

RESPONSIBILITIES OF ELECTED OFFICIALS FROM STATE LAW AB 481



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California state law requires governing bodies to make an annual review of the current **military equipment use policy** & to vote on **what** and **how** military equipment may be used by law enforcement.

When reviewing the current **use policy**, the governing body must make the following determinations:

1. The policy safeguards the public's welfare, safety, civil rights, civil liberties.



2. There are no reasonable or more cost-effective alternatives to meet safety objectives.



3. Past use complied with current use policy.



How does the governing body make these determinations?

State law gives law enforcement agencies the responsibility to annually report on military equipment use, costs, and inventory. Agencies are also responsible for holding a community engagement meeting regarding the contents of the report each year. **State law requires governing bodies** to make the above determinations in an annual review of the law enforcement agency's use of and policies for its military equipment, and **vote on whether to request changes, renew the policy, or decline to renew the policy**. The annual use report and community feedback can help inform governing bodies in making their determinations.

Annual use report
(Law enforcement agency)



Community feedback



Annual review of **use policy**
(Governing body)

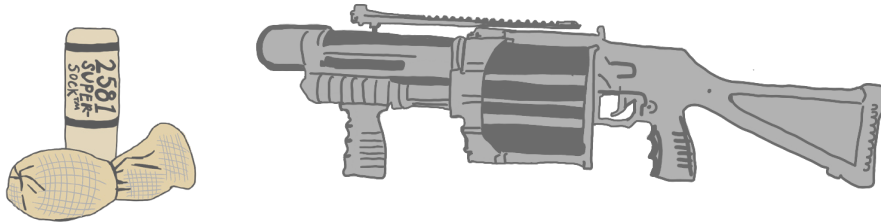


HOW TO MAKE AB481 DETERMINATIONS AND FULFILL STATE LAW RESPONSIBILITIES



State law requires governing bodies to make **annual determinations** on law enforcement policies for use of **military equipment** to decide whether to **approve, reject, or request revision** in the law enforcement's inventory and policy. The state law provides several resources for governing bodies to make these determinations. Once the law enforcement agency has published an annual report on use of military equipment, state law also requires a **community engagement meeting** for members of the public to express concerns or ask questions.

Here are a few sample questions that could be used to help make these determinations for “less lethal” weapons, a type of military equipment governed by AB481:



Illustrations of bean bag rounds and a bean bag launcher, types of military equipment that fall under the “less lethal” category defined by AB481.

DETERMINE: Does the policy safeguard the public's welfare, safety, civil rights, and civil liberties?

- Does the policy **describe authorized uses**, or is use determined by an officer? If the latter, what policy protections would prevent potentially **discriminatory or harmful use**?
- Does the policy offer any speed bumps to use against members of **vulnerable populations**? Children, elderly, pregnant, disabled, mentally ill, in crisis, etc?
- Could these be shot at a person who is **unable to comply**? For example, someone who is physically trapped, non-English speaking, or unable to comprehend or immediately comply with verbal instructions?

DETERMINE: Are there reasonable, cost-effective alternatives that would meet safety objectives?

- What are best practices by other cities/counties for responding to people in **mental health crisis**? Could their approaches be a reasonable alternative that would support your city/county in the same situation?
- When a person **detained in jail** refuses to comply with law enforcement orders, what alternatives to military equipment deployment are used in similar situations where people are involuntarily detained, such as in other jails or in psychiatric hospitals? Could these be reasonable alternatives?
- Would a **non-armed response** be a reasonable, cost-effective alternative that would meet safety objectives for some of the situations where firing “less lethal” weapons are authorized?

DETERMINE: Did past use comply with policy – and with your understanding of that policy?

- What does the annual use report describe about the circumstances for use of military equipment, about use with **children or vulnerable populations present**, or about **disproportionate use** on people of color, in poorer neighborhoods, or unhoused people?
- If the report doesn't describe circumstances of use, how will you determine whether a differently-trained first responder could have achieved the same public safety outcome **without using military equipment**?
- Has there been a recorded **community engagement meeting** that you can access? How have community members experienced the use of “less lethal” weapons?