

## Military Equipment Use

### 705.1 PURPOSE AND SCOPE

California Government Code section 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval prior to engaging in certain specified acts, including the procurement, use and deployment of Military Equipment within its jurisdiction.

California Government Code §7070(c) provides a list of equipment types that are considered to be "military equipment" for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the City of Sausalito Police Department, or reasonably likely to be deployed in the City of Sausalito by its law enforcement partners.

### 705.2 POLICY

It is the policy of the City of Sausalito Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment, and that any law enforcement agency that deploys military equipment within the City of Sausalito jurisdiction, do so consistent with the requirements of Government Code § 7071 and subject to any Military Equipment Use Policy they have adopted.

### 705.3 DEFINITIONS

**Governing body** – The elected or appointed body that oversees the Department.

**Military Equipment Use Policy** - California Government Code section 7070(d) defines a Military Equipment Use Policy as a publicly released written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if

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applicable, what legally enforceable sanctions are put in place for violations of the policy.

7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

**Military equipment** – California Government Code § 7070(c) defines Military Equipment as any of the following :

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked 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. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as identified in Sections 30510 and 30515 of the Penal Code, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency..
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).

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- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.
- Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

#### **705.4 ANNUAL MILITARY EQUIPMENT REPORT**

Upon approval of a military equipment policy, and any subsequent renewals, the Chief of Police or the authorized designee, pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, will submit to the Governing Body an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report required by this section will remain publicly available on the City's internet website for as long as the military equipment is available for use. In addition, within 30 days of submitting and publicly releasing an Annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

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 law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Sausalito City Council will use the Annual Military Equipment Report as a mechanism to ensure the Sausalito Police Department's compliance with this Military Equipment Use Policy, and to help it determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year.

#### **705.5 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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##### **705.6 COLLABORATION OR COORDINATION WITH OTHER AGENCIES**

Law enforcement agencies responding to a call for mutual aid or who participate in collaboration or coordination with the Sausalito Police Department within the City of Sausalito shall adhere to their own policies on the use of military equipment.

##### **705.7 POLICY COMPLIANCE**

Government Code section 7070 requires that this policy specify the mechanisms to be used by the Department to ensure compliance with this policy. Complaints regarding violations of this policy are subject to investigation and discipline in accordance with Policy 1009 (Personnel Complaints), and other policies of the Department related to officer discipline. Complaints, questions, or other inquiries can be made as described below in the Public Involvement section. Further, The Chief will designate a Military Equipment Coordinator, whose responsibilities are described herein, which will include assisting with ensuring compliance with this policy.

##### **705.8 PUBLIC INVOLVEMENT**

Pursuant to California Government Code §7070(d)(7), members of the public may register questions, complaints, or concerns about the use of each specific type of Military Equipment in this policy submitting 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 will be routed to the administrative staff. In addition, members of the public may also submit questions, complaints or concerns by any of the following means:

1. Via email to: [ab481@sausalito.gov](mailto:ab481@sausalito.gov)
2. Via phone call to: Military Equipment Coordinator at 415-289-4170
3. Via mail sent to: Military Equipment Coordinator, Sausalito Police Department, 29 Caledonia Street, Sausalito, CA 94965

The Sausalito Police Department will maintain a webpage dedicated to the use of Military Equipment at <http://www.sausalito.gov/departments/police-department/programs-services/military-equipment-use-policy-draft>. The Sausalito Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

##### **705.9 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police shall 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 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.

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- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Sausalito 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.

#### **705.10 MILITARY EQUIPMENT INVENTORY**

The list linked below constitutes a list of qualifying equipment for the Department:

Sausalito PD Military Equipment Inventory List