

## INTRADEPARTMENTAL CORRESPONDENCE

December 7, 2021

1.14

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** PROCUREMENT AND USE OF MILITARY EQUIPMENT NOTICE

### RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the Notice regarding the Department's procurement and use of military equipment.

### DISCUSSION

On September 30, 2021, Governor Newsom signed Assembly Bill (AB) 481 into law, which established protocols for law enforcement agencies regarding the funding, acquisition, and use of "military equipment." The bill has augmented Government Code Section 7070 et seq. and designated the following items within the statute as "military equipment:"

- Unmanned, remotely piloted, powered aerial or ground vehicles;
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers, excluding police versions of standard consumer vehicles (i.e., black and whites);
- 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, excluding unarmored, all-terrain vehicles (ATVs) and motorized dirt bikes;
- Tracked, armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion;
- 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;

**Note:** Items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person are excluded.

- Firearms of .50 caliber or greater, excluding standard issue shotguns;
- Ammunition of .50 caliber or greater, excluding standard issue shotgun ammunition;
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, excluding 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;
- Any firearm or firearm accessory that is designed to launch explosive projectiles;

3.3.1

- “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray;
- Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD);
- Projectile launch platforms and their associated munitions, specifically 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons; and,
- Any other equipment as determined by a governing body (i.e., Los Angeles City Council) or a state agency to require additional oversight.

The governing body regarding the Department’s compliance with AB 481 is the Los Angeles City Council. The centerpiece of the bill is the requirement of a comprehensive annual report itemizing all the military equipment within the Department’s inventory, including costs and training associated with each item, as well as data on the use and misuse of those items during the specified period. The report must be completed annually and presented to the City Council. The bill takes effect January 1, 2022, and the attached Notice sets in motion the Department's operational plan for completing the annual report.

Should you have additional questions regarding this matter, please contact Director Lizabeth Rhodes, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,



MICHEL R. MOORE  
Chief of Police

Attachment

## OFFICE OF THE CHIEF OF POLICE

### NOTICE

1.14

**TO:** All Commanding Officers

**FROM:** Chief of Police

**SUBJECT:** PROCUREMENT AND USE OF MILITARY EQUIPMENT

### BACKGROUND

On September 30, 2021, Governor Newsom signed Assembly Bill (AB) 481 into law, which established protocols for law enforcement agencies regarding the funding, acquisition, and use of “military equipment.” The bill has augmented Government Code Section 7070 and encompasses many items (i.e., varied weapon systems, munitions, and vehicles) in its definition of military equipment. The governing body regarding the Department’s compliance with AB 481 is the Los Angeles City Council. The centerpiece of the bill is the requirement of an annual report itemizing all the military equipment within the Department’s inventory, including costs and training associated with each item, as well as data on the **use and misuse** of those items during the specified period.

### PURPOSE

The purpose of this Notice is to notify Department personnel that the bill takes effect January 1, 2022, after which **no new equipment may be acquired nor funding sought** for items outlined in AB 481 until the Department’s use of military equipment is approved by the City Council. The Notice additionally outlines the Department entities and their respective responsibilities in complying with the mandates of Government Code Section 7070. To ensure compliance, the Department sets forth the below tasks and responsibilities:

- I. **Development of New Department Form.** Government Liaison Section (GLS), Office of the Chief of Staff, Metropolitan Division and Emergency Services Division (ESD), Office of Special Operations, and Evaluation and Administration Section (EAS), Office of Operations, will develop a comprehensive new Department form to capture the data required for reporting, as directed by the Los Angeles City Council.
- II. **Form Evaluation and Introduction.** The Policy Analysis and Development Unit (PADU), Office of Constitutional Policing and Policy, will conduct an E-Review of the proposed form and draft an Administrative Order introducing it to the Department.

III. **Inventory Management and Reporting.** Information Technology Bureau (ITB), Fiscal Group (FG), Training Bureau (TB), Metropolitan Division, ESD, and EAS will be responsible for ensuring:

- Online form maintenance and security (i.e., a tracking system);
- Accurate reporting of all inventory; and,
- Timely and accurate reporting of equipment use throughout the Department.

IV. **Use and Misuse Reporting.** Critical Incident Review Division (CIRD) and Force Investigation Division (FID) will be responsible for compiling data on the use and misuse of all weapon systems and munitions.

V. **Annual Reporting.** Audit Division, GLS, Media Relations Division, and CIRD will be responsible for producing the annual report for the Los Angeles City Council, as approved by the Board of Police Commissioners.

**Note:** Assembly Bill 481 requires that the Department make public the first inventory report at least 30 days prior to the deadline for the first reporting event with the City Council, **occurring on or before May 1, 2022.**

**Commanding Officer's Responsibilities.** Commanding officers shall be responsible for ensuring that the personnel under their command comply with this Notice.

If you have any questions regarding this Notice, you may contact the Office of Constitutional Policing and Policy, at (213) 486-8730.



MICHEL R. MOORE  
Chief of Police

DISTRIBUTION "B"