

Military Equipment

706.1 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 fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, and cataloging these items.(Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected body that oversees the Department, the City Council of the City of Rohnert Park.

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.

Rohnert Park Department of Public Safety

Rohnert Park Department of Public Safety Policy Manual

Military Equipment

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

706.2 MILITARY EQUIPMENT COORDINATOR

The Director of Public Safety 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 Rohnert Park Department of Public Safety (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 Director of Public Safety 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.

706.3 MILITARY EQUIPMENT INVENTORY

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

1. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.
 - (a) Description, quantity, capabilities, and purchase cost
 - i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1325, cost: \$1000, quantity: 15. The 40mm Single Launcher is a tactical single shot launcher that features a fixed stock and an Integrated Front Grip (IFG). It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less lethal round up to 131 feet and is authorized to be used by officers trained in its use.
 - ii. COMBINED TACTICAL SYSTEMS, 40MM SPONGE, #4557, cost: \$21.00, quantity: 400. A less lethal 40mm lightweight foam projectile fired from a single 40mm grenade launcher with a rifled barrel at 240-260 FPS.

Rohnert Park Department of Public Safety

Rohnert Park Department of Public Safety Policy Manual

Military Equipment

The 40mm Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

- (b) Purpose - To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
 - (c) Authorized Use - Situations for use of the less lethal weapon systems may include, but are 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.
 - (d) Training - Sworn members utilizing the 40mm launcher and the less lethal 40mm impact rounds shall be trained in the use of such items by attending a POST certified course, (4180-30995-XX), by POST certified less lethal instructors.
 - (e) Lifespan
 - i. Defense Technology #1325- 25 years.
 - ii. Model 4557 Sponge- 5 years.
 - (f) Fiscal Impact - Annual maintenance is approximately \$50 for each launcher.
 - (g) Legal and Procedural Rules - Use of the 40mm launcher and 40mm sponge rounds is subject to requirements of Policy 306 (Firearms), Policy 303.8 (Kinetic Energy Projectile Guidelines) and Policy 300 (Use of Force). It is the policy of the Rohnert Park Department of Public Safety to utilize the 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
2. **Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.
- (a) Description, quantity, capabilities, and purchase cost
 - i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$946, quantity: 86. 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.
 - ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND, cost: \$5, quantity: 850. 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 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired

Rohnert Park Department of Public Safety

Rohnert Park Department of Public Safety Policy Manual

Military Equipment

from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

- (b) Authorized Use - Situations for use of the less lethal weapon systems may include, but are 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
 - i. Remington 870 Less Lethal Shotgun- 25 years.
 - ii. Super Sock Round- No listed expiration date.
- (d) Fiscal Impact - Annual maintenance is approximately \$50 per shotgun.
- (e) Training - Sworn members utilizing the 12 gauge less lethal shotgun and bean-bag rounds shall be trained in the use of such items by attending a POST certified course, (4180-30995-XX), by POST certified less lethal instructors.
- (f) Legal and Procedural Rules - Use of the less lethal shotgun and beanbag rounds is subject to Policy 306 (Firearms), Policy 303.8 (Kinetic Energy Projectile Guidelines) and Policy 300 (Use of Force). It is the policy of the Rohnert Park Department of Public Safety 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.

706.4 APPROVAL

The Director of Public Safety 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 Director of Public Safety 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.

Rohnert Park Department of Public Safety

Rohnert Park Department of Public Safety Policy Manual

Military Equipment

- (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.

706.5 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.

706.6 ANNUAL REPORT

Upon approval of a military equipment policy, the Director of Public Safety 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 Director of Public Safety 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.

706.7 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. Typically this will occur at the City of Rohnert Park City Council Meeting.

706.8 POLICY COMPLIANCE

Government Code section 7070 requires that this policy specify the mechanisms to be used by the Department to ensure compliance with this policy. Complaints regarding violations of this policy

Rohnert Park Department of Public Safety

Rohnert Park Department of Public Safety Policy Manual

Military Equipment

are subject to investigation and discipline in accordance with Policy 1010, and other policies of the Department related to officer discipline.

706.9 PUBLIC COMPLAINTS, QUESTIONS, AND INVESTIGATION

Government Code section 7070 requires that this policy specify the procedures by which members of the public may register complaints, submit questions about the use of each specific type of military equipment subject to this policy, and procedures by which the Department will respond to such matters.

Complaints related to this policy may be submitted by the members of the public in accordance with Policy 1010. Complaint forms and instructions are posted by the Department on its website. Complaints regarding violations of this policy are subject to investigation and discipline in accordance with Policy 1010, and other policies of the Department related to officer discipline.

Members of the public may submit questions related to the use of specific military equipment to the Department in accordance with the California Public Records Act, Government Code section 6250 et seq.