

RESOLUTION NO. 2023-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
ACCEPTING MARINA POLICE DEPARTMENT'S 2022-2023 ANNUAL
MILITARY EQUIPMENT REPORT PURSUANT TO AB481

WHEREAS, the Marina Police Department has submitted its 2023-2023 Annual Military Equipment Report, Pursuant to California Assembly Bill 481 (AB 481) which was signed into law on September 30, 2021. California Government Code §§ 7070, 7071, and 7072 codify the requirements established by AB 481 for law enforcement's acquisition, use, and funding of "military equipment"; and

WHEREAS, the Marina Police Department has presented the Marina Police Department's 2023 Annual Report ("**EXHIBIT A**") to the City Council to review, accept and file.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Marina hereby accepts the Marina Police Department's 2022-2023 Military Equipment Annual Report.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 17th day of October 2023, by the following vote:

AYES, COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Delgado

ABSTAIN, COUNCIL MEMBERS: None

Cristina Medina Dirksen
Mayor Pro Tem

ATTEST:

Anita Sharp, Deputy City Clerk



Marina Police Department
Annual Military Equipment Report
2022-2023

California Government Code §§ 7070, 7071, and 7072

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law. California Government Code §§ 7070, 7071, and 7072 codify the requirements established by AB 481 for law enforcement's acquisition, use, and funding of "military equipment."

In enacting AB 481, the Legislature stated the public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials to increase transparency, accountability, and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment.

The bill required law enforcement agencies that seek to continue the use of military equipment acquired prior to January 1, 2022, to receive approval from their governing body prior to May 1, 2022. The Marina City Council previously approved Marina Police Department Policy #707 – Military Equipment, and the associated Military Equipment Inventory by ordinance 2022-02 on April 19, 2022. The current policy and inventory list are located on the Marina Police Department's website – www.marinapolice.com

California Government Code § 7072 requires law enforcement agencies to prepare annually, a Military Equipment Report. The annual Military Equipment Report is required to contain the following information:

- A summary of how the military equipment was used and the purpose of its use;
- A summary of any complaints or concerns received concerning the military equipment;
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
- 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;
- The quantity possessed for each type of military equipment; and,
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

This annual Military Equipment Report satisfies the reporting requirements outlined in California Government Code § 7072.

A complaint, concern or question related to Military Equipment utilization by the Marina Police Department can be made through any of the below listed methods:

Email: militaryequipment@cityofmarina.org

Web: <https://www.marinapolice.com>

By phone: (831) 884-1210

By mail: Marina Police Department

Attn: Military Equipment Use Coordinator
211 Hillcrest Avenue, Marina, CA 93933

The following is a summary of the Military Equipment owned and maintained by the Marina Police Department as defined by California Government Code §7070:

Item	Quantity Owned	Gov't Code Subsection
Semi-Automatic Rifles	23	7070(c)(10)
Bolt-Action Precision Rifles	2	7070(c)(10)
Mavic Mini 2, Mavic Enterprise, Mavic Air 2	4	7070(c)(1)
40mm Less Lethal Launchers - Single	6	7070(c)(14)
40mm Less Lethal Launchers - Multi	1	7070(c)(14)

The following is a summary of the Military Equipment used by the Monterey Peninsula Regional Special Response Unit. The Marina Police Department does not own or maintain this equipment; however, the military equipment may be used by members of the MPRSRU (SWAT) during a critical incident in the City of Marina. (California Government Code §7071(a)(1)(D))

Item	Gov't Code Subsection
Unmanned, Remotely Piloted, Powered Ground Vehicle	7070(c)(1) 7071(a)(1)(D)
Rescue Vehicle (Lenco Bearcat Armored Vehicle)	7070(c)(3) 7071(a)(1)(D)
Workhorse Commercial Van	7070(c)(5) 7071(a)(1)(D)
Flashbang Grenades, Explosive Breaching Tools, Tear Gas, and Pepper Balls	7070(c)(12) 7071(a)(1)(D)
Remington 870 Breaching Shotgun	7070(c)(10) 7071(a)(1)(D)
37mm Less lethal Launcher	7070(c)(10) 7071(a)(1)(D)
BolaWrap 150 Restraint Device – Qty 4	7070(c)(14)

QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MARINA POLICE DEPARTMENT GOVERNMENT CODE §7070(c)(1)	
Description:	Unmanned, remotely piloted, powered arial and ground vehicles
Quantity:	2-Mavic Mini 2, 1-Mavic Enterprise, 1-Mavic Air 2.
Intention to Acquire More:	No
Capabilities:	Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.
Expected lifespan:	5-Years
Manufacturer's description:	Unmanned Aircraft System (UAS) comprises an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. The system generally includes a fixed or rotary-wing (tethered or non-thethered) aircraft and a ground control station.
Purpose(s)/Authorized Use:	To enhance the safety of potentially dangerous situations by providing first responders with the ability to monitor video feed from vehicle cameras of hazardous areas prior to, or in lieu of, sending in personnel. UAS/Drone/Aerial platforms may be used for search and rescue; suspect apprehension crime scene documentation; tactical operations; scene security; hazard monitoring; identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.
Initial costs:	Approximately \$16,000
Annual costs:	Approximately \$1,000 (ammunition, repair parts, batteries, etc.)
Legal:	All applicable State, Federal and Local laws. Any use of UAS/Drone platforms will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.
Procedural:	Marina PD Policies - 612 (UAS Operations)
Required training:	Marina PD provides internal training for staff members prior to allowing them to operate the UAS(s). Prior to piloting any UAS/Drone, a staff members must secure an FAA Remote Pilot License and complete training required by the FAA Certificate of Authorization (COA).
Other notes:	The Marina PD operates under a Certificate of Authorization (COA) granted by the FAA.
Summary of how the military equipment was used and the purpose of its use:	The UAS/Drone/Aerial platforms were deployed and used a total of 23 times in the past year for law enforcement activity related to the following: UAS/Drone/Aerial platforms may be used for search and rescue; suspect apprehension crime scene documentation; tactical operations; scene security; hazard monitoring; identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.
Complaints of Concerns:	No complaints or concerns received
Audits, violations, actions:	During a training flight the Mavic Enterprise was damaged and repaired with budget operating funds. Marina PD conducted an audit of the equipment and accounted for all unmanned, remotely piloted, powered arial and ground vehicles were accounted for in the inventory. There were no violations of related departmental policies regarding use of this equipment. No additional actions needed.

QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MARINA POLICE DEPARTMENT GOVERNMENT CODE §7070(c)(3)	
Description:	MPRSRU Rescue Vehicle (Lenco Bearcat Armored Vehicle)
Quantity:	1 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)
Intention to Acquire More:	No
Capabilities:	Unit is capable of transporting personnel and equipment while providing them with armored protection. It also has a breaching apparatus that can be attached
Expected lifespan:	10-Years
Manufacturer's description:	The Lenco BearCat is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. Since the early 2000s, agencies such as LAPD, LASD SEB, NYPD ESU, Boston PD and hundreds of Federal, State and Local Law Enforcement agencies have made the BearCat part of their standard operating procedure. The Bearcat has excellent on-road driving characteristics and maneuverability in tight urban settings. The large floor plan seats 10 – 12 fully equipped officers.
Purpose(s)/Authorized Use:	The SRU Rescue Vehicle (Lenco Bearcat Armored Vehicle) is intended for use during critical incidents including, but not limited to: (a) Hostage situations; (b) Barricaded subject incidents; (c) Active shooter situations; (d) High risk arrest and search warrants; (e) Any threat of explosive devices; (f) Other situations where ballistic protection is necessary for the protection of personnel. The SRU Rescue Vehicle will not be deployed for situations such as peaceful protests or demonstrations where violence is not threatened toward the public, property, or law enforcement personnel. When deploying the vehicle, one must consider how its use or misuse could create fear or distrust in the community and take steps to mitigate those negative effects. The SRU Rescue vehicle may be deployed for exhibition at community-based events for the purpose of educating and familiarizing the public with its use and purpose.
Initial costs:	\$400K through UASI grant (MPRSU)
Annual costs:	No cost to the Marina Police Department
Legal:	All applicable State, Federal and Local laws.
Procedural:	Marina PD Policies - 614 (High Risk Operations)
Required training:	The SRU Rescue Vehicle is driven by approved personnel who have received training in the vehicle's operation. The training includes both classroom and practical driving exercises. Operators also receive scenario-based training to include the decision-making process as to how it should and should not be deployed. Scenario based training includes constitutional and community policing principles as it relates to SRU Rescue Vehicle deployment. All MPRSRU members are required to complete an initial POST Certified 80-hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually.
Other notes:	The Marina Police Department participates in the Monterey Peninsula Regional Special Response Unit (MPRSRU) SWAT Team. This equipment is registered to the Marina Police Department and utilized by MPRSU. While the Marina Police Department does not own this equipment, it could be used in Marina by MPRSRU if they are deployed to an incident within city limits. It may also be used in Marina at community events for educational and familiarization purposes.

Summary of how the military equipment was used and the purpose of its use:	The SRU Rescue Vehicle (Lenco Bearcat Armored Vehicle) is intended for use during critical incidents including, but not limited to: (a) Hostage situations; (b) Barricaded subject incidents; (c) Active shooter situations; (d) High risk arrest and search warrants; (e) Any threat of explosive devices; (f) Other situations where ballistic protection is necessary for the protection of personnel. This unit was utilized several times during high risk SRU missions and utilized for crew transport and safety. Most recently providing protection to officers from a person firing a high-powered Rifle in the county Monterey.
Complaints of Concerns:	No complaints or concerns received
Audits, violations, actions:	This equipment is registered (DMV) to the City of Marina, but it was paid for by a grant awarded to the MPRSRU. It is maintained and operated by the member agencies of the MPRSRU. There were no violations of related departmental policies regarding use of this equipment. No additional actions needed.

QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MARINA POLICE DEPARTMENT GOVERNMENT CODE §7070(c)(10)	
Description:	Bolt-Action Precision and Semiautomatic Rifles and Ammunition
Quantity:	25 (existing)
Intention to Acquire More:	No
Capabilities:	Rifles are capable of firing a .223 caliber or .556 projectile bullet
Expected lifespan:	15 years
Manufacturer's description:	(8)-The Bushmaster XM15-E2S The Bushmaster XM15-E2S is a lightweight, magazine-fed, gas-operated semi-automatic rifle, chambered in .223 cal. It is a semi-automatic version of the M16 rifle sold for the civilian and law enforcement markets. (6)- The Colt AR-15 is a lightweight, magazine-fed, gas-operated semi-automatic rifle, chambered in 5.56/.223 cal. It is a semi- automatic version of the M16 rifle sold for the civilian and law enforcement markets. (2)- Colt M4 Carbine is a lightweight, magazine-fed, gas-operated semi-automatic rifle, chambered in 5.56/.223 cal. It is a semi-automatic version of the M16 rifle sold for the civilian and law enforcement markets. (2)- The Colt LE6940 is a lightweight, magazine-fed, gas-operated semi-automatic rifle, chambered in 5.56/.223 cal. It is a semi-automatic version of the M16 rifle sold for the civilian and law enforcement markets. (5)- The Colt CR6933-EPR (SBR) is a lightweight, magazine-fed, gas-operated, short barreled, semi- automatic rifle. It is a semi-automatic, short-barreled version of the AR-15 rifle sold for the law enforcement market. (1)-The Desert Tech SRS-M2 is a magazine fed, "Bullpup" style, bolt action precision rifle. It is sold for use in the military, law enforcement and the civilian markets. The barrel can be changed out to accommodate different calibers, such as .308 Win, 6.5 CM and .338 LM. (1)-The FN SPR is a magazine fed, bolt action, precision rifle, chambered in .308. It is sold for use in the military, law enforcement and the civilian markets.
Purpose(s)/Authorized Use:	Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: (1) Situations where the member reasonably anticipates an armed encounter. (2) When a member is faced with a situation that may require accurate and effective fire at long range. (3) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower. (4) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. (5) When a member reasonably believes that a suspect may be wearing body armor. (6) When authorized or requested by a supervisor. When needed to euthanize an animal.
Initial costs:	Approximately \$52,500
Annual costs:	Approximately \$3000 (ammunition, repair parts, batteries, etc.)
Legal:	CA Penal Code 33220(b). All other applicable State, Federal and Local laws governing short- barreled rifles and police use of force.

Procedural:	Marina PD Policies - 300 (Use of Force), 312 (Firearms), 424 (Rapid Response and Deployment),
Required training:	CA POST certified 16-hour patrol rifle course & 4 hours annually / qualification annually
Other notes:	These rifles are standard issue service weapons for Marina PD officers and as a result exempted from the Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document for transparency.
Summary of how the military equipment was used and the purpose of its use:	The rifles were deployed within the guidelines. Over the past 12 months, Marina officers have deployed the rifle, but not fired, in the following circumstances: (1) Situations where the member reasonably anticipates an armed encounter. (2) When a member is faced with a situation that may require accurate and effective fire at long range. (3) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower. (4) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. (5) When a member reasonably believes that a suspect may be wearing body armor. When authorized or requested by a supervisor.
Complaints of Concerns:	No Complaints or concerns were received
Audits, violations, actions:	Marina PD conducted an audit of equipment and accounted for all the rifles. There were no violations of related departmental policies regarding use of this equipment. No additional actions needed.

QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MARINA POLICE DEPARTMENT GOVERNMENT CODE §7070(c)(14)	
Description:	40mm Less Lethal Launchers and Kinetic Energy Munitions
Quantity (existing/sought):	6 (one for each police vehicle)
Intention to Acquire More:	No
Capabilities:	The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, known as sponge projectiles.
Expected lifespan:	15 years
Manufacturer's description:	Penn Arms 40MM Single Shot Launcher with collapsing stock. The L140-3/4 – is a 40mm single-shot break-open action launcher with a rifled barrel, collapsible stock, and combo rail. It's features include: Double-action trigger, trigger lock push button, and hammer lock safeties.
Purpose(s)/Authorized Use:	The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option to subdue violent and/or resistive individuals.
Initial costs:	\$7900
Annual costs:	\$200 (includes sponge projectiles for training)
Legal:	All applicable State, Federal and Local laws governing police use of force.
Procedural:	Marina PD Policies - 312 (Firearms), 308 (Control Devices and Techniques)
Required training:	Two (2) hours of initial training and (2) hours every (2) years (includes qualification)
Other notes:	(4) additional single shot launchers will replace the current aged-out less lethal shotguns.
Summary of how the military equipment was used and the purpose of its use:	The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option to subdue violent and/or resistive individuals. While the launcher has deployed in the field during active incidents, no actual field use on a person was reported.
Complaints of Concerns:	No Complaints or concerns were received.
Audits, violations, actions:	Marina PD conducted an audit of the equipment and accounted for all 40mm Less Lethal Launchers in inventory. There were no violations of related departmental policies regarding the use of this equipment. No additional actions needed.

QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MARINA POLICE DEPARTMENT GOVERNMENT CODE §7070(c)(14)	
Description:	40mm Less Lethal Launchers and Kinetic Energy Munitions
Quantity:	1
Intention to Acquire More:	No
Capabilities:	The 40mm Less Lethal Multi-Launcher is capable of firing 40mm Kinetic Energy Munitions, known as sponge projectiles.
Expected lifespan:	15 years
Manufacturer's description:	Penn Arms 40MM Pump Action, Multi Shot Launcher. PGL65-40 – A 40mm, pump action, multi launcher with a rifled barrel, collapsible stock and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.
Purpose(s)/Authorized Use:	The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option to subdue violent and/or resistive individuals.
Initial cost:	\$2,000
Annual costs:	\$200 (includes sponge projectiles for training)
Legal:	All applicable State, Federal and Local laws governing police use of force.
Procedural:	Marina PD Policies - 312 (Firearms), 308 (Control Devices and Techniques)
Required training:	Two (2) hours of initial training and (2) hours every (2) years (includes qualification)
Other:	(4) additional single shot launchers will replace the current aged-out less lethal shotguns
Summary of how the equipment was used and the purpose of its use:	The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option to subdue violent and/or resistive individuals. While the launcher has deployed in the field during active incidents, no actual field use on a person was reported.
Complaints or Concerns:	No Complaints or concerns were received.
Audits, violations, Actions:	Marina PD conducted an audit of the equipment and the 40mm Less Lethal Multi-Launcher was accounted for in inventory. There were no violations of related departmental policies regarding use of this equipment. No additional actions needed.

QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MARINA POLICE DEPARTMENT GOVERNMENT CODE §7070(c)(14)	
Description:	BolaWrap® 150 Kenetic Energy Munitions Device
Quantity:	1
Intention to Acquire More:	No
Capabilities:	The BolaWrap® 150 is a remote restraint device that discharges a Kevlar® cord to restrain non-compliant individuals from a range of 10-25 feet.
Expected lifespan:	15 years
Manufacturer's description:	The BolaWrap® 150 is a remote restraint device that discharges a Kevlar® cord to restrain non-compliant individuals from a range of 10-25 feet.
Purpose(s)/Authorized Use:	The BolaWrap® is a remote restraint device and Kinetic Energy Munitions are intended for use as a less-lethal use of force option to subdue violent and/or resistive individuals.
Initial cost:	\$5,200
Annual costs:	\$160 (projectiles for training)
Legal:	All applicable State, Federal and Local laws governing police use of force.
Procedural:	Marina PD Policies - 312 (Firearms), 308 (Control Devices and Techniques)
Required training:	Two (2) hours of initial training and (2) hours every (2) years (includes qualification)
Other:	Assigned and stored in SRU vehicles, as a use of force option for Monterey Peninsula Regional SRU operators.
Summary of how the equipment was used and the purpose of its use:	The BolaWrap® is a remote restraint device and Kinetic Energy Munitions are intended for use as a less-lethal use of force option to be used to subdue violent and/or resistive individuals. This device is assigned to MPRSRU and has not been deployed within our jurisdiction.
Complaints or Concerns:	No Complaints or concerns were received.
Audits, violations, Actions:	This device is assigned to MPRSRU vehicles and is not maintained within the Marina Police Department. It's inclusion in this report is for transparency purposes as a Marina Police officer potentially could deploy this device, and/or it could potentially be deployed by the MPRSRU, within the city limits of Marina The item has been accounted for during equipment audits. There were no violations of the military equipment use policy concerning this device. No action needed.

MPRSRU Equipment Acquisition Request

QUALIFYING EQUIPMENT ACQUISITION REQUEST GOVERNMENT CODE §7070(c)(1)	
Description:	LDV Inc. Custom Specialty Vehicles - Crisis Negotiation Team Command Vehicle
Quantity:	0 (Approved in 2022, purchased through grant cycle for 2024, to be owned by Monterey PD and utilized by MPRSRU – CNT)
Capabilities:	Vehicles modified to act as Negotiations Operations Center at critical incidents
Expected lifespan:	20 years
Manufacturer's description:	2022 Ford E-450 Cutaway - Emergency Response Vehicle - Mobile Command Vehicle
Purpose(s)/Authorized Use:	This vehicle will provide a designated Negotiations Operations Center (NOC) in a constant state of operational readiness for the MPRSRU Crisis Negotiations Team (CNT) that will aid in the resolution of crisis incidents. Also utilized for community outreach events such as National Night Out, Public Safety Outreach, etc.
Initial cost:	\$200,000 initial outlay to be reimbursed through the Homeland Security Grant Program - Urban Areas Security Initiative. Will not be procured until October 2023 in FY 24. *Note: Item was approved by the Monterey City Council by Ordinance 3649 in 2022.
Annual costs:	\$2,500 / year maintenance and upkeep
Legal:	All applicable State, Federal and Local laws governing police use of force
Procedural:	Marina PD Policies - 614 (High Risk Operations)
Required training:	All MPRSRU members are required to complete an initial POST certified 80-hour basic SWAT Course, 120 hours of annual training, and 24 hours of SWAT update training bi- annually. MPRSRU members train on this piece of equipment 4 hours annually.
Other:	The Marina Police Department participates in the Monterey Peninsula Regional Special Response Unit CNT Team (MPRSRU). This equipment will be registered to the Monterey Police and operated by MPRSRU CNT. This equipment could be used in the city of Marina by MPRSRU/CNT if they are deployed to an incident within city limits. This is being included in the Marina annual report for transparency purposes.

October 3, 2023,

Item No. **13a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of October 17, 2023

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2023-
RECEIVING MARINA POLICE DEPARTMENT'S 2022-2023 ANNUAL
REPORT**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2023-, receiving Marina Police Department's 2022-2023 Annual Military Equipment Report.

BACKGROUND:

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law. California Government Code §§ 7070, 7071, and 7072 codify the requirements established by AB 481 for law enforcement's acquisition, use, and funding of "military equipment." The Marina City Council previously approved Marina Police Department Policy #707 – Military Equipment, and the associated Military Equipment Inventory by ordinance 2022-02 on April 19, 2022.

ANALYSIS:

In enacting AB 481, the Legislature stated the public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials to increase transparency, accountability, and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment. The current policy and inventory list are located on the Marina Police Department's website – www.marinapolice.com

CONCLUSION:

The request is submitted for City Council consideration and possible action.

Respectfully submitted,

Steve Russo
Acting Police Chief
Marina Police Department
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina