

Grover Beach Police Department Military Equipment Use Policy

(AB 481)

PURPOSE

This policy establishes guidelines for the acquisition, funding, 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, cataloging, and complaints regarding these items.

POLICY

It is the policy of the Grover Beach Police Department that there are 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.

PHILOSOPHY

The acquisition of military equipment and its deployment in our communities may impact the public’s safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency’s decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public’s welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

PROCEDURE

A. DEFINITIONS

1. Governing Body – The elected or appointed entity that oversees the Grover Beach Police Department
2. Military Equipment – Any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

B. GENERAL

1. The Department shall obtain approval of the governing body annually prior to engaging in any of the following activities:

- a. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 - 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 territorial jurisdiction of the governing body.
 - 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 pursuant to general order.
 - 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.
2. In seeking the approval of the governing body, the Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

C. MILITARY EQUIPMENT USE CONSIDERATIONS

1. 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.
2. Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

D. MILITARY EQUIPMENT REPORTING CONSIDERATIONS

1. The Department shall submit an annual military equipment report to City Council that addresses each type of military equipment possessed by the Department.
2. The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
3. 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 GBPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
- i. Within 30 days of submitting and publicly releasing an annual military equipment report, GBPD 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 GBPD's funding, acquisition, or use of military equipment. This shall occur as a part of GBPD's presentation to the governing body.

E. CATALOGING OF MILITARY USE EQUIPMENT

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

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.

F. COMPLIANCE

1. The Operations Commander will ensure that all Department members comply with this policy. The Operations Commander will conduct an annual audit with the assistance of the Support Services Commander. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the Internal Affairs Division and handled in accordance with Policy 1014. All instances of non-compliance will be reported to City Council via the annual military equipment report.
2. Any member of the public can register a question or concern regarding military use equipment by contacting the Grover Beach Police Department's Operations Commander via email at jmunro@gbpd.org. A response to the question or concern shall be completed by the Department in a timely manner.

3. Any member of the public can 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 should be routed to the Internal Affairs Division in accordance with Policy 1014 (Personnel Complaints).

G. COORDINATION WITH OTHER JURISDICTIONS

The Grover Beach Police Department participates in the San Luis Obispo County Regional Special Weapons and Tactics (SWAT) team and works closely with other local, county, state, and federal law enforcement partners. In planned or exigent circumstances, and with the approval of the Chief of Police or their designee, military equipment may be deployed by these law enforcement partners to promote the safety and security of Grover Beach community members. The Chief of Police or their designee will provide information during the annual report on the use of military equipment within the city limits of Grover Beach by other law enforcement partners during Grover Beach Police Department operational incidents.

H. FUNDING

The Department shall seek council approval 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.

1. The Department has authority to apply for funding prior to obtaining council approval in the case of exigent circumstances. The Department shall obtain council approval as soon as practicable.

LIST OF MILITARY USE EQUIPMENT

1. Unmanned Aerial Systems (UAS)

- a. Description, quantity, capabilities, and purchase cost of current UAS
 - i. DJI Mavic Mini
 1. Cost: \$500 each
 2. Quantity: 2
 3. Description: Miniature UAS that can record video with approximately 25 minutes of flight time
 - ii. DJI Dual Enterprise Advanced
 1. Cost: \$5,500
 2. Quantity: 2
 3. Description: UAS that has color and infrared recording camera in addition to a detachable speaker and light. Approximately 30 minutes of flight time.
- b. Purpose: To be used for aerial views of major crimes scenes, accident scenes, missing person searches, natural disaster management, SWAT or tactical missions, interior and exterior searches
- c. Authorized Use: Only assigned and trained UAS Pilots are authorized to operate GBPD UAS systems. All GBPD Pilots are certified by the FAA.
- d. Expected Life Span: 3-5 years
- e. Fiscal Impact: Annual maintenance and battery replacement is approximately \$2500

- f. Training: All GBPD UAS operators are licensed by the Federal Aviation Administration for UAS operations. Additionally, each operator must complete the GBPD training course.

2. Armored Vehicles

- a. Description, quantity, capabilities, and purchase cost
 - i. 2008 Lenco Bearcat
 - 1. Cost: \$180,000
 - 2. Quantity: 1
 - 3. Description: Armored vehicle that seats 6-8 personnel with an open floor plan that allows rescue of injured personnel or community members. The armor can stop various projectiles providing great safety to the officers and community.
- b. Purpose: To be used in response to critical incidents to enhance safety of the community, officers, and to improve scene containment and assist in resolving critical incidents.
- c. Authorized Use: The use of the armored vehicle is limited to GBPD staff members that have received training in the use and operation of the vehicle. Deployments of the vehicle are to be authorized by a Commander or the Chief of Police.
- d. Lifespan: Estimated at 20 years
- e. Fiscal Impact: Annual Maintenance of approximately \$2500
 - f. Training: All drivers/operators shall attend training in vehicle operations and practical driving instruction.

3. 40mm Launchers and Rounds, Bean Bags

- a. Description, quantity, capabilities, and purchase cost
 - i. Penn arms, 40mm single shot launcher
 - 1. Cost: \$850
 - 2. Quantity: 6
 - 3. Description: Single shot launcher that fires standard 40mm less lethal ammunition
 - ii. Penn arms, 40mm multi launcher
 - 1. Cost: \$2720
 - 2. Quantity: 1
 - 3. Description: Multiple shot launcher that fires standard 40mm less lethal ammunition
 - iii. 40mm rounds, CTS 4504
 - 1. Cost: \$1,057
 - 2. Quantity: 120
 - 3. Description: Foam projectile shot from a 40mm launcher
 - iv. Bean Bag Rounds, Accusox Brand
 - 1. Cost: \$1,200
 - 2. Quantity: 400
 - 3. Description: Kevlar/Cotton sock type material filled with lead pellets

- b. Purpose: To limit escalation of conflict where employment of lethal force is prohibited or undesirable
- c. Authorized Use: Situations for which the launchers/bean bags may be used may include, but are not limited to:
 - i. Self-destructive, dangerous, and/or combative behavior
 - ii. Riot/crowd control and civil unrest
 - iii. Circumstances where a tactical advantage can be obtained
 - iv. Potentially vicious animals
 - v. Training exercised or approved demonstrations
- d. Training: Sworn members using 40mm less lethal munitions are trained in their use by POST Certified instructors
- e. Lifespan: 15 years
- f. Fiscal Impact: Annual maintenance is estimated to be \$100 annually

4. Rifles

- a. Description, quantity, capabilities, and purchase cost
 - i. Colt M-4 5.56 Cal.
 - 1. Cost: \$1300
 - 2. Quantity: 9
 - 3. Description: Gun that are fired from shoulder level, having a long spiral grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance
 - ii. Colt M-16 A2 .223 Cal.
 - 1. Cost: \$1000
 - 2. Quantity: 2
 - 3. Description: Gun that are fired from shoulder level, having a long spiral grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance
 - iii. Accuracy International .308 sniper rifle
 - 1. Cost: \$4,600
 - 2. Quantity: 1
 - 3. Description: Gun that are fired from shoulder level, having a long spiral grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance
- b. Purpose: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun
- c. Authorized Use: Use is limited to GBPD officers that are POST certified and trained in rifle use
- d. Lifespan: 10-15 years
- e. Fiscal Impact: Annual maintenance for the rifle is approximately \$100
- f. Training: Prior to using a rifle, officers must be trained by POST instructors and must pass an annual qualification.

5. Distraction Devices

- a. Description, quantity, capabilities, and purchase cost
 - i. Defense Tech 15 GM Low Roll
 - 1. Cost: \$50/each
 - 2. Quantity: 6
 - 3. Description: Distraction device that delivers a loud “bang” and flashing light
- b. Purpose: A distraction device is commonly used when trying to distract dangerous suspects during emergency situations such as hostage calls, search warrants, and violent crimes. These devices use atmospheric over-pressure and brilliant white light to temporarily distract for a tactical advantage.
- c. Authorized Use: Distraction devices are only to be used by trained operators. Use is covered by GBPD policy. These devices are commonly used in high-risk situations commonly handled by a SWAT team.
- d. Training: Prior to use, officers must attend and pass training provided by a POST certified instructor.
- e. Lifespan: Until used.
- f. Fiscal Impact: No annual maintenance.

6. Tear Gas

- a. Description, quantity, capabilities, and purchase cost
 - i. Defense Tech Riot Control Discharge Grenade, OC
 - 1. Cost: \$35/each
 - 2. Quantity: 6
 - 3. Description: Delivers large plumes of smoke and OC agent
 - ii. Defense Tech Riot Control Discharge Grenade, CS Smoke
 - 1. Cost: \$25/each
 - 2. Quantity: 4
 - 3. Description: Delivers large plumes of smoke and CS agent
 - iii. Defense Tech Triple Chaser Riot Control Discharge Grenade, CS
 - 1. Cost: \$44/each
 - 2. Quantity: 2
 - 3. Description: Delivers large plumes of CS agent
- b. Purpose: To limit the escalation of conflict where employment of lethal force of prohibited or undesirable.
- c. Authorized Use: Only officers trained in the use of chemical agents by a POST certified trainer are authorized to deploy chemical agents.
- d. Training: Sworn members using chemical agents are to attend a POST certified training prior to use.
- e. Lifespan: 5 years from manufacturing date.
- f. Fiscal Impact: No annual maintenance.

7. Mobile Command Vehicles

- a. Description, quantity, capabilities, and purchase cost
 - i. 1994 Chevrolet Command Vehicle

1. Cost: Donated, no cost
2. Quantity: 1
- ii. 2021 LDV Command Vehicle (To be acquired in 2022)
 1. Cost: \$372,000
 2. Quantity: 1
- b. Purpose: To be used as a mobile command post for large incidents, crime scenes, community events, emergencies, and tactical situations
- c. Authorized Use: Only officers trained the operation of the mobile command vehicle may drive/operate the vehicle.
- d. Lifespan:
 - i. 1994 Chevrolet: 1 year
 - ii. 2021 LDV MCV: 20 years
- e. Fiscal Impact: Annual Maintenance of \$1000
- f. Training: Drivers/Operators of the MCV shall have approved GBPD training and appropriate State of California drivers license.

8. Military Surplus Generator

- a. Description, quantity, capabilities, and purchase cost
 - i. 2010 IPTHR Utility Trailer with Generator
 1. Cost: No cost
 2. Quantity: 1
 3. Description: Portable generator used to create electric power
- b. Purpose: To be used during situations requiring electric power.
- c. Authorized Use: Users are limited to those that have been provided department training on the use and setup of the equipment.
- d. Training: Training on the use and operation is provided by staff of the GBPD who are trained in the operation of the equipment.
- e. Lifespan: 10 years
- f. Fiscal Impact: None

9. Military Surplus Mobile Kitchen

- a. Description, quantity, capabilities and purchase cost
 - i. Unknown year Utility Trailer with Mobile Kitchen
 1. Cost: No Cost
 2. Quantity: 1
 3. Description: Mobile kitchen and food preparation when needed in certain emergency situations.
- b. Purpose: To be used during situations requiring food preparation on a large scale.
- c. Authorized Use: Users are limited to those that have been provided department training on the use and setup of the equipment.
- e. Lifespan: 10 years
- f. Fiscal Impact: None

10. Riot Helmets

- a. Description, quantity, capabilities and purchase cost
 - i. Protech Helmets
 - 1. Cost: \$575 each
 - 2. Quantity: 25
 - 3. Description: Black strap closure helmets with ballistic protection
- b. Purpose: To be used during situations requiring proper head protection against objects or gunfire.
- c. Authorized Use: Users are limited to those that have been provided department training on the use and setup of the equipment.
- e. Lifespan: 10 years
- f. Fiscal Impact: None

11. Riot Shields

- a. Description, quantity, capabilities and purchase cost
 - i. Plastic Shields
 - 1. Cost: \$275 each
 - 2. Quantity: 8
 - 3. Description: black shield with arm and shoulder mounting straps
- b. Purpose: To be used during situations requiring protection of officers from objects.
- c. Authorized Use: Users are limited to those that have been provided department training on the use and setup of the equipment.
- e. Lifespan: 10 years
- f. Fiscal Impact: None

12. Riot Batons

- a. Description, quantity, capabilities and purchase cost
 - i. Batons
 - 1. Cost: \$25 each
 - 2. Quantity: 8
 - 3. Description: Black riot baton
- b. Purpose: To be used during situations requiring protection of officers from hostile crowds.
- c. Authorized Use: Users are limited to those that have been provided department training on the use and setup of the equipment.
- e. Lifespan: 10 years
- f. Fiscal Impact: None