



CITY OF
LA MESA
JEWEL of the HILLS

Annual AB 481 Equipment Report

LA MESA POLICE DEPARTMENT 2022

Executive Summary

AB 481, approved by the Governor on September 30, 2021, requires law enforcement agencies to obtain approval of the applicable governing body by adoption of a military equipment use policy. The La Mesa Police Department is required to seek City Council approval of its military equipment use by ordinance at a regular open meeting prior to taking certain actions related to the finding, acquisition, or use of military equipment, as defined in Government Code 7070(c).

The bill allows the City Council to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines the military equipment meets specified standards. La Mesa Ordinance 2022-2896 was passed and adopted by the La Mesa City Council on April 26, 2022. This ordinance is subject to annual City Council review to determine whether, based on an annual military equipment report, the standards set forth in that ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular military equipment where standards have not been met, or require modifications to the military equipment use procedure to address any non-compliance with standards.

The bill also requires publication of the military equipment use procedure and the annual military equipment report on the Department's website. The military equipment use procedure must be posted on the website at least 30 days prior to the Council meeting.

Section 7072 of the Government Code states:

- (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
- (1) A summary of how the military equipment was used and the purpose of its use.
 - (2) A summary of any complaints or concerns received concerning the military equipment.
 - (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 - (5) The quantity possessed for each type of military equipment.
 - (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
- (b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

Introduction

The La Mesa Police Department retains and employs a variety of equipment to assist in safely achieving the furtherance of its mission to “protecting life and property while promoting community involvement through professional service, honor, trust and integrity.” While the inventory of equipment is varied, the mere possession of the equipment does not warrant its use during every incident.

The La Mesa Police Department recognizes that critical incidents are unpredictable and can be dynamic in nature. A variety of equipment options can greatly assist trained officers and supervisors in bringing those incidents to a swift and safe resolution. The use of this equipment is restricted by Department policy for use only in certain instances and in some cases only by certain units and highly trained personnel.

While the Department’s equipment procedure is wide-ranging, it is not all inclusive. There may be circumstances where unpredictable incidents demand the need for incident commanders to authorize the use of equipment in a manner not outlined within Department procedures. In evaluating those instances, the judgement of the incident commander in considering the totality of the circumstances, public safety, officer safety, civil rights, and information known to the incident commander at the time will be used.

It is incumbent upon incident commanders, supervisors, individual officers, and specific units to recognize the particular circumstances in which equipment should be employed to enhance public safety and the safety of officers, in order to bring critical incidents to a safe resolution.

Definitions

The La Mesa Police Department recognizes that differing terms, descriptions, or terminology is often applied to military equipment. Therefore, in the interest of transparency and clarity, this report will utilize definitions enumerated in Government Code 7070, which states:

(a) “Governing body” means 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.

(c) “Military equipment” means the following:

(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.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

Government Code 7072(a)(1) Equipment Use Summary 2022

TRAINING EVENT USAGE

In 2022, the La Mesa Police Department utilized the following equipment during six (6) training events.

Equipment Used	Category	Total Quantity Used
Lenco BearCat	3	2
Pepperball Tac700 Launcher	12	6
Pepperball 2% PAVA Rounds	12	675
CTS 3440 OC 37mm smoke projectile	12	2
CTS 5230B CS canister grenade	12	3
CTS 6230 CS canister grenade	12	5
CTS 8230 CS tactical grenade	12	4
CTS 2430 CS 12-gauge powder projectile	12	3
CTS 5230 CS canister grenade	12	2
CTS 3430 CS, 37mm smoke projectile	14	2
40mm Launcher	14	3
Bean Bag shotgun	14	5
CTS 2581 Super Sock cartridge (bean bag)	14	106
Speer LE Gold Dot Ammo, .223	10	1030
Hornady ELD Match Tap Precision Ammo, .308	10	220
Daniel Defense M4 Rifle	10	10
Remington .308 700 Rifle	10	4
Pepperball (inert rounds)	12	738
Pepperball Tac 700 Launcher	12	2
H&K MP5 (9mm ammo)	10	200
4557 40mm foam baton	14	39
LT2-F Robot	1	1
Colt M4 Rifle	10	1
CTS 7290 Flash Bang	12	5

FIELD INCIDENT USAGE

In 2022, the La Mesa Police Department utilized AB 481 equipment during eight (8) field incidents.

Date	Equipment Used	Category	# Used	Description
May 24	Bean Bag shotgun	14	1	Subject with a gun near a bus bench. He initially dropped the gun but then began reaching for it. One beanbag round was deployed, striking the subject in the hip.
	CTS 2581 Super Sock cartridge (bean bag)	14	0	
June 16	MCV	5	1	Death investigation at night. The MCV was used to provide lighting at the outdoor scene.
August 12	Drone-Autel	1	1	UAS was used to take aerial photographs at a homicide scene.
August 24	Drone-Autel	1	1	UAS was used to take aerial photographs at an arson scene.
September 30- October 2	Drone-Autel	1	1	UAS was flown over the Oktoberfest Event evaluating for disturbances
October 11	Drone-Autel	1	1	SRT executed a search warrant related to a homicide investigation
	Lenco BearCat	3	1	
	MCV	5	1	
November 1	LT2-F Robot	1	1	Assisted El Cajon PD with a barricaded suspect
November 28	Pepperball (2% PAVA rounds)	12	7	Subject fled from a stolen vehicle and led officers on a foot pursuit. He then hid in a ditch and did not follow commands, keeping his hands concealed in his pockets. After multiple commands to show his hands, officers deployed Pepperball rounds and the subject complied with commands.
	Pepperball Launcher	12	1	
	Bean Bag shotgun	14	1	
	CTS 2581 Super Sock cartridge (bean bag)	14	0	

Complaints Summary Regarding Equipment Usage Per Government Code 7072(a)(2)

In some instances, the application and use of equipment specified in Government Code 7070 may cause questions and/or concerns for members of the community. The Department recognizes this and it is vital that such concerns are addressed and questions are answered.

The La Mesa Police Department is committed to full and fair investigations into citizen complaints. Existing procedures ensure that complaints are resolved in a fair, impartial, and expeditious manner to ensure the integrity and efficiency of the Department. The professional working relationship with the La Mesa Citizen's Police Oversight Board and the Independent Police Auditor further underscore the Department's commitment to transparency in resolving complaints, advancing and improving training, and ensuring public trust.

During the 2022 calendar, the La Mesa Police Department received zero (0) complaints/concerns regarding the use of any equipment.

Summary and Responses to Equipment Procedure Violations Per Government Code 7072(a)(3)

Methods for discovering any violations of the La Mesa Police Department's AB 481 Equipment Policy/Procedure include citizen complaints/reports, reports received via the Citizen's Police Oversight Board online reporting portal, the Department's online complaint portal, supervisory review of Body Worn Cameras, and direct observation by supervisory personnel and/or training staff.

No violations of the La Mesa Police Department's AB 481 Equipment policy/procedure were observed, discovered, or reported during 2022.

AB 481 Equipment Inventory and Costs Per Government Code 7072(a)(4) & 7072(a)(5)

The La Mesa Police Department's AB 481 Equipment Inventory is included in Appendix A in this report. The Inventory includes fiscal information including cost of each item, expected lifespan, and annual cost. Acquisition of AB 481 during the 2022 calendar year was limited to replacement of existing inventory; no new items were obtained in 2022.

Projected AB 481 Equipment Acquisitions FY 23/24 Per Government Code 7072(a)(6)

Beyond replacement of the listed equipment, the La Mesa Police Department does not project the acquisition of any additional AB 481 equipment in FY 23/24.