyone responding, including the use of a response in a disciplinary proceeding

against the responder, is prohibited. This process is separate from any disciplinary or personnel proceeding, and information, data, and records developed under this process shall not be maintained in any personnel file.

MOU/Clery

The College Police shall maintain Memoranda of Understanding with appropriate local law enforcement agencies in accordance with the requirements of Education Code §67381 and the federal Clery Act. The agreement shall address, but not be limited to, the following:

A. Operational responsibilities for investigations of the following violent crimes:

1. Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
2. Sex offenses: rape, fondling, incest, statutory rape
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson
8. Arrests and referrals for disciplinary action for liquor law violations, drug law violations, and
9. weapons law violations
10. Hate crimes for all of the above crimes and crimes of larceny-theft, simple assault, intimidation, vandalism/damage/destruction of property, motivated by a bias from one of the bias categories;
11. Dating violence, domestic violence, and stalking

B. Geographical boundaries of the operational responsibilities.

C. Mutual-aid procedures.