

**Office of the President**

**TO MEMBERS OF THE COMPLIANCE AND AUDIT COMMITTEE:**

**ACTION ITEM**

*For Meeting of September 19, 2024*

**UNIVERSITY OF CALIFORNIA COMPLIANCE WITH STATE ASSEMBLY BILL 481**

**EXECUTIVE SUMMARY**

The Board of Regents annually approves the policy governing the funding, acquisition, and use of military equipment by UC Police Departments, in order to comply with Assembly Bill (AB) 481, passed in 2021. The purpose of AB 481 is to improve transparency, oversight, and accountability in the use and acquisition of certain equipment by law enforcement agencies across California.

AB 481 requires UC Police Departments (collectively, all ten UC campus police departments in this item are referred to as “UCPD”) to submit to the Regents an annual report for each type of military equipment already approved in the policy and requires the Board to review the report and to approve a renewed policy and equipment list annually.

The 2024 Annual Report submitted by UCPD reflects minimal use of the specified equipment, zero complaints or concerns received systemwide in connection with the specified equipment, and indicates that each campus completed an internal audit with no violations of policies identified. The equipment that falls within the scope of AB 481’s definition of military equipment provides UC police departments with less lethal alternatives to standard-issue firearms for use in extraordinary public circumstances.

There are no changes recommended to the substance of the policy as previously approved, but there are recommended additions to the equipment inventory to meet the needs of campus police departments.

The University supports and complies with this law, which complements milestones in the UC Community Safety Plan’s commitment to community engagement and oversight, transparency, and accountability. No UC campus uses or receives goods from the U.S. Department of Defense and Law Enforcement Support Office (LESO) program for surplus military equipment.

**RECOMMENDATION**

The President of the University recommends that the Compliance and Audit Committee

recommend to the Regents approval of the military equipment use policy as shown in Attachment 1 and the equipment inventory contained in the 2024 annual report as shown in Attachment 2.

## **BACKGROUND**

UCPD retains and employs various equipment that falls within AB 481's definition of military equipment. The equipment is maintained and in place so the UCPD can safely achieve its mission to safeguard and protect the communities on all the UC campuses, medical centers, and properties.

### **Mission and Values of UCPD**

UCPD prioritizes training, use of best practices, and is forward-thinking in the technology and tools it acquires and utilizes in its mission for the safety of its personnel and the safety of community members, patients, and visitors.

The equipment that falls within the scope of AB 481's definition of military equipment provides UCPD with less lethal alternatives to standard-issue firearms, for use in extraordinary public circumstances. While AB 481 uses the term "military equipment," the definition in statute encompasses equipment that is not exclusively used by the military. Additionally, no UCPD entity uses or receives goods from the U.S. Department of Defense and Law Enforcement Support Office (LESO) program for surplus military equipment, commonly referred to as the Federal 1033 program.

UCPD recognizes:

- Critical incidents are unpredictable, often fluid, and dynamic in nature.
- The mere possession of any equipment does not warrant its use for every incident.
- Use of all equipment, not just military equipment, is predicated on the mission of the department, policy, training, law, the safety of UC officers and the safety of UC communities.

### **Review of Current Inventory**

The inventory of military equipment at the ten UC campuses is included in full in Attachment 2. As noted in the initial report, inventory that meets the requirements of the statute includes:

1. A bomb robot, used by the UC Berkeley Bomb Squad to aid in the removal of suspected explosives devices, ensuring the safety of the campus community members, visitors, and police officers tasked with handling these types of incidents.
2. Breaching rounds, used to gain access to locked doors in emergencies. One campus deployed these tools during a building takeover during the spring 2024 encampments.

3. Distraction devices, used to distract dangerous suspects, using light and sound so officers can safely effect an arrest and bring to conclusion high-risk situations where lives are at risk.
4. Long Range Acoustic Device (LRAD), a portable speaker used to provide increased sound and clarity over public address systems, bullhorns, or megaphones so officers can effectively communicate with crowds and provide emergency directions to people in large areas so they can take immediate actions such as sheltering in place or evacuating.
5. The remainder of the military equipment is less-lethal tools, including kinetic energy and impact launchers and munitions, as well as chemical agents, such as pepper spray or tear gas by itself in a spray or included in impact munitions.

All these tools are meant to provide officers with the ability to de-escalate or overcome self-destructive, dangerous or combative individuals without having to resort to deadly force. These tools are not used indiscriminately but with caution to protect the lives of UC community members/visitors and UC officers when bringing an incident to a conclusion with the least amount of force.

Use of all equipment requires initial training through a manufacturer's certified instructor, or California Police Officer Standards and Training (POST), Federal Bureau of Investigation (FBI), National Tactical Officers Association, California Tactical Officers Association, or through POST-certified instructors. The training extensively covers how to use (mechanics) and when to use (appropriate deployment) of the equipment. Some of this equipment, primarily summarized in #5 above, requires annual re-certifications.

Importantly, the University's policy dictates that only those officers trained in the use of any piece of equipment may use that equipment. Additionally, beyond these requirements, UCPD follows University-specific guidance from the [Robinson-Edley Report \(UC Response to Protests on UC Campuses\)](#), [the Report of the Presidential Task Force on Universitywide Policing](#), and the [UC Community Safety Plan](#).

### **Additional Public Consultation and Ongoing Accountability**

AB 481 requires an annual report to the Board of Regents on how the specified equipment was used, complaints about equipment, results of any internal audits or violations of the equipment use policy, information on the equipment's cost, updated information on equipment quantities, and information on requests to acquire additional equipment.

UCPD did not have any complaints related to the use of military equipment, and audits did not reveal any violations with the policy. Systemwide annual costs were \$79,162.92. Attachment 2 details the equipment inventory.

## EQUIPMENT USED

- UC Davis PD (UCD) did not use any military equipment during this timeframe.
- UC Berkeley PD (UCB) and UC Santa Cruz (UCSC) used the Long Range Acoustic Device (LRAD) equipment for crowd management.
- UCB used the Remotec Andros F6A Robot, Penn Arms 40mm L140-3 Launcher, and CTS 9557 Sponge Rounds on two occasions.
- UC Irvine PD (UCI) used (35) 40mm eXact iMpacT munitions and (6,600) rounds of .556-range ammunition for annual training.
- UC Los Angeles PD (UCLA) used (108) Def-Tec eXact iMpacT 40mm munitions for annual training.
- UC Merced (UCM) used (7) Def-Tec eXact iMpacT 40mm munitions for annual training.
- UC Riverside (UCR) used (60) Def-Tec eXact iMpacT 40mm munitions and (6,000) rounds of .556-range ammunition for annual training and deployed (not fired) the FN 303 Launcher during their mutual aid assistance of a building takeover at UCB during the spring 2024 encampments.
- UC Santa Barbara PD (UCSB) used (59) Def-Tec 40mm exact Impact munitions (model# 6325) for annual retraining/certifications of police officers and used (9,000) rounds of Federal American Eagle .223 ammunition for retraining/certifications of police officers and four (4) newly hired officers attending a POST 16-hour Rifle Course.
- UC San Diego PD (UCSD) used (330) 40mm eXact iMpacT munitions for annual training.
- UC San Francisco PD (UCSF) used (7,000) rounds of Winchester .223 rifle rounds during required range training.

## REQUESTS FOR NEW EQUIPMENT

### *Request For Category 1 - Unmanned, Remotely Piloted, Powered Aerial or Ground Vehicles*

- UCB is requesting to purchase a second hazardous devices robot to update its current technology and prepare for any potential failures of the current robot that is 20 years old.
- UCB (4), UCLA (3), UCSC (2), and UCSF (3) are requesting to purchase drones. UCSC requested and was approved to purchase drones during the 2023-24 year and did not purchase.

*Request For Category 11 – Noise-Flash Diversionary Devices and Explosive Breaching Tools*

- UCB is requesting to purchase a Kinetic Breaching Tool to aid in the event of a barricaded subject or unresponsive individual due to a medical issue.

*Requests For Category 14 – Kinetic Energy Weapons and Munitions*

- UCLA is requesting to purchase (4) FN Herstal 303 launchers, (4) Pepper Ball VK-SBL, (3,000) FTC Pava Capsaicin Rounds, (100) Rounds of Def-Tec 40mm munitions (Model #6320) and (300) rounds of Def-Tec 40mm munitions (Model #6325).
- UCM is requesting to purchase (5) Def-Tec 40mm launchers and (100) Rounds of Model #6324 eXact iMPact™ 40mm Sponge Round munitions. This request was approved in 2023, and UCM intends to purchase during fiscal year 2024-25.

AB 481 further requires local community engagement. Specifically, within 30 days of the submission of the annual report to the Regents, each UC Campus Police Department will 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” in order to comply with this requirement.

Finally, the UC Board of Regents must review the annual report and approve a renewed military equipment use policy “at least annually,” in an open meeting.

As noted earlier, AB 481 is complementary to ongoing efforts relating to campus safety, including the UC Community Safety Plan. The University has published progress on AB 481 compliance with links to each campus’ posting of the draft policy and inventory on the [Systemwide Community Safety website](#).

### **REQUIREMENTS TO MEET STATUTE**

The statute outlines several specific requirements and a timeline of engagement, public postings, and actions to be fully compliant. AB 481 defines military equipment by listing 16 categories and a wide range of material, and further requires the governing bodies and law enforcement agencies to debate and decide in a public forum what is approved and the policies that will govern the use of that equipment.

To approve the renewed policy and equipment list, the Regents must determine the following:

- The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

- The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
- 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.
- 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.

**Key to Acronyms**

AB	Assembly Bill
POST	California Police Officer Standards and Training
UCPD	UC Police Departments

**ATTACHMENTS:**

[Attachment 1: Military Equipment Use Policy](#)

[Attachment 2: 2024 Annual Report on Assembly Bill 481 by the UC Council of Chiefs of Police, including an Equipment Inventory](#)