

Policy
706

Costa Mesa
Police Department
Costa Mesa PD Policy Manual

Assembly Bill (AB) 481 Equipment Use Policy

706.1 PURPOSE AND SCOPE

This policy provides guidelines to comply with State law for the approval, acquisition, and reporting requirements of specific 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.

Specified 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 and ammunition.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- “Flashbang” grenades and explosive breaching tools.
- Munitions containing, “tear gas,” and pepper balls, excluding standard, service-issued handheld pepper spray

- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the policy of the Costa Mesa Police Department that members of this department comply with the provisions of Government Code § 7071.

706.3 AB 481 EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the coordinator of all equipment mandated by State law to be approved under this policy.

The responsibilities of the 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 AB 481 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 AB 481 equipment at least annually.
- (d) Collaborating with any allied agency that may use AB 481 equipment within the jurisdiction of Costa Mesa 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 AB 481 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.

706.4 AB 481 EQUIPMENT CONSIDERATIONS

- (a) The AB 481 equipment acquired and authorized by the Department is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 2. Reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (b) AB 481 equipment shall be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed unless exigent circumstances arise.

706.5 AB 481 EQUIPMENT INVENTORY

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

[See attached: AB 481 Equipment Inventory.pdf](#)

706.6 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the AB 481 equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed AB 481 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 AB 481 equipment at issue (Government Code § 7071). The AB 481 equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting AB 481 equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for AB 481 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 AB 481 equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of AB 481 equipment within the jurisdiction of this department.
- (e) Using any new or existing AB 481 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 AB 481 equipment.
- (g) Acquiring AB 481 equipment through any means not provided above.

706.7 COORDINATION WITH OTHER JURISDICTIONS

AB 481 equipment "military equipment" used by any member of this department shall be in accordance with this policy and all applicable department policies. AB 481 equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective policies in rendering mutual aid. Situations may arise where Costa Mesa Police Department may deploy or use equipment owned by other law enforcement agencies.

The Costa Mesa Police Department hereby adopts the AB 481 equipment use policy as is approved, and may be amended from time to time, under Government Code section 7070, et seq., for jurisdictions that the Costa Mesa Police Department may engage with to provide mutual aid. This section is in no way a limitation to the ability of the Costa Mesa Police Department to deploy or use the equipment identified in AB 481 of another jurisdiction.

706.8 ANNUAL REPORT

Upon approval of an AB 481 equipment use policy, the Chief of Police or the authorized designee should submit an AB 481 equipment report to the governing body for each type of AB 481 equipment acquired within one year of approval, and annually thereafter for as long as the AB 481 equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual AB 481 equipment report publicly available on the department website for as long as the AB 481 equipment is available for use. The report shall include all of the following information:

- (a) A summary of how the equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the equipment.
- (c) The results of any internal audits, any information about violations of the AB 481 equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of equipment in the policy, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the AB 481 equipment in the calendar year following submission of the annual report.
- (e) The quantity possessed for each type of AB 481 equipment.
- (f) If the Department intends to acquire additional equipment mandated by the State for approval in the next year, the quantity sought for each type of equipment.

706.9 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 AB 481 equipment.

706.10 COMPLAINT PROCEDURE

This procedure is to ensure compliance with the military equipment use policy. All complaints, concerns, or questions regarding this policy will be handled pursuant to the Department's normal complaint process.