

Military Equipment

706.1 PURPOSE AND SCOPE

This policy establishes guidelines for the acquisition, funding, approval, use, and reporting of “military equipment”, as the term is defined in Government Code section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include, but are not limited to, seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, and community engagement regarding these items.

706.1.1 DEFINITIONS

Pursuant to AB-481, the following definitions are applicable only to the Department’s current military equipment inventory and potential future military equipment acquisitions for operational needs.

“**Governing body**” means the La Mesa City Council and Mayor.

“**Military equipment**” means the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
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.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
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.
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 service weapons.

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10. Any firearm or firearm accessory that is designed to launch explosive projectiles.
11. Noise-flash diversionary devices and explosive breaching tools.
12. 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).
14. Kinetic energy weapons and munitions.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

“The Department” means the La Mesa Police Department.

“Military equipment use policy” refers to this Department Procedure and means a publicly released, written document governing the use of military equipment by the Department.

“Law enforcement agency” means any of the following:

1. A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.
2. A sheriff's department.
3. A district attorney's office.
4. A county probation department.

706.2 POLICY

It is the policy of the La Mesa 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 the 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.

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- (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 La Mesa 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 AND USAGE GUIDELINES

The La Mesa Police Department retains and employs a variety of military equipment to assist in safely achieving the furtherance of its objective to maintain public safety.

The La Mesa Police Department recognizes that the deployment of military equipment can have a significant and traumatizing impact on the community. These potential influences should be included in the decision-making process before approving the use of the equipment covered by this policy. The use of the equipment covered by this policy is subject to all other policies, regulations, and laws regarding the use of force.

The La Mesa Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted for use only in certain instances. While this procedure is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize military equipment to be used in a manner not outlined within this procedure. In scrutinizing those particular instances, the judgment of the incident commander influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used.

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It is incumbent upon incident commanders, supervisors, individual officers, and specific units to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

The following are the various types, descriptions, and guidelines for usage of military equipment currently employed or anticipated to be employed by the La Mesa Police Department:

See Attachment 1

706.5 APPROVAL

(a) 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):

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.

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- (b) When military equipment is of a consumable nature and the Department's inventory becomes too low for operational purposes, the governing body authorizes the Department to acquire additional quantities of previously authorized military equipment to maintain availability for the Department's needs. Acquisition of consumable military equipment shall be reflected in the Department's annual report. (Government Code § 7072.)

706.6 COORDINATION WITH OTHER JURISDICTIONS

On occasion, the Department may be required to assist other law enforcement agencies in a mutual aid request or support with day-to-day operational collaboration (i.e. pursuits, investigative unit assistance, joint law enforcement operations, etc.).

In certain mutual aid or operational collaboration circumstances, it may be necessary for sworn Department members to utilize military equipment in order to fulfill an assigned mission (i.e. SWAT requests, barricaded suspects in a vehicle, civil unrest, etc.). When sworn Department members utilize military equipment in instances of mutual aid or law enforcement collaboration, the following shall apply:

- (a) Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the La Mesa Police Department's Policy Manual, regardless of operational jurisdiction.
- (b) Should the La Mesa Police Department request mutual aid from another law enforcement agency for assistance within the City of La Mesa pursuant to a mutual aid agreement, and military equipment is required during the course of the response, the assisting agency will be expected to adhere to their respective policies and procedures, particularly those governing the use of military equipment. **The La Mesa Police Department shall remain in charge of the overall incident in accordance with the mutual aid agreement.**

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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