

ORDINANCE NO. 2022-06-1535

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SIGNAL HILL, CALIFORNIA, ADOPTING POLICE
DEPARTMENT POLICY NO. 709 (MILITARY EQUIPMENT
POLICY), IN ACCORDANCE WITH ASSEMBLY BILL 481**

WHEREAS, the City of Signal Hill, California ("City") is a charter city, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, on September 30, 2021, Governor Newsom signed into law Assembly Bill 481 ("AB 481") to address the funding, acquisition, and use of military equipment, as that term is defined by Government Code § 7070(c), by law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, AB 481, codified at California Government Code §§ 7070 through 7075, requires adoption of a military equipment use policy ("Policy") by the City Council before the Signal Hill Police Department ("Department") may take action to request military equipment; seek funds (such as grants or in-kind donations) for acquiring military equipment; actually acquire military equipment, either permanently or temporarily by owning, borrowing, or leasing; collaborate with other law enforcement agencies to deploy or use military equipment in the agency's territorial jurisdiction; use new or existing military equipment in a manner not previously subject to AB 481's scope; solicit or respond to a proposal for, or enter into an agreement with, any person or entity to seek funds for, apply for, acquire, use, or collaborate in using military equipment; or to acquire military equipment through any other means not specifically detailed in the statute; and

WHEREAS, to continue to use military equipment acquired prior to January 1, 2022, the law enforcement agency must commence the process of adopting the Policy no later than May 1, 2022; and

WHEREAS, in accordance with AB 481, the proposed Policy was made available on the website on the Department website at least thirty (30) days prior to the public hearing by the City Council to adopt the Policy; and

WHEREAS, once adopted, the Policy will be made publicly available on the Department website for as long as the covered military equipment is available for use; and

WHEREAS, once adopted, a copy of the Policy will be provided to the Governor or the Governor's designee, as specified; and

WHEREAS, notice of a City Council public hearing was published in the Signal Tribune newspaper per Government Code Section 65091 (a)(4) on June 10 and June 17, 2022; and notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 on June 10, 2022; and

WHEREAS, in accordance with AB 481, the Policy is on the agenda as an open session item at a regular meeting of the City Council, and public comment on the item will be allowed in accordance with the Brown Act; and

WHEREAS, this Ordinance shall be reviewed by the City Council at least annually, and based on an annual military equipment report that will be submitted to the City Council pursuant to AB 481, the City Council shall determine whether each type of military equipment identified in the report has complied with the standards for continued approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIGNAL HILL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. Pursuant to Government Code section 7071(d)(1), as may be amended or renumbered from time to time, the City Council hereby makes the following findings in support of its adoption of the Policy:

A. The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

B. The proposed Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. If the Department purchases military equipment pursuant to the Policy, 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.

Section 3. Adoption of Military Equipment Policy. The City Council hereby adopts Policy No. 709, Military Equipment Policy, along with any related Attachments, which are all attached hereto as Exhibit "A".

Section 4. Notice of Adoption. The City Clerk of the City of Signal Hill shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

Section 5. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the

remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

Section 7. Certification and Effective Date. The City Clerk shall certify to the passage and adoption of this ordinance by the City Council of the City of Signal Hill and shall cause a summary of this ordinance to be published in accordance with Government Code Section 36933, in a newspaper of general circulation which is hereby designated for that purpose, and this ordinance shall take effect thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Signal Hill, California, on this 12th day of July, 2022.

KEIR JONES
MAYOR

ATTEST:

Deputy

CARMEN R. BROOKS
CITY CLERK

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, Carmen R. Brooks, City Clerk of the City of Signal Hill, California, hereby certify that Ordinance No. 2022-06-1535 was introduced by the City Council of the City of Signal Hill, California, at a regular meeting held on the 28th day of June, 2022, and that the same was adopted by the City Council of the City of Signal Hill, California, at a regular meeting held on the 12th day of July, 2022, by the following vote:

AYES: MAYOR KEIR JONES, COUNCIL MEMBERS
 EDWARD H.J. WILSON, LORI Y. WOODS

NOES: NONE

ABSENT: VICE MAYOR TINA L. HANSEN, COUNCIL MEMBER
 ROBERT D. COPELAND

ABSTAIN: NONE

 CARMEN R. BROOKS
CITY CLERK

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 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.
- 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.

Military Equipment

709.2 POLICY

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

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 Signal Hill 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.

709.4 MILITARY EQUIPMENT INVENTORY

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

See attachment: Signal Hill PD AB 481 Inventory.pdf

709.5 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):

Military Equipment

- (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.

709.6 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.

Military equipment deployed or used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies when rendering assistance. Situations may arise where Signal Hill Police Department may deploy or use military equipment owned by other law enforcement agencies.

If the Department is in another jurisdiction under mutual aid or operational collaboration circumstances, Department members are required to adhere to the City of Signal Hill's Military Equipment Use Policy and all applicable Department policies and procedures, regardless of the operational jurisdiction.

709.6.1 USE IN EXIGENT CIRCUMSTANCES

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

If the Police Department acquires, borrows, and/or uses Military Equipment in an Exigent Circumstance, 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.

Military Equipment

- Include the Military Equipment in the Department's next annual Military Equipment Report.

709.7 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.

709.8 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 Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Attachments

Signal Hill PD AB 481 Inventory.pdf

The following constitutes an inventory of previously purchased equipment for the Signal Hill Police Department deemed to be military and militaristic as defined by this policy.

Weapon Systems:

1. Rifles: Firearm designed and intended to be fired from the shoulder and designed to use the energy in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. These types of rifles that have a long spiral grooved barrel are intended to make a bullet spin and thereby increases the accuracy over a long distance.

Current Inventory:

COLT M4 6920MPS-B ASSAULT RIFLE 16"

Description: lightweight, magazine-fed, gas-operated semi-automatic rifle. Caliber 223, 16-inch barrel.

Quantity: 12

Purchase Price: \$791.21 each

WINCHESTER .223 REMINGTON 55GR POINTED SOFT POINT

Description: .223 Remington caliber, Pointed Soft Point Tip, 55 grain bullet weight, brass cartridge case material.

Quantity: 7000 rounds

Purchase Price: \$340 (price per 1000 rounds)

H&K MP5A2 9mm SUBMACHINE GUN 8.9"

Description: lightweight, magazine-fed, gas-operated semi-automatic rifle. Chambered for the HK MP5 9mm 30 round high-capacity magazine designed by manufacturer Heckler & Koch. 8.9-inch barrel.

Quantity: 11

Purchase Price: \$ 1000.00 per firearm

Purpose: To be used as a precision weapon to address a threat more accurately from a great distance or to have the ability to address a threat that is using a similar weapon such as in a mass shooting incident.

Authorized Use: Only members that attend a POST certified training are authorized to use the rifle.

Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all officers who are authorized the operate the rifle are required to pass a range qualification two times a year.

Expected Life Span: No expiration

Fiscal Impact: Annual maintenance is approximately \$50 for each launcher.

Legal and Procedural Rules: Use is established under Policy 312.3.2 It is the policy of the Signal Hill Police Department to utilize the patrol rifles only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

2. 40 MM Launchers and Rounds

40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

Current Inventory:

DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER

Description: The 40MM Single Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less lethal round up to 131 feet.

Quantity: 6

Purchase Price: \$1,000 each

DEFENSE TECHNOLOGY, L8 37mm MULTI-CYLINDER GRENADE LAUNCHER

Description: The L8 37 mm Multi-Cylinder Launcher is a tactical launcher that features a multi-cylinder (6). It will fire rounds up to 8 inches in length that contain chemical gas agents, bean bags, and flares.

Quantity: 1

Purchase Price: \$1695.00

DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE

Description: A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

Quantity: 440

Purchase Price: \$18.25 per round

DEFENSE TECHNOLOGY, 1082 RIOT CONTROL GRENADES CS

Description: The 1082 Riot Control grenade is designed for use in a crowd control situation. It provides a high-volume continuous burn that expels CS (chlorobenzal-malonitrile) gas from the canister.

Quantity: 50

Purchase Price: \$23.38

Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:

- a. Self-destructive, dangerous and/or combative individuals.
- b. Riot/crowd control and civil unrest incidents.
- c. Circumstances where a tactical advantage can be obtained.
- d. Potentially vicious animals.
- e. Training exercises or approved demonstrations.

Training: Sworn members utilizing 40mm less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal instructor.

Expected Life Span: Defense Technology Launchers - 25 years, Rounds - 5 years.

Fiscal Impact: Annual maintenance is approximately \$50 for each launcher.

Legal and Procedural Rules: Use is established under Policy 308.3. It is the policy of the Signal Hill Police Department to utilize the listed control devices for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

3. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

Current Inventory:

REMINGTON 870 LESS LETHAL SHOTGUN

Description: The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation.

Quantity: 4

Purchase Price: \$950 each

DRAG STABILIZED 12-GAUGE BEANBAG ROUND

Description: A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). Drag Stabilized rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Drag Stabilized Model is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Drag Stabilized Model is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Drag Stabilized Model is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

Quantity: 266

Purchase Price: \$9.20 per round

WINCHESTER SLUG RIFLE ROUNDS

Description: Winchester 12 gauge 2.75-inch shotgun slugs feature a full-bore rifling, so they will have improved accuracy and sectional density when fired out of a smooth bore shotgun, and they have a hollow point tip for superior stopping power.

Quantity: 250

Purchase Price: \$1

Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:

- a. Self-destructive, dangerous and/or combative individuals.
- b. Riot/crowd control and civil unrest incidents.
- c. Circumstances where a tactical advantage can be obtained.
- d. Potentially vicious animals.
- e. Training exercises or approved demonstrations.

Expected Life Span: Remington 870 Less Lethal Shotgun- 25 years, Drag Stabilized 12-Gauge beanbag round and Winchester slug rifle rounds - no listed expiration date.

Fiscal Impact: Annual maintenance is approximately \$50 for each shotgun

Training: All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training.

Legal and Procedural Rules: Use is established under Policy 308.3 It is the policy of the Signal Hill Police Department to utilize the listed control devices for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.