



MEMORANDUM

Date: April 17, 2023

To: Robert Avels, Chief of Police

From: Jason Reed, Captain

Subject: *Military Equipment – 2022/23 Annual Report*

On March 21, 2022, the City Council adopted Ordinance No. 22-1000 approving our Military Equipment Policy §707, in compliance with Assembly Bill 481. AB 481, codified as Government Code sections 7070 through 7075, places requirements on California law enforcement agencies relating to the funding, acquisition, or use of “military equipment” as defined in GC §7070.

Policy § 707.7 and GC §7072 requires the Police Department to submit to City Council an annual military equipment report regarding the following:

1. A summary of how the military equipment was used and the purpose of its use
2. A summary of any complaints or concerns received concerning the military equipment
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response
4. The total annual cost and quantity 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 this report
5. The Montclair Police Department’s intention to acquire additional military equipment in the next year, including the quantity sought for each type of military equipment



Military Equipment Usage and Purpose of Use

Following implementation of the Military Equipment Policy, the Department established internal tracking mechanisms regarding the usage of the equipment. Throughout the past year, the Department utilized equipment pertaining to this Policy on six (6) occasions listed below:

- *On 3/31/22, the Montclair Police Command Trailer was utilized at the scene of a hazardous materials incident on State Street. Montclair Police Officers were on the scene providing security and conducting evacuations due to a large explosion resulting in a structure fire. The Command Trailer was utilized as a command center allowing emergency personnel to not be exposed to the weather and securely conducted briefings. The Command trailer was utilized from approximately 1700 hours until 2030 hours.*
- *On 4/4/22, the Upland Police Department requested the use of our Armored Personnel Carrier during a high-risk search warrant. The Armored Personnel Carrier was requested and used as ballistic protection as officers approached a high-risk search warrant location, and remained at the location for a position of retreat if needed. One Montclair officer responded as the driver and assisted for approximately two hours and 30 minutes.*
- *On 4/20/22, the Upland Police Department requested the use of our Armored Personnel Carrier during a high-risk call regarding deceased subjects inside a residence. Upon the arrival of Upland officers a subject barricaded himself inside. The Armored Personnel Carrier was requested and used as ballistic protection as officers approached and staged outside the location. The Vehicle remained at the location for a position of retreat if needed. One Montclair officer responded as the driver and assisted for approximately four hours.*
- *On 5/2/22, the Upland Police Department requested the use of our Armored Personnel Carrier during a high-risk search warrant. The Armored Personnel Carrier was requested and used as ballistic protection as officers approached a high-risk search warrant location, and remained at the location for a position of retreat if needed. One Montclair officer responded as the driver and assisted for approximately three and a half hours.*
- *On 6/4/22, the City hosted its annual Country Fair Jamboree event held at Alma Hofman Park, located at 5201 Benito Street. The Police Department's Peace Keeper and Command Trailer were displayed during the course of the event, which took place from*

1200 to 1800 hours. The Peace Keeper was used as a display item, and officers were present to talk about its use with members of the public. The Command Trailer was situated at the event and used by assigned personnel, which included serving as a place to take breaks during the duration of the event.

- On 8/2/22, the Police Department hosted its annual National Night Out event held at Alma Hofman Park, located at 5201 Benito Street. The Police Department's Peace Keeper and Command Trailer were displayed during the course of the event, which took place from 1830 to 2200 hours. The Peace Keeper was used as a display item, and officers were present to talk about its use with members of the public. The Command Trailer was situated at the event and used by assigned personnel, which included serving as a place to take breaks during the duration of the event.

Complaints or Concerns

No complaints or concerns regarding the Department's Policy or usage of Military Equipment were received. In compliance with the Military Equipment Policy, the Department's website maintained information and a means for the public to reach out for any questions, complaints, or concerns regarding the policy. An audit was conducted of complaints received throughout the year, and none were related to the Military Equipment Policy or its usage.

Internal Audits or Violations

Throughout the year, multiple audits were conducted of the possession, maintenance, cleaning, and training of the Military Equipment; mainly by the Technical Services Division as part of their normal duties. No violations were found to have occurred.

Annual Cost / Ongoing Cost / Funding Sources

Attached to this report is an entire inventory of the Montclair Police Department's Military Equipment List, which will also be attached to our Policy Manual. The Department did not incur any additional costs associated with the transportation, maintenance, or storage of any of the equipment. Funding sources for the existing Military Equipment will remain the same in the calendar year following the submission of this report.

- In Category 12, Tear Gas, the Department sought and received approval to replenish CN and CS gas as the items became expired via their advertised shelf-

life. The Department is budgeted for, and in the process of acquiring approximately \$4000 worth of various items of CN and CS gas within this category prior to July 1, 2023. The funding source for these items is the *General Fund*.

- In *Category 12, Tear Gas*, the Department sought and received approval through a City Council Agenda Report on June 6, 2022 to purchase four (4) Pepperball pepper projectile systems. The prior Pepperball pepper projectile systems were listed in last year's report as having ended their service life after approximately 15 years of service. The City Council approved the purchase of four new systems, which included spare CO2 tanks and projectiles. The purchase was completed on August 4, 2022, totaling \$5700. This cost included the purchase of 375 projectiles to replenish our inventory, as the Department only used these for training during the past year. The funding source for these items was from the *Asset Forfeiture Federal Fund*.
- In *Category 12, Projectile Launch Platforms*, the Department sought and received approval to purchase 150 12 gauge, 40-gram lead-filled cotton-ballistic fiber blend projectiles for the listed Remington 870 112 Gauge Multi-Shot Beanbag Launcher. The purchase of these projectiles was to replenish those projectiles utilized for training purposes throughout the year. None of these projectiles were utilized in the field during the past year. The cost of these items was approximately \$930. The funding source for these items is the *General Fund*.

Intention to Acquire Additional Military Equipment

In *Category 2, Armored Personnel Carrier*, the Department currently is in possession of one (1) "Peacekeeper" brand Armored Rescue Vehicle; as listed in the current Military Equipment List. Listed in the "Expected Lifespan" portion of the vehicle, it is noted the Department has been in possession of the 1980 model Peacekeeper for over 25 years, and it is due for replacement.

Prior to the implementation of Assembly Bill 481 on September 30, 2021, the Montclair Police Department submitted a request for procurement funding from San Bernardino County for the sole purchase of a tactical armored vehicle. The submittal date was August 25, 2021, to replace the aging Peacekeeper.

After approval and implementation of the Department's Military Equipment Policy on March 21, 2022, the Department continued the process of seeking authorization to

contract with a reputable manufacturer for the purchase of a tactical armored vehicle; including funding for the installation of police radio, equipment, and graphics. On May 16, 2022, the City Council held a public meeting and approved the Police Department's request to seek out the purchase and replacement tactical armored vehicle. In the same meeting, the City Council approved Agreement No. 22-43 with San Bernardino County for providing funding for the sole purchase of a tactical armored vehicle, required radio components, and applied graphics; ultimately authorizing the receipt of \$336,000 from San Bernardino County for the purchase.

On May 24, 2022, the San Bernardino County Board of Supervisors held a public meeting and approved the Agreement No. 22-43. After extensive research, the Department determined Lenco Armored Vehicles was determined to be the most viable vendor for the Lenco Bearcat G3. The City Council approved the purchase of this vehicle on June 6, 2022, and the funding source was the *Public Safety Grant Fund*.

It was determined that an armored oil pan guard for the Lenco Bearcat G3 was a viable upgrade, and the City Council also approved the purchase of such for approximately \$2111, and the funding source was the *Federal Asset Forfeiture Fund*.

It was also determined through staff discussion the viable addition of a camera system for the operation of the Lenco Bearcat G3 was necessary for functionality, officer safety, and public safety. On December 19, 2022, the City Council approved the addition of approximately \$2,317 for the addition of this equipment. The funding source was the *Federal Asset Forfeiture Fund*.

This vehicle is currently under construction in Massachusetts, with its completion date estimated later in 2023.