

## Military Equipment

### 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, funding, use, and reporting requirements of specified law enforcement equipment that has been designated as "military equipment" pursuant to Government Code Section 7170, whether such equipment is existing or is to be acquired in the future. In addition, this policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 (Government Code Sections 7070 through 7075). These obligations include, but are not limited to, seeking approval on specified military equipment and requirements related to compliance, annual reporting, cataloging and complaints regarding these items. (See, Government Code §§ 7070, 7071, 7072, 7074 and 7075).

#### 708.1.1 POLICY

Members of the Department shall comply with the provisions of this Policy with respect to the use of the Department's military equipment as described herein.

### 708.2 DEFINITIONS

Definitions related to this policy include:

1. **Chief of Police** - The Chief of Police shall mean the City of Indio Chief of Police and his designee.
2. **Department** - Department shall mean the Indio Police Department.
3. **Governing Body** – The Governing Body shall mean the Indio City Council who is the elected body that oversees the Indio Police Department.
4. **Military Equipment** – Military Equipment shall mean the equipment defined in Government Code Section 7070(c)(1) through (c)(16) to include:
  - a. Unmanned, remotely piloted, powered aerial or ground vehicles.
  - b. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
  - c. 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.
  - d. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
  - e. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
  - f. Weaponized aircraft, vessels or vehicles of any kind.

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- g.** Battering rams, slugs, and breaching apparatuses that are explosive in nature.
- h.** Firearms of .50 caliber or greater, excluding standard issue shotguns.
- i.** Ammunition of .50 caliber or greater, excluding standard issue shotgun ammunition.
- j.** Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the California Penal Code, excluding standard issue service weapons and ammunition of less than .50 caliber.
- k.** Any firearm or firearm accessory that is designed to launch explosive projectiles.
- l.** Flashbang grenades and explosive breaching tools, tear gas and pepper balls, excluding standard issued handheld pepper spray.
- m.** Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device.
- n.** 40mm projectile launchers, bean bag, rubber bullet, and specialty impact munition weapons.
- o.** Any other equipment as determined by a governing body to require additional oversight.

Military equipment does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

**See attachment: [Addendum A - Military equipment policy Final PDF 031122.pdf](#)**

### **708.3 APPROVAL OF POLICY BY GOVERNING BODY**

1. The Chief of Police shall obtain approval from the governing body, by way of ordinance, the adoption of the Military Equipment Policy prior to engaging in any of the following activities:

- a.** Requesting military equipment be 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.

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2. In seeking the approval of the Military Equipment Policy by the governing body, the Chief of Police shall submit a proposed Military Equipment Policy and or any subsequent amendments, to the City Council. The policy or any amendments shall also be made available to the public by posting those documents on the City of Indio Police Department internet website at least 30 days prior to any public hearing concerning the military equipment at issue. The Chief of Police shall submit the Military Equipment Policy annually to the governing body pursuant to procedures set forth in Government Code Section 7071.

### **708.4 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.

### **708.5 ANNUAL MILITARY EQUIPMENT REPORT**

1. Within **one year of the approval** of this Military Equipment Policy, the Department shall submit a military equipment report to the Governing Body that addresses each type of approved military equipment, and annually thereafter for as long as the military equipment is available for use 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 by the Department.
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.

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- 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.
4. 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 the Department's funding, acquisition, or use of military equipment.

#### **708.6 MILITARY EQUIPMENT INVENTORY INCLUDING EQUIPMENT TYPE AND USAGE GUIDELINES**

1. The Department's inventory of qualifying Military Equipment is set forth in Attachment A and includes the various types, descriptions and guidelines for its usage in compliance with Government Code Section 7070(d) in addition to guidelines set forth in paragraph (2) below.
2. The Department's inventory of military equipment is varied and the mere possession of the equipment does not warrant its use for every incident. The 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 and in some cases only by certain units. 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.

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.

#### **708.7 OVERSIGHT REGARDING DEPARTMENT COMPLIANCE**

The Department SWAT TEAM Lieutenant (**designated military equipment coordinator**) will ensure that all Department members comply with this policy and any individual Department policies as applicable. The Department SWAT TEAM Lieutenant will conduct an annual audit with the assistance of the Training Unit. The Chief of Police will be notified of any policy violations and, if needed, the violation(s) will be referred to the Professional Standards Unit and handled in accordance with the Department Personnel Complaints Policy. All instances of noncompliance will be reported to City Council via the annual military equipment report.

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### **708.8 MILITARY EQUIPMENT COMPLAINTS AND INQUIRIES**

1. Any member of the public can register a question or concern regarding military equipment use by contacting the Indio Police Department's military equipment coordinator via [https://www.indio.org/your\\_government/police/](https://www.indio.org/your_government/police/). A response to the question or concern shall be completed by the Department in a timely manner.

2. Any member of the public can submit a complaint regarding military equipment use 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 **military equipment coordinator** in accordance with our Personnel Complaints policy. A response to the question or concern shall be completed by the **military equipment coordinator** within **20 business days** absent any extraordinary circumstances.

### **708.9 FUNDING**

1. 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.

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

### **708.10 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of the Indio Police 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 (Indio City Council) for matters related to the requirements of this policy.
- b. Identifying Indio Police Department equipment that qualifies as military equipment in the current possession of the Indio Police Department or IPD Desert Regional SWAT Team, or the equipment the Indio Police Department intends to acquire that requires approval by the Indio City Council.
- 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 Indio Police Department (Government Code § 7071).
- e. Preparing for, scheduling, and coordinating the annual community engagement

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meeting to include: (i) Publicizing the details of the meeting; (ii) 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 Indio Police 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 Indio Police Department will respond in a timely manner.

### **708.11 COORDINATION WITH OTHER JURISDICTIONS**

Through the Association of Riverside County Chiefs of Police and Sheriff's (ARCCOPS) mutual aid agreement, all cities within Riverside County have agreed to accept the use of each law enforcement agency's Military Equipment policy related to any enforcement action throughout Riverside County.

Military equipment used by any member of this Department shall be approved for use and in accordance with this Military Equipment Policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid. The Riverside Sheriff's Department frequently operates in the city of Indio in various capacities.

### **708.12 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual military equipment report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department **military equipment coordinator** shall discuss the report and respond to public questions regarding the annual report and the Department's funding, acquisition, or use of military equipment.

### **708.13 MAINTENANCE OF MILITARY USE 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.