

**ORDINANCE NO. 1148**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF BEAUMONT, CALIFORNIA, FOR THE ADOPTION OF A MILITARY  
EQUIPMENT USE POLICY, OTHERWISE REFERRED TO HEREIN AS A  
SPECIALIZED POLICE EQUIPMENT USE POLICY, PURSUANT TO ASSEMBLY  
BILL 481 AND GOVERNMENT CODE §7070 FOR BEAUMONT POLICE  
DEPARTMENT**

**THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES HEREBY  
ORDAIN AS FOLLOWS:**

**SECTION 1 Findings:** The acquisition of military equipment, otherwise referred to herein as specialized police equipment or equipment, and its deployment in our communities impacts the public's safety and welfare, may increase risk of civilian deaths, may pose risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. The public has a right to know about any funding, acquisition, or use of equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how this equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input. Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before this equipment is funded, acquired, or used. The lack of a public forum to discuss the acquisition of this equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

The City Council finds that the Use Policy will apply to specialized police equipment (military equipment) acquired prior to January 1, 2022, and will provide the public with the highest, industry leading standards of public safety, mitigating damages and injuries to both the public and law enforcement personnel. The City Council also finds that the Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

**SECTION 2 Purpose:** To establish a funding, use and acquisition policy that is developed with consideration of the public's concerns about safety, civil rights and the public's welfare. On September 30, 2021, California Governor Gavin Newsom signed AB 481, which became effective January 1, 2022. AB 481 identifies certain specialized law enforcement equipment as 'military equipment' and requires oversight from the City Council for purchase and use of what the bill has deemed 'military equipment.' The law requires the Beaumont Police Department to create a Use Policy that has been adopted by the City Council after holding public meetings to seek the public's input.

**SECTION 3 Authority:** This ordinance is adopted pursuant to AB 481, codified at Chapter 12.8 to Division 7 of Title 1 of the Government Code commencing with §7070. These statutes provide

for funding, acquisition, and use of ‘military equipment,’ otherwise referred to as specialized police equipment, for law enforcement agencies throughout the state of California.

**SECTION 4 CEQA:** The City Council hereby finds and determines that adoption of this ordinance is not a project within the meaning of section 15378 of the Guidelines for Implementation of the California Environmental Quality Act (“CEQA Guidelines”) because it has no potential for resulting in physical change in the environment, either directly or ultimately. The City Council also finds the approval of this ordinance is exempt under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

**SECTION 5 DEFINITIONS:** As used in this ordinance, the following terms shall have the following meanings:

- A. “Governing Body” means the elected body that oversees a law enforcement agency. In this case, the governing body means the City Council of the City of Beaumont.
- B. “Law Enforcement Agency” means a police department.
- C. “Public Meetings/Public Hearings” means regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.
- D. “Military Equipment” means the following:
  - (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
  - (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
  - (3) 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. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
  - (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
  - (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
  - (6) Weaponized aircraft, vessels, or vehicles of any kind.
  - (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld

ram designed to be operated by one person, are specifically excluded from this subdivision.

- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- (9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- (10) 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.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.
- (13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
- (14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
- (15) Any other equipment as determined by a governing body or a state agency to require additional oversight.
- (16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

E. “Military Equipment Use Policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all the following:

- (1) Description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
- (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
- (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

- (4) The legal and procedural rules that govern each authorized use.
  - (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
  - (6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
  - (7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- G. "Type" means each item that shares the same manufacturer model number.

#### **SECTION 6 USE POLICY:**

- A. The Use Policy submitted for approval shall include:
- (1) A description of each type of equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
  - (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of equipment.
  - (3) The fiscal impact of each type of equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
  - (4) The legal and procedural rules that govern each authorized use.
  - (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is

allowed to use each specific type of equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Use Policy.

- (6) The mechanisms to ensure compliance with the equipment Use Policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
- (7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

B. This Ordinance approves:

- (1) Beaumont Police Department's Policy 709 Military Equipment attached hereto as Attachment A and may be amended in accordance with this ordinance.

**SECTION 7 COMPLIANCE:** The City Council shall determine, based on the annual equipment report submitted pursuant to Government Code §7072, whether each type of equipment identified in that report has complied with the standards for approval set forth as follows:

- A. The equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- B. The proposed equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. Prior equipment use complied with the equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying military Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

If the City Council determines that a type of equipment identified in that annual equipment report has not complied with the standards for approval set forth above, the City Council shall either disapprove a renewal of the authorization for that type of equipment or require modifications to the Use Policy in a manner that will resolve the lack of compliance.

**SECTION 8 ANNUAL RENEWAL:** The City Council shall annually review this ordinance during a public hearing and either disapprove a renewal of the authorization for a type, as defined, of equipment or amend the equipment Use Policy if it determines, based on an annual

equipment report prepared by the law enforcement agency, as provided, that the equipment does not comply with the above-described standards for approval.

**SECTION 9 SEVERABILITY:** If any sentence, word, phrase, section or provision of this ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this ordinance.

**SECTION 10 PUBLICATION AND CERTIFICATION:** The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and certification, together with proof of publication, to be entered in the book of ordinances of the Council of this City.

**SECTION 11 EFFECTIVE DATE:** This ordinance shall take effect thirty-one days after its adoption.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Beaumont, California, approves an amendment to the City Code.

MOVED AND PASSED upon first reading this 19<sup>th</sup> day of April, 2022, by the following roll call vote:

AYES: Lara, Santos, Fenn, Martinez, White

NOES:

ABSTAIN:

ABSENT:

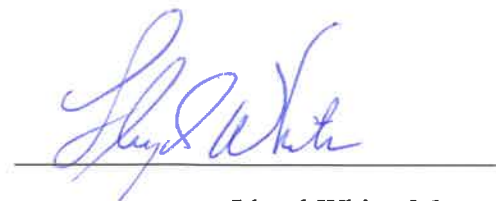
MOVED, PASSED AND ADOPTED this 3<sup>rd</sup> day of May, 2022, upon second reading by the following roll call vote:

AYES: Lara, Santos, Fenn, Martinez, White


NOES:

ABSTAIN:

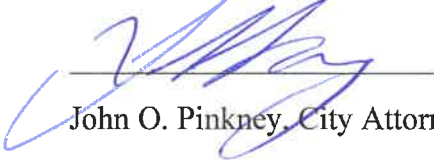
ABSENT:



Lloyd White, Mayor

Attest:   
Nicole Wheelwright, Deputy City Clerk

Approved as to form:

  
John O. Pinkney, City Attorney

**Attachment A**

**The Beaumont Police Department – Policy Manual  
Policy 709 Military Equipment**



# Military Equipment

## 709.1 PURPOSE AND SCOPE

### State

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

#### State

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 handguns.
- 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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### **709.2 POLICY**

**State**

It is the policy of the Beaumont 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**

**Best Practice**

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 Beaumont 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**

**State**

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

See attachment: AB481 Military/Specialized Equipment List

### **709.5 APPROVAL**

**State**

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

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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.

### **709.6 COORDINATION WITH OTHER JURISDICTIONS**

**State**

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this department, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid.

### **709.7 ANNUAL REPORT**

**State**

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**

**State**

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

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

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# Beaumont Police Department Specialized Equipment Inventory

Type of Equipment	Quantity
<p><b>Unmanned, remotely piloted aerial or ground vehicles (Aerial drones)</b></p> <ul style="list-style-type: none"> <li>• Search and locate missing children or at risk adults</li> <li>• Search and rescue operations to locate lost or injured hikers</li> <li>• A law enforcement specific application involving aerial drones are used for open terrain or large field searches as a force multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects barricaded inside a residence or commercial structure.</li> </ul>	2
<p><b>Assault weapons defined under PC 30510 &amp; PC 30515</b></p> <ul style="list-style-type: none"> <li>• Semi-auto Benelli shotguns</li> <li>• Increased accuracy and precision at long range distances</li> <li>• Currently used by most law enforcement agencies across the nation</li> </ul>	0
<p><b>Flashbang grenades</b></p> <ul style="list-style-type: none"> <li>• Light sound device (LSDD-“Flashbangs”) are used to minimize risk to all parties through the temporary distraction of armed and violent suspects that pose significant danger to the officers and community. The effects of the LSDD reduce a suspects reactionary capability and allow for momentary disorientation which creates a tactical advantage. LSDD is a hand delivered device and generally deployed on the exterior of structures</li> <li>• Provides a humane fright to aggressive dogs that pose a threat to officers</li> </ul>	0
<p><b>Tear gas (Pepper Ball Launchers)</b></p> <ul style="list-style-type: none"> <li>• Chemical agents are deployed through various means to include hand delivery and weapon launchable, such as <b>pepper ball</b>. Munitions are either 37mm or 40mm caliber, shotgun ferret rounds or canister shotgun launched ordinance. Hand delivered chemical agents are placed in metal burn boxes to reduce fire hazards</li> </ul>	5/1435
<p><b>Command and control vehicles built or modified to facilitate the operation and control of public safety units ( RV Style Mobile Command Vehicle)</b></p> <ul style="list-style-type: none"> <li>• Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communications abilities, computers, white boards, lighting, generators, and mission essential supplies</li> </ul>	1
<p><b>40 mm Projectile Launchers</b></p> <ul style="list-style-type: none"> <li>• Less lethal 40mm launchers and rubber projectile munitions are configured for high and low energy impact. 40mm less lethal has been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement, or the public</li> </ul>	0

# Beaumont Police Department Specialized Equipment Inventory

<p><b>Bean bag launchers</b></p> <ul style="list-style-type: none"><li>• Less lethal bean bags are utilized through a marked/yellow colored easily identifiable less lethal shotgun. The bean bag round is a small lead pellet filled munition made of high-density cloth. The bean bag is the predecessor to the 40mm less lethal having similar benefits as other less lethal platforms</li></ul>	10/176
<p><b>Rubber projectile launchers</b></p> <ul style="list-style-type: none"><li>• Sting ball grenade launches .38 caliber rubber projectiles and are hand delivered. Generalized use in a tactical operation is infrequent in use and deployment. Search warrants, violent combative subjects, or hostage rescue scenarios are criteria for consideration and use against suspects. Sting balls have a greater application in a jail corrections environment</li><li>• 40mm and 37mm launchers capable of deploying rubber projectile munitions. An effective less lethal tool used routinely with success.</li></ul>	0