

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.

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.

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706.2 POLICY

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

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 Clearlake 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) 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 MILITARY EQUIPMENT INVENTORY

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

- (a) **Unmanned Aircraft System (UAS/Drones) - CA Gov't Code §7070(c)(1)**
 - 1. **Quantity Sought:** 1
 - 2. **Lifespan:** Approx 5 years
 - 3. **Equipment Capabilities:** Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.
 - 4. **Manufacturer Product Description:** The Mavic 2 Enterprise Advanced features omnidirectional Vision Systems and Infrared Sensing Systems, and comes with a fully stabilized 3-axis gimbal camera that includes a thermal camera and a visual camera, providing both infrared and visual images

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simultaneously. DJI's Obstacle Sensing technology helps users to fly safely so they can capture complex shots while DJI AirSense provides awareness of the surrounding airspace and password protection ensures access to the aircraft and all data is secure. The Mavic 2 Enterprise Advanced boasts a maximum flight speed of 44.7 mph (72 kph) and a maximum flight time of 31 minutes.

5. **Purpose/Authorized Uses:** UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.
6. **Fiscal Impacts:** The initial cost of equipment, licensing, software and training is approximately \$15,000. The ongoing costs associated with operation and maintenance are estimated to be approximately \$3,000 - \$5,000 per year.
7. **Legal/Procedural Rules Governing Use:** It is the policy of the CPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law, including all Federal Aviation Administration (FAA) requirements and regulations.
8. **Training Required:** Prior to piloting a department UAS/Drone, members must secure an FAA Remote Pilot License.

(b) **Armored Vehicle - CA Gov't Code §7070(c)(3)**

1. **Quantity Sought:** 1
2. **Lifespan:** Approx 10 years+
3. **Equipment Capabilities:** High Mobility Multipurpose Wheeled Vehicle (HMMWV). The HMMWV is an armored vehicle that seats 4 personnel with an open floor plan that allows for rescue of down personnel or citizens. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of a shield and personal body armor.
4. **Manufacturer Product Description:** AM General Hummer
5. **Purpose/Authorized Uses:** The use of armored vehicles shall only be authorized by a watch commander or higher rank, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.
6. **Fiscal Impacts:** The initial cost of the vehicle is no cost. The ongoing costs association with the unit depends on usage and can vary significantly year to year, but will not require a budget increase.
7. **Legal/Procedural Rules Governing Use:** It is the policy of the Department to use the armored vehicle only for official law enforcement or public safety purposes, and in accordance with California State law regarding the operation of motor vehicles.

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- 8. **Training Required:** Operators are provided hands-on training regarding use of the vehicle and locations where items are stored.
- (c) **Mobile Command Unit - CA Gov't Code §7070(c)(5)**
 - (a) **Quantity Owned:** 1
 - (b) **Lifespan:** Approx 10 years+
 - (c) **Equipment Capabilities:** Converted former ambulance utilized as a field command post complete with radio communication and mobile dispatching capabilities. The vehicle also stores a variety of equipment utilized during incident management and in support of evidence collection and crime scene processing.
 - (d) **Manufacturer Product Description:** N/A. This unit was converted by the agency.
 - (e) **Purpose/Authorized Uses:** The mobile command unit is utilized primarily as a field incident command post and mobile dispatch center. The unit has primarily been utilized for fire incidents in the city where unified command is established between the police and fire department. Other types of incidents the unit is used at includes community events, warrant service, response to emergency/tactical situations and in support of crime scene documentation and evidence collection.
 - (f) **Fiscal Impacts:** The initial cost of the vehicle was \$1 from the Fire Department. The ongoing costs association with the unit depend on usage and can vary significantly year to year.
 - (g) **Legal/Procedural Rules Governing Use:** It is the policy of the Department to use the Mobile Command Unit only for official law enforcement or public safety purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - (h) **Training Required:** Operators are provided hands-on training regarding use of the vehicle and locations where items are stored.

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance 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.

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- (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.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. 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, as defined, 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.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should 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 should 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 include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.8 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 funding, acquisition, or use of military equipment.

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706.9 COMPLIANCE PROCEDURE

This procedure is to ensure compliance with the military equipment use policy. All complaints, concerns, or questions submitted regarding this policy will be handled pursuant to the Department's normal complaint process and in a timely manner.