

**ORDINANCE NO. 23-06**

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF EL CENTRO APPROVING THE FIRST RENEWAL OF ORD. NO 22-06  
REGARDING THE CONTINUING USE OF  
ANNUAL MILITARY EQUIPMENT PURSUANT TO THE POLICY  
OF THE EL CENTRO POLICE DEPARTMENT**

**SECTION 1. Findings.** The City Council of the City of El Centro finds as follows:

- A. Ordinance No. 22-06 made certain findings and adopted the Police Department's military use Policy, as currently posted on the Police Department website as required by AB 481 (Govt. Code Sections 7070-7075) regarding the use of certain military equipment (as defined in those Sections) by law enforcement agencies.
- B. Assembly Bill 481 allowed the City Council to approve the funding, acquisition, or use of military equipment and a Police Department Policy (the "Policy") for such use within the City upon making specified findings at a duly noticed public hearing;
- C. At an open session held on April 19, 2022, during a regular City Council meeting conducted pursuant to the Ralph M. Brown Act, the City Council considered the presentation of the Police Department and any public testimony and based upon thereon, the City Council found as follows and reviewed and approved the Policy:
  - a The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and
  - b The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties; and
  - 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; and
  - 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 accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and
- D. After adoption of Ordinance 22-6, for the Police Department to continue to possess and use the identified military equipment, the Police Department must provide an annual report which regarding the use of the identified military equipment. There have been no change in the type of military equipment possessed or used by the Police Department.

- E. Annual Report. Govt. Code Section 7072(a) requires a law enforcement agency that receives approval for a submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use.
- F. The annual military equipment report shall include the following information for the immediately preceding calendar year for each type of military equipment:
- (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 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.
  - (5) The quantity possessed for each type of military equipment.
  - (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
- G. The Police Department now has prepared that annual report, attached and incorporated as Exhibit 1.

Posting: State law also requires that the Police Department make such annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.

- H. Public Meeting: Govt. Code Section 7072(b) further requires that within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency 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 annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment. The Police Department has released the military report on December 5, 2023 and has scheduled a community engagement meeting on December 20, 2023 at 9:30 am. to be located at City of El Centro Council Chambers, 1275 Main Street, El Centro, CA 92243.

**SECTION 2.** The City Council of the City of El Centro does ordain as follows:

- A. The Findings set out above are true and correct and adopted.

- B. The City Council of the City of El Centro hereby approves and adopts the annual military report attached as Exhibit 1.
- C. Ordinance 22-06 is renewed in its entirety as supplemented by this ordinance No. 23-06

**SECTION 3. Term:** This ordinance shall take effect 30 calendar days from the date of its adoption and shall be renewed as provided by state law.

**SECTION 4.**

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California, held on the 21<sup>st</sup> day of November, 2023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California held on 5<sup>th</sup> day of December, 2023.

CITY OF EL CENTRO

By Martha Cardenas-Singh  
Martha Cardenas-Singh, Mayor

ATTEST:

By Norma Wyles  
Norma Wyles, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By Elizabeth L. Martyn  
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) ss  
CITY OF EL CENTRO )

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the forgoing Ordinance No. 23-06 had its first reading on the 21<sup>st</sup> day of November, 2023, and had its second reading on 5<sup>th</sup> day of December, 2023, and was passed by the following vote:

AYES: Carter, Oliva, Cardenas-Singh, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

AYES: Carter, Oliva, Cardenas-Singh, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

By Norma Wyles  
Norma Wyles, City Clerk

## Exhibit 1 Summary of Military Equipment

### **A. Summary of how the military equipment was used and the purpose of its use.**

- (1) Approved "military equipment" was used for required training by the El Centro Police Department's SWAT team. This training included range qualifications, scenario-based training, and two newly appointed SWAT operators attending the SWAT academy.
- (2) Less Lethal Shotgun "Bean Bag" Munition was used twice by patrol officers.
  - (a) On April 23, 2023, officers deployed one less lethal beanbag munition to arrest a suspect. The suspect was charged with CPC 69, CVC 23152 (a) and (b), CVC 23103 (a), and CVC 2800.2(a).
  - (b) On August 7, 2023, officers displayed a less lethal shotgun and gained the suspect's compliance. The suspect was charged with CPC 245(A)(1).
  - (c) On October 31, 2023, officers responded to a call regarding a suicidal subject. The subject armed himself with a handheld saw. A less lethal beanbag munition was deployed, and the subject was apprehended. The subject was placed on hold per Welfare and Institution Code 5150.

### **B. Summary of any complaints or concerns received concerning the military equipment.**

- (1) No complaints were received regarding military equipment or its use.

### **C. Results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.**

- (1) Internal audit is attached and included in Exhibit "2."
- (2) There were no violations of the use of military equipment policy.

### **D. 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.**

- (1) There was no annual cost of military equipment.
- (2) There was no acquisition of new military equipment.
- (3) Annual training
  - (a) SWAT Academy for two SWAT operators \$4,563.48 – police department's General Fund
  - (b) SWAT team range qualifications and training, estimated annual cost \$13,500 - police department's General Fund.
  - (c) Police officer's rifle range qualifications, estimated quarterly cost \$2,250.12 – police department's General Fund.
- (4) There was no cost for transportation of military equipment.
- (5) Maintenance of military equipment.
  - (a) Regular maintenance of firearms.
    - Cleaning supplies \$500.00, police department's General Fund.
  - (b) Regular maintenance of Armored Vehicle.
    - Armored Vehicle \$1,500.00, police department's General Fund.
- (6) There was no cost for storage of military equipment.

## Exhibit 1 Summary of Military Equipment

(7) Upgrades made to military equipment.

(a) Replacement of Armored Vehicle's ballistic glass, door handles/locks, headlights, outside texturing, and door handles, \$31,415.00 – America Rescue Plan Act Funds.

(8) There were no other ongoing costs for military equipment.

(9) The primary funding source for military equipment is the department's General Fund. Depending on equipment and approval, military equipment could be purchased through the Supplemental Law Enforcement Services Fund COPS grant.

**E. Quantity possessed for each type of military equipment.**

(1) Attached in Exhibit "2."

**F. Additional military equipment intended to be purchased in the next year and quantity sought for each type of military equipment.**

(1) The El Centro Police Department intends to purchase thirty (30) Colt M4 rifles, caliber 5.56. This purchase is to replace older rifles currently in inventory and no longer used due to age or inoperability. This purchase would be funded through the Supplemental Law Enforcement Services Fund COPS annual grant.

(2) Purchase of ammunition, caliber 5.56, approximately \$35,000.00, purchased through the police department's General Fund.

**Exhibit 2**  
**El Centro Police Department Military Equipment**  
**Inventory 2023**

**1. Armored Vehicles:**

Lenco Four-Wheeled Drive Ballistic Engineered Armored Response Counterattack Truck (BEARCAT)

- Purpose:
  - Primarily used during high-risk tactical enforcement operations
  - Victim, citizen, and officer rescues
  - Vehicle-borne interventions
  - Criminal unrest and riots
- Special Training
  - Class C Driver's License and under the supervision of the SWAT commanding officer
- Fiscal Impact
  - Initial cost of \$226,127.00
  - Annual maintenance cost of \$1500.00
- Lifespan
  - 25 years
- Amount
  - One (1)
- Legal and Procedural Rules
  - Refer to ECPD Policy Sections 702, 703, SWAT SOP, and pursuant to State and Federal laws.

**2. Specialized Firearms:**

Heckler and Koch MP5A2 9mm submachine guns that function in full-auto and semi-auto capabilities.

- Purpose:
  - Allows a trained officer greater accuracy than a handgun.
  - Full-auto firearms are only assigned to SWAT personnel.
- Special Training
  - Basic SWAT Academy
  - Short Barrel Rifle Course
- Fiscal Impact
  - Initial cost of \$1500.00
- SWAT Academy (per operator)
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- Lifespan
  - No Expiration

**Exhibit 2**  
**El Centro Police Department Military Equipment**  
**Inventory 2023**

- Amount
  - Ten (10)
- Legal and Procedural Rules
  - Refer to ECPD Policy Section 300 and pursuant to any State or Federal laws

**3. Assault Weapons defined under 30510 & 30515**

AR-15/M4 5.56 caliber style rifles that function in full and semi-auto capabilities

- Purpose:
  - Allows a trained officer greater accuracy than a handgun with longer-range capabilities.
  - Semi-auto rifles are issued to patrol officers.
  - Full-auto firearms are only assigned to SWAT personnel.
- Special Training
  - Short Barrel Rifle Course (In-house, CA P.O.S.T approved course)
  - Basic SWAT Academy
- Fiscal Impact
  - Initial cost \$865.00 per unit
- SWAT Academy
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- Lifespan
  - No expiration
- Amount
  - (33)
- Legal and Procedural Rules
  - Refer to ECPD Policy Section 300 and pursuant to State and Federal laws

Heckler and Koch G36 rifle that functions in full and semi-auto capabilities

- Purpose:
  - Allows a trained officer greater accuracy than a handgun.
  - Semi-auto rifles are issued to patrol officers
  - Full-auto firearms are only assigned to SWAT personnel
- Special Training
  - Short Barrel Rifle Course
  - Basic SWAT Academy
- Fiscal Impact
  - Initial cost of \$ 1000.00



**Exhibit 2**  
**El Centro Police Department Military Equipment**  
**Inventory 2023**

- **SWAT Academy**
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- **Lifespan**
  - No expiration
- **Amount**
  - One (1)
- **Legal and Procedural Rules:**
  - Refer to ECPD Policy Section 300 and pursuant to State and Federal laws.

**Heckler and Koch 91A rifle in semi-auto capability**

- **Purpose:**
  - Allows a trained officer greater accuracy than a handgun.
  - Full-auto firearms are only assigned to SWAT personnel
- **Special Training**
  - Basic SWAT Academy
- **Fiscal Impact**
  - Initial Cost: Seized Weapon
- **SWAT Academy**
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- **Lifespan**
  - No expiration
- **Amount**
  - One (1)
- **Legal and Procedural Rules**
  - Refer to ECPD Policy Section 300 and pursuant to State and Federal laws.

**4. Light Sound Diversionary Device (Flashbang)**

- **Purpose:**
  - Used to minimize risk to all parties through the temporary distraction or disorientation of potentially violent or armed suspects to achieve tactical advantage.
- **Special Training**
  - Basic SWAT Academy
- **Fiscal Impact**
  - Initial cost of \$31.01 per unit

## Exhibit 2

### El Centro Police Department Military Equipment Inventory 2023

- **SWAT Academy**
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- **Lifespan**
  - Five (5) Years
- **Amount**
  - Reusable Steel Bodies (6)
  - Reloads (63)
- **Legal and Procedural Rules**
  - Refer to ECPD Policy Sections 300, 308, and 408 and pursuant to State and Federal laws.

#### **5. Projectile Launchers:**

##### **Defense Technology Launcher**

- **Purpose:**

44mm single shot, deploys high and low impact rubber munitions, deploys chemical and smoke munitions. Certified officers and SWAT personnel can utilize them.
- **Special Training**
  - Basic SWAT Academy
- **Fiscal Impact**
  - Initial cost of @ \$750.00
- **SWAT Academy**
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- **Lifespan**
  - No Expiration
- **Amount**
  - Two (3)
- **Legal and Procedural Rules**
  - Refer to ECPD Policy Sections 702, 703, and SWAT SOP

##### **Remington 870 pump-action shotgun**

- **Purpose:**

12 Gauge, orange-colored stock, and foregrip for quick identification deploys Less-than-lethal Bean Bag Impact Round
- **Special Training**
  - In-house training is provided by certified Less Than Lethal instructors.
- **Fiscal Impact**

Exhibit 2  
El Centro Police Department Military Equipment  
Inventory 2023

- Initial cost of \$545.00
- Lifespan
  - No Expiration
- Amount
  - Ten (10)
- Legal and Procedural Rules
  - Refer to ECPD Policy Sections 300 and 303 and pursuant to State and Federal laws.

**6. Munitions:**

- Projectiles:
  - 40mm Foam-Tipped Kinetic Energy Projectiles  
Initial cost of \$19.38 per unit  
Amount: (75)
  - 40mm Ferret CS Powder Projectiles  
Initial cost of \$21.46per unit  
Amount: (19)
  - 40mm Ferret OC Powder and Liquid Projectiles  
Initial cost of \$21.96 per unit  
Amount: (25)
  - 40mm Muzzle Blast CS Rounds  
Initial cost of \$21.46 per unit  
Amount: (19)
  - Drag Stabilized 12-gauge Bean Bag Rounds  
Initial cost of \$6.19 per unit  
Amount: (298)
- Special Training
  - Basic SWAT Academy
- Fiscal Impact
  - SWAT Academy
  - Tuition Cost of \$350.00
  - Per Diem Cost of \$740.00 (\$74.00 a day for ten days)
  - Lodging Cost of \$1,500 (\$150.00 a day for ten nights)
- Hand Delivery:
  - Tri-Chambered Flameless CS and Smoke Canisters  
Initial cost of \$34.55 per unit

**Exhibit 2**  
**El Centro Police Department Military Equipment**  
**Inventory 2023**

Amount: (21)

- **Pocket Tactical CS Canisters**  
Initial cost of \$23.76 per unit  
Amount: (19)
- **Pocket Tactical OC Canisters**  
Initial cost of \$23.53 per unit  
Amount: (16)
- **Pocket Tactical SAF Smoke Canisters**  
Initial cost \$23.53 per unit  
Amount: (19)
- **Special Training**
  - **Basic SWAT Academy**
- **Fiscal Impact**
  - **SWAT Academy**
  - **Tuition Cost of \$350.00**
  - **Per Diem Cost of \$740.00 (\$74.00 a day for ten days)**
  - **Lodging Cost of \$1,500 (\$150.00 a day for ten nights)**
- **Lifespan**
  - **Five (5) Years**
- **Legal and Procedural Rules**
  - **Refer to ECPD Policy Sections 300, 303, pursuant to State and Federal laws.**