

Military Equipment Use

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.

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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.

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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.

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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

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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.

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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.

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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-GAUGE 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.

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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.

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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

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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).