

Assembly Bill 481 (AB 481)



Santa Monica College Police Department Military Equipment Report

**Santa Monica Community College District
Board of Trustees Meeting
November 12, 2024**

SUMMARY

Assembly Bill 481 (AB 481), the Law Enforcement and State Agencies Military Equipment Funding, Acquisition and Use Act, was signed into law and became effective on January 1, 2022. AB 481 requires law enforcement agencies to obtain approval from their governing bodies before purchasing, raising funds for, or acquiring military equipment, by any means, including surplus military equipment from the federal government.

Law enforcement agencies are also required to seek governing body approval before collaborating with another law enforcement agency in the deployment or use of military equipment within the governing body's territorial jurisdiction or before using any new military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

The Act defines the governing body as “the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, “governing body” means the board of supervisors of the county.”

AB 481 requires a law enforcement agency seeking to continue the use of any military equipment acquired prior to January 1, 2022, to commence a governing body approval process no later than May 1, 2022, and the adoption of a use policy within 180 days following submission of the use policy or cease the use of the military equipment until it receives approval of the governing body.

In considering the proposed Military Equipment Use Policy, the governing body must place the proposed policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act.

Before seeking the governing body's approval, a law enforcement agency shall make its proposed equipment use policy and any supporting documents available on its internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

The governing body, as part of its approval process, must determine 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 that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

ANALYSIS

The Santa Monica College Police Department retains and employs various equipment that falls within AB 481's definition of "military equipment." The equipment is maintained and in place, so the Santa Monica College Police Department can safely achieve its mission to safeguard and protect the communities on all Santa Monica Community College District (SMCCD) campuses and properties.

The mere possession of this equipment does not warrant its use for every incident, nor has the department been accused recently or in the past decade of indiscriminate use of these types of equipment.

The department recognizes that critical incidents are unpredictable, often fluid and dynamic in nature. The department prides itself on its training, use of best practices, and forward-thinking in technology and the tools it acquires and utilizes in its mission for the safety of its personnel and the safety of community members and visitors alike.

The use of all equipment, not just "military equipment," is predicated on the mission of the department, policy, training, law, the safety of our officers, and the safety of our communities. Officers and incident commanders alike are influenced by the totality of the circumstances, public safety, civil rights and all available information at the time of a critical incident or disaster and the desire to bring that incident to a safe resolution.

The need for enhanced patrol rifles and less-lethal weapons by college police on a campus is grounded in the mission of protecting students, faculty, and staff in the face of potential life-threatening situations. Both enhanced patrol rifles and less-lethal weapons serve distinct purposes in ensuring the safety of the campus community and are critical tools when appropriately deployed.

Enhanced Patrol Rifles (EPR)

The enhanced patrol rifle (EPR) is a high-powered, precision firearm that provides campus police with a tool capable of addressing significant threats, such as an active shooter situation, as we have previously seen at Santa Monica College. In such scenarios, the danger posed by a heavily armed assailant requires a response that matches or exceeds the firepower used by the perpetrator. EPRs are necessary in extreme situations for the following reasons:

- *Range and Accuracy:* College campuses often include large, open spaces where threats may be engaged from long distances. Standard-issue handguns may not provide the necessary accuracy or stopping power to neutralize a shooter effectively from such distances, while the EPR offers greater precision at longer ranges.
- *Enhanced Response Capability:* In the event of an active shooter on or near campus, law enforcement may be up against suspects armed with high-powered weapons. An EPR allows campus police to respond quickly and decisively, protecting lives by neutralizing a dangerous individual before more harm is done.

- *Life-Saving Potential:* The EPR is not a routine policing tool. Its use is highly controlled and limited to extreme emergencies, such as active shooter incidents or hostage situations. In such incidents, the ability to end a threat swiftly can save lives. The presence of these rifles does not increase the likelihood of their use but ensures a greater ability for police to protect the community in worst-case scenarios.

Kinetic Energy Weapons

Kinetic energy weapons, such as the FN Herstal 303 Launcher, provide officers with less-lethal options to subdue dangerous individuals without resorting to lethal force. These tools are integral to maintaining public safety while prioritizing the preservation of life whenever possible. The importance of less-lethal options, including kinetic energy weapons, includes:

- *De-Escalation:* Less-lethal weapons are essential tools for de-escalating dangerous situations where a suspect may be violent or non-compliant but does not present an immediate deadly threat. The use of less-lethal force offers a safer alternative to lethal means while still protecting officers and others from harm.
- *Minimizing Harm:* In many cases, individuals involved in campus disturbances may be experiencing mental health crises or heightened emotional distress. The use of less-lethal weapons allows officers to protect the campus community while reducing the risk of fatal outcomes for individuals who may not need to be met with lethal force.
- *Appropriate Force for the Situation:* Campus police face a wide range of incidents, from minor disturbances to life-threatening emergencies. Less-lethal weapons provide a middle ground, allowing officers to apply appropriate force without immediately resorting to firearms. This flexibility ensures that responses are proportional to the threat level.

Controlled Use and Emphasis on Safety

Both enhanced patrol rifles and less-lethal weapons, including kinetic energy weapons, are subject to strict policies, training, and oversight. Officers are extensively trained in their proper use, ensuring these tools are deployed only in situations that require them. The primary objective of campus police is to safeguard the community while using force only when absolutely necessary, with an emphasis on minimizing harm.

Enhanced patrol rifles are reserved for critical, potentially deadly situations like active shooters, while less-lethal options, such as kinetic energy weapons, are used to de-escalate and control situations without taking a life. The presence of these tools is a testament to the complex challenges faced by modern policing and reflects a balanced approach to addressing serious threats on campus.

By equipping campus police with the noted options, colleges can ensure a rapid, appropriate, and measured response to an emergency, safeguarding the campus community while minimizing unnecessary harm.

Assembly Bill 481 (AB 481)

AB 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement. AB 481's definition of "military equipment" was much more than armored vehicles, large-caliber firearms, explosive projectile launchers, explosive breaching tools and "flashbang" grenades.

AB 481 speaks to the acquisition of military equipment by any means, including the 1033 Federal Surplus Property Program (1033 Program) and the purchase of military equipment using grants or University funding.

It requires the department to seek approval from the Board of Trustees through an ordinance/resolution and the adoption of a Military Equipment Use Policy, which must address a number of specific topics, including the type, quantity, capabilities, purposes, and authorized uses of each type of military equipment, the fiscal impact of their acquisition and use, the legal and procedural rules that govern their use, the training required by any officer allowed to use them, the policies in place to ensure policy compliance, and the procedures by which the public may register complaints.

The Trustees must consider the proposed Military Equipment Use Policy in open session and may only approve a Military Equipment Use Policy if it makes various findings regarding the necessity of the military equipment and the lack of reasonable alternatives.

If the Military Equipment Use Policy is approved, the Police Department must submit an annual report to the Trustees. The report must contain specific information, including the equipment's uses, any complaints received, any internal audits or other information about violations of the Military Equipment Use Policy, and the cost of such use.

Police Department staff and legal counsel have reviewed AB 481, its definition of military equipment, and the requirements of the legislation. Based on this review, the department has determined that it retains and utilizes equipment defined as military equipment.

The Santa Monica College Police Department does not participate in and has not acquired equipment under the 1033 Federal Surplus Property Program.

AB 481 designated the following 15 categories of items as military equipment:

1. Unmanned, remotely piloted, powered aerial or ground vehicle.
2. Mine-resistant ambush-protected vehicles or armored personnel carriers.
3. High mobility multi-purpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature.
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code 30510 and Penal Code 30515, with the exception of standard-issue firearms.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles.

11. Noise-flash diversionary devices and explosive breaching tools.
12. Munitions containing tear gas or O.C., excluding standard, service-issued hand-held pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and long-range acoustic devices.
14. Kinetic energy weapons and munitions.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

Category Number and Description	SMCPD
Category 9 – Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30514 of the Penal Code	
<i>Colt Enhanced Patrol Rifle EPR (16")</i>	10
<i>Winchester Law Enforcement Ammunition (Remington .223) – Duty Ammunition Rounds</i>	1600
<i>Winchester Law Enforcement Ammunition (Remington .223 Frangible Lead Free) – Practice Ammunition Rounds</i>	11,000
Category 12 – Munitions containing tear gas or O.C., excluding standard, service-issued hand-held pepper spray	
<i>FN Herstal 303 PAVA/OC Powder Projectile Rounds</i>	150
Category 14 - Kinetic energy weapons and munitions	
<i>FN Herstal 303 Launcher</i>	2

The Santa Monica College Police Department maintains and utilizes equipment in Categories 9, 12, and 14.

Santa Monica College Police Department policies require officers to be trained in using this equipment and be certified before its use. In addition to the initial training, annual reoccurring training and/or qualification are required in most categories.

Category 9 – Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30514 of the Penal Code, excluding standard-issue shotguns and standard-issue shotgun ammunition

Type: Colt Enhanced Patrol Rifle EPR (16")

Quantity: 10

Cost: Approximately \$1,100 each (annual maintenance is estimated to be \$0 to \$25)

Lifespan: 10 years

Capability: Rifles outperform handguns providing a higher degree of accuracy over longer distances. The rifle round will also penetrate soft-body armor.

Manufacturer Description: The Colt Enhanced Patrol Rifle (EPR) is a highly reliable and extensively field-tested patrol rifle designed for the demanding use of law enforcement personnel who protect communities daily.



Purpose: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

Legal: Officers are required to complete a POST-certified 16-hour course that meets the requirements of Penal Code § 33220(b) relating to the possession of short-barreled rifles and short-barreled shotguns by peace officer members of a police department..., when on duty and the use is authorized by the agency and is within the course and scope of their duties, and the officers have completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

Training: Officers must complete the POST-certified 16-hour course before they can be assigned a patrol rifle. They must also qualify with the rifle once a year.

Type: Winchester Law Enforcement Ammunition (Remington .223)

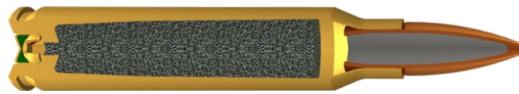
Quantity: 1600

Cost: Approximately \$990 per 1,000 rounds

Lifespan: Two years

Capability: Duty ammunition used in the Colt Enhanced Patrol Rifle. Can penetrate soft body armor. Provides a stable trajectory over longer distances than a handgun.

Manufacturer Description: Ranger SXT .223. Designed specifically for delivering exceptional penetration, Ranger Bonded proprietary core/jacket bonding process is enhanced with a special hollow cavity that aids in controlled expansion.



Legal: Officers are required to complete a POST-certified 16-hour course that meets the requirements of Penal Code § 33220(b) and California POST Regulation 1081 relating to the possession of long/short-barreled rifles and short-barreled shotguns by peace officer members of a police department when on duty and the use is authorized by the agency and is within the course and scope of their duties, and the officers have completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

Training: After completing a rifle course (16-hours), officers qualify a minimum of once every year, firing approximately 50-300 duty and/or practice ammunition rounds per qualification.

Type: Winchester Law Enforcement Ammunition (Remington .223 Frangible Lead Free)

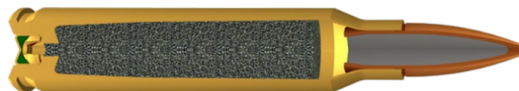
Quantity: 11,000

Cost: Approximately \$900 per 1,000 rounds

Lifespan: Two years

Capability: Practice (range) ammunition used in the Colt Enhanced Patrol Rifle. Used for range training only.

Manufacturer Description: Winchester Ranger .223 Remington ammunition features 55 grain Sinterfire frangible bullets. This Winchester Ranger SinterFire frangible bullets gives military and law enforcement a realistic, reduced hazard option for close-quarters training and special purpose application. By including lead-free-powdered metal projectiles, Ranger Frangible SinterFire ammunition delivers superior frangibility against hard targets and is lethal against soft targets.



Legal: Officers are required to complete a POST-certified 16-hour course that meets the requirements of Penal Code § 33220(b) and California POST Regulation 1081 relating to the possession of long/short-barreled rifles and short-barreled shotguns by peace officer members of a police department when on duty and the use is authorized by the agency and is within the course and scope of their duties, and the officers have completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

Training: After completing a rifle course (16-hours), officers qualify a minimum of once every year, firing approximately 50-300 duty and/or practice ammunition rounds per qualification.

Category 12 – Munitions Containing Tear Gas or O.C., Excluding Standard, Service-Issued Hand-Held Pepper Spray

Type: FN Herstal 303 Projectiles (PAVA/OC Powder)

Quantity: 150

Cost: Approximately \$6-\$7 each, \$0 to \$1,100 per year

Lifespan: Shelf life of three (3) years

Capability: To compel individuals to cease their actions when such munitions present a reasonable option. The effective range is 50 to 100 meters.

Manufacturer Description: Completely dedicated to reducing lethality, the basis of the FN 303® concept lies in its unique projectiles. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less-lethal systems. The primary effect of the projectile is trauma, which directly neutralizes the aggressor. Secondary effects from the projectiles can be delivered via a chemical payload depending on mission requirements.

This projectile is intended as an irritant for individual suspects, point-specific targets or small-area denial. The active ingredient is 0.5% PAVA/OC in a powder form for ease of storage, deployment and clean-up. (The name "PAVA" stands for Pelargonic Acid Vanillyl Amide, also called Nonivamide and is the organic compound characteristically in natural chili pepper. The name "OC" stands for Oleoresin Capsicum and is an oily resin derived from the fruit plants in the Capsicum genus, such as chili peppers.)



Purpose: To limit the escalation of conflict where the deployment of lethal force is prohibited or undesirable. Situations for using a less-lethal weapon system may include but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

Legal: Use of Force Policy, Control Devices and Techniques Policy, and First Amendment Assemblies Policy. The Departments shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.

Training: All department personnel utilizing FN 303® launchers and projectiles are trained in their use by an FN Herstal 303 Launcher manufacturer-certified master instructor.

Category 14 – Kinetic Energy Weapons and Munitions

Type: FN Herstal 303 Launcher

Quantity: 2

Cost: \$1,300 each unit, \$0 to less than \$100 per unit annually.

Lifespan: No lifespan indicated by the manufacturer. Lifespan varies on operational usage and wear.

Capability: The FN 303® Less-Lethal Launcher is a semi-automatic, shoulder-fired device that fires non-lethal munitions and liquids. The device is powered by compressed air to fire the projectiles loaded into an attached 15-round drum magazine. Projectiles provide blunt impact, marking, and oleoresin capsicum (OC) effects to deny access, move, and/or suppress individuals from 5–100 meters. The FN 303® is used for crowd control.

Manufacturer Description: The FN 303® Less Lethal Launcher is constructed from durable, lightweight polymer with comfortable ergonomics and an easy to operate safety. The FN 303® Launcher is equipped with both flip-up iron sights and an integrated MIL- STD-1913 top mounting rail for optical or electronic sights or other accessories.

The lightweight polymer magazine holds 15 projectiles and offers a clear rear cover to allow the operator to instantly verify both the payload type and the number of projectiles remaining. Easy-to-change air bottle provides approximately 110 shots per filling. It has a molded polymer frame, pistol grip, and buttstock flip-up iron sights (note: shown with red dot).



Purpose: The FN 303® is a less-lethal, semi-automatic launcher that uses compressed air and launches plastic sphere projectiles from a 15-round drum magazine. The plastic spheres burst on impact and release paint or contain PAVA powder (The name "PAVA" stands for Pelargonic Acid Vanillyl Amide, also called Nonivamide, and is the organic compound characteristically in natural chili pepper). The OC powder can effectively control, dissuade or disperse an individual(s) engaged in violent or riotous behavior.

Legal: Use of Force Policy, Control Devices and Techniques Policy, and First Amendment Assemblies Policy. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.

Training: All department personnel utilizing FN 303® launchers and projectiles are trained in their use by an FN Herstal 303 Launcher manufacturer-certified master instructor.

ANNUAL REPORT

On an annual basis, AB 481 requires the Santa Monica College Police Department seek and obtain approval from the Board of Trustees for future acquisition and funding of new military equipment and provide the Board of Trustees and the public a report outlining how the military equipment was used to ensure SMCPD is adhering to the policy (SMCPD Policy 706) and the submitted list of military equipment.

The below information reflects the reporting information for 2023 and depicts a template that will be used for future annual reports.

Request for new equipment

There was no request for new equipment in any category.

Category 9 – Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30514 of the Penal Code, excluding standard-issue shotguns and standard-issue shotgun ammunition

Type: Colt Enhanced Patrol Rifle EPR (16") and Winchester Law Enforcement Ammunition

- **Equipment usage:** None
- **Complaints and concerns received:** None
- **Violation(s) of SMCPD Policy 706:** None
 - **Internal audits:** SMCPD audited the listed military equipment and there were no violations of the policy.
 - **Actions taken:** None

Category 12 – Munitions Containing Tear Gas or O.C., Excluding Standard, Service-Issued Hand-Held Pepper Spray

Type: FN Herstal 303 Projectiles (PAVA/OC Powder)

- **Equipment usage:** None
- **Complaints and concerns received:** None
- **Violation(s) of SMCPD Policy 706:** None
 - **Internal audits:** SMCPD audited the listed military equipment and there were no violations of the policy.
 - **Actions taken:** None

Category 14 – Kinetic Energy Weapons and Munitions

Type: FN Herstal 303 Launcher

- **Equipment usage:** None
- **Complaints and concerns received 706:** None
- **Violation(s) of SMCPD Policy 706:** None
 - **Internal audits:** SMCPD audited the listed military equipment and there were no violations of the policy.
 - **Actions taken:** None

To date in 2024, there has been no equipment usage, no complaints or concerns received, and no violations of SMCPD Policy 706. In 2025, the Board of Trustees will receive an annual report that will reflect the equipment usage information for 2024.