



Port of San Diego Harbor Police

California Assembly Bill 481 Military Equipment Use Outline

HPD Equip List



Policy 712



Why Does the Harbor Police Need This Equipment?

- To protect life and safeguard the community.
- To de-escalate and bring a safe resolution to critical incidents.
- To properly equip our officers so they can safely perform their jobs.

WHAT IS MILITARY EQUIPMENT?

- Commonly used police equipment that was redefined by the California State Legislature under AB481.
- This includes command vehicles, drones, less lethal tools, and other equipment already used by HPD.
- None of the equipment used by the HPD was obtained from the military and we do not participate in the federal 1033 Surplus Military Equipment Program.

AB 481 Background

- Introduced in the CA Senate in early 2021, passed in Sept of 2021
- Author: Senator David Chiu (now SF Attorney General)
- Modified an existing law (Government Code 7070-7075)
- Designed to create more transparency in law enforcement

AB 481(cont'd):

- 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...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 (LESO 1033 program).
- (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. (i.e. T&E)

Governing body: Board of Port Commissioners

Military Equipment Use Policy: HPD Policy 712

AB 481 (cont'd):

- **Military equipment as defined in California State Assembly Bill (AB) 481/Government Code 7070(c):**
 1. Unmanned, remotely piloted, powered aerial or ground vehicles.
 2. Armored personnel carriers.
 3. Humvee type vehicles **(Not applicable at HPD)**
 4. Tracked armored vehicles **(Not applicable at HPD)**
 5. Command and control vehicles
 6. Weaponized aircraft **(Not applicable for HPD)**
 7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. **(Not applicable for HPD)**
 8. Firearms of .50 caliber or greater. **(Not applicable for HPD)**
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this definition.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, except for standard issue service weapons and ammunition of less than .50 caliber that are issued to sworn members.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles. **(Not applicable for HPD)**
 12. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld OC.
 13. Long Range Acoustic Device (LRAD).
 14. 40mm projectile launchers, “bean bag”, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

AB 481(cont'd):

- No later than May 1, 2023, 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.
- The 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.

Assembly Bill (AB) 481

Military Equipment Use Policy

[READ THE FULL BILL FOR AB 481](#)

- [Policy 712 Port of San Diego Harbor Police](#)
- [Port of San Diego Harbor Police Military Equipment list](#)

- 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

AB 481(cont'd):

Additionally, Military Equipment Use procedure must allow for:

- Annual use reporting
- Complaint/audit process for misuse
- Total cost of program for agency
- Quantity possessed of each item
- Quantity sought for any new/replacement item

Government Code sections 7072 (a)(1) through a(6)



- QUESTIONS?

481 Usage Report/Document for 2023

