REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: APRIL 12, 2022

TITLE: ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING CHAPTER 1 OF DIVISION 23 OF TITLE 4 TO THE IRVINE MUNICIPAL CODE ESTABLISHING RULES FOR THE IRVINE POLICE DEPARTMENT’S ACQUISITION AND USE OF MILITARY EQUIPMENT

RECOMMENDED ACTION

1. Conduct the public hearing.
2. Introduce for first reading and read by title only - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING CHAPTER 1 OF DIVISION 23 OF TITLE 4 TO THE IRVINE MUNICIPAL CODE ESTABLISHING RULES FOR THE IRVINE POLICE DEPARTMENT’S ACQUISITION AND USE OF MILITARY EQUIPMENT

EXECUTIVE SUMMARY

On September 30, 2021, Governor Gavin Newsom signed California Assembly Bill 481 (AB 481). The bill was codified in Government Code 7070 and took effect on January 1, 2022. This new legislation requires every municipal law enforcement agency to obtain approval from their governing body prior to taking certain actions related to the funding, acquisition, and/or use of “military equipment.” Law enforcement agencies must obtain approval from their governing body by an ordinance adopting a “military equipment use policy” at a regular meeting of the governing body.

AB 481 also requires approval for the continued use of “military equipment” acquired prior to January 1, 2022. Although the Department of Public Safety does not purchase weapons from any branch of the United States military, the definition of “military equipment” within AB 481 encompasses many weapons and tools currently used by Public Safety to protect the diverse Irvine community.

Public Safety is seeking City Council approval to continue using “military equipment” as defined by AB 481 that was acquired prior to January 1, 2022. Public Safety is also seeking
approval to obtain additional equipment in the future. All current and future equipment will adhere to the requirements of the new ordinance.

COMMISSION/BOARD/COMMITTEE RECOMMENDATION

Not Applicable.

ANALYSIS

The Department of Public Safety has a proven record of protecting the diverse Irvine community with an emphasis on community-oriented policing. Public Safety personnel are well-educated and well-trained in modern police tactics and regularly deploy tools and weapons that the State of California has now classified as “military equipment” through the enactment of AB 481. These items include drones, “less lethal” projectile weapons, command and control vehicles, and patrol rifles. Also included is equipment used by special teams to safely apprehend offenders who pose a danger to the community and rescue members of the public or first responders from dangerous environments. These items include tear gas, noise-flash diversionary devices, and armored rescue vehicles.

AB 481 requires law enforcement agencies to obtain approval from their governing bodies prior to seeking funding for, acquiring, and/or using “military equipment.” The bill also requires law enforcement agencies to develop a policy that lists all equipment falling under the bill’s definition of “military equipment.” The policy must include the current quantity of each item, as well as the intended use, required training, fiscal impact, and other topics of interest to the community. The governing body must consider approving the policy by the adoption of a local ordinance.

AB 481 also requires every law enforcement agency seeking to continue the use of any “military equipment” that was acquired prior to January 1, 2022 to commence a governing body approval process no later than May 1, 2022. If the governing body does not approve the continued use of “military equipment” within 180 days of submission of the proposed Military Equipment Use Policy, the law enforcement agency shall cease its use of the “military equipment” until it receives approval from the governing body.

Public Safety is seeking approval from the City Council to continue using “military equipment” acquired before January 1, 2022 and to obtain funding for, acquire, and use new equipment in the future. Public Safety has prepared a draft ordinance (Attachment 1) and draft policy (Attachment 2) to comply with the requirements of AB 481.

Public Safety’s Military Equipment Use Policy satisfies all the requirements listed in Government Code 7071(2)(d)(1), including: (a) Public Safety’s military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety, (b) Public Safety’s Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties, (c) Public Safety’s military equipment is reasonably cost effective compared to available alternatives, and (d)
prior military equipment use otherwise complied with the proposed Military Equipment Use Policy.

Public Safety posted the draft Military Equipment Use Policy to the Irvine Police Department (IPD) website on March 12, 2022 as required by AB 481.

Pursuant to AB 481, Public Safety will produce a report on its use of “military equipment” and report back to the City Council within one year of approval, and annually thereafter. The report will be publicly available on the IPD website and Public Safety will host a community meeting for members of the community to ask questions about the use of “military equipment” during the previous year.

ALTERNATIVES CONSIDERED

City Council may deny Public Safety’s proposed ordinance and policy. This would preclude the purchase and/or acquisition of tools and equipment defined in AB 481. Denial of the proposed ordinance and policy would also result in Public Safety being unable to use tools and equipment already safely deployed and in use. The loss of these tools and equipment would significantly hinder Public Safety’s ability to safely and effectively respond to emergency situations and would result in greater risk of harm to members of the community and Public Safety during these events.

FINANCIAL IMPACT

Not Applicable.

REPORT PREPARED BY Matthew McLaughlin, Police Lieutenant

ATTACHMENTS

1. Proposed Ordinance
2. Public Safety’s Proposed Military Equipment Use Policy
CITY COUNCIL ORDINANCE NO. 22-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING CHAPTER 1 OF DIVISION 23 OF TITLE 4 OF THE IRVINE MUNICIPAL CODE ESTABLISHING RULES FOR THE IRVINE POLICE DEPARTMENT’S ACQUISITION AND USE OF MILITARY EQUIPMENT.

WHEREAS, on September 30, 2021, Governor Newsom signed into law, effective January 1, 2022, Assembly Bill 481 which directed law enforcement agencies to establish rules for the funding, acquisition and/or use of military equipment; and

WHEREAS, the City Council finds the public has a right to know about any funding, acquisition, or use of military equipment by the City of Irvine, as well as a right to participate in any City decision to fund, acquire, or use such equipment; and

WHEREAS, the City Council finds that 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; and

WHEREAS, the City Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used; and

WHEREAS, the City Council finds that if military equipment is acquired, annual reporting and review measures must be adopted that empower the City Council and public to verify that mandated civil rights safeguards have been strictly adhered to; and

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. Chapter 1 of Division 23 of Title 4 of the Irvine Municipal Code is hereby added to read in its entirety as follows:
Chapter 1 of Division 23 of Title 4
REGULATIONS OF CITY’S ACQUISITION AND USE OF MILITARY EQUIPMENT

Sections:
4.23.100 Name of Ordinance
4.23.101 Definitions
4.23.102 Acquisition and Use of Military Equipment
4.23.103 Annual Reports on the Use of Military Equipment
4.23.104 Enforcement
4.23.105 Transparency
4.23.106 Severability

4.23.100 Name of Ordinance

(A) REGULATIONS ON CITY’S ACQUISITION AND USE OF MILITARY EQUIPMENT

4.23.101 Definitions.

(A) "Military Equipment" means:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) 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.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

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

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) 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.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined 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.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.


(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by City Council or a state agency to require additional oversight.

(B) "City" means any department, agency, bureau, and/or subordinate division of the City of Irvine as provided by Article 1 of the Irvine Municipal Code.

(C) "City Staff" means City personnel authorized by the City Administrator or designee to seek City Council approval of the acquisition of military equipment in conformance with this Chapter.

(D) "Military Equipment Use Policy" means a publicly released, written document governing the use of military equipment by the Police Department that addresses, 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 Police Department 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 or employee of the Police Department 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 applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) 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.

(E) “Annual Military Equipment Use Report” means a written document that shall contain, at a minimum, 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 Police Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

4.23.102. Acquisition and Use of Military Equipment.

(A) City Council Submission and Approval

(1) The Police Department shall obtain approval of the City Council, by an ordinance adopting a Military Equipment Use Policy at a regular meeting of the City Council held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:
(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 City Council.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to this chapter.

(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 by this paragraph.

(2) Submission to City Council

(a) When seeking the review and approval of the City Council, the Police Department shall submit to the City Council a Military Equipment Use Policy.

(b) In order to facilitate public participation, a Military Equipment Use Policy shall be made publicly available on the department's website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The City Council shall consider a proposed Military Equipment Use Policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The City Council shall only approve a Military Equipment Use Policy pursuant to this Chapter if it determines all of the following:
(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.

(C) If purchasing the military equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(d)(2) In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the police department’s website for as long as the military equipment is available for use.

(e)(1) The City Council shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(e)(2) The City Council shall determine, based on the Military Equipment Use Policy, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d)1. If the City Council determines that a type of military equipment identified in that Military Equipment Use Policy has not complied with the standards for approval set forth in subdivision (d)1, the City Council shall either deny the authorization for that type of military equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

4.23.103. Annual Reports on the Use of Military Equipment.

(A) Annual Military Equipment Use Report
(1) The Police Department shall submit an Annual Military Equipment Use Report to the City Council no later than March 15th of each year, unless the City Council advises the police department that an alternate date is preferred. The Police Department shall make each annual report required by this section publicly available on its website for as long as the military equipment is available for use. Within 60 days of the Police Department’s submission and publication of an Annual Military Equipment Use Report, the City Council shall place the report as an agenda item for an open session of a regular meeting.

(2) Within 30 days of submitting and publicly releasing an Annual Military Equipment Use Report pursuant to this section, the Police 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 Use Report and the Police Department’s funding, acquisition, or use of military equipment.

(B) Compliance & Revocation of Approval

(1) The City Council shall determine, based on the Annual Military Equipment Use Report, whether the use of each type of military equipment identified in that report continues to meet the criteria for approval set forth in Section 4.23.102(A)(2)(d)1.

(2) If the City Council determines that the use of any military equipment identified in the report no longer meets the criteria for approval set forth in Section 4.23.102(A)(2)(d)1, the City Council approval may be revoked or modified.

4.23.104. Enforcement.

(A) Remedies for Violations of this Chapter

(1) This Chapter does not provide a private right of action upon any person or entity to seek injunctive relief against the City or any employee unless that person or entity has first provided written notice to the City Manager by serving the City Clerk, regarding the specified alleged violations of this Chapter. If a specific alleged violation is not remedied within 90 days of that written notice, a person or entity may seek injunctive relief in a court of competent jurisdiction. If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous manner on the City’s website that describes, to the extent permissible by law, the corrective measures taken to address the violation.

(2) Violations of this Chapter by a City employee may result in consequences that may include retraining, suspension, or termination, subject to due process requirements.
4.23.105. Transparency.

(A) Disclosure Requirements

(1) It shall be unlawful for the City to enter into any military equipment-related contract or other agreement that conflicts with the provisions of this Chapter, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

(2) To the extent permitted by law, the City shall publicly disclose all of its military equipment-related contracts, including any and all related nondisclosure agreements, if any, regardless of any contract terms to the contrary.

4.23.106 Severability

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of applications of this Chapter. The Council of the City of Irvine hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

SECTION 3. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.
PASSED and ADOPTED by the City Council of the City of Irvine at a regular meeting held on the __________day of__________, 2022.

_______________________________________
MAYOR OF THE CITY OF IRVINE

ATTEST:

___________________________________
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )
COUNTY OF ORANGE   )    SS
CITY OF IRVINE     )

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the __________ day of __________, 2022, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the __________day of __________, 2022.

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

________________________________
CITY CLERK OF THE CITY OF IRVINE

CC ORDINANCE 22-XX
Military Equipment

707.1 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).

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

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 the City Council or a state agency to require additional oversight.

707.2 POLICY
It is the policy of the Irvine Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.
Military Equipment

707.3 MILITARY EQUIPMENT COORDINATOR
The Chief of Police designated the Office of Professional Development Lieutenant to act as the military equipment coordinator. The responsibilities of the coordinator include but are not limited to:

(a) Identifying equipment the Department intends to acquire that requires approval by the City Council.

(b) Conducting an inventory of all military equipment at least annually.

(c) Collaborating with any allied agency that may use military equipment within the jurisdiction of the City of Irvine (Government Code § 7071).

(d) 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.

(e) 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).

707.4 MILITARY EQUIPMENT INVENTORY - PATROL
The following constitutes an inventory of previously purchased equipment deemed to be military as defined by this policy:

707.4.1 UNMANNED AIRCRAFT SYSTEMS (UAS)
Description: A UAS is an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Quantity: 32.

Capabilities: Sustained flight controlled by a remote pilot on the ground.

Expected Lifespan: 3 to 5 years.

Product Description: Commercially available platforms for aerial productivity combining a configurability to work as a solution for a variety of industrial applications with flight safety and data security features.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public (Policy 339.2).

Training Required: Federal Aviation Administration (FAA) Part 107 License and Department provided monthly training.

Initial Cost: $200,000.
Military Equipment

Annual Cost: $200,000.

707.4.2 UAS TEAM VEHICLE
Description: A mobile command vehicle to enhance or reestablish communication and coordination during UAS deployments, emergency incidents, special events, and community outreach.
Quantity: One.
Capabilities: Mobile command post for supporting UAS deployments.
Expected Lifespan: 10 years.
Product Description: 21 foot Command Center Sprinter 3500 MBE 3.0L.
Purpose and Authorized Use: Provide a mobile platform for safe UAS deployments.
Training Required: Class C driver's license.
Initial Cost: $255,052.
Annual Cost: $42,000.

707.4.3 FIREARM - RIFLE
Description: Firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
Quantity: 139.
Capabilities: Fires a lethal projectile.
Expected Lifespan: 20+ years.
Product Description: Patrol rifle of.223 or 5.56 caliber.
Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed (Policy 314.3.3).
Training Required: 16-hour POST approved course with qualification and annual training with re-qualification.
Initial Cost: $125,100.
Annual Cost: N/A.

707.4.4 40MM PROJECTILE LAUNCHER
Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.
Quantity: 77.
Capabilities: Fires a less lethal kinetic energy projectile.
Military Equipment

**Expected Lifespan:** 20+ years.

**Product Description:** LMT 40mm SingleShot Launcher #1425.

**Purpose and Authorized Use:** Less lethal, intermediate force option (Policy 310.3.1).

**Training Required:** Training and qualification once per year.

**Initial Cost:** $69,300.

**Annual Cost:** N/A.

707.4.5 MOBILE COMMAND VEHICLE(S)

**Description:** A vehicle used to enhance communication and coordination during emergency incidents, special events, or community outreach.

**Quantity:** Two (Mobile Command Communications Vehicle (MCCV) and Mobile Comm).

**Capabilities:** On-scene incident command functions may be performed from a mobile command vehicle.

**Expected Lifespan:** 20 years.

**Product Description:**
- MCCV: Fleetwood Motorhome
- Mobile Comm: Freightliner Custom

**Purpose and Authorized Use:** A mobile command vehicle provides a strategic location for police personnel during emergency incidents, special events, or community outreach events. Use of this equipment is also appropriate for large scale events that require advanced coordination of large numbers of police and other safety or first responder personnel.

**Training Required:**
- MCCV: Class C drivers license and additional department provided vehicle-specific, driver and operational training.
- Mobile Comm: Class B drivers license and additional department provided vehicle-specific, driver and operational training.

**Initial Cost:**
- MCCV: $152,665
- Mobile Comm: $399,127

**Annual Cost:**
- MCCV: $12,008
- Mobile Comm: $10,999
Military Equipment

707.5 MILITARY EQUIPMENT INVENTORY - SWAT
The following constitutes an inventory of previously purchased equipment deemed to be military as defined by this policy. The equipment in this section is primarily used by members of the Special Weapons and Tactics (SWAT) Team.

707.5.1 FIREARM - RIFLE
Description: Firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed metallic cartridge to fire one or more projectile(s) through a rifled bore for each pull of the trigger.

Quantity: 28.

Capabilities: Fires a lethal projectile.

Expected Lifespan: 20+ years.

Product Description: Patrol rifle of .223, 5.56, and .308 caliber.

Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed (Policy 314.3.3).

Training Required: 16-hour POST approved course with qualification and additional training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification twice per year.

Initial Cost: $25,200.

Annual Cost: N/A.

707.5.2 40MM PROJECTILE MULTI-LAUNCHER
Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.

Quantity: Three.

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description: Penn Arms PGL65.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training and qualification once per year.

Initial Cost: $4,500.

Annual Cost: N/A.

707.5.3 ARMORED RESCUE VEHICLE
Description: An armored rescue vehicle deployed during high-risk incidents, special events, and community outreach.
Military Equipment

Quantity: One.
Capabilities: Mobile armored vehicle to support high-risk deployments.
Expected Lifespan: 15 years.
Product Description: Ballistic Engineered Armored Rescue (BEAR) Vehicle, steel armor construction.
Purpose and Authorized Use: To assist police personnel in enhancing public safety while transporting first responder personnel and/or community members to/from high-risk situations. Provide a mobile platform for safe personnel deployments.
Training Required: Class B drivers license.
Initial Cost: $293,745.
Annual Cost: $52,500.

707.5.4 KINETIC BREACHING TOOL
Description: A hand-held breaching tool engineered to deliver high impact energy to defeat locking mechanisms.
Quantity: One.
Capabilities: Provides for safer, faster, stronger breaching.
Expected Lifespan: 10 years.
Product Description: Powder activated kinetic energy force entry tool.
Purpose and Authorized Use: May be deployed in any circumstance where the member needs to breach a door quickly and safely.
Training Required: Training on safe use and deployment and device functionality.
Initial Cost: $10,000.
Annual Cost: N/A.

707.5.5 BREACHING SHOTGUN
Description: Manually operated, pump-action, tube magazine fed, closed-bolt, 12-gauge firearm used to defeat locking mechanisms.
Quantity: Two.
Capabilities: Traditional breaching method provides for quick breaching of multiple locking mechanisms.
Expected Lifespan: 10 years.
Product Description: Remington 870 MCS Tactical Shotgun.
Military Equipment

Purpose and Authorized Use: May be deployed in any circumstance where the member needs to breach a door quickly and safely.

Training Required: Training on safe use and deployment and device functionality.

Initial Cost: $2,000.

Annual Cost: N/A.

707.5.6 CHEMICAL AGENT LAUNCHING DEVICE
Description: Device for alternate delivery of a chemical agent.

Quantity: One.

Capabilities: Affixes to a shotgun to allow for safe deployment of a chemical agent from a distance.

Expected Lifespan: 20+ years.

Product Description: Defense Technology 12-GAUCE TKO/LAUNCHING CUP.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification twice per year.

Initial Cost: $350.

Annual Cost: N/A.

707.5.7 CHEMICAL AGENTS
Description: Less lethal device utilized to deploy and discharge chlorobenzylidene malonitrile (CS) and oleoresin capsicum (OC) gas.

Quantity: 100.

Capabilities: Designed to deliver chemical agents during high-risk situations.

Expected Lifespan: 5 years.

Product Description: Individual, single use canisters of CS or OC gas.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification twice per year.

Initial Cost: $5,000.

Annual Cost: Recurring purchase as needed.

707.5.8 PEPPERBALL LAUNCHER
Description: Less lethal launcher which uses a high pressure air system to launch kinetic energy impact munition.
Military Equipment

Quantity: Three (two TACSF 69 caliber semi/3 round burst/full auto multi-launcher and one FN 303 less lethal launcher).
Capabilities: Fires a less lethal kinetic energy projectile.
Expected Lifespan: 20+ years.
Product Description:
- TACSF 69 caliber, semi/3 round burst/full auto multi-launcher
- FN 303 less lethal launcher
Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).
Training Required: Training and recertification twice per year.
Initial Cost:
- TACSF 69 caliber, semi/3 round burst/full auto multi-launcher: $2,880
- FN 303 less lethal launcher: $1,299
Annual Cost: N/A.

707.5.9 NOISE FLASH DIVERSIONARY DEVICE (NFDD)
Description: Device that produces a loud sound with a bright light that is intended to cause confusion and distraction.
Quantity: 30.
Capabilities: Distraction device used to minimize the risks to all parties by the temporary distraction or disorientation of potentially violent or dangerous suspects.
Expected Lifespan: 5 years.
Product Description: Separating fuse affixed to a non-bursting steel canister.
Purpose and Authorized Use: To distract/disorient potentially violent or dangerous suspects.
Training Required: Training and recertification twice per year.
Initial Cost: $1,000.
Annual Cost: Recurring purchase as needed.

707.5.10 RECON SCOUT
Description: The Recon Scout is a throwable/drivable remote controlled platform that is equipped with a camera allowing the operator to obtain instantaneous video within indoor and outdoor environments.
Quantity: One.
Capabilities: Remote operated, drivable platform capable of transmitting live video from a forward facing camera.
Military Equipment

Expected Lifespan: 10 Years.

Product Description: A small throwable remote operated platform equipped with a camera capable of being driven up to 150 feet from operator while transmitting video back to the operator.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public.

Training Required: None.

Initial Cost: $2,000.

Annual Cost: N/A.

707.6 APPROVAL
The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting the military 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 City Council 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 City Council 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 City Council.

(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.

707.7 COORDINATION WITH OTHER JURISDICTIONS
Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

707.8 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 City Council for each type of military equipment
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.

707.9 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.

707.10 COMPLAINT PROCEDURES
The public may submit questions or complaints regarding this policy to the Irvine Police Department email address ps@cityofirvine.org (complaints will be handled in accordance to Policy 227.4.2).