

CALIFORNIA AB 481



TRANSPARENCY & COMMUNITY DISCOURSE ON LAW ENFORCEMENT USE OF MILITARY EQUIPMENT

AB 481 is a 2021 California state law requiring that 1) **use policies** for military equipment used by law enforcement agencies (LEAs) must be **reconsidered and re-approved annually** by elected officials, with input from the public; and 2) **use reports** on military equipment must be **released annually** by law enforcement agencies and shared with both the public and elected officials.

The processes established through AB 481 are cyclical, collaborative, and provide communities with an opportunity to bring transparency to militarized law enforcement gear & to push back on the widespread use of this weaponry.

MILITARY EQUIPMENT

is defined by AB 481 as the following:

- **Armored vehicles, tracked vehicles**, vehicles with **breaching apparatus**, and **command-and-control vehicles**.
- **“Less lethal” launchers, munitions and chemical agents**. Handheld “pepper spray” is excluded in AB 481.
- **Assault rifles** of any caliber, such as AR-15 or M4, and their munitions; often referred to by LEAs as “patrol rifles.”
- **>.50 caliber rifles** and their munitions.
- **Drones and robots**
- **Long Range Acoustic Devices (LRADs)**
- **Explosive breaching equipment**. Handheld, single-person battering rams are excluded in AB 481.

USE POLICY

must address, at a minimum, the following for each type of military equipment:

1. A **description** of the 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 proposes the military equipment.
3. The **fiscal impact**, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. This can also include **costs for personnel, acquisition, training, storage, maintenance, transportation, upgrade, funding source, and other costs**.
5. The **legal and procedural rules** that govern each authorized use.
6. The **training** that must be completed before any officer, agent, or employee of the LEA is allowed to use the military equipment.
7. 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.
8. The procedures by which members of the public may **register complaints or concerns** or submit questions, and how the LEA will ensure that each complaint, concern, or question receives a response in a timely manner.

ANNUAL USE REPORTS

published by law enforcement agencies must include, at a minimum, the following six elements for each type of equipment:

1. A **summary** of how each type of equipment was used and the purpose of that use;
2. The **quantity** possessed of each type of equipment
3. Annual **costs** for each type of equipment, including **acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs**;
4. Summary of **complaints** or concerns received for each type of equipment;
5. Information disclosing **violations** of military equipment policies and actions taken in response, as well as result of internal audits; and,
6. **Plans to acquire** additional military equipment in the coming year, and the quantity sought.

DECISION PROCESS

To permit the use or acquisition of military equipment, elected officials must re-approve the use policy after determining, in a public meeting, the following:

1. The military equipment is necessary because there is **no reasonable alternative** that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will **safeguard the public’s welfare, safety, civil rights, and civil liberties**.
3. 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.
4. Prior military equipment use **complied** with the military equipment use policy.

