

# Military Equipment

## 706.1 PURPOSE AND SCOPE

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).

### 706.1.1 DEFINITIONS

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

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

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#### **706.2 POLICY**

It is the policy of the Claremont Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **706.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should 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.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Claremont 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.

#### **706.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

##### **Category 2 – Armored personnel carriers.**

In 2019, the Claremont Police Department became a member of the Foothill Special Enforcement Team (FSET), which is comprised of officers from Glendora, La Verne, Monrovia and Sierra Madre Police Departments. This team provides each member city the ability to use a well-trained team that can be used for high-risk operations such as hostage situations, barricaded subject calls, high-risk search and/or arrest warrants and rescue operations related to active shooter situations. This team has a higher level of training than the average police officer on the street. Several of the member agencies have some type of armored vehicle that can be used to transport FSET members into a high-risk situation as well as extract victims from harm's way. Often times, these high-risk situations require multiple armored vehicles to complete the mission safely. Claremont is

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the eastern most city in Los Angeles County and we currently do not have any armored vehicles. By obtaining an armored vehicle, the Claremont Police Department will be able to rely upon itself to deploy Claremont FSET members into high-risk situations more quickly than having to wait for neighboring cities to respond to assist. Additionally, by obtaining an armored personnel carrier, the FSET team is provided a force/safety multiplier by having an additional vehicle that the team can use.

Through the 1033 Program, the Police Department has the ability to acquire an armored personnel carrier free of charge. The City of Simi Valley currently has an armored personnel carrier that they no longer need because a new replacement vehicle was purchased. The available 1033 Program surplus vehicle is a 4-wheel drive V-150, which was manufactured in 1994 by the Cadillac-Gage Corporation. This vehicle is also amphibious. Simi Valley acquired this vehicle in 2002 and it was valued at that time at \$65,070. The vehicle dimensions are as follows: weight is 24,000 pounds, 6'6" tall, 7'6" wide, 18'6" long, with four (4) 4'6" tires, All-wheel drive, diesel powered, seats 12 persons, top speed of 60 mph on a flat surface and 3 mph in water and equipped with ½ inch thick armored plated steel, capable of defeating rounds up to 7.62 x 51mm or a.308 caliber round.

**Quantity:** 1

**Fiscal Impact:** The Department would acquire this vehicle under the 1033 Program. The vehicle itself would be obtained at no cost. The Department will set aside, each year, \$2,000 in its budget for repairs, maintenance, and fuel for this vehicle.

**Training:** There is no specialized training required to operate this vehicle.

**Legal & Procedural Rules:** Vehicle Maintenance Policy, Vehicle Use Policy, and the California Vehicle Code.

**Category 3 - High mobility multi-purpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that are a breaching or entry apparatus.**

During the Grand Prix Fire, the Department found it lacked vehicles that could operate in some of the more challenging terrains of the Claremont Hills Wilderness Park. Several years ago, it also identified concerns about emergency responses following a large-scale earthquake that may severely damage roadways.

Through the 1033 Program, the Police Department acquired two high mobility multi-purpose vehicles commonly referred to as "Humvees." These vehicles are not armor-equipped. Their high-wheeled design allows them to traverse flooded areas, uneven surfaces and damaged roadways common in earthquakes and other natural disasters. They provide the City with specialized response vehicles that can access areas of the Claremont Hills Wilderness Park and traverse damaged roadways that cannot be accessed by standard-equipped vehicles in the City's fleet.

In addition to this capability, these vehicles are also equipped to tow any of the four ruggedized trailers, also acquired through the 1033 Program, stocked with first aid supplies, sleeping bags, stretchers, and water for evacuation centers or field sites.

**Quantity:** 2

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**Fiscal Impact:** The Department acquired these two vehicles under the 1033 Program. The vehicles themselves were obtained at no cost. The Department was responsible for the shipping costs, totaling \$5,000 (\$2,500 each). Each year, the Department sets aside \$1,500 in its budget for repairs, maintenance, and fuel for these two vehicles.

**Training:** There is no specialized training required to operate these vehicles.

**Legal and Procedural Rules:** Vehicle Maintenance Policy, Vehicle Use Policy, and the California Vehicle Code.

**Category 5 - Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.**

The City's Mobile Emergency Operations Center was purchased in 2012 following approval at the November 13, 2012 City Council meeting. This specialized vehicle was designed to be the City's primary Emergency Operations Center (EOC). This purchase and development of a community-focused EOC included partners from the Claremont Unified School District (CUSD) and The Claremont Colleges Services (formerly Claremont University Consortium). Any large-scale emergency response would likely involve one or both of these community partners.

The vehicle itself is a truck tractor and trailer capable of being moved anywhere needed. It includes extensive phone, video, radio, satellite, computer systems, and an integrated dispatch system that can take the place of the Police Department's current dispatch center should the center become inoperable.

The EOC provides the City, CUSD, and the Claremont Colleges with extensive emergency and critical incident response capabilities for fires, floods, earthquakes, windstorms and other man-made and natural disasters.

Note: Specialized custom-built trailer – no manufacturer description. The truck is Kenworth 2013 T660.

**Quantity:** 1

**Fiscal Impact:**

The Mobile EOC was funded using a 2009 COPS Tech grant (\$1,092,039), 2009 and 2010 State Homeland Security Grant Program grants (\$182,902), the sale of the Police Department's previous command post (\$100,000), funding from the Police Department's impound lot (\$300,000), funding from the Claremont Unified School District (\$60,000), and funding from the Claremont Colleges (\$123,682). Total Cost: \$1,858,623.

Annual costs to maintain the systems are included in the City's Emergency Management budget. They include \$10,000 for phone, satellite, and data systems.

**Training:**

City staff receives annual training in emergency operations, and at least one table-top exercise is held in the mobile EOC to keep staff current in the operations. Two police officers have completed

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training for their Class A commercial driver's licenses, and backup drivers can be pulled from the fleet of drivers in the City's Sanitation Division. The dispatch center and equipment are identical to the Police Department's 9-1-1 center systems, so there is no requirement to provide ongoing training in these systems.

#### **Legal and Procedural Rules:**

Vehicle Maintenance Policy, Vehicle Use Policy, and the California Vehicle Code.

**Lifespan:** No lifespan indicated by the manufacturer. Dependent on operational usage and wear.

#### **Category 12 - Munitions containing tear gas or Oleoresin Capsicum (O.C.), excluding standard, service-issued hand-held pepper spray.**

The Police Department uses tools in this category to provide officers with additional resources. These force options may prevent officers from moving up the force continuum, allow for de-escalation, and have the potential to bring a dynamic situation under control without significant injury.

Chemical agents in this category are only utilized with the authorization of the Watch Commander, then only by specially trained officers (see training).

The Han-Ball™ Grenade CS is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 inches tall, including the fuze head, and 3.1 inches in diameter. This launchable grenade holds approximately 1.6 ounces of active agent, which is expelled through three ports around the equator of the ball. Due to the intense heat generated by this grenade, it should not be used inside a building or near flammable material.

The Spede-Heat™ Grenade CS is a high volume, continuous burn. It expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 inches by 2.62 inches and holds approximately 2.9 ounces of active agent.

The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart, allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 inches by 2.7 inches and holds an approximately 3.2 ounces of active agent payload. It has an approximate burn time of 20-30 seconds.

The MK-9 Pepper Spray features an easy-to-use trigger handle and is intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 feet. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff. Non-flammable / Electronic Discharge Weapon (EDW) safe.

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The Spede-Heat™ CS Long-Range Munitions delivers one chemical canister of CS agent from a 40mm launcher downrange up to 150 yards. The Spede-Heat™ is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

The 40mm Muzzle Blast CS Round is widely used as a crowd management tool for immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a compliance round it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances.

The Skat-Shell® 40mm CS multiple chemical projectile round is designed to deliver multiple CS canisters from a 40mm launcher. It is designed for outdoor use and has fire-producing capability and has a maximum effective range of 80-100 yards. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat-Shell contains four separate sub-munitions and provides a wide area of coverage.

#### **Fiscal Impact:**

\$5,800 for the purchase of one "Crowd Control Chemical Agents Munitions Module," which consists of (10) Han Ball grenades CS, (20) Spede-Heat Grenades CS, (10) 40mm Skat-Shell Rounds CS, (10) 40mm Long Range Spede-Heat Rounds CS, (1) MK-9 Pepper Spray OC, (20) Large Max Smoke Grenades HC-S, and (10) Triple Chaser Grenades CS.

**Training:** Must have completed a California Commission on Peace Officers Standards and Training (POST) or National Tactical Officers Association (NTOA) Less-lethal or Chemical Agents User or Instructor training course. Instructor certified officers may present specific training to a limited number of designated officers.

#### **Legal and Procedural Rules:**

Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy.

California Commission on Peace Officer Standards and Training (POST) Learning domains on Firearms/Chemical Agents and Crowd Control.

Lifespan: Combined Tactical Systems (CTS) Chemical Agent Canisters and Munitions – Five - year limited warranty. Five-year shelf life.

Defense Technology Chemical Agent Canisters and Munitions – Five-year limited warranty. Five-year shelf life.

#### **Category 12 – "Flashbang" Diversionsary Devices.**

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The Police Department uses tools in this category to provide officers with additional resources. These force options may prevent officers from moving up the force continuum, allow for de-escalation, and have the potential to bring a dynamic situation under control without significant injury.

Flashbang grenades in this category are only utilized with the authorization of the Watch Commander, then only by specially trained officers (see training).

The Defense Technology Noise-light Diversionary Device is a non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. Flashbang devices produce atmospheric over-pressure and brilliant white light and, as a result, can cause a short-term (6-8 seconds) physiological sensory deprivation to give officers a tactical advantage.

The Tactical Diversionary Device utilizes a M201A1 type fuze with a single use aluminum body. This compact unit is designed around a 6.5 gram water resistant charge, capable of producing an effective, yet reduced 162dB stimuli.

#### **Fiscal Impact:**

\$500 for the purchase of one "Bang Box" which contains (12) "Flashbang" diversionary devices.

**Training:** Must have completed a California Commission on Peace Officers Standards and Training (POST) or National Tactical Officers Association (NTOA) Less-lethal Instructor training course. Instructor certified officers may present specific training to a limited number of designated officers.

#### **Legal & Procedural Rules:**

Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy.

California Commission on Peace Officer Standards and Training (POST) Learning domains on Firearms/Chemical Agents and Crowd Control.

Lifespan: Five-year shelf life.

#### **Category 14 - Kinetic energy weapons and munitions.**

The Police Department uses tools in this category to provide officers with additional resources that can be used as a less-lethal force option when needed. These force options may prevent officers from moving up the force continuum, allow for de-escalation, and have the potential to bring a dynamic situation under control without significant injury.

It is critically important for law enforcement to have less-lethal tools when dealing with violent individuals as a force option before having to resort to deadly force. The 40mm is a rifle-type launcher used specifically to deliver 40mm less-lethal projectile style munitions. These munitions include the Department's primary less-lethal Exact Impact round.

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The Exact Impact is a spin-stabilized (for accuracy) sponge-nosed round used by officers when confronting aggressive, non-compliant individuals. When used properly, they are less likely to result in serious bodily injury or death.

A 40mm launcher is carried in each patrol vehicle. It allows officers to create distance between themselves and aggressive individuals and armed individuals (other than firearms). Officers can use this distance and time to employ de-escalation techniques and the additional reaction time to evaluate alternative solutions that could otherwise turn into a deadly and tragic situation. The 40mm provides officers with an alternate tool where appropriate, so they do not have to resort to deadly force.

The Department moved to this equipment following several publicized incidents dating back over a decade in which less-lethal alternatives were not immediately available when officers at other departments were confronted by persons armed with knives, swords, and other types of weapons. These incidents ended in the use of deadly force, when they may have been able to have been resolved using a less-lethal tool.

Following these incidents, the Police Department equipped each vehicle with "Bean Bag" munitions as a less-lethal alternative. The bean-bag munitions were effective at ending incidents with less force, however, as more uses occurred, law enforcement agencies started to experience penetrating injuries and accuracy issues. Some law enforcement agencies experienced incidents where shotguns loaded with lethal ammunition were confused with bean-bag shotguns and the incidents ended in tragedy. The Police Department transitioned from the bean bag munitions to the 40mm launcher.

40mm launchers are not utilized indiscriminately against individuals, groups who merely fail to disperse, or individuals who do not appear to present a public safety threat to officers or the community.

The head, neck, throat, spine, heart, kidneys, and groin are not intentional target areas, except when an officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others and lethal force may be required.

The 40mm launchers are also used to deliver crowd and riot control munitions. These munitions include chemical agents, often called 'tear gas' by the public, and Kinetic Energy munitions. Any use of chemical agent munitions requires specialized training (listed in Category 12).

#### *Def-Tec 40mm Single Shot Launcher - Manufacturer Description*

The 40mm launcher from Defense Technology, part of the Safariland brand, is designed to fire any of the company's 40mm less-lethal munitions. The barrel is fully rifled, which increases the accuracy potential of the less-lethal round.

#### *Penn Arms 40mm Tactical 6-Shot Launcher - Manufacturer Description*

Designed for riot and tactical situations, the Penn Arms PGL65-40 6-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy-to-carry launcher. It features a mounted front grip, and a unique direct-drive system to advance the magazine cylinder.



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**Quantity:** Two Multi-launchers and twelve single-shot launchers.

**Fiscal Impact:**

Multi-launchers were purchased at the cost of \$1,975 each. The single launcher's purchase price was \$969 each. Annual training costs are less than \$500. The service life of these launchers is a minimum of 15 years with proper care and maintenance.

**Training:**

Officers complete an annual 40mm range qualification that includes reviewing the Use of Force Policy, Control Devices and Techniques Policy, and practical scenario type training.

**Legal and Procedural Rules:** Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy.

The Police Department utilizes the following kinetic energy munitions:

The Stinger 40mm 60-Caliber Round is widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately eighteen 60-Caliber rubber balls. It utilizes smokeless powder as the propellant.

The 40mm Exact Impact Marking Round is a point-of-aim, point-of-impact direct-fire round. The marking agent can be used to indicate the aggressor in a riot situation to the team on the ground.

The 40mm Rubber Baton Round is used as a crowd management tool. The round contains three rubber projectiles and utilizes smokeless powder as the propellant. It is suitable for administering a means of compliance over a greater distance than most of its counterparts.

The eXact iMPact™ 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin-stabilized via the incorporated rifling collar and the 40mm launcher rifled barrel. The round utilizes smokeless powder as the propellant and has extremely consistent velocities. Used for crowd control, patrol, and tactical applications.

**Fiscal Impact:**

Crowd Control Munitions Module - \$3,500 (Exact Impact Rounds, 40mm Rubber Baton Rounds, Exact Impact Marking Rounds, and 40mm Pellet Rounds).

Five-year limited warranty. Five-year shelf life.

A limited number of 40mm sponge rounds are rotated out of service each year to ensure freshness and stay under the five-year shelf life. In addition to this, a training kit is used for annual in-service training that uses a re-usable sponge round. Annual 40mm Exact Impaction munition replacement and training rounds are approximately \$800 per year.

**Training:**

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Officers trained in the 40mm sponge round must undergo thorough classroom and live-fire training in its use. Additionally, officers must pass annual qualifications to maintain proficiency.

California Commission on Peace Officer Standards and Training (POST) Learning domains on Firearms/Chemical Agents and Crowd Control. In-Service training by POST/NTOA certified instructors.

**Legal and Procedural Rules:** Use of Force Policy, Use of Force Review Boards Policy, and Control Devices and Techniques Policy.

#### **706.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment 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 10 USC § 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.
- (h) Exception: The Chief of Police may authorize the replacement of previously authorized military equipment that has reached its expiration date, has been damaged, used for training or used in actual operations or equipment demonstrations. New military equipment that is not previously authorized by the City Council must be acquired by following sections a-g above.

#### **706.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction, or otherwise engaged in law enforcement operations in this

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jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid or in conducting their law enforcement activities

### **706.7 ANNUAL REPORT**

Upon approval of a military equipment 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 year of approval, and annually thereafter for as long as the military equipment is available for 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 § 7072 for the preceding calendar year for each type of military equipment in department inventory.

### **706.8 COMPLAINT POLICY**

Pursuant to California Government Code §7070(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 by any of the following means:

- (a) Via email to: [pdcomplaintnotification@ci.claremont.ca.us](mailto:pdcomplaintnotification@ci.claremont.ca.us)
- (b) Via phone call to: (909) 399-5411
- (c) Via mail sent to: Claremont Police Department
  - Attn: Military Equipment Use Coordinator
  - 570 W. Bonita Ave.
  - Claremont, CA 91711

The Claremont Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

### **706.9 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.