

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). This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481, enacting the foregoing Code sections. These obligations include, but are not limited to, seeking approval for the use and acquisition of specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

706.1.1 DEFINITIONS

California 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.
- 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 a governing body or a state agency to require additional oversight.

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706.2 POLICY

It is the policy of the Monrovia Police Department that members of this department comply with the provisions of Government Code § 7070 with respect to military equipment, as defined. It is the policy of the Monrovia Police Department that there shall be 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.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates the Operations Captain 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 in the current possession of the Department, and/or military equipment the Department intends to acquire that requires approval by the City Council.
- (c) Conducting an inventory of all Department military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Monrovia Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting which includes:
 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 Section 706.7 of this policy.

706.4 MILITARY EQUIPMENT USE CONSIDERATIONS

The military equipment acquired and authorized by the Department is:

- (a) Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

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Military equipment shall only be used by a Department employee after the employee has received the training specified herein, any course required by the Commission on Peace Officer Standards and Training (POST), has been successfully completed, unless exigent circumstances arise.

706.5 MILITARY EQUIPMENT REPORTING CONSIDERATIONS

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 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.

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 Monrovia Police Department's funding, acquisition, or use of military equipment. This shall occur as a part of the Department's presentation to the City Council.

706.6 CATALOGING OF MILITARY EQUIPMENT

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

1. The manufacturer's description for each type of equipment.
2. The capabilities of each type of equipment.

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3. The purposes and authorized uses for which the Department proposes for each type of equipment.
4. The expected lifespan of each type of equipment.
5. The fiscal impact of each type of equipment, both initially and for ongoing maintenance.
6. The quantity of each type of equipment, whether maintained or sought.

706.7 COMPLIANCE

The Operations Captain will ensure that all Department members comply with this policy and will conduct an annual audit. The Chief of Police or designee will be notified of any policy violations and, as appropriate, the violation(s) will be referred to the Internal Affairs Bureau and handled in accordance with Policy 1010 (Personnel Complaints). All instances of non-compliance will be reported to City Council via the annual military equipment report.

Any member of the public can register a question or concern regarding military use equipment by contacting the Monrovia Police Department via email at pio@ci.monrovia.ca.us. An initial response to the question or concern shall be completed and provided by the Department in a timely manner, but not to exceed thirty (30) days.

Any member of the public may 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 shall be routed to the Internal Affairs Bureau for handling in accordance with Policy 1010, or 706, as applicable.

706.8 FUNDING

The Department shall obtain City Council approval, by an ordinance adopting a new or revised military equipment use policy or, if applicable, a resolution of the City Council, prior to seeking new 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 Department has authority to apply for outside 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 Operations Captain will submit to the City Council a report explaining the nature of the exigency and why prior approval could not be obtained.

706.9 MILITARY EQUIPMENT INVENTORY

The inventory of previously purchased equipment for the Monrovia Police Department deemed to be military equipment as defined by this policy, with the information required by Government Code Section 7070(d) has been made available to the public via the Department's website.

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706.10 REGIONAL SWAT TEAM MILITARY EQUIPMENT INVENTORY

The Monrovia Police Department participates in the Foothills Area Special Enforcement Team ("FSET"), a regional SWAT team with officers from the cities of Monrovia, La Verne and Glendora. Exhibit A includes an inventory of previously purchased equipment known to be owned and/or utilized by law enforcement units with which the Monrovia Police Department collaborates and/or participates for law enforcement purposes, which are deemed to be military equipment as defined by this policy.

706.11 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the City Council 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 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). Once such ordinance is effective, 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.

706.12 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department 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 Department shall comply with their respective military equipment use policies in rendering mutual aid.

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706.13 MAINTENANCE OF MILITARY EQUIPMENT SUPPLY LEVELS

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without City Council approval to maintain essential availability for the Department's needs. Monrovia Police Department is authorized to acquire additional stock of items listed here from other law enforcement agencies or California Office of Emergency Services (Cal OES) in the event of an emergency when approved by the Chief of Police or designee.