

Military Equipment

705.1 PURPOSE AND SCOPE

State **MODIFIED**

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).

705.1.1 DEFINITIONS

State **MODIFIED**

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

Governing body – The elected or appointed body that oversees the Department ("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, excluding unarmored all-terrain vehicles and dirt bikes.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a track system instead of wheels for forward motion.
- 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 ram designed to be operated by one person.
- Firearms and ammunition of fifty (.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 pursuant to Penal Code sections 30510 and 30515, except standard Department-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools, including, but not limited to, grenades.
- Munitions containing tear gas or oleoresin capsicum ("OC"), excluding standard Department-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices ("LRAD").

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- Kinetic energy weapons and munitions, including, but not limited to, projectile launchers, bean bag rounds, and rubber bullets.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.
- Notwithstanding Government Code section 7070 paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

705.2 POLICY

State MODIFIED

It is the policy of the Department that Department members comply with the provisions of Government Code section 7071.

705.3 MILITARY EQUIPMENT COORDINATOR

Best Practice MODIFIED

The Chief of Police should designate a Department member 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 the 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.

705.4 MILITARY EQUIPMENT INVENTORY

State MODIFIED

The Department does not currently own any qualifying military equipment.

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If the Department acquires military equipment, pursuant to the governing body's approval, the Department shall properly maintain an appropriate military equipment inventory pursuant to Government Code section 7072.

With an established inventory, the Department may maintain a level of listed-supplies of expendable and component materials that are used with the Department's approved-military equipment. The Department may replenish the listed-supplies up to the established-quantities on the inventory list without the prior approval of the governing body. The Department's autonomy to appropriately replenish listed-supplies ensures that essential equipment is readily available.

705.5 APPROVAL

State **MODIFIED**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting this military equipment use policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment use policy is submitted to the governing body and is available on the Department website at least thirty (30) days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment use 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 Title 10 of the United States Code section 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.

705.6 COORDINATION WITH OTHER JURISDICTIONS

State **MODIFIED**

Military equipment may be used by any other law enforcement agency or members in this jurisdiction if such military equipment has been approved for use in accordance with this policy. Military equipment, not listed in the Military Equipment Inventory section of this policy, used

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by other jurisdictions providing mutual aid to this jurisdiction shall comply with their respective military use policies in rendering mutual aid.

705.7 ANNUAL REPORT

State **MODIFIED**

Upon approval of this 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 (1) year of approval, and annually thereafter for as long as the military equipment is available for Department 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 section 7072 for the preceding calendar year for each type of military equipment in the Department inventory.

705.8 COMMUNITY ENGAGEMENT

State **MODIFIED**

Within thirty (30) days of submitting and publicly releasing the annual report, the Department shall hold at least one (1) 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 specific equipment.

In accordance with the Military Equipment Coordinator section of this policy and Government Code section 7070 subdivision (d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy.

The Department will monitor all complaints, concerns, and questions to ensure timely responses are completed. Complaints, concerns, or questions may be submitted by any of the following means:

1. Via email to: policeadmin@ci.fowler.ca.us
2. Via phone call to: (559) 834-3113 ext. 111
3. Via postal mail to: Fowler Police Department Attn: Chief of Police 128 South Fifth Street, Fowler, CA 93625