

Military Equipment

707.1 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).

707.1.1 DEFINITIONS

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

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

- 1 Unmanned, remotely piloted, powered aerial or ground vehicles.
- 2 Mine-resistant ambush-protected (**MRAP**) vehicles or armored personnel carriers. Police versions of standard consumer vehicles are not Military Equipment.
- 3 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. Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are not Military Equipment.
- 4 Tracked armored vehicles that provide ballistic protection to their occupants and use a tracked system instead of wheels for forward motion.
- 5 Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- 6 Weaponized aircraft, vessels, or vehicles of any kind.
- 7 Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram. Items designed to remove a lock, such as bolt cutters, are not Military Equipment.
- 8 Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- 9 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 handguns and ammunition of less than .50 caliber.
- 10 Any firearm or firearm accessory that is designed to launch explosive projectiles.
- 11 Flashbang grenades, noise-flash diversionary devices, and explosive breaching tools.
- 12 Tear gas, pepper balls, and other munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- 13 TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

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14 The following projectile launch platforms and their associated munitions: 40 mm projectile launchers, bean bag, rubber bullet, specialty impact munition (SIM) weapons, and any kinetic energy weapons and munitions.

15 Any other equipment as determined by the City Council to require additional oversight.

Type – Each item that shares the same manufacturer model number.

707.2 POLICY

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

707.3 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 City Council for matters related to the requirements of this Policy.
- (b) Identifying equipment that qualifies as Military Equipment, as defined in this Policy, whether the equipment is in the current possession of the Department or is equipment the Department intends to acquire.
- (c) Conducting an inventory of all Military Equipment, as defined in this Policy, at least annually.
- (d) Collaborating with any other law enforcement agency that may use Military Equipment within the jurisdiction of Folsom Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting, including:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the Department's funding, acquisition, or use of Military Equipment.
- (f) Preparing the annual Military Equipment report for submission to the City Council and ensuring that the report is made available on the department website consistent with this Policy. (Government Code § 7072). Additionally, updating the ordinance, policy, and Military List as necessary.
- (g) Ensuring that this Policy is made available on the Department's website and that any newly proposed version of the Policy is also available on the website at least 30 days before any public hearing concerning the Policy or the associated ordinance.
- (h) Evaluating the procedures by which members of the public may register complaints or concerns or submit questions about the use of any Type of Military Equipment and updating those procedures as needed.

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- (i) Ensuring that the Department responds in a timely manner to each complaint, concern, or question about Military Equipment

707.4 MILITARY EQUIPMENT INVENTORY

Attached is a list of the Folsom Police Department's qualifying Military Equipment, including the following information (Government Code § 7070):

- (a) A description of each Type of Military Equipment, including:
 - 1. Quantity
 - 2. Capabilities
 - 3. Expected lifespan
 - 4. Product description from the manufacturer.
- (b) The purposes and authorized uses of each Type of Military Equipment
- (c) The fiscal impact of each Type of Military Equipment, including:
 - 1. Initial cost of obtaining the equipment
 - 2. Estimated annual cost of maintaining the equipment
- (d) Rules that govern each authorized use
- (e) Training that must be completed before any member of the Department is allowed to use each specific Type of Military Equipment

[Insert attachment here]

707.5 USE OF MILITARY EQUIPMENT

Military Equipment used by any member of this Department shall first be approved for use by the City Council. Once approved, Military Equipment must be used in accordance with all applicable Folsom Police Department policies and used only by those members trained and authorized for such use.

707.6 ACQUISITION OF NEW MILITARY EQUIPMENT

- (a) The acquisition of new Military Equipment shall be approved in advance by the City Council, in accordance with this Policy.
- (b) The Department is authorized to acquire additional stock of approved Military Equipment from other law enforcement agencies in the event of an emergency when approved in advance by the Chief of Police or authorized designee. If that occurs, the Department must obtain City Council approval as described in this Policy as soon as practicable.

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707.7 FUNDING FOR MILITARY EQUIPMENT

Funding for Military Equipment shall be approved in advance by the City Council, in accordance with the City of Folsom budget process, the procurement requirements of the Folsom Municipal Code, and this Policy.

707.8 APPROVAL BY CITY COUNCIL

- (a) The Chief of Police or the authorized designee shall obtain approval from the City Council for the acquisition and use of Military Equipment by way of an ordinance adopting the Military Equipment Use Policy. (Government Code § 7071.)
- (b) The City Council shall review the ordinance approving the Military Equipment Use Policy annually and vote on whether to renew the ordinance. (Government Code § 7071.)
- (c) As part of the initial and annual approval process, the Chief of Police or the authorized designee shall submit the proposed Military Equipment Use Policy to the City Council and make it available on the Department's website at least 30 days prior to any public hearing concerning the Military Equipment at issue (Government Code § 7071).
- (d) The ordinance approving the Military Equipment Use Policy must be adopted by the City Council before the Department engages in any of the following (Government Code § 7071):
 - 1. Requesting military equipment made available pursuant to 10 USC § 2576a.
 - 2. 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.
 - 3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 - 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
 - 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
 - 6. 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.
 - 7. Acquiring military equipment through any means not provided above.

707.9 PUBLIC AVAILABILITY OF POLICY

- (a) The Chief of Police or the authorized designee shall make any proposed Military Equipment Use Policy publicly available on the Department's website at least 30 days before any public hearing concerning the Military Equipment at issue. This includes any proposed changes to the Policy or the Military Equipment Inventory associated with the City Council's annual review of the ordinance. (Government Code § 7071.)

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- (b) The Chief of Police or the authorized designee shall make any Military Equipment Use Policy publicly available on the Department's website for as long as the Military Equipment is available for use. (Government Code § 7071.)

707.10 COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES

Military Equipment used by any other law enforcement agency that is providing mutual aid to or operating in conjunction with this Department or the City of Folsom in a law enforcement capacity, shall comply with the law enforcement agency's own Military Equipment use policy. Use of another law enforcement agency's Military Equipment by that agency in the City of Folsom is approved as long as the use complies with the other agency's Military Equipment use policy.

707.11 ANNUAL REPORT

- (a) Within one year after approval of the Military Equipment Use Policy, and annually thereafter, the Chief of Police or the authorized designee should submit to the City Council an annual Military Equipment report for each Type of approved Military Equipment. (Government Code § 7072).
- (b) The Chief of Police or the authorized designee should make each annual Military Equipment report publicly available on the Department's website for as long as the Military Equipment is available for use. (Government Code § 7072.)
- (c) The annual Military Equipment report shall include, at a minimum, all of the following information for the preceding calendar year for each Type of Military Equipment (Government Code § 7072):
 - 1. A summary of how the Military Equipment was used and the purpose of its use.
 - 2. A summary of any complaints or concerns received concerning the Military Equipment.
 - 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 - 4. 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.
 - 5. The quantity possessed for each Type of Military Equipment.
 - 6. If the Department intends to acquire additional Military Equipment in the next year, the quantity sought for each Type of Military Equipment.

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707.12 REPLACEMENT OF EXISTING MILITARY EQUIPMENT

To maintain the quantity of each Type of Military Equipment included in the Military Equipment Inventory attached to this Policy, the Department is authorized to replace any approved Military Equipment without amending this Policy or the associated ordinance, if the Military Equipment is destroyed or rendered inoperable as a result of authorized use.

707.13 COMPLIANCE

Mechanisms to ensure compliance with the Military Equipment Use Policy include, but are not limited to, the following:

- (a) The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this Policy and shall ensure compliance with the Policy.
- (b) Each Division Commander will ensure that members under his/her command are aware of this Policy.
- (c) Each member will be required to acknowledge that he/she reviewed the Policy and shall seek clarification from an appropriate supervisor as needed.
- (d) The Training Officer is responsible for developing, reviewing, updating, and maintaining the Department's training plan so that required training is completed.
- (e) The Military Equipment Coordinator is responsible for compliance with specific components of the Policy as described above.
- (f) Violations of this Policy shall form the basis for departmental administrative action, training, or discipline consistent with the Policy Manual, the City of Folsom Personnel Rules and Regulations, and the applicable collective bargaining agreement.
- (g) This Policy shall not be construed to create a higher standard of care for civil or criminal liability against the City of Folsom or its employees.

707.14 COMMUNITY ENGAGEMENT

- (a) Within 30 days of submitting and publicly releasing the annual Military Equipment report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the annual Military Equipment report and respond to public questions regarding the report and the Department's funding, acquisition, or use of Military Equipment. (Government Code § 7072.)
- (b) Members of the public may register complaints or concerns or submit questions about the use of each specific Type of Military Equipment in any form, including in writing, by email sent to the following email address: FPDmilitaryequipment@folsom.ca.us, in person, by telephone at (916) 461-6400, at pre-determined community engagement meetings related to Military Equipment, or at any City Council meeting. Complaints related to the use of Military Equipment will be handled in accordance with FPD Policy 1019- Personnel Complaints.
- (c) The Department will ensure that each complaint, concern, or question receives a response in a timely manner. The Military Equipment Coordinator is specifically tasked

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with ensuring that each complaint, concern, or question receives a response in a timely manner.