

Policy 709

Truckee Police Department

Truckee PD Policy Manual

Military Equipment Funding, Acquisition, and Use Policy

709.1 PURPOSE AND SCOPE

The purpose of this policy is to comply with Government Code § 7071 by providing guidelines for the acquisition and use of “military equipment”, as that term is defined by Government Code § 7070, and for fulfilling the reporting requirements of Government Code § 7072.¹

709.1.1 DEFINITIONS

For purposes of this policy, “military equipment” consists of the following items listed in Government Code § 7070:

- Unmanned, remotely piloted, powered aerial or ground vehicles. (The Department DOES have items in this category.)
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers, but excluding police versions of standard consumer vehicles. (The Department does NOT have items in this category.)
- 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, but excluding unarmored all-terrain vehicles (ATVs) and motorized dirt bikes. (The Department does NOT have items in this category.)
- Tracked armored vehicles that provide ballistic protection to their occupants and use a tracked system instead of wheels. (The Department does NOT have items in this category.)
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units. (The Department does NOT have items in this category.)
- Weaponized aircraft, vessels, or vehicles of any kind. (The Department does NOT have items in this category.)

¹ These statutes were adopted as part of AB 481 in 2021.

- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include bolt cutters or a handheld, one-person ram. (The Department does NOT have items in this category.)
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition. (The Department does NOT have items in this category.)
- 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 and ammunition. (The Department does NOT have items in this category.)
- Any firearm or firearm accessory that is designed to launch explosive projectiles. (The Department does NOT have items in this category.)
- Noise-flash diversionary devices and explosive breaching tools. (The Department does NOT have items in this category.)
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray. (The Department DOES have items in this category.)
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs). (The Department does NOT have items in this category.)
- Kinetic energy weapons and munitions, including 40 mm projectile launchers, bean bags, rubber bullet, and specialty impact munition (SIM) weapons. (The Department DOES have items in this category.)
- Any other equipment as determined by the Town Council or a state agency to require additional oversight. (The Department does NOT have items in this category.)

709.2 POLICY

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

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a member of the 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 Town Council for matters related to the requirements of this policy.
- (b) Identifying equipment in the current possession of the Department, or equipment the Department intends to acquire, which constitutes military equipment that requires approval by the Town Council.
- (c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any other law enforcement agency that may use military equipment within the Town of Truckee.

(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).

(f) Preparing for, scheduling, and coordinating the annual community engagement meeting required by Government Code § 7072(b), including:

1. Scheduling the meeting within 30 days of submitting to the Town Council and publicly releasing the annual military equipment report described below.

2. Publicizing the details of the meeting.

3. Preparing for public questions regarding the military equipment report and the Department's funding, acquisition, and use of military equipment.

(g) Establishing the procedure for a person to register a complaint or concern, or submit a question, about the use of each type of military equipment, and how the Department will respond in a timely manner. (Government Code § 7070(d)(7))

709.4 MILITARY EQUIPMENT INVENTORY

The Department possesses the items of military equipment listed in the table attached to this policy. The table also lists the following (Government Code § 7070(d)(1-6)):

- The purposes and authorized uses of each type of military equipment.
- The fiscal impact of each type of military equipment, including the initial acquisition cost and annual maintenance cost.
- The legal and procedural rules governing the use of each type of military equipment.
- The training (including POST training) that must be completed by any member of the Department prior to the use of each type of military equipment, in order to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties, and full adherence to this policy.
- The mechanisms to ensure compliance with this policy, including which independent persons or entities have oversight authority.

The Department may replace any of the items listed in the table with the same or functionally similar items if the items possessed by the Department expire, are expended, reach the end of the manufacturer's warranty period or recommended service time, become unsafe to operate, or break or wear out and replacement would be less expensive or less time-consuming than arranging for repairs. The Department shall acquire such replacement items only to the extent budgeted funds are available, and shall comply with the Town's purchasing ordinance and policy. The Department shall not acquire any types of military equipment not listed in the table until and unless the Town Council amends this policy to allow such acquisitions.

709.5 APPROVAL

The Chief of Police or his or her authorized designee shall seek initial approval from the Town Council in the form of an ordinance adopting the military equipment policy. (Government Code § 7071(a)(2)) The Chief of Police or the authorized designee shall then request on an annual basis that the Town Council review its previous adoption of an ordinance and consider renewing the ordinance. (Government Code § 7071(e)) 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 Town 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(b))

The military equipment policy must be approved by the Town Council prior to engaging in any of the following (Government Code § 7071(a)(1)):

- (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 Town of Truckee.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the Town 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.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Other law enforcement agencies that are providing mutual aid to the Department shall comply with their respective military equipment use policies in using military equipment while rendering mutual aid.

709.7 ANNUAL REPORT

The Chief of Police or the authorized designee shall submit a military equipment report to the Town Council 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(a))

The Chief of Police or the authorized designee shall 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. (Government Code § 7072(a))

709.8 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 general public may discuss the report and the Department shall respond to public questions regarding the funding, acquisition, or use of military equipment. (Government Code § 7072(b))