

Attachment B

Military Equipment

711.1 PURPOSE AND SCOPE

In the performance of their duties of public safety, officers of the Pasadena Police Department often face critical incidents that require the use of specialized equipment to help protect lives or save property. The purpose of this policy is to adhere to the mandates outlined in Assembly Bill 481 (September 2021) and provide members of the public a more transparent view of such specialized equipment utilized by officers of the Pasadena Police Department. This policy provides guidelines for the approval, acquisition, and reporting requirements of items defined as "military equipment" which are used to enhance both public and officer safety (Government Code § 7070; Government Code § 7071; Government Code § 7072).

711.1.1 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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.

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- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

* Standard or non-military equipment utilized by this department may be converted for use as "military equipment" if the exigency of life requires such measures. Those incidences will be properly documented in the annual report.

711.2 POLICY

It is the policy of the Pasadena Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to the approval, acquisition and reporting requirements of any qualifying, militaristic equipment. In addition, the use of any listed equipment shall be used in accordance with Federal or State law, this department's policy and with the approval of the Chief of Police or their designee.

711.3 MILITARY EQUIPMENT USE CONSIDERATIONS

The primary purpose of the military equipment is for de-escalation and to preserve life.

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. De-escalation techniques should be considered in accordance with PPD Policy 300.3.5 when appropriate.

711.4 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of the 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 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 Pasadena 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.

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- (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.

711.5 MILITARY EQUIPMENT INVENTORY

For a current list of authorized Military Equipment, refer to the Pasadena Police Department's Annual Military Equipment Report. The most recent and past reports can be found by visiting the following link:

<https://www.cityofpasadena.net/police/news/ab-481-military-equipment-policy/>

711.6 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 unless exigent circumstances require such measures.
- (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.

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When feasible, prior to engaging in any of the above activities, the Department shall solicit comment from the Community Police Oversight Commission and/or the City Council Public Safety Committee, in addition to obtaining City Council approval pursuant to Government Code Section 7071.

Approved equipment or its equivalent may be purchased for replacement or replenishment throughout the calendar year. Such purchases will be detailed in the annual report.

The Police Department's Fiscal Services Administrator will be provided a military equipment list to confirm proper purchasing procedures of military equipment are followed and tracked.

The acquisition of all new and replacement equipment must follow applicable public contracting requirements, including, but not limited to, Article X of the Charter (Contracts, Purchases and Claims) and Pasadena Municipal Code, Chapter 4.08 (Competitive Bidding and Purchasing).

711.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department 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 Department or operating in conjunction in a law enforcement capacity with this Department, shall comply with their respective military equipment use policies in rendering mutual aid.

711.8 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 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, including the information required by 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.

711.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting the publicly released annual military equipment report, the Pasadena 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 report and Pasadena Police Department's funding, acquisition, or use of military equipment. Where feasible, this presentation shall be made at a meeting of the Community Police Oversight Commission and/or the City Council Public Safety Committee.

711.10 COMPLAINTS OR CONCERNS

The Military Equipment Coordinator shall conduct an annual audit of the Department's military equipment. The Chief of Police or their designee will be notified of any policy violations and, if

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needed, the violation(s) shall be referred to the Professional Standards Section. All instances of non-compliance shall be included as part of the annual military equipment report.

Proceed to the following link for formal complaints or concerns regarding the use of military equipment:

<https://www.cityofpasadena.net/police/news/ab-481-military-equipment-policy/>