

Military Equipment

706.1 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).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department. As applicable to this policy, the governing body is the College Board of Trustees.

Military equipment – Includes but is not limited to the following:

- 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.
- 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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

SAMPLE POLICY

Military Equipment

706.2 POLICY

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

706.2.1 COMPLIANCE PROCEDURE

The [Police] Department will ensure that all Department members comply with this policy and the policies that govern the use of equipment defined as military equipment. The [Police] Department shall conduct an annual audit. The Chief of Police or a designee will be notified of any policy violation(s). If needed, the violation(s) will be referred to an internal complaint investigation and handled according to the [Police] Department's Personnel Complaints Policy. All instances of non-compliance will be reported to the College Board of Trustees as part of the Annual Military Equipment Report.

Any member of the public can register a complaint, question, or a concern regarding military equipment use by emailing the Chief of Police. The Chief of Police or designee will respond in a timely manner.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military 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 military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (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 College 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).

SAMPLE POLICY

Military Equipment

- (g) 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 military equipment, and how the Department will respond in a timely manner.

706.4 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of a resolution adopting the 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 governing body 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 governing body 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 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 military equipment.
- (g) Acquiring military equipment through any means not provided above.

The governing body shall only approve a military equipment use policy pursuant if it determines all of the following (Government Code § 7071(d)(1)):

- (a) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) If purchasing the equipment, the equipment is reasonably cost-effective compared to available alternatives, if any, that can achieve the same objective of officer and civilian safety.
- (d) 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.

SAMPLE POLICY

Military Equipment

706.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid. Situations may arise where the Department may deploy or use military equipment owned by other law enforcement agencies. The Department hereby adopts the military equipment use policy as is approved, and may be amended from time to time, under Government Code Section 7070 et seq., for jurisdictions that the Department may engage with to provide mutual aid. This section is in no way a limitation to the ability of the Department to deploy or use the military equipment of another jurisdiction.

706.6 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, 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 available for use. The report shall, at a minimum, include the following information for the preceding calendar year for each type of military equipment (Government Code § 7072i):

- (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 regarding the use of military equipment.
- (c) The results of any internal audits, any information about violations of the Military Equipment 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 law enforcement agency intends to acquire additional military equipment in the next year, the quality sought for each type of military equipment.

706.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the 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 report and the Department's funding, acquisition, or use of military equipment (Government Code § 7072(b)).

706.8 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

SAMPLE POLICY

Military Equipment

Equipment Name: Colt® Enhanced Patrol Rifle AR 15, 5.56mm Semi-Automatic Rifles and Ammunition – California Government Code § 7070(c)(10)	
Quantity Owned/Sought: 6	Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifles that fire a 5.56mm projectile.	
Manufacturer Product Description: "The Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle. Featuring an extended handguard that accepts modular rail segments for mounting a wide variety of pro-grade optics, lighting, and ergonomics-enhancing accessories, as well as the highly durable Magpul MBUS Pro Series front and rear back up sights and B5 Bravo buttstock. The Colt EPR reestablishes the Colt AR-15 as the finest tool for local, regional, and national law enforcement agencies."	
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to: <ul style="list-style-type: none">• Situations where the officer reasonable anticipates an armed encounter• When an officer is faced with a situation that may require accurate and effective fire at long range.• Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.• When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.• When an officer reasonably believes that a suspect may be wearing body armor.	
Fiscal Impacts: The initial cost of equipment will be approximately \$1500 per rifle. The ongoing costs of ammunition and maintenance is approximately \$2000 per year. The initial cost for training will be approximately \$306 per officer. The ongoing cost for training and qualification will be approximately \$100 per year.	
Legal/Procedural Rules Governing Use: All applicable State and Federal laws governing police use of force. Police Department policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete a California POST-certified 16-hour patrol rifle course. Thereafter, authorized users must qualify with the rifle once a year.	