

VENTURA POLICE DEPARTMENT  
S T A F F R E P O R T



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AGENDA ITEM  
TBD

Date: April 21, 2022

Council Action Date: May 23, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Alex D. McIntyre, City Manager  
Darin Schindler, Chief of Police

**SUBJECT: ADVANCE ITEM -** Adopt an Ordinance that Establishes a Military Equipment Policy for the Police Department

Staff is releasing the finalized Attachment to this Agenda item in advance for City Council consideration and citizen review.

Effective January 1, 2022, California Assembly Bill 481 [AB 481] requires California law enforcement agencies to obtain approval, via the adoption of an ordinance, of their respective governing bodies (i.e., the City Council) of a written policy prior to taking certain actions relating to the funding, acquisition and/or use of “military equipment”. The Ventura Police Department is seeking approval of such a policy so that it can continue to use “military equipment” procured by the City of Ventura prior to January 1, 2022.

**ATTACHMENTS:**

- A Ventura Police Department Military Equipment Use Policy

## Military Equipment (as defined by AB 481)

### 706.1 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).

#### 706.1.1 DEFINITIONS

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

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes:

- 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.

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## *Military Equipment (as defined by AB 481)*

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### **706.2 POLICY**

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

### **706.3 MILITARY EQUIPMENT COORDINATOR**

The Professional Standards Commander is designated 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 Ventura 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.

### **706.4 MILITARY EQUIPMENT INVENTORY**

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

1. *Unmanned, remotely piloted, powered aerial or ground vehicles:*
  - (a) Unmanned Aerial Systems (UAS).
    - Drone: Remotely piloted aerial vehicle capable of providing live and recorded video images captured from aerial positions to aid in investigations, including missing persons, search and rescue, vehicle collisions, natural disaster management, crime scene evidence collection, public safety, high-risk apprehension of suspects and life-saving missions.
    - Quantity: 6
  - (b) Robotex Avatar II.

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- Robot: A remotely controlled, unmanned machine that operates on the ground used to safely gain visual/audio data, deliver negotiation phone, open doors, disrupt packages, clear buildings, etc.
  - Quantity: 1
2. *High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached:*
- Lenco Bearcat armored rescue vehicle (ARV).
    - Armored vehicle: Allows for rescue of down personnel and citizens. It can stop various projectiles, which provides greater safety beyond the protection of body armor.
    - Quantity: 1
3. *Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units:*
- Police and Fire Command Post
    - 2003 Farber Specialty Vehicle that provides for shelter, access to computers and communications equipment for large/extended events.
    - Quantity: 1
4. *Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency:*
- (a) Remington .308 caliber rifle
    - Sniper rifle: Accurate at distance; utilized only by trained SWAT personnel
    - Quantity: Up to 4
  - (b) Accuracy International .308 caliber rifle
    - Sniper rifle
    - Quantity: Up to 4
  - (c) Sig Sauer .223 caliber rifle
    - Patrol rifle: More powerful than pistol but less powerful than standard rifle. Allows for better precision when needed to address a threat with more accuracy and from a greater distance than a handgun, such as an encounter with an armed or barricaded suspect.
    - Quantity: up to 75
  - (d) Colt .223 caliber rifle
    - Patrol rifle

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### *Military Equipment (as defined by AB 481)*

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- Quantity: up to 75
- (e) American Spirit Arms AR-15:
  - Patrol rifle
  - Quantity: up to 75
- (f) H & K MP-5:
  - 9mm submachine gun: Used by trained SWAT personnel for high-risk situations
  - Quantity: 17
- (g) Ammunition for specialized firearms:
  - .308: up to 3,000 rounds
  - .223/.556: up to 95,000 rounds
- 5. *"Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray:*
  - (a) Combined Tactical Systems (CTS) Flashbang
    - Sound/light distraction device: Single use, ideal for distracting dangerous suspects during hostage rescues, room entry, or other high-risk arrest situations.
    - Quantity: up to 50
  - (b) Sage Control Ordinance CS and OC cannister
    - Tear Gas: Single use, less lethal tool used to compel violent/armed and barricaded suspects from structures and vehicles when the circumstances are too hazardous for officers to enter. May also be used to compel large, violent, and riotous crowds to disperse from an outdoor area.
    - Quantity: up to 20
  - (c) Defense Technology CS and OC cannister
    - Tear Gas: Single use, less lethal tool used to compel violent/armed and barricaded suspects from structures and vehicles when the circumstances are too hazardous for officers to enter. May also be used to compel large, violent, and riotous crowds to disperse from an outdoor area.
    - Quantity: up to 20
  - (d) Combined Tactical System Smoke Canister
    - Smoke distraction device: Single use.
    - Quantity: up to 20
  - (e) Defense Technology 40MM BP Liquid CS Rounds
    - Tear Gas projectiles: A less lethal 40mm projectile that is used to penetrate barriers (windows, hollow core doors, wallboard) and upon

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- impact the nose cone ruptures and release a small amount of 2-chlorobenzalmalononitrile (CS).
- Quantity: up to 20
- (f) PepperBall TAC-SA semi-automatic launcher
  - Less lethal tool used from a distance to deploy pepper ball rounds to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
  - Quantity: up to 2
- (g) Pava OC Pepper ball rounds
  - The projectile is designed for direct impact and contains PAVA pepper powder.
  - Quantity: up to 2,000
- 6. *The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons:*
  - (a) Lewis Machine and Tool 40 mm single round launcher
    - Less lethal tool used from a distance to deploy 40mm rounds to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
    - Quantity: 3
  - (b) Lewis Machine and Tool 40 mm four-round launcher
    - Quantity: 6
  - (c) 40mm Less Lethal Sponge Rounds
    - A less lethal 40mm lightweight plastic and foam projectile capable of being fired from a single or multi-round 40mm launcher
    - Quantity: up to 150
  - (d) 40mm Inert Barrier Penetrating Rounds
    - A less lethal 40mm projectile capable of being fired from a single or multi-round 40mm launcher that is used to penetrate barriers (windows, hollow core doors, and wallboard).
    - Quantity: up to 100
  - (e) Winchester 870 bean bag platform
    - Bean bag shotgun: Less lethal tool used from a distance to deploy bean bag round in order to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel

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specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.

- Quantity: 37
- (f) Bean bag rounds
- The round is a less lethal 12-gauge shotgun round made of a ballistic fiber bag filled with approximately 40 grams of lead shot that travels at a velocity of 270 to 290 feet per second.
  - Quantity: up to 500

### **706.5 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):

- (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.

### **706.6 COORDINATION WITH OTHER JURISDICTIONS**

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing combined or regional operations, occasional planned operations, or in exigent circumstances. Where applicable to the provisions of Government Code § 7070 through § 7075, such assisting agencies should comply with their respective military equipment use policies when rendering assistance.

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### **706.7 EXTRAORDINARY CIRCUMSTANCES**

This policy also recognizes that there may be very limited or extreme instances where incidents of extraordinary nature could demand the need for incident commanders to authorize Department personnel to use equipment not specified in this policy. This decision must be influenced by the totality of the circumstances, including the due regard for the public's safety, officer safety, respecting civil rights, seriousness of the situation, and other information available at that time.

Should such extreme instances occur that call for members of this Department to use equipment not specified in this policy, the incident commander shall, if practical, notify the Chief of Police via the chain of command prior to deploying such equipment. Should such circumstances occur, the Chief of Police or his/her designee, shall notify the City Council as soon as practical, and indicate any such uses in the required annual report.

### **706.8 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall 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.

### **706.9 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.

### **706.10 APPENDIX**

See attachment: [Military Equipment List 2022.pdf](#)



## Attachments

## Military Equipment List 2022.pdf



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# MILITARY EQUIPMENT INVENTORY

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VENTURA POLICE DEPARTMENT

DARIN SCHINDLER, POLICE CHIEF

(1) *Unmanned, remotely piloted, powered aerial or ground vehicles:*

a. Unmanned Aerial Systems (UAS)

- Drone: Remotely piloted aerial vehicle capable of providing live and recorded video images captured from aerial positions to aid in investigations, including missing persons, search and rescue, vehicle collisions, natural disaster management, crime scene evidence collection, public safety, high-risk apprehension of suspects and life-saving missions.
- Use authorized by a Sergeant
- Assigned operators must be licensed by the Federal Aviation Administration
- Quantity: 6

b. Robotex Avatar II.

- Robot: A remotely controlled, unmanned machine that operates on the ground used to safely gain visual/audio data, deliver negotiation phone, open doors, disrupt packages, clear buildings, etc.
- Use authorized by a Sergeant
- Robot operators are trained per the instructions included with the robot
- Quantity: 1

(2) *High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached:*

LENCO Bearcat armored rescue vehicle (ARV)

- Armored vehicle: Allows for rescue of down personnel and citizens. It can stop various projectiles, which provides greater safety beyond the protection of body armor.
- Use of an armored vehicle may be authorized by a Sergeant.
- All driver/operators shall be trained in vehicle operations.
- Quantity: 1

(3) *Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units:*

a. Police and Fire Command Post

- 2003 Farber Specialty Vehicle that provides for shelter, access to computers and communications equipment for large/extended events.
- Use may be authorized by a Sergeant.
- All driver/operators shall be trained in vehicle operations.
- Quantity: 1

(4) *Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency:*

- a. Remington .308 caliber rifle
  - Sniper rifle: Accurate at distance
  - Utilized only by trained SWAT personnel
  - Quantity: up to 4
- b. Accuracy International .308 caliber rifle
  - Sniper rifle: Accurate at distance
  - Utilized only by trained SWAT personnel
  - Quantity: up to 4
- c. Sig Sauer .223 caliber rifle
  - Patrol rifle: More powerful than pistol but less powerful than standard rifle. Allows for better precision when needed to address a threat with more accuracy and from a greater distance than a handgun, such as an encounter an armed or barricaded suspect.
  - POST rifle certification required for use
  - Quantity: up to 75
- d. Colt .223 caliber rifle
  - Patrol rifle: More powerful than pistol but less powerful than standard rifle. Allows for better precision when needed to address a threat with more accuracy and from a greater distance than a handgun, such as an encounter an armed or barricaded suspect.
  - POST rifle certification required for use
  - Quantity: up to 75
- e. American Spirit Arms AR-15:
  - Patrol rifle: More powerful than pistol but less powerful than standard rifle. Allows for better precision when needed to address a threat with more accuracy and from a greater distance than a handgun, such as an encounter an armed or barricaded suspect.
  - POST rifle certification required for use
  - Quantity: up to 75
- f. H & K MP-5:
  - 9mm submachine gun
  - Used by trained SWAT personnel for high-risk situations
  - SWAT training and certification required for use

- Quantity: 17
- g. Ammunition for specialized firearms:
- .308: up to 3,000 rounds
  - .223/.556: up to 95,000 rounds
- (5) *“Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray:*
- a. Combined Tactical Systems (CTS) Flashbang
- Sound/light distraction device: Single use
  - Ideal for distracting dangerous suspects during hostage rescues, room entry, or other high-risk arrest situations.
  - Use Authorized by a SWAT Sergeant or Commander
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 50
- b. Sage Control Ordinance CS and OC cannister
- Tear Gas: Single use
  - Less lethal tool used to compel violent/armed and barricaded suspects from structures and vehicles when the circumstances are too hazardous for officers to enter. May also be used to compel large, violent, and riotous crowds to disperse from an outdoor area.
  - Use Authorized by a SWAT Sergeant or Commander
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 20
- c. Defense Technology CS and OC cannister
- Tear Gas: Single use
  - Less lethal tool used to compel violent/armed and barricaded suspects from structures and vehicles when the circumstances are too hazardous for officers to enter. May also be used to compel large, violent, and riotous crowds to disperse from an outdoor area.
  - Use Authorized by a SWAT Sergeant or Commander
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 20
- d. Combined Tactical Systems smoke cannister
- Smoke distraction device: Single use.
  - Emits smoke as a distraction and can be used indoors or outdoors.
  - Use Authorized by a SWAT Sergeant or Commander
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 20
- e. Defense Technology 40MM BP Liquid CS Rounds

- Tear Gas projectiles: A less lethal 40mm projectile that is used to penetrate barriers (windows, hollow core doors, wallboard) and upon impact the nose cone ruptures and release a small amount of 2-chlorobenzalmalononitrile (CS).
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 20
- f. TAC-SA semi-automatic Pepper ball launcher
- Less lethal tool used from a distance to deploy pepper ball rounds to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 2
- g. Pava OC Pepper ball rounds
- The projectile is designed for direct impact and contains PAVA pepper powder.
  - Quantity: up to 2,000
- (6) *The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons:*
- a. Lewis Machine and Tool 40 mm single-round launcher
- Less lethal tool used from a distance to deploy 40mm rounds to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
  - Officers using the 40mm launcher are trained by POST certified less lethal instructors.
  - Quantity: 3
- b. Lewis Machine and Tool 40 mm four-round launcher
- Less lethal tool used from a distance to deploy 40mm rounds to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
  - Officers using the 40mm launcher are trained by POST certified less lethal instructors
  - Quantity: 6
- c. 40mm Less Lethal Sponge Rounds
- A less lethal 40mm lightweight plastic and foam projectile capable of being fired from a single or multi-round 40mm launcher
  - Officers using the 40mm launcher are trained by POST certified less lethal instructors

- Quantity: up to 150
- d. 40mm Inert Barrier Penetrating Rounds
- A less lethal 40mm projectile capable of being fired from a single or multi-round 40mm launcher that is used to penetrate barriers (windows, hollow core doors, and wallboard).
  - Only deployed by SWAT operators who have been trained in the proper use
  - Quantity: up to 100
- d. Winchester 870 bean bag platform
- Bean bag shotgun: Less lethal tool used from a distance to deploy bean bag round to compel potentially violent suspects to cease dangerous actions and comply with arrest. May also be used to compel specific individuals in a large, violent, and riotous crowd to disperse from an outdoor area.
  - Officers using the bean bag shotgun are trained by POST certified less lethal instructors
  - Quantity: 37
- e. Bean bag rounds
- The round is a less lethal 12-gauge shotgun round made of a ballistic fiber bag filled with approximately 40 grams of lead shot that travels at a velocity of 270 to 290 feet per second.
  - Quantity: up to 500