



FOR INFORMATION ONLY

DATE: April 20, 2022

TO: HONORABLE MEMBERS OF THE BOARD OF HARBOR COMMISSIONERS

SUBJECT: HARBOR DEPARTMENT PORT POLICE DIVISION COMPLIANCE WITH ASSEMBLY BILL 481

It is recommended the Board of Harbor Commissioners review and consider 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 armoured 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 unarmoured, all-terrain vehicles (ATVs) and motorized dirt bikes;
- Tracked, armoured 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 aircrafts, 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;



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- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as deigned in Sections 30510 and 30514 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 law enforcement agency or a state agency;
- Any firearm or firearm accessory that is designed to launch explosive projectiles;
- “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding stand, 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. Board of Harbor Commissioners) or a state agency to require additional oversight.

The governing body regarding the Department’s compliance with AB 481 is the Board of Harbor Commissioners. The centrepiece 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 Board of Harbor Commissioners for consideration. This bill went into effect January 1, 2022, and the attached Notice sets in motion the Department’s operational plan for completing the annual report.

Should you have any additional questions regarding this matter, please contact Lieutenant Mark Oliver, Port Police Division, Research and Discovery Section, at (310)732-0856 or cellular (424)703-8068.

EUGENE D. SEROKA
Executive Director

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Attachment: Port Police Policy Manual Section 709 Military Equipment
Assembly Bill 481 Text
Notice to Port Police Command Staff