

Military Equipment

709.1 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).

709.1.1 DEFINITIONS

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

Governing body – The elected or appointed body that oversees the City.

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.

Livingston Police Department

Livingston PD Policy Manual

Military Equipment

709.2 POLICY

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

709.2.1 COMPLIANCE

The Livingston Police Department will ensure that all Department members comply with this policy. The Livingston Police Department will conduct an annual audit. The Chief of Police or their designee will be notified of any policy violations and, if needed, the violation(s) will be referred to Internal Affairs and handled in accordance with the Livingston Police Department Policy Section 1020.6 – Administrative Investigation Procedures. All instances of non-compliance will be reported to the Livingston City Council as part of the annual military equipment report.

Any member of the public can register a question or concern regarding military use equipment by sending their question via email to:

1. Via email to: militaryequipmentuse@livingstonpd.org
2. Via phone call to: (209) 394-7916
3. Via mail sent to: Livingston Police Department Attn: Military Equipment Use Coordinator 1446 C Street Livingston, CA 94066

709.3 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 Livingston 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.

Military Equipment

709.4 MILITARY EQUIPMENT INVENTORY

The Livingston Police Department shall submit an annual military equipment report to the Livingston City Council that addresses each type of military equipment possessed by the Livingston Police Department. The Livingston Police Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the Livingston Police Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

709.4.1 CATALOGING

All military use equipment kept and maintained by the Livingston Police Department shall be cataloged in a way which addresses each of the following requirements:

- (a) The manufacturer's description of the equipment.
- (b) The capabilities of the equipment.
- (c) The purposes and authorized uses for which the Livingston Police Department proposes to use the equipment.
- (d) The expected lifespan of the equipment.
- (e) The fiscal impact of the equipment, both initially and for on-going maintenance.
- (f) The quantity of the equipment, whether maintained or sought.

709.4.2 INVENTORY LIST

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

[See attachment: LPD MILITARY EQUIPMENT INVENTORY.pdf](#)

709.5 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or his/her designee, the Police Department may acquire, borrow and/or use Military Equipment that is not included in the Military Equipment Use Policy.

Livingston Police Department

Livingston PD Policy Manual

Military Equipment

If the Police Department acquires, borrows, and/or uses Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
- Include the Military Equipment in the Police Department's next annual Military Equipment Report.

709.6 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.
- (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.

709.7 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 shall comply with their respective military equipment use policies in rendering mutual aid.

Livingston Police Department

Livingston PD Policy Manual

Military Equipment

709.8 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 (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.

709.9 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.

Attachments

LPD MILITARY EQUIPMENT INVENTORY.pdf

LIVINGSTON POLICE MILITARY EQUIPMENT INVENTORY LIST

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Gov't Code §7070(c)(1)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 5 years
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions.	
Manufacturer Product Description: Mavic Air 2: The DJI Mavic Air 2 features omnidirectional Vision Systems without Infrared Sensing. The Mavic Air 2 comes with a fully stabilized 3-axis lens capable of shooting 4k videos and 12 megapixel photos. DJI signature technologies such as obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Additional features like the built in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic Air 2 has a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes.	
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; legally authorized surveillance.	
Fiscal Impacts: The initial costs of equipment, licensing, software and training was approximately \$1400 which was funded with the police department's small tools budget. Ongoing cost associated with UAS operation and maintenance is estimated to be approximately \$200 per year.	
Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.	
Training Required: Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot Training.	
Other Notes: None.	

Equipment Name: 37mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The 37mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles.	
Manufacturer Product Description: Penn Arms 37MM launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum and DuPont super tough glass filled nylon. These launchers are light weight, versatile and used worldwide by police and corrections officers. The 37MM launcher family of products is available in single-shot, spring-advance multi, and pump-advance multi-versions.	

Purpose/Authorized Uses: The 37mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.

Fiscal Impacts: The initial cost of this equipment was approximately \$800.00. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Livingston Police Department Policies on Use of Force and Crowd Control.

Training Required: Officers must complete a department certified 37mm course as well as regular training and qualifications as required by law and policy.

Other Notes: None.