Military Equipment

706.1 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).

California Government Code § 7070(c) provides a list of equipment types that are considered to be “military equipment” for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the Avenal Police Department, or reasonably likely to be deployed in the City of Avenal by its law enforcement partners.

706.1.1 DEFINITIONS

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

Governing body – The elected or appointed body that oversees the Department.

Military equipment – California Government Code § 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber

that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Military Equipment Policy – A Military Equipment Use Policy is a publicly released written document that includes, at a minimum, all of the following:

1. 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.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. 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.
4. The legal and procedural rules that govern each authorized use.
5. 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.
6. 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.
7. 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.

706.2 POLICY

It is the policy of the Avenal Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment, and with the provisions of Government Code § 7072 with respect to the annual military equipment report.

706.3 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:

1. Acting as liaison to the governing body for matters related to the requirements of this policy.
2. 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.
3. Conducting an inventory of all military equipment at least annually.
4. Collaborating with any allied agency that may use military equipment within the jurisdiction of Avenal Police Department (Government Code § 7071), including tracking those agencies compliance with AB 481.
5. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
    a. Publicizing the details of the meeting.
    b. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
6. 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).
7. 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.

706.4 MILITARY EQUIPMENT INVENTORY

Pursuant to Government Code section 7070(d), the attached inventory list provides a description of each type of military equipment, the quantity, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment. This section will include the purposes and authorized uses, the fiscal impact, the legal and procedural rules that govern the use, and the training required, for each type of military equipment.

The City's military equipment inventory is included as an attachment at the end of this document or you can follow a link here: **Click here for the attachment**

Refer to the Kings County Sherriff's Office website for a list of qualifying equipment not listed in this policy that is not owned or regularly used by the Avenal Police Department, but which is known to be owned and/or utilized by the Kings County Sherriff's Office, including their SWAT Team. While the equipment listed is not purchased, owned, or maintained by the Avenal Police Department, it could be used within the jurisdiction of the City of Avenal should the Kings County Sheriff's Office be deployed, and thus the City is referencing that policy here. It is important to note that the Kings County SWAT Team is generally only deployed in extreme circumstances

such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment the Kings County Sherriff's Office possesses is rarely deployed but may prove essential to emergency operations when needed.

706.5 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):

1. Requesting military equipment made available pursuant to 10 USC § 2576a.
2. 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.
3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
6. 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.
7. Acquiring military equipment through any means not provided above.

706.6 COLLABORATION WITH OTHER JURISDICTIONS

Law enforcement agencies collaborating with the Avenal Policy Department shall adhere to their agencies military equipment policies for the use of any of their military equipment.

706.7 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) that includes the following:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. 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.
5. The quantity possessed for each type of military equipment.

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 Chief of Police or the authorized designee shall 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.

The Avenal City Council will use the Annual Military Equipment Report as a mechanism to ensure the Avenal 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 year.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the Military Equipment 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.

706.9 PUBLIC INVOLVEMENT

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:

1. Via email to: Edward.Rij@avenalpd.gov
2. Via phone call to: (559) 386-4444
3. Via mail sent to: Avenal Police Department 317 E. Alpine Street, Avenal, California 93204.

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

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

can be made as described below in the Public Involvement section. Further, The Chief will designate a Military Equipment Coordinator, whose responsibilities are described herein, which will include assisting with ensuring compliance with this policy.

Attachment 1
City of Avenal Military Equipment Inventory List

706.4
AVENAL POLICE MILITARY USE EQUIPMENT
Agency Content

The following equipment is owned, operated and maintained by the Avenal Police Department.

706.4.1
UNMANNED AIRCRAFT SYSTEM (UAS)
Agency Content

Unmanned Aircraft System (UAS): An unmanned aircraft along with the associated equipment necessary to control it remotely.

Description, quantity, capabilities, and purchase cost of current UAS:

1. DJI MAVIC ENTERPRISE DUALS, cost $5,500 each, quantity: 1. UAS that has a color and infrared camera as well as audible speaker and light. Capable of video recording and weighs 899 grams, approx. 30 minutes offlight time.

2. DJI MATRICE 30T, cost: $16,000 each, quantity: 1. UAS that has color, infrared, thermal camera, with a laser range finder. This drone includes an audible speaker, and light attached. Capable of video recording and weighs 4040 grams, approx. 43 minutes offlight time.

Purpose:

UAS deployment should be considered for directed enforcement deployments on specific incidents when an aerial view would assist officers or incident commanders. Some examples of such incidents may include:

- Perimeter/Block Searches
- Missing Persons Investigations
- Search and Rescue operations
- Major/Fatality Collision Investigations
- Disaster Management
- Agency assistance
- Fire response, prevention, containment, and life preservation missions.
- Crime Scenes
- Crowd Control situations
- Search Warrants
- S.W.A.T. Operations
- Explosive Ordnance Disposal
- Barricaded Suspect(s)

- Supporting Criminal Investigations
- Routine Training
- Community Engagement Presentations (when authorized by the Watch
- Commander or UAS Program Manager or Supervisor)
- Other events or categories Designated by Chief or Designee for deployment on a case-by-case basis.

Authorized Use:

Only assigned operators who have completed the required training shall be permitted to operate any drones during approved missions.

Expected Life Span:

a) All UAS equipment, 3-5 years.

Fiscal Impact

Annual maintenance and battery replacement cost is approximately $4,000.

Training:

All Department UAS operators must attend department training and ongoing quarterly training.

Legal and Procedural Rules:

Use is established under the Avenal Police Department's UAS policy. It is the policy of the APD to utilize UAS only for official law enforcement purposes, and in accordance with California and federal law.

706.4.2
MOBILE INCIDENT COMMAND (MOBILE COMMAND CENTER- MCC)
Agency Content

Description, quantity, capabilities, and purchase cost:

1. 26 foot pull behind jayco trailer quantity: 1. The MCC can also be utilized for SWAT/CRT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.

Purpose:

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

Authorized Use:

Use The MCC shall be used by Officers trained in their deployment and in a manner consistent with Department policy and training. Furthermore, only employees or volunteers who are properly licensed will be allowed to drive the MCC.

Lifespan:

a) The MCC, 20-year lifespan on chassis and structure.

Fiscal Impact:

Annual maintenance cost is approximately $1,000.

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 vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

Legal and Procedural Rules:

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

Description, quantity, capabilities, and purchase cost:

2. 16 foot pull behind Jayco trailer quantity: 1. The DUI trailer is specific for DUI enforcement operations but can serve as a mini mobile incident command center if needed.

Purpose:

To be used for primarily DUI enforcement operations, but can also serve as a M.C.C.

Authorized Use:

Use of the MCC/ DUI trailer shall be used by Officers trained in their deployment and in a manner consistent with Department policy and training. Furthermore, only employees or volunteers who are properly licensed will be allowed to drive the MCC.

Lifespan:

a) The MCC, DUI trailer 20-year lifespan on chassis and structure.

Fiscal Impact

Annual maintenance cost is approximately $1,000.

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 vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

Legal and Procedural Rules:

It is the policy of the Department to use the MCC/ DUI trailer only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

706.4.3
LESS LETHAL SHOTGUN
Agency Content

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

Description, quantity, capabilities, and purchase cost:

1. REMINGTON 870 LESS LETHAL SHOTGUN, cost: $946, quantity: 10.

   The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to 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.

2. 12-GAUGE SUPER-SOCK BEANBAG ROUND, cost: $5, quantity: 500 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. This round provides accurate and effective performance when fired 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.

Purpose:

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

Authorized Use:

Use Situations for use of the less lethal weapon systems may include, but are not limited to:

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

Lifespan:

a) Remington 870 Less Lethal Shotgun- 25 years.
b) Super Sock Round- No listed expiration date.

Fiscal Impact:

Annual maintenance is approximately $50 for each shotgun.

Training:

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

Legal and Procedural Rules:

It is the policy of the APD 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.

706.4.4
RIFLES
Agency Content

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 longer distance.

Description, quantity, capabilities, and purchase cost

1. BUSHMASTER AR-15 5.56mm/.223 CALIBER RIFLE, cost $1500, quantity: 15 Standard patrol rifle issued to officers in 16" configuration.
2. COLT M4AR-15 5.56mm/.223 CALIBER RIFLE, cost $2000, quantity: 2 Short barreled AR-15 rifles, not issued for patrol.
3. 5.56MM/.223 CALIBER .55 GR rifle duty ammunition various brands in hollow point, or soft point, cost $2000 per case of 1,000 rounds, quantity: 5 cases.

4. 5.56MM/.223 CALIBER .55 GR rifle range ammunition of various brands in full metal jacket, cost $1000 per case of 1,000 rounds, quantity: 14 cases.

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.

Authorized Use:

Only members that are POST certified, or in-house trained by a certified POST rifle instructor are authorized to use a rifle.

Expected Lifespan:

a) Bushmaster AR-15 5.56MM/.223 caliber rifle-5 years
b) Colt M-4 5.56MM/.223 caliber rifle-5 years
c) 5.56/.223 rifle duty ammunition-No expiration
d) 5.56/.223 rifle range ammunition-No expiration

Fiscal Impact

Annual maintenance is approximately $50 for each rifle.

Training:

Prior to using a rifle, Officers must be certified by a P.O.S.T. Instructor in the operation of the rifle. Additionally, all members that operate the above listed rifles must pass a quarterly range qualification.

Legal and Procedural Rules:

Officers will deploy rifles in accordance with Department manual section 305.3.3 Patrol Rifles and pursuant to State and Federal law regarding the use of force.

706.4.5
CHEMICAL AGENTS AND SMOKE CANISTERS
Agency Content

Canisters contain chemical agents that are released when deployed.

Description, quantity, capabilities, and purchase cost:

1. COMBINED SYSTEMS INC. FLASH-BANG, #7920M. Quantity: 3 costs: $200 each. The CTS 7290M is the mini form factor of the standard for diversionary devices. The 7290m produces 180db and 6-8 million candelas of light output. It is designed with a top and bottom ported body, ensuring successful deployment should it hit a hard surface. In addition, internal adjustments have greatly reduced smoke output.

Purpose:

To deescalate a situation or lower the likelihood of lethal force. Situations for use of the less- lethal systems may include, but are not limited to, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, and potentially vicious animals. Officers will use less-lethal weapons in compliance with California Penal Code Section 13652.

Authorized Use:

Only members that are POST certified, or in-house trained by a certified POST chemical agents' instructor are authorized to use them.

Expected Lifespan:

a) 5 years from manufacturing date.

Fiscal Impact:

No annual maintenance.

Training:

Sworn members utilizing chemical agents must be certified by a P.O.S.T. Instructor in the less than lethal and chemical agents.

Legal and Procedural Rules:

Officers will deploy chemical agents in accordance with Department manual section 428.15 Use of Chemical agents and crowd control and pursuant to State and Federal law regarding the use of force.

706.4.6
KINGS COUNTY MILITARY USE EQUIPMENT
Agency Content

The Avenal Police Department and Kings County Sheriff's Office currently have a Memorandum of Understanding (MOU) regarding the response of Special Weapons and Tactics (SWAT) team utilization and response to the City of Avenal for High-Risk incidents requiring the use of specially trained officers and deputies to apprehend dangerous suspects and serve high risk search warrants. There is no Fiscal Cost to the City of Avenal for the use of this equipment.

a) A list of military equipment, and its use by the Kings County Sheriff's Office can be located at:

   https://www.countyofkingsca.gov/departments/public-safety/sheriff