



# City of Brea

## City Council Regular Meeting Communication

### Annual Report Related to Police Department Use of Military Equipment as required by Government Code § 7072

Meeting	Agenda Group
Tuesday, May 7, 2024, 7:00 PM	CONSENT CALENDAR Item: 5B
FROM	
Christopher Harvey, Police Lieutenant	

### **RECOMMENDATION**

Receive and file.

### **BACKGROUND/DISCUSSION**

In March 2022, the Police Department drafted a Military Equipment policy, as required by Government Code § 7070-7075. Ordinance No. 1227 was adopted by the City Council on May 17, 2022, adopting the Police Department's Military Equipment policy. The Military Equipment policy was renewed with the adoption of Ordinance No. 1243 on August 15, 2023.

Government Code § 7072 requires the Police Department submit to the City Council an annual report that includes:

- 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.
- If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

In order to address some of the above topics, specifically on-hand quantities and ongoing costs, the Police Department updated the Military Equipment policy and Military Equipment Inventory on April 29, 2024. The updated policy and inventory are attached with this Staff Report. The remaining topics are outlined below.

### **Summary of Use:**

- July 2023: During a SWAT operation in Fullerton involving an armed barricaded suspect, Brea officers deployed a 40MM Sponge Round to break an apartment window, and then deployed Pepper Ball rounds and a Smokeless Tri-Chamber CS gas device into apartment. They caused the suspect to surrender.
- July 2023: During a SWAT operation in Fullerton involving a barricaded burglary suspect, Brea officers deployed Pepper Ball rounds into the area where the suspect was barricaded, causing him to surrender.
- October 2023: Brea officers used two 40MM Sponge Rounds against a suspect who was armed with a knife, hiding in bushes, and refusing to surrender. The suspect surrendered.
- Lenco BearCats: used to transport SWAT operators from Brea PD and allied agencies during SWAT training and operations

- R&S Custom Trailer: used as a command post during DUI checkpoints
- Daniel Defense Rifles: deployed on occasion by patrol and SWAT officers in order to gain compliance from potentially armed individuals.
- Various Distraction Devices, Various Gas Canisters and 40MM Sponge Rounds were used for required annual training and certification of SWAT officers.
- 40MM Sponge Rounds were used for annual training and certification of other sworn officers.

**Complaints/Concerns:** The Police Department did not receive any complaints, concerns, or questions related to the Department's ownership or use of military equipment.

**Audit:** All uses of military equipment were done in compliance with state and federal laws and were within department policy. There were no known incidents of misuse or policy violations.

**Acquisition:** None.

A copy of this Annual Report, Policy, and Inventory will be posted on the Police Department's website, as required by law.

### **FISCAL IMPACT/SUMMARY**

None.

### **RESPECTFULLY SUBMITTED:**

William Gallardo, City Manager

Christopher Harvey, Police Lieutenant

Concurrence: Adam Hawley, Chief of Police

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### **Attachments**

[Military Equipment Policy.pdf](#)