

COMMITTEE ON FINANCE

Law Enforcement Regulated Equipment and Tools

Presentation By

Steve Relyea
Executive Vice Chancellor
and Chief Financial Officer

Clint Strode
Chief of Police
California State University, Stanislaus
and 2022 Chair of the CSU Council of Chiefs

Summary

[Assembly Bill 481 \(AB 481\)](#), which took effect on January 1, 2022, requires the Board of Trustees to adopt policies governing the use of any regulated equipment and tools, defined in the bill as “military equipment,” that is or may be used on any California State University (CSU) campus, either by the university police department or an affiliated law enforcement agency such as a municipal police department or county sheriff. The same requirement applies to other governing bodies in California that oversee law enforcement agencies such as municipal police departments and county sheriff agencies.

Attachment A is the draft law enforcement regulated equipment and tools policy concerning regulated equipment and tools for approval by the Board of Trustees.

Staff recommend approval of the proposed resolution.

Background

AB 481 added Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the California Government Code (Cal. Gov. Code § 7070 *et seq.*) to regulate the funding, acquisition, and use of certain equipment and tools by law enforcement agencies, including university police departments on each CSU campus.

CSU campus university police departments supplied the information required by Cal. Gov. Code § 7070 *et seq.* concerning any regulated equipment or tools used, or that may be used, on campus. Attachment A includes the description, quantity, capability, lifespan, purpose and authorized use, fiscal impact, legal and procedural rules, required training, and compliance procedures regarding

the equipment or tool, and constitutes the list of regulated equipment and tools presently authorized for use on each CSU campus.

Of the sixteen types of equipment and tools regulated by Cal. Gov. Code § 7070 *et seq.*, the draft policy authorizes CSU campuses to use the following:

- (a) Unmanned, remotely piloted, powered aerial (observation drones) or ground vehicles.
- (b) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (c) Munitions containing tear gas (oleoresin capsicum), excluding standard, service-issued handheld pepper spray.
- (d) Kinetic energy weapons (e.g., bean bag and foam tip launchers) and munitions.
- (e) Long Range Acoustic Device (LRAD)

The systemwide law enforcement policy concerning regulated equipment and tools provided in Attachment A includes the information and reporting provisions required by Cal. Gov. Code § 7070 *et seq.* The draft policy was published for public comment on www.calstate.edu from June 10, 2022, through July 10, 2022.

Upon approval by the Board of Trustees of the proposed policy and related inventory, each campus will prepare a campus-specific regulated equipment and tool use policy following the template provided in Attachment A. The policy will be published on the campus internet website and provide a copy of the policy to the governor or governor's designee to comply with provisions of Cal. Gov. Code § 7070 *et seq.*

Future changes to the systemwide regulated equipment and tools use policy adding new types of regulated equipment and tools that have not previously been authorized for use on any CSU campus will require approval by the Board of Trustees. Under existing authority delegated to the chancellor and executive vice chancellor pursuant to the [Standing Orders of the Board of Trustees of the California State University](#), periodic updates to campus regulated equipment and tools policies may be made that do not authorize new types of regulated equipment and tools for use on CSU campuses.

Recommended Action

In compliance with Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1 of the California Government Code (Cal. Gov. Code § 7070 *et seq.*), the following resolution is recommended for adoption:

RESOLVED, the Regulated Equipment and Tools Use policy included as Attachment A of Agenda Item 4 of the July 11-13, 2022, meeting of the Committee on Finance is approved.

Enforcement Regulated Equipment and Tools

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of regulated equipment and tools pursuant to Cal. Gov. Code § 7070 *et seq.*

706.2 POLICY

It is the policy of the campus university police department that members of this department comply with the provisions of Cal. Gov. Code § 7070 *et seq.* with respect to regulated equipment.

The items listed in section 706.4 of this policy are approved for funding, acquisition, training, and use in accordance with this policy, and Cal. Gov. Code § 7070 *et seq.* Additionally, section 706.4 of this policy outlines the fiscal impact and descriptions of existing authorized tools and equipment within the department's inventory and/or within the inventory of an allied agency or mutual aid partner.

The campus university police department, as well as allied agencies or mutual aid partners, retains and employs a wide variety of tools and equipment to assist in safely maintaining a safe living, learning, and working environment. While the inventory of tools and equipment may vary, the mere possession of the tools or equipment does not warrant its use for every incident.

The campus university police department recognizes that hazardous or critical incidents are unpredictable and can be very dynamic in nature. A variety of tools and equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of these tools and equipment may be restricted for use only in certain instances and in some cases only by certain trained officers or units.

The inventory in section 706.4 of this policy is specific to equipment regulated by Cal. Gov. Code § 7070 *et seq.* There may be instances where unpredictable hazardous or critical incidents demand the need for the campus chief of police, their designee, or an incident commander to authorize tools or equipment to be used in a manner not outlined within this policy. In determining the appropriateness of utilizing a tool or piece of equipment not outlined within this policy, the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be influential factors used.

It is incumbent upon the campus chief of police, their designee, incident commanders, supervisors, individual officers, and specific units to recognize the circumstances where these tools and equipment should be employed to enhance the safety of the public and officers, and to bring a hazardous or critical incident to a safe resolution.

706.3 REGULATED EQUIPMENT COORDINATOR

The campus chief of police shall designate a member of this department to act as the regulated equipment coordinator. The responsibilities of the regulated equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as regulated equipment in the current possession of the campus university police department, or the equipment the department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all regulated equipment at least annually.
- (d) Collaborating with any allied agency that may use regulated equipment within the jurisdiction of the campus university police department (Cal. Gov. Code § 7071)
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
- (f) Publicizing the details of the meeting.
- (g) Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (h) Preparing the annual regulated equipment report for submission to the campus chief of police and ensuring that the report is made available on the department website (Cal. Gov. Code § 7072).
- (i) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of regulated equipment, and how the campus university police department will respond in a timely manner following department personnel complaints policies and section 706.9 of this policy.

706.4 REGULATED EQUIPMENT AND TOOLS INVENTORY

The following regulated equipment and tools are approved for use:

- 1) Unmanned, remotely piloted, powered aerial or ground vehicles.
 - a) *Description, quantity, and capabilities:* Two (2) unmanned aircraft systems (UAS) that can be operated remotely and supply real time video surveillance. Models include a Matrice 210 Series UAS and a Mavic 2 UAS
 - b) *Lifespan:* Varies on operational usage and wear but is approximately 5 years
 - c) *Purpose and Authorized Use:* Aerial monitoring of incidents, overwatch for citizen safety and officer safety concerns; traffic and parking monitoring during large events to assist with flow of traffic into and away from campus; mutual aid for surrounding public safety agencies; and crime scene management and documentation

UAS are prohibited for use to conduct random surveillance activities; target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age,

cultural group, or disability; harass, intimidate, or discriminate against any individual or group; or conduct personal business of any type.

- d) *Fiscal Impact:* \$2,500 for maintenance and training.
 - e) *Legal and Procedural Rules:* Governed by applicable CSU campus policies including those regarding time, place, and manner; First Amendment assemblies; unmanned aerial systems; allied agency or mutual aid partner policy; and 14 C.F.R Part 107, UAS Operations.
 - f) *Required Training:* Pilots must possess a pilot certificate or be under the direct supervision of a licensed operator, maintain a Federal Aviation Administration Pilot in Command (PIC) with a Part 107 license, and demonstrate the ability to navigate the operational environment during scenario-based exercises.
 - g) *Compliance:* The campus chief of police or designee is responsible for ensuring that all authorized operators have completed all required and department-approved training in the operation, applicable laws, policies, and procedures regarding use of UAS.
- 2) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- a) *Description, quantity, and capabilities:* The CSU owns a variety of mobile command and control vehicles including:

One (1) 2007 Ford Expedition modified for use as a mobile command vehicle during critical event with locking cargo drawers in the rear which contain miscellaneous equipment including extension cords, bull horn, large first aid kit, road flares, hazmat manuals, emergency operations plan, Incident Command System (ICS) documents, building floorplans, one VHF mobile police radio, one UHF mobile police radio, command dry erase boards with misc. maps and ICS charts, power inverter, emergency lighting controls, outside shore power charging port;

One (1) 18-foot Cargo Mate Command Post Trailer containing specialized command, control, and communications equipment;

One (1) 2006 Freightliner Mt-55 mobile command center vehicle containing specialized command, control, and communications equipment

One (1) 2008, 34-foot Ford F550 RV style mobile command vehicle containing specialized command, control, and communications equipment;

One (1) 2005 Ram 3500 tow truck and a Universal Specialty Services, Inc. 2003 30-foot mobile command post trailer with emergency lighting and brakes equipped with

interoperable radio communications, computers, storage, kitchenette, and lavatory

One (1) self-contained mobile incident command vehicle containing specialized command, control, and communications equipment;

One (1) 1996 GMC P30 vehicle modified for use as a mobile command vehicle during critical event with locking cargo drawers in the rear which contain miscellaneous equipment including extension cords, bull horn, large first aid kit, road flares, hazmat manuals, emergency operations plan, Incident Command System (ICS) documents, building floorplans, one VHF mobile police radio, one UHF mobile police radio, command dry erase boards with misc. maps and ICS charts, power inverter, emergency lighting controls, outside shore power charging port;

One (1) self-contained command post trailer including specialized command, control, and communications equipment;

- b) *Lifespan*: Varies depending on milage and utilization but estimated up to 20 years
 - c) *Purpose and Authorized Use*: Back-up or secondary communications center; communication services during special events or unforeseen emergencies; mobile command post for the coordination of personnel and resources, and the management of significant events; supplement patrol vehicle fleet, display during special events, which includes crime prevention, recruitment drives, law enforcement expos, community outreach, and other events which would benefit the campus university police department or the community.
 - d) *Fiscal Impact*: \$20,000 annual maintenance and fuel
 - e) *Legal and Procedural Rules*: Governed by applicable CSU campus policies including those regarding time, place, and manner; first amendment assemblies; mobile command vehicles; emergency operations; department communications; and National Incident Management System Incident Command System (ICS) 100, 200, 300, and 400.
 - f) *Required Training*: Valid driver's license for the class of vehicle, in-service training
 - g) *Compliance*: The campus chief of police or designee is responsible to ensure the proper deployment and use
- 3) Munitions containing tear gas or oleoresin capsicum (OC), excluding standard, service-issued handheld pepper spray.
- a) *Description, quantity, and capabilities*: Less-lethal launchers propel "pepper balls" that contain powdered chemical agent that is exposed with kinetic energy impact. The CSU deploys:

Seven (7) Variable Kinetic System VKS Pepper Ball Launcher with magazine containing

15 rounds or a gravity feed hopper containing 180 rounds with a maximum effective range of 150 feet using compressed air from a HPA buttstock 13ci tank. Live-X pepper balls are 0,68 caliber sphere contain 5% PAVA (pelargonic acid vanillylamide) pepper powder;

Four (4) TPI Pepper Ball brand launchers that expend TPI-brand pepper balls containing PAVA Powder;

Four (4) FN 303 pepper ball launchers, marking rounds, and pepper ball rounds

- b) *Lifespan*: Depends on usage; launcher up to 10 years and pepper balls up to 3 years
 - c) *Purpose and Authorized Use*: Less-lethal stand-off intervention with armed and/or violent individuals or crowds, suicidal individuals, individuals believed to possess or have immediate access to a deadly weapon or driving suspects from confined spaces or vehicles.
 - d) *Fiscal Impact*: Replacement cost \$1,300 per launcher; \$8,000 annual training cost
 - e) *Legal and Procedural Rules*: Governed by applicable CSU campus policies including those regarding time, place, and manner; First Amendment assemblies; use of force; and control device and techniques, among others depending on circumstances
 - f) *Required Training*: Annual qualification to maintain proficiency
 - g) *Compliance*: The campus chief of police or designee is responsible for ensuring that all authorized operators have completed all required and approved training
- 4) Kinetic energy weapons and munitions.
- a) *Description, quantity, and capabilities*: Launcher capable of firing a variety of 40mm rounds with a maximum effective range of 5 to 120 feet. The CSU deploys:

Thirty-two (32) Defense Technology 40mm LMT with light, sling, seventeen (17) 50-meter impact rounds, sixty-six (66) extended range inertial rounds, ninety-eight (98) green marker rounds, twenty-eight (28) plastic training rounds, thirty-seven (37) CS gas rounds, and thirty (30) OC rounds

Twenty-eight (28) Remington Model 870, 12-gauge shotgun, pump action, standard grip, orange stock and fore-end, and a magazine tube holding four (4) to six (6) rounds of Defense Technology 12-gauge drag stabilized less lethal bean bag rounds consisting of a fabric sock containing lead shot contained within a standard 2 ¾ inch shot shell casing or Super Sock CTS Model 2581 less lethal rounds consisting of a fabric sock containing lead shot within a standard 2 ¾ inch shot shell casing

Six (6) FN 303® Less Lethal Launcher constructed from durable lightweight polymer with comfortable ergonomics and an easy to operate safety and 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, a lightweight polymer magazine holding fifteen (15) projectiles, a clear rear cover to allow the operator to instantly verify both the payload type and the number of projectiles remaining, indelible paint projectiles and the PAVA/OC Powder projectiles

- b) *Lifespan*: Approximately ten (10) years based on operational use and wear
 - c) *Purpose and Authorized Use*: As a less-lethal use of force option with standoff capability to control a subject demonstrating assaultive behavior or life-threatening behavior, or an actively resistive subject believed to possess or have immediate access to a deadly weapon
 - d) *Fiscal Impact*: \$44,400 for maintenance and member training.
 - e) *Legal and Procedural Rules*: Governed by applicable CSU campus policies including those regarding time, place, and manner; first amendment assemblies; use of force; and control device and techniques, among others depending on circumstances; and allied agency or mutual aid partner policies.
 - f) *Required Training*: A minimum of annual or bi-annual qualification to maintain proficiency
 - g) *Compliance*: Campus chief of police or designee is responsible for ensuring that all authorized operators have completed all required and department-approved training in the operation, applicable laws, policies, and procedures
- 5) Long Range Acoustic Device (LRAD)
- a) *Description, quantity, and capabilities*: One (1) portable loudspeaker system that emits a focused and directional beam of sound.
 - b) *Lifespan*: Varies on operational usage and wear
 - c) *Purpose and Authorized Use*: Public address system to issue emergency evacuation orders, communicate with a subject during a law enforcement operation where direct communication is not possible, relay directions to a crowd in a noisy environment (e.g. unlawful assembly announcements, etc.), to move a disruptive crowd using high-intensity sound during civil unrest situations, to communicate with the community during natural disasters, or to communicate when other forms of communication are ineffective or inadequate.
 - d) *Fiscal Impact*: Estimated \$5,000 annually for training
 - e) *Legal and Procedural Rules*: Governed by applicable CSU campus policies including those regarding time, place, and manner; First Amendment assemblies; use of force; and

control device and techniques, among others depending on circumstances; and allied agency or mutual aid partner policies.

- f) *Required Training:* Bi-annual Critical Response Unit training
- g) *Compliance:* Critical Response Unit team managers, allied agencies, and mutual aid partners are responsible for ensuring that all authorized operators have completed all required and department-approved training in the operation, applicable laws, policies, and procedures

706.5 APPROVAL

The regulated equipment policy must be approved by the Board of Trustees prior to engaging in any of the following (Cal. Gov. Code § 7071):

- (a) Requesting regulated equipment made available pursuant to 10 U.S.C § 2576a.
- (b) Seeking funds for regulated equipment, including but not limited to applying for a grant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring regulated equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of regulated equipment within the jurisdiction of this department.
- (e) Using any new or existing regulated equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of regulated equipment.
- (g) Acquiring regulated equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Regulated equipment and tools shall not be used on a CSU campus by any department member or any other law enforcement agency or member in this jurisdiction unless the regulated equipment is approved for use in accordance with this policy.

Additional information regarding specific equipment and tools that may be utilized by another law enforcement agency within the jurisdiction of the campus university police department is available online for public viewing at the respective agency web page.

- **California State University, Bakersfield**
 - Bakersfield Police Department: <https://www.bakersfieldcity.us/257/Police>
 - Kern County Sheriff's Office: <https://www.kernsheriff.org/>

- **California State University Channel Islands**
 - Ventura County Sheriff's Office: https://s29762.pcdn.co/wp-content/uploads/2022/06/Military_Equipment.pdf
- **California State University, Chico**
 - Butte County Sheriff's Department: <https://www.buttecounty.net/Portals/24/pdf/1BCSO%20AB%20481%20Policy%2004%2022.pdf?ver=2022-04-25-080253-163>
 - Chico Police Department: https://chico.ca.us/sites/main/files/file-attachments/proposed_policy_709_-_military_equipment_and_inventory.pdf?1646702442
- **California State University, Dominguez Hills**
 - Los Angeles County Sheriff's Department: <https://lasd.org/carson/>
- **California State University, East Bay**
 - Hayward Police Department: <https://www.hayward-ca.gov/police-department>
 - Alameda County Sheriff's Office: <https://www.alamedacountysheriff.org/>
- **California State University, Fresno**
 - City of Clovis Police Department: <https://cityofclovis.com/police/>
 - City of Fresno Police Department: <https://www.fresno.gov/police/>
 - Fresno County Sheriff's Office: <https://www.fresnosheriff.org/>
- **California State University, Fullerton**
 - Fullerton Police Department: <https://www.cityoffullerton.com/government/departments/police/>
 - Orange County Sheriff: <https://www.ocsheriff.gov/>
- **California State Polytechnic University, Humboldt**
 - Arcata Police Department: <https://www.cityofarcata.org/206/Police>
 - Humboldt County Sheriff's Office: <https://humboldtgov.org/2545/Sheriffs-Office>
- **California State University, Long Beach**
 - Long Beach Police Department: <https://www.longbeach.gov/police/about-the-lbpd/lbpd-ab-481/>
 - Los Angeles Sheriff's Department: <https://lasd.org>
- **California State University, Los Angeles**
 - Los Angeles Sheriff's Department: <https://lasd.org>
 - Los Angeles Police Department: <https://www.lapdonline.org/>
- **California State University Maritime Academy**
 - Vallejo Police Department: <https://vallejopd.net>
 - Solano County Sheriff's Office: <https://www.solanocounty.com/depts/sheriff/>

- **California State University, Monterey Bay**
 - Monterey County Sheriff's Office: <https://montereysheriff.org/>
 - Seaside Police department: <http://www.ci.seaside.ca.us/171/Police-Department>
 - Marina Police Department: <https://www.cityofmarina.org/17/Police-Department>
- **California State University, Northridge**
 - Los Angeles Police Department: <https://www.lapdonline.org/>
 - Los Angeles Unified School Police Department: www.laspd.com
 - Los Angeles County Sheriff's Department: www.lasd.org
- **California State Polytechnic University, Pomona**
 - Pomona Police Department:
<https://www.pomonaca.gov/government/departments/police-department?locale=en>
 - Los Angeles County Sheriff's Department: <https://lasd.org/>
- **California State University, Sacramento**
 - Sacramento County Sheriff's Office:
<https://www.sacsheriff.com/pages/transparency.php>
 - Sacramento Police Department:
<https://www.cityofsacramento.org/Police/Transparenc>
- **California State University, San Bernardino**
 - San Bernardino Police Department:
https://sbcity.org/cityhall/police_department/default.asp
 - San Bernardino Sheriff's Office: <https://wp.sbcounty.gov/sheriff/>
- **San Diego State University**
 - San Diego Police Department: <https://www.sandiego.gov/police>
 - San Diego County Sheriff's Department: <https://www.sdsheriff.gov/>
- **San Francisco State University**
 - San Francisco Police Department: <https://www.sanfranciscopolice.org>
 - San Francisco Sheriff's Office: <https://www.sfsheriff.com>
- **San José State University**
 - San José Police Department at <https://www.sjpd.org/>.
 - Santa Clara County Sheriff's Office at <https://countysheriff.sccgov.org/>
- **California Polytechnic State University, San Luis Obispo**
 - San Luis Obispo Police Department:
<https://www.slocity.org/government/department-directory/police-department>
 - San Luis Obispo County Sheriff: <https://www.slosheriff.org/>

- **California State University, San Marcos**
 - San Diego County Sheriff's Department: <https://www.sdsheriff.gov/Home/Components/FacilityDirectory/FacilityDirectory/40/61>
- **Sonoma State University**
 - Petaluma Police Department: <https://cityofpetaluma.org/police-department-specialized-equipment/>
 - Cotati Police Department: https://www.cotaticity.org/city_hall/departments/police/police_department_policy_manual
 - Rohnert Park Department of Public Safety: https://www.rpcity.org/city_hall/departments/public_safety/police_transparency
 - Sonoma County Sheriff's Office: <https://www.sonomasheriff.org/policies-and-training>
 - Santa Rosa Police Department: <https://srcity.org/3217/Policies>
- **Stanislaus State University**
 - Turlock Police Department: <https://www.cityofturlock.org/policedepartment/>
 - Stanislaus County Sheriff's Department: <https://www.scsdonline.com/>

706.7 REPORT

Upon approval of a regulated equipment and tools policy, the campus chief of police or the authorized designee shall submit a regulated equipment and tools report to the chancellor for each type of regulated equipment and tool approved within one year of approval, and annually thereafter for as long as the regulated equipment is available for use (Cal. Gov. Code § 7072).

The campus chief of police or the authorized designee shall also make each annual regulated equipment report publicly available on the department website for as long as the regulated equipment is available for use. The report shall include all information required by Cal. Gov. Code § 7072 for the preceding calendar year for each type of regulated equipment in department inventory.

In addition, whenever regulated equipment or tools are deployed in response to an incident or event on campus, excluding for training or community engagement purposes, within seven (7) days of use the campus chief of police shall send a notice of such use to the campus president. Upon receipt of the notice, the campus president will notify the chancellor of the deployment of the regulated equipment or tools on campus.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report described in 706.7, the campus university police department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the department should discuss the report and

respond to public questions regarding the funding, acquisition, or use of regulated equipment.

706.9 PUBLIC COMPLAINTS, QUESTIONS, AND INVESTIGATIONS

In accordance with Cal. Gov. Code § 7071, members of the public may register complaints, submit questions about the use of each type of equipment subject to this policy, and procedures by which the campus university police department will respond to such matters.

Complaints related to this policy may be submitted in accordance with the campus university police department personnel complaint policy. Complaint forms and instructions are posted on the department website and in the lobby of the department. Investigations into violations may be completed in accordance with the personnel complaint policy and other applicable department policy.

Members of the public may submit questions related to the use of specific equipment subject to this policy to the Department in accordance with the California Public Records Act, Cal. Gov. Code § 6250 *et seq.*

Complaints and questions regarding the use of specific equipment subject to this policy by mutual aid or allied agency on a CSU campus will be referred to the agency that provided the aid.