

# Military Equipment Use Policy

## 710.1 PURPOSE AND SCOPE

The purpose of this policy "Policy" is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment pursuant to Assembly Bill 481 ("AB 481"). (California Government Code § 7070; et seq.)

### 710.1.1 DEFINITIONS

Definitions related to this Policy include those provided in Government Code 7070, and as follows:

**Governing body** – City of Shafter City Council ("City Council").

**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 section 30510 and Penal Code section 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 the City Council to require additional oversight.

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#### **710.2 POLICY**

It is the Policy of the Shafter Police Department ("Department") that members of this Department comply with the provisions of AB 481 with respect to funding, acquisition and use of military equipment.

#### **710.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police shall 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 City Council 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 City Council.
- (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 Department.
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting and
  2. Preparing for public questions regarding the Department's funding, acquisition, and use of military 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.
- (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.

#### **710.4 MILITARY EQUIPMENT INVENTORY**

The list of qualifying military equipment for the Department is attached to this Policy as Exhibit "A" and incorporated into the Policy by this reference.

See attachment: [SHAFTER POLICE MILITARY EQUIPMENT INVENTORY.pdf](#)

#### **710.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting the policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the policy is submitted to the City Council and is available on the Department website at least thirty (30) days prior to any public hearing concerning the Policy. The Policy must be approved by the City Council prior to engaging in any of the following:

- (a) Requesting military equipment made available pursuant to 10 USC § 2576(a).

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- (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 City Council.
- (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.

#### **710.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any other member this Department shall be approved for use in accordance with this Policy. Military equipment used by other jurisdictions that are providing mutual aid to the City of Shafter, or otherwise engaged in law enforcement operations in the City, shall comply with their respective military equipment use policies in rendering mutual aid or carrying out a law enforcement function related to a criminal matter under their investigation.

#### **710.7 COMPLIANCE**

Department members are bound to adhere to this Policy, in addition to state and local laws and ordinances when employing the use of military equipment at any time. Violations of the law or this Policy may result in criminal or administrative investigations and, or actions.

#### **710.8 ANNUAL REPORT**

Upon approval of this Policy, the Chief of Police or the authorized designee will submit a military equipment report to the City Council 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.

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 section 7072 for the preceding calendar year for each type of military equipment in Department inventory.

#### **710.9 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.

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### **710.10 COMPLAINT PROCESS**

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. Via email to: (RMILLIGAN@SHAFTER.COM)
2. Via phone call to: (661) 746-8500
3. Via mail sent to:

Shafter Police Department

Attn: Military Equipment Use Coordinator

201 Central Valley Highway

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

## Attachments

# SHAFTER POLICE MILITARY EQUIPMENT INVENTORY.pdf

## EXHIBIT "A"

### MILITARY EQUIPMENT INVENTORY

#### 1. Specialized Firearms and Ammunition (Equipment Category 10)

a. Description, quantity, capabilities, and purchase cost:

**Rifles:** Guns that are fired from shoulder level, thereby have greater accuracy over a long distance.

Colt LE 6920-5.56mm Patrol use, Quantity: 23, Cost: \$870.45 per unit

Colt A3-5.56mm Patrol use, Quantity: 5, Cost: \$870.45 per unit

Remington Model 700 Bolt Action Rifle, Quantity: 1, Cost: Donated

**Ammunition:** The Winchester USA .223R1, 55 grain cartridge is the primary training ammunition for the department. The Winchester .223 55 grain Ballistic Silvertip cartridge is the primary duty ammunition deployed during potential lethal encounters.

Winchester USA 223 R1 Ammunition .223 55 grain full metal jacket, Quantity: Approx. 20,500 rounds, Cost: \$369 per 500 round case.

Winchester .223 55 grain Ballistic Silvertip, Quantity: Approx. 3,300 rounds, Cost: \$227 per 200 round case.

b. Purpose

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

c. Authorized Use

Only members that have successfully completed department rifle training are authorized to use a rifle. (Policy 313)

d. Lifespan

Rifle – 15 years

Ammunition – Until expended

e. Fiscal Impact

Rifle annual maintenance - Approximately \$50 for each rifle.

Winchester USA 223R1 Ammunition – Annual cost \$0-\$2,000

Winchester .223 55 grain Ballistic Silvertip Ammunition – Annual cost \$0-\$3,000

f. 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.

g. Legal and Procedural Rules

Use is established under Policy 313 of the Shafter Police Department. It is the policy of the Shafter Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

2. **Noise Flash Diversionary Devices (Equipment Category 12)**

a. Description, quantity, capabilities, and purchase cost:

**Distraction Devices:** A distract device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

Combined Tactical System, 7290 Low Roll Distraction Device, cost: Acquired from the MCCF closure, quantity: 16. A non-bursting, non-fragmenting, limited rolling device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations

b. Purpose

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.

c. Authorized Use

Diversionary Devices shall be used:

1. By officers who have been trained in their proper use.
2. In hostage and barricaded subject situations.
3. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers or there is no response from suspects from announcements
4. During other high-risk situations where their use would enhance officer safety.
5. During training exercises.

d. Lifespan

Until used.

e. Fiscal Impact

No annual cost.

f. Training

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



g. Legal and Procedural Rules

It is the policy of the Department to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

3. **Tear Gas (Equipment Category 12)**

a. Description, quantity, capabilities, and purchase cost:

**Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

- a. Description, quantity, capabilities, and purchase cost Various Quantities of Chemical agent munitions, which are commonly referred to as "Tear gas," are used by the Department as a nonlethal tool to disperse rioting suspects and on barricaded suspects per Department Policy and applicable law. The Department uses chemical agents which are used by law enforcement across the United States: CS (2 Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5 oz. or less). OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

**Shafter Police Inventory:**

Defense Technology (#1030) Flameless Tri-Chamber OC -10

Defense Technology Direct Impact Marking round - 15

Defense Technology (#1056) Aerosol OC Vapor - 16

Defense Technology 40 mm Muzzle Blast OC - 18

Defense Technology (#1063) SAF-Smoke White - 5

Combined Tactical Systems (#5210) White Smoke - 2

Defense Technology (#1090) Stinger Handball - 142

Defense Technology (#1027) Triple-Chaser SAF-Smoke - 7

Defense Technology (#1095) OC Stinger Handball - 22

Defense Technology (#1040) Instantaneous Blast OC – 9

Combined Tactical Systems (#5420) Launchable Flameless Expulsion CN - 5

b. Purpose

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

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

d. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

e. Lifespan

5 years from manufacturing dates

f. Fiscal Impact

No annual cost.

g. Legal and Procedural Rules

It is the policy of the Department to utilize chemical agents for official law enforcement purposes, and pursuant to State and Federal Law, including the Department's Use of Force Policy.

4. **Projectile Launch platforms and associated munitions (Equipment Category 14)**

a. Description, quantity, capabilities, and purchase cost:

**40 MM Launchers and Rounds:** 40MM LMT Launchers are utilized by Department personnel as a less lethal tool to launch impact rounds.

**LEWIS MACHINE & TOOL CO., 40 MM MULTI-SHOT LAUNCHER**, cost: Acquired by Shafter Modified Community Correctional Facility ("MCCF") closure, quantity: 2. The 40MM Multi-Shot launcher is a tactical Multi-Shot launcher.

**DEFENSE TECHNOLOGY, 40MM LMT SINGLE SHOT LAUNCHER**, cost: Acquired by MCCF closure, quantity: 5. The 40MM Single Launcher is a tactical single shot launcher.

**DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE**, #6325, cost: Acquired by MCCF closure, quantity: 115. A less lethal 40mm lightweight plastic and foam projectile fired from a single 40mm launcher with a rifled barrel. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance.

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:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

d. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal instructors.

e. Lifespan

20-25 years.

f. Fiscal Impact

No annual cost.

g. Legal and Procedural Rules

It is the policy of the Shafter Police Department to utilize the 40mm for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

5. **Bean Bag (Equipment Category 14)**

a. Description, quantity, capabilities, and purchase cost:

**Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less lethal Safariland 12-gauge Drag #3027 Stabilized Beanbag Round.

**REMINGTON LESS-LETHAL SHOTGUN**, cost: Acquired from the MCCF Closure, quantity: 11. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal Safariland 12-gauge Drag #3027 Stabilized Beanbag Round. The Safariland Beanbag Round can be used 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.

**12-GAUGE Safariland BEANBAG ROUND**, cost: \$5 each, quantity: 95. 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). Safariland Beanbag 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 from the approved distance of not fewer than five (5) feet. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

b. Purpose

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

c. Authorized Use

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

d. Lifespan

No expiration date

e. Fiscal Impact

Safariland Beanbag Round – Annual cost \$300

f. Training

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

a. Legal and Procedural Rules

It is the policy of the department to utilize the less lethal shotgun for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the Department's Use of Force Policy.