Military Equipment Funding, Acquisition and Use Policy

704.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of "military equipment" as defined in the California Government Code. (See Government Code §§ 7070- 7072). The Culver City Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that is designed solely for military use.

704.2 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 on whether and how to fund, acquire, or use military equipment will be made with strong consideration for the public's welfare, safety, civil rights, and civil liberties and also account for the public's input.

Members of the Culver City Police Department will only use military equipment in compliance with federal and state legal authorities, including the Fourth and Fifth Amendments of the U.S. Constitution; Article 1, Section 1 of the California Constitution; Government Codes § 7286 and 12525.2; and California Penal Codes §§ 835a and 13652 as well as the Culver City Police Department's Duty Manual and General Orders. Members of the Culver City Police Department will only use military equipment consistent with applicable Department rules and regulations, including the Use of Force Policy (Section 300) contained in the Culver City Police Department Duty Manual.

704.3 APPROVAL OF THE GOVERNING BODY

The Chief of Police or his/her authorized designee shall seek approval for this policy from the governing body in the form of an ordinance adopting the policy. As part of the approval-seeking process, the Chief of Police, or his/her authorized designee, will submit the proposed military equipment policy to the governing body and make it available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071).

The governing body must approve the policy prior to the Department or its members engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available by the U.S. Department of Defense pursuant to 10 USC § 2576a.

Copyright Lexipol, LLC 2023/08/29, All Rights Reserved.
Published with permission by Culver City Police Department

(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.

704.4 DEFINITIONS

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

Governing body – The City Council of Culver City.

Military equipment categories– Includes 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.
- Tracked armored vehicles that provide ballistic protection to their occupants
- 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, one-person ram.
- Firearms and ammunition of.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 in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.

Copyright Lexipol, LLC 2023/08/29, All Rights Reserved.
Published with permission by Culver City Police Department

- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

704.5 POLICY

It is the policy of the Culver City 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.

The Department, through the designated Military Equipment Coordinator, will train members of the Department to use military equipment only in accordance with this Policy, the Culver City Police Department Duty Manual, as well as federal, state, and local laws and ordinances. Members using military equipment for uses not identified as approved uses in the Military Equipment Inventory are subject to discipline, up to and including termination. All instances of non-compliance will be reported to City Council via the annual military equipment report.

The City Council has independent oversight of the Department's compliance with this Policy.

704.6 MILITARY EQUIPMENT COORDINATOR

The Chief of Police will designate a member of this Department to act as the Military EquipmentCoordinator ("Coordinator"). The responsibilities of the Coordinator include:

(a) Acting as a liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying Department equipment that qualifies as "military equipment" as defined in Government Code § 7070, 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 Culver City 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 Use of force and ensuring that the report is made available on the department website (Government Code § 7072).

Copyright Lexipol, LLC 2023/08/29, All Rights Reserved.
Published with permission by Culver City Police Department

(g) Receive and timely response to public concerns, complaints, or questions regarding the use of military equipment.

704.7 PUBLIC COMPLAINTS, CONCERNS, AND QUESTIONS

Concerns, complaints, and questions regarding the use of military equipment may be submitted in writing to:

Attn: Military Equipment Coordinator

4040 Duquesne Ave, Culver City, CA 90232

Email: Chief.police@culvercity.org

Telephonic complaints regarding the use of military equipment may be made by calling the Culver City Police Department Professional Standards Unit at (310) 253-6211.

Whenever practical, the Coordinator will respond to concerns, complaints, and questions within 30 calendar days of receipt. As outlined in Culver City Duty Manual Section 1008, all complaints will be thoroughly investigated in accordance with federal, state, local laws, and ordinances.

The Coordinator will track complaints, concerns, questions received, and the responses provided, in order to be able to include the information in the Annual Report described below.

704.8 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment in the possession of the Department:

See the section labeled: MILITARY EQUIPMENT INVENTORY.

704.9 COORDINATION WITH OTHER JURISDICTIONS

Culver City Police Department will not collaborate with other law enforcement agencies to use military equipment in this jurisdiction unless the military equipment is approved for use and used in accordance with this policy. The following constitutes a list of qualifying equipment in the Department's possession that may be used in collaboration with another Department:

See attachment: MILITARY EQUIPMENT NOT OWNED BY DEPARTMENT SUBJECT TO COLLABORATIVE USE.pdf

704.10 ANNUAL REPORT

Upon approval of the military equipment policy, the Chief of Police or their authorized designee will 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 annual military use equipment report will include, 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.

Copyright Lexipol, LLC 2023/08/29, All Rights Reserved.
Published with permission by Culver City Police Department

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

The Chief of Police or the authorized designee will 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.

704.11 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department will hold at least one well-publicized and conveniently located community engagement meeting, at which the Department will discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment. See attachment: Military Equipment Attachments.pdf

Copyright Lexipol, LLC 2023/08/29, All Rights Reserved.
Published with permission by Culver City Police Department