

Fresno County District Attorney's Office



Assembly Bill 481

Funding, Acquisition, and Use of Military Equipment Policy

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Introduction

On September 30, 2021, Governor Newsom signed legislation Assembly Bill 481, which is aimed at the funding, acquisition and use of military equipment by state and local government officials as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

The Fresno County District Attorney's Office is committed to its ongoing partnership with the community based on communication, cooperation, and trust. Pursuant to Government Code 7070, the District Attorney's Office is providing a comprehensive list of items classified as "military" under this legislation. The equipment listed below are used in various circumstances to assist law enforcement personnel with the de-escalation of potentially violent incidents and in their response to emergency situations to deliver public safety services.

Assembly Bill 481 (AB 481) Definition of Military Equipment

The Assembly Bill has designated the following categories of items as military equipment under Government Code 7070:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
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.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
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. 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.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 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 a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

The Fresno County District Attorney's Office has equipment that meets the criteria for 3 of the 15 categories (categories 1, 10 and 14).

Fresno County District Attorney's Office Military Equipment:

1. Unmanned, remotely piloted, powered aerial vehicles (Category 1)

a. Description, quantity, capabilities, and purchase cost:

DJI MAVIC MINI – unmanned aerial vehicle (UAV), cost: \$300., quantity: 2.

The MAVIC MINI, is a recreational-grade UAV weighing 249 grams. Commonly used by photographers and hobbyists for low level flight. This UAV is a battery powered, remote operated device. Controller: MR1SS5 pair to phone controller. Controller allows operators to control UAV through a phone application and view live feed from UAV-mounted cameras. Camera: 12mp 3-axis motorized camera. Flight time of approximately 25-30 minutes per battery, depending on weather and flight conditions. The UAV has proven to be useful to public safety agencies in fire-fighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

DJI AVATA, unmanned aerial vehicle (UAV), cost: \$629, quantity: 1

The DJI AVATA, is a recreational-grade UAV weighing 410 grams. Commonly used by photographers and hobbyist for low level flights in the

first person view. This UAV is a battery powered, remote operated device. Controller: DJI motion controller 2 paired with DJI FPV goggles 2. The goggles are connected to a phone to view live feed from UAV mounted cameras. Camera: 48mp single axis motorized camera. Flight time of approximately 18 minutes per battery, depending on weather and flight conditions. The UAV has proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

DJI MAVIC 2 ENTERPRISE DUAL – unmanned aerial vehicle (UAV), cost: \$3300., quantity: 1.

The MAVIC 2 ENTERPRISE is a commercial-grade UAV weighing 18 pounds. Commonly used by construction and utility companies for the inspection of buildings, powerlines, and windmills and other infrastructure or farmers for crop and water line monitoring.

This UAV is a battery powered, remote operated device. Controller: Model CP .MA. 00000080.01 All-in-one controller with 7-inch integrated screen. Controller allows operators to control UAV and view live feed from UAV-mounted cameras. Camera: M2ED Thermal Camera with RGB and FLIR capabilities. Camera provides operators ability to switch between standard RGB camera and views based on heat of objects within frame. Flight time of approximately 25-30 minutes per battery, depending on weather and flight conditions. The UAV has proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

b. Purpose

To be deployed when its view would assist investigators, prosecutors or incident commanders with the following situations, which include but are not limited to:

- I. Investigations.
- II. Crime scene photography.
- III. Tactical or other public safety and life preservation missions.
- IV. Natural disaster management via mutual aid.
- V. Assisting in searches for missing persons via mutual aid.
- VI. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention via mutual aid.

c. Authorized Use:

Only assigned operators who have completed the required training shall be permitted to operate the UAV's during approved missions. All other applicable FCDA policies remain in effect, to include, but not limited to, FCDA Policy 322 – Search and Seizure, FCDA Policy 332 – Missing Persons, FCDA Policy 613 – Unmanned Aerial System Operations, FCDA Policy 703 – Vehicle Use, FCDA Policy 406 – Special Response team, FCDA Policy 407 – Dignitary Protection Team.

d. Expected Lifespan:

10 years.

e. Fiscal Impact:

DJI MAVIC MINI - \$300.00 each.

DJI AVATA - \$629.00 each.

DJI MAVIC 2 ENTERPRISE DUAL - \$3,000.00

2. Specialized Firearms and Ammunition (Equipment Category 10)

a. Description, quantity, capabilities, and purchase cost:

- I. The Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a light-weight, air-cooled, magazine fed, shoulder fired weapon, designed for semi-automatic and selective fire.

The Carbine Rifle does not have an expiration, but will need to be serviced or replaced when the rifle fails or breaks. The .300 Blackout and the .223/5.56 cartridges are used as lethal options designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. SIG SAUER MCX, cost: \$1324., Quantity: 15. FNH AR-15, cost: \$1200., Quantity: 1.

- II. HORNADY, V-MAX - BLK, .300 BLACKOUT, 110 grain cartridge is the primary duty ammunition deployed during potential lethal encounters. Cost: \$1,600. Quantity: 1000.
- III. HORNADY, G-MAX FB, .300 BLACKOUT, 110 grain cartridge is the secondary ammunition deployed during potential lethal

encounters, when shooting at long distances. Cost: \$148.00.
Quantity: 200.

- IV. MAGTECH, .300 BLACKOUT, 123 grain cartridge is the primary training ammunition for the department. Cost: \$6,500. Quantity: 13,000.
- V. WINCHESTER, 5.56, FMJ, 64 grain. Cost: \$2,190. Quantity: 6,000.

b. Purpose:

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

c. Authorized Use:

Only members that are POST certified are authorized to use a rifle. All other applicable FCDA policies remain in effect, to include, but not limited to, FCDA Policy 300 – Use of Force, FCDA Policy 312 – Firearms, FCDA Policy 406 – Special Response Team, FCDA Policy 407 – Dignitary Protection Team, FCDA Policy 438 – Patrol Rifles.

d. Expected Lifespan:

- I. Carbine Rifles – No expiration
- II. HORNADY, V-MAX BLK, .300 BLACKOUT, 110 grain – No expiration
- III. HORNADY, G-MAX FB, .300 BLACKOUT, 110 grain – No expiration
- IV. MAGTECH, .300 BLACKOUT, 115 grain – No expiration
- V. WINCHESTER, 5.56 FMJ, 55 grain – No expiration

e. Fiscal Impact:

- I. Carbine Rifles – Annual cost between \$0 and \$1,324.00.
- II. HORNADY, V-MAX BLK, .300 BLACKOUT, 110 grain – Annual cost between \$0 and \$1,600.00.
- III. HORNADY, G-MAX FB, .300 BLACKOUT, 110 grain – Annual cost between \$0 and \$148.00.
- IV. MAGTECH, .300 BLACKOUT, 123 grain – Annual cost between \$0 and \$6,500.00.

- V. WINCHESTER, 5.56, FMJ, 55 grain – Annual cost between \$0 and \$2,190.00.

3. Projectile launch platforms and their associated munitions: Less Lethal Shotgun, Bean Bag Ammunition (Equipment Category 14)

a. Description, quantity, capabilities and purchase cost:

12-gauge pump action shotgun painted yellow in color, cost: \$800. ea., quantity: 7

The Less Lethal Shotgun, is a generally repurposed Remington Model 870 patrol shotgun, that is painted yellow in color. The color yellow distinguishes it from the regular patrol shotgun that is carried out in the field by investigators. The Less Lethal Shotgun is capable of delivering a less lethal direct impact beanbag from a maximum distance of 75 feet.

b. Purpose:

May be deployed to impact subjects who are demonstrating assaultive behavior or life-threatening behavior.

c. Authorized Use:

Only assigned investigators who have completed the required training shall be permitted to deploy and use the less lethal shotgun and beanbag. Investigators shall be in compliance with the following: California Penal Code 13652 (b) - POST training for kinetic energy projectiles and chemical agents. Department policies 300-Use of Force, 308-Control Devices and Techniques, California Penal Code 835a - Reasonable Force.

d. Expected lifespan:

No specific life span. Dependent on operation use and wear.

e. Fiscal Impact:

Approximately \$800.00 to replace an unrepairable 12-Gauge less lethal shotgun.

f. Description, quantity, capabilities and purchase cost:

Kinetic Energy Projectiles, aka Bean bag Ammunition, cost: \$6.95 ea. quantity: 100.

The bean bag ammunition is contained within a standard 12 gauge, 2 ¾ inch shot shell casing round and consists of a fabric sock containing lead shot. It is fired from a clearly marked department authorized 12 gauge less lethal shotgun. The beanbag ammunition is effective to a maximum range of 75 feet. The specific beanbag ammunition being used by our office is the, CTS 12 GA Super Sock Bean Bag Model 2581.

g. Purpose:

May be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior.

h. Authorized Use:

Only assigned investigators who have completed the required training shall be permitted to deploy and use the less lethal shotgun and beanbag. Investigators shall be in compliance with the following, California Penal Code 13652 (b) - POST training for kinetic energy projectiles and chemical agents. Department policies 300-Use of Force, 308-Control Devices and Techniques, California Penal Code 835a - Reasonable Force.

i. Expected Lifespan:

Shelf-life of 3 years.

j. Fiscal Impact:

Approximately \$600.00 annually to replenish supplies.

4. Any other equipment as determined by a governing body or a state agency to require additional oversight.

a. Not Applicable.