

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 (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 firearms.
- 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

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

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

- A. Unmanned Aircraft System (UAS). An unmanned aircraft, remotely piloted, powered vehicle, along with the associated equipment necessary to control it.
 1. DJI INSPIRE 1V2, cost \$1200 each, quantity: 2. UAS with a single-color camera, DGI XT 336 FLIR Thermal Sensor Camera (\$6900) weighs approx. 7.5 pounds and has video recording capabilities, approx. 30 minutes of flight time. Expected life span: 3-5 years. Fiscal Impact; \$1000.
 2. DJI Mini 2, cost \$750, quantity: 1. UAS with single-color camera, weighs approximately 0.5 lbs, has video recording and photographing capabilities, approximately 31 minutes of flight time on a single battery charge with optimal flight conditions. Expected life span: 2-3 years. Fiscal impact \$750.

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a. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. major collision investigations.
- ii. search for missing persons.
- iii. natural disaster management.
- iv. crime scene photography.
- v. SWAT, tactical or other public safety and life preservation missions.
- iv. in response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

b. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate any UAS.

c. Training

All department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour department training and ongoing quarterly training. Use is established under Policy section 613.

d. Legal and Procedural Rules

Use is established under Department Policy section 613 and FAA Regulation 14CFR Part 107. It is the policy of the Lemoore Police Department to utilize the UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

B. Mobile Command Post: A vehicle used mobile office that provides shelter, access to Department computer systems, and restroom facilities during extended events.

1. 2018, Sandstorm, toy hauler, modified to facilitate the operational control and direction of public safety units. Cost: \$29,800. Expected life-span: 20 years. Fiscal Impact: \$600.

a. Purpose

To be used on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.

b. Authorized Use

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Only Department employees trained in their deployment and operations in a manner consistent with Department Policy and training are authorized to operate the Mobile Command Post. The Mobile Command Post can be used for SWAT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.

c. Training

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in safe vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

d. Legal and Procedural Rules

It is the policy of the Department to use the Mobile Command Post only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

C. High mobility multipurpose wheeled vehicle (Humvee).

1. 1986, American General, Humvee, received through CalOES at no cost. Expected lifespan: 5 years. Fiscal Impact:\$600

a. Purpose

The specific use of this vehicle is for community events and engagement. It serves no operational purposes for the enforcement of law.

b. Authorized Use

Only City or authorized VIP's may operate the Humvee in a manner consistent with Department Policy. The Humvee can be used for preplanned community events.

c. Training

The driver/operator shall received training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in safe vehicle handling, the driver will drive the vehicle throughout the city with an experienced driver.

d. Legal and Procedural Rules

It is the policy of the Department to use the Humvee only for preplanned community events in accordance with California State Law regarding the operation of motor vehicles.

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D. Distraction Devices (Flash-Bang).

1. COMBINED TACTICAL SYSTEMS, 7290-2 Flash Bang, cost: \$52, quantity 5. A non-bursting, non-fragmenting multi bang device that produces a thunderous bang with intense bright light. Ideal for distracting dangerous suspects during hostage rescue, room entry, or other high risk situations.

2. COMBINED TACTICAL SYSTEMS, 7290M Mini Flash Bang, cost: \$38, quantity 25. The 7290M Mini Flash Bang exhibits all the same attributes of its larger counterpart but in a smaller and lighter package. The 7290M is approximately 30% lighter than the 7290-2 but still has the 175db output of the 7290-M and produces 6-8 million candelas of light.

a. Purpose

A distraction device used to distract dangerous suspects during hostage rescue, room entry or other high risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short term (6-8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

b. Authorized Use

Diversionary Devices shall only be used:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high risk situations where their use would enhance officer safety
- v. During training exercises

c. Lifespan

Until Used

d. Fiscal Impact

No annual maintenance

e. Training

Prior to use, officers must attend diversionary device training that is conducted by POST certified instructors.

f. Legal and Procedural

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Use is established under Department Policy section 308. It is the policy of the Lemoore Police Department to utilize diversion devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force.

E. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Accusox Beanbag Round.

1. Remington 870 Less Lethal Shotgun, cost: \$946, quantity: 8. The Remington 870 Shotgun is used to deploy the less lethal 12-gauge Accusox Beanbag round up to a distance of 75 feet. The range of the weapon system helps maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation.

2. 12 gauge Accusox Beanbag Round, cost \$5, quantity: 455. A less lethal 2.4 inch, 12 gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of approximately 275 feet per second. Accusox rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and for grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than 5 feet. The maximum effective range of this munition is up to 75 feet from the target.

a. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

b. Authorized Use

Situations for use of the less lethal weapon system may include, but is not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

c. Lifespan

Remington 870: 25 years

Accusox Round: No listed expiration date

d. Fiscal Impact

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Annual maintenance for each shotgun is approximately \$50

e. Training

All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in service training.

f. Legal and Procedural Rules

Use is established under Department Policy Section 392. It is the policy of the Lemoore Police Department to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

F. Rifles: Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

1. Bushmaster XM-15/XM-152S. Quantity: 37. Cost: \$776 each. 11.5" barrel. Overall length 32.5". Collapsible Stock. Caliber.223 REM. Semi Automatic. 30 round magazine.

2. Colt M4 Commando. Quantity: 3. Cost \$985 each. 11.5" barrel length. Overall length 32.5". Collapsible stock. Caliber.223 REM. Semi Automatic. 30 round magazine.

3. Federal.223 REM, 55 grain, Metal Case, Cost \$179.84 per 500, Quantity: 13100

4. Federal.223 REM 55 grain Bonded SP, Cost \$257.64 per 200, Quantity: 8900

a. Purpose

To be used as precision weapons to address a threat with more a accurate and/or greater distance than a handgun, if present and feasible.

b. Authorized Use

Only members that are POST certified are authorized to use a rifle.

c. Lifespan

No Expiration

d. Fiscal Impact

Annual maintenance is approximately \$50 per rifle.

e. Training

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally. all members that operate any rifle are required to pass a range qualification two times per year.

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f. Legal and Procedural Rules

Use is established under Department Policy section 312. It is the policy of the Lemoore Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Maintenance of Military Use Supply Levels

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without City Council approval to maintain essential availability for the Department needs. Lemoore Police Department is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the Chief of Police or designee.

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 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.

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709.6 COORDINATION WITH OTHER JURISDICTIONS

The Lemoore Police Department participates with the Central Valley Regional SWAT Team and works closely with local, county, state, and federal partners. In exigent circumstances and/or in a pre-planned high risk event (i.e SWAT deployment, arrest warrant) and with the approval of the Chief of Police or designee, "military equipment" may be deployed from outside entities to promote the safety and security of community members. "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.

Pursuant to California Government Code section 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. In person at the Lemoore Police Department during normal office hours 8:00AM to 5:00PM, Monday to Friday.

657 Fox St. Lemoore, CA. 93245

2. Via telephone: 559-924-9574

3. Via mail sent to:

Lemoore Police Department

Attn: Military Equipment Use Coordinator

657 Fox Street

Lemoore, CA. 93245

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The Lemoore Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.