

MILITARY EQUIPMENT

709.1 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).

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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

709.2 POLICY

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

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:

- 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 Cotati 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:

1. **Less Lethal Shotgun:** Less Lethal Shotguns are used to deploy the less lethal 12-gauge Defense Technology Drag Stabilized Bean Bag Round.
 - a. Description, quantity, capabilities and purchase cost
 - a. REMINGTON MODEL 870 LESS LETHAL SHOTGUN, cost: \$750, quantity: 4. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Defense Technology Bean Bag Round up to a maximum effective distance of 75 feet. The rang of the weapon system helps maintain the distance between the officers and a suspect reducing the immediacy of the threat, which is a principle of de-escalation.
 - b. 12-GAUGE DEFENSE TECHNOLOGY DRAG STABILIZED BEAN BAG ROUND, cost \$7, quantity 150. The 12-gauge Defense Technology Drag Stabilized Bean Bag Round is a translucent 12-Guage shell loaded with a 40-Gram tear shaped bag made from cotton and ballistic material blend and filled with #9 shot. This design utilized four stabilizing tails and utilizes smokeless powder as a propellant. This round has a velocity of 270 feet per second (FPS) and a maximum effective range of 75 feet. This round proves most effective within

the range of 20 to 50 feet. Accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. This round is very accurate, however effectiveness depends on many variables, such as distance, clothing, stature, and the point of impact.

- b. Authorized Use – Situations for use of less lethal weapons systems may include, but are not limited to:
 - 1. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
 - 2. The suspect has made credible threats to harm him/herself or others.
 - 3. The suspect is engaged in riotous behavior such as throwing rocks, bottles or other dangerous projectiles at people and/or officers
 - 4. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful order
 - 5.
 - 6.
 - 7.
 - 8.
- c. Lifespan
 - a. Remington 870 Less Lethal Shotgun: 35 years
 - b. 12-gauge Defense Technology Drag Stabilized Bean Bag Round: 5 year warranty, but no listed expiration date
- d. Fiscal Impact – Annual Maintenance is approximately \$50 per shotgun.
- e. Training – Sworn Members of the Cotati Police Department utilizing the 12-Gauge Less Lethal Shotgun and munitions shall be trained in the use of such items by POST Certified Instructors.
- f. Legal and Procedural Rules – Use of the Less Lethal Shotguns and munitions is subject to the Policy 312 (Firearms), Policy 308.8 (Kinetic Energy Projectile Guidelines) and Policy 300 (De-escalation and Use of Force). It is the policy of the Cotati Police Department 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.

2. **Command and Control Vehicles:**

- a. Description, quantity, capabilities, and purchase cost
 - 1. 2007 DODGE COMMAND CARGO VAN, cost: \$76,208.04 obtained through a State Homeland Security Grant Program, quantity: 1. This van is an upfitted emergency response vehicle equipped with emergency lights and a siren. This van is available for other cities in Sonoma County as a designated Sonoma County Operational Area Command Vehicle.
- b. Purpose – This vehicle is to be made available for law enforcement purposes in order to support law enforcement response (Command and Control Center) at an incident.
- c. Authorized Use – Situations for use of this vehicle may include, but are not limited to:
 - 1. Planned Events
 - 2. Criminal Investigations
 - 3. Natural Disasters
 - 4. Active Threats

- d. Training – The Cotati Police Department has a trained member responsible for ensuring the van and all of the equipment inside are operational. There are no additional certifications or driver's license endorsements needed to drive the van.
- e. Lifespan – The van currently has 1,624 operational miles on the odometer and there are no current plans to replace the van.
- f. Fiscal Impact- Annual Cost of less than \$1,000.00 annually to include fuel and maintenance costs.
- g. Legal and Procedural Rules- Use of the van is subject to the requirements of Policy 704 (Vehicle Maintenance) and Policy 706 (Vehicle Use)

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.
- 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.

709.6 COORDINATION WITH OTHER JURISDICTIONS

On occasion, the Department may be required to assist other law enforcement agencies in a formal Law Enforcement Mutual Aid Request ("LEMA") or support with day-to-day operational collaboration (i.e., pursuits, investigative unit assistance, joint law enforcement operations, etc.). In certain mutual aid or operational collaboration circumstances, it may be necessary for sworn Department members to utilize military equipment in order to fulfill an assigned mission (i.e., civil unrest, SWAT requests,

barricaded suspects in a vehicle, etc.). In instances of mutual aid or law enforcement collaboration, the following shall apply:

a) Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the Department's Policy and Procedures Manual, regardless of operational jurisdiction.

b) Should the Police Department request mutual aid from another law enforcement agency within the City and military equipment is required during the course of the response, the following shall apply:

i. The Department will remain in charge of the overall incident command.

ii. The Incident Commander or designee will brief the supervisor from the assisting agency and inform them of the mission, enforcement posture, and any pertinent information related to the incident.

iii. The assisting agency will adhere to their respective policies and procedures, particularly those governing the use of military equipment.

iv. If the Incident Commander or their designee is informed of or witnesses tactics or use of equipment that are not in the best interest of the City, the Incident Commander may elect to cancel the request for mutual aid or re-assign the assisting agency to a different support mission.

709.7 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.

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.