

ORDINANCE NO. 3347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA ADOPTING A MILITARY EQUIPMENT POLICY PURSUANT TO GOVERNMENT CODE SECTION 7070 *ET SEQ.*

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, codified at California Government Code sections 7070 through 7075 (“AB 481”), relating to the use of military equipment by law enforcement agencies; and

WHEREAS, AB 481 requires law enforcement agencies to obtain the approval of its governing body, by an ordinance adopting a military equipment use policy prior to requesting military equipment from the federal government, seeking funds for military equipment, including grants and donations, acquiring military equipment, collaborating with another law enforcement agency in the use of military equipment in the jurisdiction of the governing body, using any new or existing military equipment in a manner not previously approved by the governing body, or entering into an agreement for funding, receipt, acquisition, use of, or collaboration in the use of military equipment; and; and

WHEREAS, AB481 also requires that a law enforcement agency possessing and using military equipment prepare an annual military equipment report covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts procedures, training, oversight, and compliant process applicable to the law enforcement agency’s use of such equipment; and

WHEREAS, the Corona Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

WHEREAS, the Corona Police Department has prepared Policy 709 (Military Equipment) in accordance with the requirements of AB 481, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (“Policy 709”); and

WHEREAS, An exhibit titled “Corona Police Department Specialized Equipment Inventory” is attached to Policy 709, which inventory lists the “military equipment” in possession of the City; and

WHEREAS, Policy 709 has been made available on the City’s website for at least 30 days prior to the adoption of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes the following findings and determinations:

A. The military equipment identified in Policy 709 is necessary because there is no reasonable alternative that can achieve the same objectives of officer and civilian safety.

B. Policy 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. Any equipment proposed to be purchased pursuant to Policy 709 is reasonably cost effective compared to available alternatives that can achieve the same objectives 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 military use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

SECTION 2. Adoption of Policy 709. The City Council hereby adopts Policy 709 attached hereto as Exhibit "A" and incorporated herein by reference. Policy 709 shall be made publicly available on the City's website for as long as the military equipment is available for use.

SECTION 3. Annual Report. The Corona Police Department shall submit to the City Council an annual military equipment report containing the information required in Government Code Section 7072. The City Council shall review the annual military equipment report and shall determine whether it complies with the standards set forth in Section 1 of this Ordinance.

SECTION 4. Community Engagement Meeting. Within thirty (30) days of submitting and publicly releasing the annual military equipment report required by Section 3 of this Ordinance, the Corona Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the report and the Corona Police Department's funding, acquisition, or use of military equipment.

SECTION 5. City Council Annual Review. The City Council shall review this Ordinance and vote whether to renew it on an annual basis at a regular meeting of the City Council, in accordance with Government Code Section 7071(e)(2).

SECTION 6. California Environmental Quality Act. This Ordinance is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action simply adopts a policy governing the Corona Police Department's funding, acquisition and use of military equipment and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

SECTION 7. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 8. Conflicting Ordinances. This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

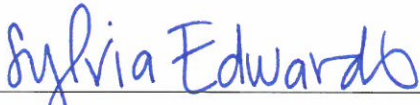
SECTION 9. Effective Date. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED this 1st day of June, 2022.



Mayor of the City of Corona, California

ATTEST:




City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California duly held on the 18th of May 2022 and thereafter at an adjourned meeting held on the 1st of June 2022, it was duly passed and adopted by the following vote:

AYES:	CASILLAS, DADDARIO, RICHINS, SPEAKE, STEINER
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 1st of June 2022.



City Clerk of the City of Corona, California

(SEAL)

EXHIBIT A
POLICY 709 MILITARY EQUIPMENT

[SEE ATTACHED EIGHT (9) PAGES]

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:

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

Military equipment – as identified in Government Code Section 7071 (c) (1-15).

709.2 POLICY

It is the policy of the Corona 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 annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Corona 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.

Military Equipment

709.4 MILITARY EQUIPMENT INVENTORY

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

[See attachment: Qualifying Equipment.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 prohibitions outlined in Government Code § 7071.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction 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 jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

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

Qualifying Equipment.pdf



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Corona Police Department Specialized Equipment Inventory (AB-481)

• Unmanned, remotely piloted powered aerial or ground vehicles

- o Search and locate reported missing children or at-risk adults.
- o Search and Rescue Operations to locate lost or injured hikers.
- o 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. Larger DRONE platforms are deployed by the Sheriff's Department Unmanned Aerial Surveillance Team.
- o A tracked armored vehicle remotely piloted for use in explosive ordinance disposal.
- o Unmanned robotics with unlimited applications. Robotics are used instead of deputies in high-risk environments.
- o FAA Part 107 license required, and monthly training by the UAS team to ensure efficiency.

• Armored Vehicles

- o Inventory includes one Lenco Ballistic Engineered Armored Response Counter-Attack Trucks (BEARCATS). The BEARCAT's are primarily used during high-risk tactical enforcement operations, officer rescues, citizen rescues, and vehicle-borne interventions.
- o One additional armored rescue vehicle, which was repurposed from an old bank armored vehicle. This vehicle is used as a secondary armored call on occasion depending on the type of mission and the layout of the property. This vehicle has no additional capabilities and does not have 4x4 capabilities.
- o Additional deployments are used during criminal unrest and riots. Rescue vehicles provide ballisticsafety during containment and apprehension of armed violent suspects.
- o Rescue vehicle for on-campus active shooter incidents to rescue injured victims.
- o 4x4 capability to transport or evacuate victims in a natural disaster.
- o Rescue vehicles provide numerous safety capabilities for law enforcement, victim rescues, and overall community safety.
- o All officers are trained to drive the vehicle during briefing trainings. SRT members train with the vehicle and all the apparatus several times annually.



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- **Vehicles with Breaching or Entry apparatus attachable**

- o BEARCAT vehicles have attachable metal booms that can be used for breaching structures, fences, or ramming objects during high-risk incidents, to include active shooter on school ground or buildings.

- o SRT members train with the vehicle and all the apparatus several times annually.

- **Non-handheld battering rams, slugs, and breaching apparatuses that are explosive in nature**

- o Explosive breaching tools.

- o Avon frangible shotgun ammunition is used to breach doors and points of entry on fortified doors or structures. The rounds are used to impact/defeat door hinges, doorknobs, and locks.

- o SRT members train several times annually with all breaching equipment.

- **Assault Weapons defined under PC 30510 & PC 30515**

- o Inventory includes AR style fully automatic rifles and semi-automatic Benelli shotguns.

- o Increased accuracy and precision at long range distances.

- o Patrol officers are required to qualify with their rifles quarterly and they are welcome to shoot more if they desire. SRT members qualify monthly with their rifles and handguns.

- **Flashbang grenades and kinetic breaching tools**

- o Light Sound Diversionary Device (LSDD- "Flashbangs") are diversionary devices used to minimize risk to all parties through the temporary distraction or disorientation of armed and violent suspects that pose significant danger to the officers and community. The effects of the LSDD reduce a suspect's reactionary capabilities and allow for momentary disorientation, which creates a tactical advantage. LSDD is a hand delivered device and generally deployed on the exterior of structures.

- o Provides a humane fright of aggressive dogs that pose a threat to officers.

- o Kinetic breaching tools are used to breach fortified structures to establish a point of entry. Kinetic charges are fashioned to produce little to no fragmentation at the time of detonation. Kinetic breaching effectively reduces the time spent overcoming a fortified door or structure. The reduction in time mitigating a hardened structure increasing officer safety and the element of surprise. Blast injuries are reduced by using low yield explosives that mechanically overcome door frames and locking mechanisms. Kinetic breaching mandates extensive schooling and certification processes.



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o SRT members are trained by another member who has attended and passed a qualified course. Only trained SRT members may deploy these devices.

• Tear Gas and Delivery Systems

o Chemical agents are deployed through various means to include hand delivery and weapon launchable. Munitions are either 37mm or 40mm caliber, shotgun ferret rounds or cannister shotgun launched ordinance. Hand delivered chemical agents are placed in metal burn boxes to reduce fire hazards.

o SRT members are trained by other members who have received qualified training regarding the use and deployment of chemical agents. Only trained SRT members may deploy gas.

• Water Cannon

o The BEARCAT BEARCATbullet resistant Rescue vehicle provisioned with a front mounted Water Cannon. BEAR-CATBEARCAT use is for tactical operations, explosive ordinance mitigation, and fire suppression.

o SRT members are trained by Fire Department personnel at least once a year on how to safely operate a water monitor and fire hose from a Fire apparatus.

• Command and Control Vehicles built or modified to facilitate the operational control and direction of public safety units

o Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles are built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communication abilities, computers, white boards, lighting, generators, and mission essential supplies.

• Projectile launchers

o Less lethal 40mm launchers and rubber bullet munitions- Munitions are configured for high and low energy impact. Munitions have the additional benefit as a barrier round for breaking vehicle and residential glass so that chemical munitions can be deployed. 40mm less lethal has been effective in disarming violent suspects, armed suspects, and subject who are suicidal with minimal injury and risk to the person, law enforcement or the community.

o Specialty impact munition- Training munition used for teams to train using the rifles they deploy with.

o Only trained officers are allowed to deploy 40mm projectiles.



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• PepperBall Launcher

o Less lethal pepper ball is easily identifiable lesslethal device. The pepper ball round is a small soft OC filled as well as a solid "ice breaker" used to break glass. Pepper ball is a supplement to 40mm less lethal having similar benefits as other less lethal platforms.

o Only trained officers are allowed to deploy pepperball.

• Rubber Bullet launchers

o Sting ball grenade launches .38 caliber rubber bullets 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.

o 40mm and 37mm launchers capable of deploying rubber bullets munitions. An effective less-lethal tool used routinely with success.

o Only trained officers are allowed to deploy rubber bullet munitions.

Outside agency Specialized Equipment Inventory (AB-481)

o Occasionally, other law enforcement agencies may conduct tactical operations within our City limits. The equipment used by these teams are in compliance with the respective agency's policies and procedures and may contain or exceed the following equipment:

MRAP vehicle

o The MRAP is a large ballistic armored rescue vehicle deployed during search warrant services and primarily in open desert areas requiring extreme off-road capability. The MRAP is also used for large parcel outdoor illegal marijuana grow enforcement. Operation requires a Class "B" driver's license.

Armored Vehicles

o BOMB-CAT bullet-resistant rescue vehicle provisioned with a front-mounted Water Cannon. BOMB-CAT use is for tactical operations and explosive ordinance mitigation and fire suppression.

Armored Vehicles with Breaching or Entry apparatus attachable

o BEAR-CAT vehicles have attachable metal booms that can be used for breaching structures, fences, or ramming objects during high-risk incidents, including active shooter on school ground or buildings.

o TAC-CAT vehicle- A tracked bullet-resistant caterpillar tractor driven and deployed during high-risk and tactical operations, with various hydraulic boom attachments including claw, chemical agent dispersal box and ram extension.



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Long Range Acoustic Device (LRAD)

o LRAD is an acoustic hailing device used for emitting amplified public announcements during search warrant services, barricaded suspects, or tactical operations. The loud audible technology ensures broadcasted announcements are loud and clear while offering advantages over less amplified patrol car PA systems. The larger LRAD 1000 system is portable and can be used for criminal unrest and rioting to provide clear dispersal orders for unlawful assembly. LRAD can also be used for any public announcements or safety advisements during natural disasters or evacuations.

Bean Bag Launchers

o Less lethal bean bag is utilized through a marked/orange colored easily identifiable less lethal shotgun. The bean bag round is a small led pellet-filled munition made of high-density cloth. Bean bag is the predecessor to 40mm less-lethal, having similar benefits as other less-lethal platforms.