

# Military Equipment

## 703.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

## 703.2 POLICY

It is the policy of the Manhattan Beach Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

## 703.3 MILITARY EQUIPMENT COORDINATOR

The Administrative Lieutenant shall be the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the City Council for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the City Council.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Manhattan Beach Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Coordinating the processing of complaints and concerns submitted pursuant to this policy.

## 703.4 MILITARY EQUIPMENT USE

The following shall apply to any military equipment acquired and authorized by the department:

- (a) Use of the equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) Use of the equipment will serve to safeguard the public's welfare, safety, civil rights, and civil liberties.

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- (c) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (d) The equipment shall only be used by Department employees who have received required training, including any courses required by the Commission on Peace Officer Standards and Training (POST), and/or who otherwise possess established qualifications for each item type of equipment, unless an emergency or other exigent circumstances exist.
- (e) Use of the equipment shall comply with all other applicable Department policies.

### **703.5 APPROVAL FOR USE OF MILITARY EQUIPMENT**

The Chief of Police or the authorized designee shall obtain approval for use of military equipment from the City Council by way of an ordinance adopting a new or revised military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the City Council and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the City Council prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military 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 military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.
- (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 military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **703.6 REPORTING**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall submit a military equipment report to the City Council for each type of military equipment approved within one year of approval of this policy, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee shall also make each annual military equipment report publicly available on the Department website for as long as the military equipment is

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available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year, for each type of military equipment in the Department's inventory.

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:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) 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.
- (e) The quantity possessed for each type of military equipment.
- (f) If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

#### **703.7 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing an annual military equipment report, the Department 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 Manhattan Beach Police Department's funding, acquisition, or use of military equipment. This should occur as a part of the Department's presentation to the City Council.

#### **703.8 COMPLIANCE**

The Manhattan Beach Police Department will have legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

The Administrative Lieutenant shall ensure that all Department members comply with this policy and will conduct the annual audit. The Chief of Police or designee will be notified of any policy violations and, as appropriate, the violation(s) will be handled in accordance with the Personnel Complaints Policy. All instances of non-compliance will be reported to City Council via the annual military equipment report.

Members of the public with concerns or questions about the use of each specific type of military equipment may contact the Administrative Lieutenant, or the department designee, via telephone. A public records request may be submitted to obtain non-exempt records concerning military equipment used by the Department. The Administrative Lieutenant will ensure each concern or question receives a response in a timely manner.

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Any member of the public can submit a complaint to any member of the Department and in any form (i.e., in person, telephone, email, etc.). Once the complaint is received, it will be handled in accordance with the Personnel Complaints Policy.

#### **703.9 FUNDING**

The Department shall obtain City Council approval, by way of ordinance, to adopt a new or revised military equipment use policy, prior to seeking funds for military 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.

The Manhattan Beach Police Department has authority to apply for funding prior to obtaining City Council approval in the case of exigent circumstances. In such case, the Department shall obtain City Council approval as soon thereafter as practicable. In seeking such approval, the Administrative Lieutenant, or designee, will submit to the City Council a written report explaining the nature of the exigency and why prior approval could not be obtained.

The Department may replenish used, or damaged, military equipment as necessary without additional City Council approval. The Administrative Lieutenant, or designee, shall report replenishment purchases on the annual military equipment report.

#### **703.10 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this Department shall be approved for use and in accordance with this policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department shall comply with their respective military equipment use policies and applicable statutes when rendering mutual aid.

#### **703.11 MILITARY EQUIPMENT DEFINED**

**Military Equipment** - Government Code §7070 defines "military equipment" as including:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- 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.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.

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- 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 firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by the City Council; or a state agency to require additional oversight.

### **703.12 MILITARY EQUIPMENT INVENTORY REQUIREMENTS**

All military equipment kept and maintained by the Manhattan Beach Police Department shall be cataloged in a way which addresses each of the following requirements:

- (a) The manufacturer's description for each type of equipment.
- (b) The capabilities of each type of equipment.
- (c) The purposes and authorized uses for which the Department proposes for each type of equipment.
- (d) The expected lifespan of each type of equipment.
- (e) The fiscal impact of each type of equipment, both initially and for on-going maintenance.
- (f) The quantity of each type of equipment, whether maintained or sought.

### **703.13 GOVERNMENT CODE § 7070 INVENTORY**

See Attachment