

City of Fresno

Assembly Bill 481 - Military Equipment Funding, Acquisition and Use Policy

Assembly Bill 481 was presented by the California State Legislature to allow community input and approval of the funding, acquisition, and use of military equipment by law enforcement agencies in this state. AB 481 requires all California law enforcement agencies to “obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.” The full text of AB 481 is available on this website.

AB 481 was signed into law by Governor Newsome on September 30, 2021, with an effective date of January 1, 2022.

As a new law, AB 481 (codified under California Government Code 7070) requires the Fresno Police Department to receive City Council approval, in the form of a Municipal Ordinance and approval of the Fresno Police Department Military Equipment Use Policy. This approval, once obtained, would allow the Fresno Police Department to continue to use military equipment as described in AB 481 which was acquired by the Fresno Police Department prior to January 1, 2022. If passed by the City Council, AB 481 would then require the Fresno Police Department to seek annual renewal of this City Council approval.

Annual renewal by May of 2023, would require the Fresno Police Department to solicit community input on the use of military equipment through public meetings, reviewing any complaints or concerns received in the prior year regarding military equipment, a review of any field applications of military equipment by the Office of Independent Review, a current inventory of all equipment, and other requirements pursuant to AB 481. This information will be presented in the form of an Annual Report to Council. Approval of this Report would allow the Fresno Police Department to continue to use of AB 481 military equipment in accordance with the Fresno Municipal Code requirements.

AB 481 Definition of Military Equipment (California Government Code 7070)

AB 481, as codified under California Government Code section 7070, defines the following 15 categories of items as military equipment:

- **Category 1**: Unmanned, remotely piloted, powered aerial or ground vehicles.
- **Category 2**: Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

- **Category 3:** 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. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision. ***Fresno PD does not have or utilize this equipment type.***
- **Category 4:** Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion. ***Fresno PD does not have or utilize this equipment type.***
- **Category 5:** Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- **Category 6:** Weaponized aircraft, vessels, or vehicles of any kind. ***Fresno PD does not have or utilize this equipment type.***
- **Category 7:** Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- **Category 8:** Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision. ***Fresno PD does not have or utilize this equipment type.***
- **Category 9:** Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- **Category 10:** Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in § 30510 and §30515 of the Penal Code, with the exception of 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 state agency.
- **Category 11:** Any firearm or firearm accessory that is designed to launch explosive projectiles.
- **Category 12:** “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepperballs,” excluding standard, service-issued handheld pepper spray.
- **Category 13:** Taser Shockwave, microwave weapons, water cannons, and Long Range Acoustic Devices (LRADs). ***Fresno PD does not have or utilize this equipment type.***
- **Category 14:** The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

- **Category 15:** Any other equipment as determined by a governing body or a state agency to require additional oversight.

The Fresno Police Department currently utilizes AB 481 defined Military Equipment that meets the criteria for 10 of the 15 categories (categories 1, 2, 5, 7, 9, 10, 11, 12, 14 and 15). The specifications of each category including a complete inventory of this equipment utilized by the Fresno Police Department is contained on this website for public review.

Steps taken to comply with AB 481

AB 481 requires each law enforcement agency's governing body to adopt a written military use policy by ordinance in a public forum to continue the use of previously acquired equipment. In full transparency, the Fresno Police Department has posted several items on the City of Fresno website, 30 days prior to City Council action including the full text of AB 481, the Fresno Police Department Draft Policy 706 which outlines the department's policy for the Funding, Acquisition and Use of Military Equipment, and the current inventory of all military equipment as listed pursuant to AB 481.

Public Input Regarding AB 481

The Fresno Police Department has a well-established means for the public to submit questions, comments, and concerns in a variety of ways. Any community member wishing to submit a question or complaint with regards to the Fresno Police Department's use of military equipment or the draft Military Equipment Use Policy may do so in person, online, by email or by phone.

For public comments in person, individuals may go to the following locations:

- Fresno Police Headquarters, 2323 Mariposa Mall, Fresno, CA. 93721
- Southwest Policing District Station, 1211 Fresno St. Fresno, CA. 93706
- Northwest Policing District Station, 3074 W Shaw Ave. Fresno, CA. 93711
- Northeast Policing District Station, 1450 E Teague Ave. Fresno, CA. 93720
- Central Policing District Station, 3502 N. Blackstone Ave. Fresno, CA. 93726
- Southeast Policing District Station, 224 S. Argyle Ave. Fresno, CA. 93727

Comment forms may also be available at these other police, government, and community facilities:

- Fresno City Hall, City Manager's Office, 2600 Fresno St. Fresno, Ca 93721
- Hinton Community Center, 2385 S. Fairview St. Fresno, CA 93706
- Mosqueda Community Center, 4670 E. Butler Ave. Fresno, CA 93702
- Ted C. Willis Community Center, 770 N. San Pablo Ave. Fresno, CA 93728
- Stone Soup Fresno, 1345 E Bulldog Lane, Fresno, CA 93710

Electronic inquiries and complaint forms are also available at the City of Fresno website at <http://www.fresno.gov/police/services-special-units/internal-affairs/internal-affairs-online-complaint-form/>

Members of the public may also make comments on AB 481, the Municipal Ordinance or the Draft Policy by telephone by contacting the Fresno Police Department at (559) 621-7000 or by contacting the Military Equipment Coordinator via email at militaryequipmentinquiries@fresno.gov with any questions or concerns.

The Fresno Police Department encourages our community to participate in this process. The proposed Municipal Code Ordinance is being introduced to the Fresno City Council on April 28, 2022, as part of the Regular Meeting Agenda. Public comment on the agenda can be made at that time. Adoption of the Ordinance will occur at subsequent City Council meetings allowing for additional public comment at that time. Fresno City Council Agendas are available online at <https://fresno.legistar.com/Calendar.aspx>

Additional information and materials including meeting notifications and the 2023 Annual Report will be provided on this website as those are made available.