

Military Equipment

708.1 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).

708.1.1 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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708.2 POLICY

It is the policy of the Tulare Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

708.3 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 Tulare 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.

708.4 MILITARY EQUIPMENT INVENTORY

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

[Insert attachment here]

708.4.1

MILITARY EQUIPMENT INVENTORY

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

708.4.2 UNMANNED AIRCRAFT SYSTEMS (UAS)

Description: A UAS is an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

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Quantity: 2.

Capabilities: Sustained flight controlled by a remote pilot on the ground.

Expected Lifespan: 5 to 10 years.

Product Description: Commercially available platforms for aerial productivity combining a configurability to work as a solution for a variety of industrial applications with flight safety and data security features.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public (Policy 613.1).

Training Required: Federal Aviation Administration (FAA) Part 107 License and Department provided monthly training.

Initial Cost: \$18,500.

708.4.3 FIREARM - RIFLE

Description: Firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Quantity: 68.

Capabilities: Fires a lethal projectile.

Expected Lifespan: 20+ years.

Product Description: Patrol rifle of .223 or 5.56 caliber.

Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed (Policy 312.3.3).

Training Required: 16-hour POST approved course with qualification and annual training with requalification.

Initial Cost: \$68,000. Annual Cost: N/A.

Ammunition Inventory:

(10,000) Federal 62gr ball.223 (this is for training)

Cost: \$4,000

(4,000) Speer Gold Dot 62gr.223 (duty)

Cost: \$2,100

708.4.4 40MM PROJECTILE LAUNCHER

Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.

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Quantity: 5

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description:

(4) Armor Holdings 40mm SingleShot Launcher

(1) Penn Arms 40mm 6 shot launcher.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 308.9.1).

Training Required: Training and qualification once per year.

Initial Cost: \$5,000 (estimated as these were purchased several years ago)

Annual Cost: N/A.

Projectile Inventory:

(65) 40mm Sponge/Foam Impact Rounds #6325 and #6326

(38) 40mm Liquid CS Penetrator Round #1262

(22) 40mm OC Penetrator Round #1260

(12) 40mm "Spede-Heat" Long Range CS #6182 (up to 150 yards)

(6) 40mm Muzzle Blast OC #6040

(10) 40mm Muzzle Blast CS #6042

(10) 40mm Skat Shell CS

(8) 40mm Skat Shell OC #6170

Cost: \$3,218

708.4.5 MILITARY EQUIPMENT INVENTORY - SWAT

The following constitutes an inventory of previously purchased equipment deemed to be military as defined by this policy. The equipment in this section is primarily used by members of the Special Weapons and Tactics (SWAT) Team.

FIREARM - RIFLE

Description: Firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed metallic cartridge to fire one or more projectile(s) through a rifled bore for each pull of the trigger.

Inventory:

(12) M400 Sig Sauer 5.56/.223 caliber rifles

(4) Ruger Precision Rifle.308 caliber

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(1,800) Hornady TAP.308 (Precision Rifle)

Cost: \$1,800

Capabilities: Fires a lethal projectile.

Expected Lifespan: 20+ years.

Product Description: Patrol rifle of .223, 5.56, and .308 caliber.

Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed (Policy 312.3.3).

Training Required: 16-hour POST approved course with qualification and additional training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification once per year. For Ruger Precision Rifles (.308) initial week long training then biannual qualification.

Initial Cost: \$26,800.

Annual Cost: N/A.

708.4.6 ARMORED RESCUE VEHICLE

Description: An armored rescue vehicle deployed during high-risk incidents, special events, and community outreach.

Quantity: One.

Capabilities: Mobile armored vehicle to support high-risk deployments.

Expected Lifespan: 15 years.

Product Description: Mine Resistant Ambush Proof (MRAP) Vehicle, steel armor construction.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while transporting first responder personnel and/or community members to/from high-risk situations. Provide a mobile platform for safe personnel deployments.

Training Required: Class B driver's license.

Initial Cost: \$35,000.

Annual Cost: \$6,000.

708.4.7 CHEMICAL AGENTS

Description: Less lethal device utilized to deploy and discharge that are released when deployed.

Capabilities: Designed to deliver chemical agents during high-risk situations.

Expected Lifespan: 5 years.

Product Description: Individual, single use canisters of CS, CN or OC gas.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 308).

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Training Required: Training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification once per year.

Inventory:

(5) Triple-Chaser Separating Canister, CS, #1026

(15) Riot Control Continuous Discharge Device, CS, #1082

(20) Flameless Tri-Chamber CS Device, #1032

(20) Triple Chaser CS, #1026

(1) Riot Control Continuous Discharge Device, CN, #1081

(26) OC Triple-Chaser Separating Canister, #1020

(14) Han-Ball Device CS, #1092

(10) Maximum Smoke HC, #1083

Initial Cost: \$3,972.

Annual Cost: Recurring purchase as needed.

708.4.8 PEPPERBALL LAUNCHER

Description: Less lethal launcher which uses a high pressure air system to launch kinetic energy impact munition

Quantity: 4 PepperBall FTC.68 caliber semi-auto multi-launcher

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description:

- PepperBall FTC.68 caliber, semi-auto multi-launcher

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 308.9.1).

Training Required: Training and recertification once per year.

Initial Cost: \$2,000

Annual Cost: N/A

PepperBall Projectiles Inventory:

(90) PepperBall "Live Projectile"

(90) PepperBall "Live-X Projectile" More concentrated round

Initial Cost: \$450

Lifespan: 3 years

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708.4.9 NOISE FLASH DIVERSIONARY DEVICE (NFDD)

Description: Device that produces a loud sound with a bright light that is intended to cause confusion and distraction.

Quantity: 16.

Capabilities: Distraction device used to minimize the risks to all parties by the temporary distraction or disorientation of potentially violent or dangerous suspects.

Expected Lifespan: 5 years.

Product Description: Separating fuse affixed to a non-bursting steel canister.

Purpose and Authorized Use: To distract/disorient potentially violent or dangerous suspects.

Training Required: Training and recertification twice per year.

Initial Cost: \$480.

Annual Cost: Recurring purchase as needed.

708.4.10 ROBOTIC SCOUT/ROBOT

Description: ICOR Technology Mini-Caliber drivable remote controlled platform that is equipped with a camera allowing the operator to obtain instantaneous video within indoor and outdoor environments.

Quantity: One.

Capabilities: Remote operated, drivable platform capable of transmitting live video from a forward facing camera.

Expected Lifespan: 10 Years.

Product Description: A medium sized remote operated platform equipped with a camera capable of being driven several hundred feet from operator while transmitting video back to the operator.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public.

Training Required: None.

Initial Cost: \$60,000 (purchased through a grant)

Annual Cost: N/A.

708.5 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

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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.

708.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

708.7 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.

708.8 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.