

# Military Equipment

## 709.1 PURPOSE AND SCOPE

This policy establishes guidelines for the acquisition, funding, use, and reporting of "military equipment," as the term is defined in Government Code section 7070. This policy is provided to comply with the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval of the use of specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding departmental possession and use of these items.

### 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.

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- Any other equipment as determined by a governing body or a state agency to require additional oversight.

**Military Equipment Use Policy** - California Government Code §7070(d) describes a Military Equipment Use Policy as a publicly released, written document that includes, at a minimum, all of the following:

- A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
- The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
- 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.
- The legal and procedural rules that govern each authorized use.
- 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.
- 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.
- 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.

**Specialized Response** – A critical law enforcement event or response, the very nature of which is determined to require specifically trained and equipped personnel to resolve these hazardous, complex or unusual situations, such as high risk warrant service, hostage taking, barricaded suspects, snipers, active killers, terrorism or other high risk incidents.

### **709.2 POLICY**

It is the policy of the Lakeport Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment and, that there be legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

### **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:

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- (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 Lakeport 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) **Chemical Agent and Smoke Canisters:** 37MM Launchers are utilized by LPD personnel as a less-lethal tool that contains chemical agents that are released when deployed.
  - 1. **Description, quantity, capabilities, and purchase cost**
    - (a) **DEFENSE TECHNOLOGY, 37MM SINGLE SHOT LAUNCHER**, Barrel: 6061-T6 Aluminum, Type III Hard Coat Anodized Frame/Fire Control Group: Steel Foregrip & Trigger Grip: Super Tough (ST) Glass Filled Nylon Resin cost: \$1000, quantity: 1. The 37MM Single Launcher is a tactical single-shot launcher that features a fixed stock with iron sights.
    - (b) **DEFENSIVE TECHNOLOGY, 37MM OC ROUND**, cost varies by payload type and quantity and approximated at \$45 per round, quantity 4. The 37mm OC Round incorporates an aluminum shell and utilizes black powder as the propellant. It is designed to deliver one dual-ported chemical canister from a 37mm launcher 75 yards to the intended target zone. It is most widely used as a crowd management solution. It is used by Law Enforcement and Corrections for the rapid deployment of chemical agent from maximum stand-off distances. It is designed for outdoor use and have fire-producing capability.

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2. **Purpose** ; Limit the escalation of conflict where employment of lethal force is prohibited
  3. **Authorized Use:** This device is currently not authorized for use until personnel receive the proper training for deployment and use of the equipment. At that time, Situations for the use of this less-lethal weapon system may typically include:
    - (a) Violent and/or riotous crowds that present a significant potential risk of physical safety
    - (b) Facilitate safe extraction of a suspect from a fixed location
    - (c) Detention of a suspect who poses a substantial risk of violence to an officer(s)
  4. **Lifespan:**
    - (a) Defensive Technology, 37mm Single-Shot Launcher - Approximately 20 years
    - (b) Defensive Technology, 37mm OC Round - Determined by specific Manufacturer for specific rounds
  5. **Fiscal Impact:** Annual maintenance is approximately \$0 for each launcher.
  6. **Training:** Some officers are trained in the 12 gauge less-lethal shotgun as a less-lethal option by in-service training.
  7. **Legal and Procedural Rules:** Use is established under Lexipol policy. It is the policy of the LPD to utilize this equipment only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force. Deployment and use of this equipment is further detailed and authorized pursuant to Lakeport Police Department Policy Section 308.6.
- (b) **Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round.
1. **Description, quantity, capabilities, and purchase cost**
    - (a) **REMINGTON 870 LESS LETHAL SHOTGUN**, quantity: 7. The Remington 870 Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of De-escalation.
    - (b) **12-GAUGE DRAG STABILIZED BEAN BAG ROUND**, cost \$7 each round, quantity 200. The Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for specialty

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impact munitions. This round has a velocity of 270 fps with a maximum effective range of 75 feet.

- (c) **12-GAUGE BREACHING ROUND**, cost \$12 each round, quantity 15.  
The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the TKO is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates in to a fine powder eliminating fragmentation.
- (d) **12-GAUGE FIN STABILIZED ROUND**, cost \$9 each round, quantity 6. The 12-Gauge Fin Stabilized Round has evolved from the Defense Technology® design of the 23FS. It is a translucent 12-Gauge shell loaded with a 5.8-Gram finned rubber sabot and utilizes smokeless powder as the propellant. The Fin Stabilized Round is generally considered a low to medium pain compliance round for close range deployment. As a pain compliance round for crowd routing, it is most suitable for moderate ranges with a maximum effective range of approximately 35 ft. and has a velocity of 500 fps.
2. **Purpose:** To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
3. **Authorized Use:** Situations for the use of this less-lethal weapon system may typically include:
- (a) Self-destructive, dangerous and/or combative individuals
  - (b) Circumstances where a tactical advantage can be obtained
  - (c) Potentially vicious animals
  - (d) Training exercises or approved demonstrations
4. **Lifespan**
- (a) Remington 870 Less Lethal Shotgun - Approximately 20 years
  - (b) Super Sock Round - No listed expiration date
5. **Fiscal Impact:** Annual maintenance is approximately \$50 for each less lethal shotgun.
6. **Training:** Some officers are trained in the 12 gauge less-lethal shotgun as a less-lethal option by in-service training.
7. **Legal and Procedural Rules:** Use is established under Lexipol policy. It is the policy of the LPD to utilize this equipment only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force. Deployment and use of this equipment is further detailed and authorized pursuant to Lakeport Police Department Policy Section 308.9..

(c) **Less Lethal PepperBall Gun**

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1. **Description, quantity, capabilities, and purchase cost**
    - (a) **PEPPERBALL SA200 LESS LETHAL GUN**, quantity: 2. The PepperBall SA200 is the Tippmann Pro/Carbine launcher. It was sold by PepperBall from 1999 to 2006. The launcher features a horizontal forearm grip and breech opening similar to a shotgun. This is one of the most reliable air-powered launchers ever designed and with proper maintenance, should last law enforcement and military customers for decades to come. Tippmann stopped production of this launcher in 2006.
    - (b) **OC PEPPER BALLS**, cost varies on quantity purchased and approximated at \$3 per round, quantity: 200. PepperBall rounds contain 2.0% PAVA. It is effective for direct impact and area saturation when there is no line of sight. PAVA is based on one of the hottest of the six capsaicinoids found in pepper plants. PepperBall products contain only safe, pure, non-oil based PAVA and are non-flammable. Ingredient consistency ensures each projectile operates with quality and effectiveness.
  2. **Purpose** : To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  3. **Authorized Use**: Situations for the use of PepperBall weapon systems may typically include:
    - (a) Self-destructive, dangerous and/or combative individuals
    - (b) Circumstances where a tactical advantage can be obtained
    - (c) Potentially vicious animals
    - (d) Training exercises or approved demonstrations
  4. **Lifespan**:
    - (a) PepperBall SA200 - Approximately 20 years
    - (b) OC pepper balls - No listed expiration date
  5. **Fiscal Impact**: Annual maintenance is approximately \$100 for each PepperBall SA200.
  6. **Training**: Some officers are trained in the PepperBall SA200 as a less-lethal option by in-service training.
  7. **Legal and Procedural Rules**: Use is established under Lexipol policy. It is the policy of the LPD to utilize this equipment only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force. Deployment and use of this equipment is further detailed and authorized pursuant to Lakeport Police Department Policy Section 308.7.3.
- (d) **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. **Description, quantity, capabilities, and purchase cost**

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- (a) COLT M4LE.223 CAL. 15" BARREL, cost \$1,000, quantity 4. The magazine holds 30 rounds of.223 ammunition and the rifle has a collapsible stock. This rifle is primarily used in an overwatch capacity to protect the community during large events.
  - (b) COLT M4 (AUTO).223 CAL. 15" BARREL, cost \$1,000, quantity 6. The magazine holds 30 rounds of.223 ammunition and the rifle has a collapsible stock. This rifle is primarily used in an overwatch capacity to protect the community during large events.
  - (c) COLT AR15A2.223 CAL. 16.5" BARREL, cost \$1,000, quantity 3. The magazine holds 30 rounds of.223 ammunition and the rifle has a collapsible stock. This rifle is primarily used in an overwatch capacity to protect the community during large events.
  - (d) COLT AR15A2.223 CAL. 20" BARREL, cost \$1,000, quantity 1. The magazine holds 30 rounds of.223 ammunition and the rifle has a non-collapsible stock. This rifle is primarily used in an overwatch capacity to protect the community during large events.
  - (e) DANIEL DEFENSE SOCOM-MK18SBR CAL. NATO 5.56mmx45mm 10.3" BARREL, cost \$2,200.00, quantity 1. The magazine holds 30 rounds of NATO 5.56mm x 45mm ammunition and the rifle has a collapsible stock and flash hider. This rifle is primarily used in Tactical Team Operations to provide emergency law enforcement services in the imminent protection of life.
2. **Purpose:** To be used as a precision weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
  3. **Authorized Use:** Situations for the use of Patrol/Tactical Rifle weapon systems may typically include:
    - (a) Situations where members reasonably anticipate an armed encounter
    - (b) Situations that may require accurate and effective fire at long range
    - (c) Requirement to meet or exceed a suspect's firepower
    - (d) When it is anticipated or known that a suspect is outfitted with body armor
    - (e) When needed to euthanize an animal with distance and accuracy to enhance public safety
  4. **Lifespan**
    - (a) COLT M4LE.223 CAL. rifle - 15 years
    - (b) COLT M4 (AUTO).223 CAL. rifle - 15 years
    - (c) COLT AR15A2.223 CAL. rifle - 15 years
    - (d) REMINGTON 788 BOLT ACTION RIFLE - 15 years
    - (e) REMINGTON 700 SNIPER RIFLE - 15 years.
    - (f) DANIEL DEFENSE SOCOM-MK18SBR Tactical Rifle - 15 years

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5. **Fiscal Impact:** Annual maintenance is approximately \$50 for each rifle.
6. **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 a year.
7. **Legal and Procedural Rules:** Use is established under Lexipol policy. It is the policy of the LPD to utilize this equipment only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force. Deployment and use of this equipment is further detailed and authorized pursuant to Lakeport Police Department Policy Section 312.3.3.

#### 709.4.1 INVENTORYING PROCEDURES

All military use equipment kept and maintained by the LPD shall be inventoried utilizing a method which documents each of the following details for every equipment type:

- (a) The manufacturer's description of the equipment.
- (b) The capabilities of the equipment.
- (c) The purposes and authorized uses for which the Department intends to use the equipment.
- (d) The expected lifespan of the equipment.
- (e) The fiscal impact of the equipment, both initially and on-going maintenance.
- (f) The quantity.

#### 709.4.2 MILITARY EQUIPMENT SUPPLY MAINTENANCE

When supplies of consumable military use equipment, such as munitions, which have already been approved for use, have reached significantly low levels or have been exhausted, the Department is authorized to acquire a sufficient supply of the same brand and model of that depleted equipment to last the remainder of the calendar year without city council approval in order to continue providing essential public safety services to the public.

#### 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.



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- (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.

Military equipment shall only be used by an LPD employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent life saving circumstances arise.

#### **709.6 OUTSIDE AGENCY ASSISTANCE**

Military equipment used by LPD within the jurisdiction of any other agency will only consist of military equipment approved in accordance with this policy. The LPD works closely with local, county, state, and federal partners. In situations calling for specialized response or exigent circumstances and with the approval of the Chief of Police or his/her designee, military equipment may be deployed within this jurisdiction and obtained from outside entities to promote the safety and security of our community members. If the Police Department acquires, borrows, or uses military equipment from one or more of its outside partners in such circumstances, it will provide written notification of its acquisition and/or use to the City Council within 30 days following the commencement of circumstance, unless such information is confidential or privileged under local, state or federal law. The LPD will make reasonable effort to ensure that Military equipment used/deployed by any outside agency in instances of specialized response or exigent circumstances within the City of Lakeport complies with that using/deploying agency's respective military equipment use policies at the time of that response or circumstance.

#### **709.7 ANNUAL REPORT**

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the Lakeport Police Department will submit to the Lakeport City Council an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

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- (d) 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.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Lakeport City Council will use the Annual Military Equipment Report as a mechanism to: approve use of the detailed military equipment by the Lakeport Police Department, ensure the Lakeport Police Department's compliance with this Military Equipment Use Policy, and to help it determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent annual report. Chief of Police

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 §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:

- (a) Via email to: [info@lakeportpolice.org](mailto:info@lakeportpolice.org)
- (b) Via phone call to: (707) 263-5491 ext. 4
- (c) Via mail sent to: Lakeport Police Department, Attn: Military Equipment Use Coordinator, 2025 S. Main St., Lakeport, CA 95453

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