

Assembly Bill 481 – Fontana School Police Department Military Equipment Policy

On September 30, 2021, Governor Newsom signed into law seven major peace officer reform bills, including Assembly Bill 481. AB 481 was authored by Assemblymember David Chieu (D-San Francisco) to address the funding, acquisition, and use of items lawmakers deemed to be considered “Military Equipment.”

This bill requires law enforcement agencies, including the Fontana School Police Department, “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.”

Furthermore, AB 481 requires similar approval for the *continued* use of “Military Equipment” acquired by the Fontana School Police Department prior to January 1, 2022, and allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards.

AB 481 Definition of Military Equipment (Government Code 7070)

The Assembly Bill has created Government Code 7070 to designate 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 vehicles or armored personnel carriers**

- **Category 3:** High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached
- **Category 4:** Tracked armored vehicles that provide ballistic protection to their occupants
- **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
- **Category 7:** Battering rams, slugs, and breaching apparatuses that are explosive in nature
- **Category 8:** Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition
- **Category 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 handguns
- **Category 10:** Any firearm or firearm accessory that is designed to launch explosive projectiles
- **Category 11:** Noise-flash diversionary devices and explosive breaching tools
- **Category 12:** Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray
- **Category 13:** TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices
- **Category 14:** Kinetic energy weapons and munitions
- **Category 15:** Any other equipment as determined by a governing body or a state agency to require additional oversight

The Fontana School Police Department is in current possession of items in Categories 1, 5, 7, 9, 12, 14, and 15 from the above list. All items currently in possession of the Fontana School Police Department have been approved during the associated budgetary periods commensurate with the items purchased.

Requirements of AB 481

AB 481 requires each law enforcement agency's governing body to adopt a written "Military Equipment" use policy by ordinance in a public forum by April 30, 2022, to continue the use of this previously acquired military equipment effective May 1, 2022.

The Fontana School Police Department is providing information to our District on the following required materials:

- **The Fontana School Police Department has a “Military Equipment” policy, and it is posted to the Fontana School Police Department’s website. The AB 481 newly defined list of “Military Equipment” currently in the Fontana School Police Department’s possession is included in the “Military Equipment” policy.**
- **The Fontana School Police Department has a concern or complaint process. The Fontana School Police Department always has had a means for the public to submit complaints on-line or in-person, and further information is also available by viewing the Fontana School Police Department Policy.**
- **Members of the public may also register complaints or concerns or submit questions about the use of each specific type of military equipment by contacting Interim Police Chief Steven J. Griffin, the Military Equipment Coordinator.**
- **These complaints, concerns, or questions will be promptly handled within 10 days absent extraordinary circumstances.**
- **The Fontana School Police Department will prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of the Fontana School Police Department “Military Equipment” policy, the cost of such use and other similar information. This webpage will be utilized for distribution of any updates to the above materials as well as the Annual Report. The first Annual Report will be distributed on or around February 2023.**