

## Military Equipment

### 708.1 PURPOSE AND SCOPE

California Government Code § 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval. 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). This policy is provided to fulfill the obligations set forth in Assembly Bill 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, cataloging, and complaints regarding these items.

#### 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 and utilize a tracked system instead of a wheel for forward motion.
- 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, are specifically excluded from this subdivision.
- Firearms and ammunition of .50 caliber or greater.
- Ammunition of 50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- 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 weapons and ammunition of less than 50 caliber that are issued to officers, agents, or employees of a law enforcement agency or state agency.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.

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- "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- **The following projectile launch platforms and their associated munitions: 40 mm projectile launchers, "bean bag," rubber bullet, and specialty impact (SIM) weapons.**
- Any other equipment as determined by a governing body or a state agency to require additional oversight.
- Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

The bold items above are the current recognized specialized "military equipment" purchased and used by the King City Police Department.

#### **708.2 POLICY**

It is the policy of the King City Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

#### **708.3 MILITARY USE POLICY STATUTORY REQUIREMENTS**

California Government Code § 7070(d) describes a Military Use Equipment Policy as a publicly released, written document that includes, at a minimum the following:

- (a) 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.
- (b) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
- (c) 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.
- (d) The legal and procedural rules that govern each authorized use.
- (e) 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.
- (f) 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.

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- (g) 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.

#### **708.4 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 King City 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.

#### **708.5 MILITARY EQUIPMENT INVENTORY/ ANNUAL COSTS**

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

- (a) Skydio S2 Unmanned Aerial System (UAS); cost: \$2,999 each, quantity: (1) UAS with a single-color camera, weighs approx. 7.5 pounds and has video recording capabilities, approx. 30 minutes of flight time per battery.
  - 1. Purpose - To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
    - (a) major collision investigations.
    - (b) search for missing persons.
    - (c) natural disaster management.
    - (d) crime scene photography.

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- (e) public safety and life preservation missions.
  - (f) in response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
2. Authorized Use - Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
  3. Expected Life Span - All UAS equipment, 4-6 years.
  4. Fiscal Impact - Annual maintenance and battery replacement cost is approximately \$750.
  5. Training - All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour POST certified training and on going quarterly training.
  6. Legal and Procedural Rules - Use is established under Policy 708, FAA Regulation 14 CFR Part 107, and the King City Police Department UAS policy. It is the policy of the KCPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
- (b) Remington 870 Less Lethal Shotgun, cost: \$499, quantity: (4) 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.
1. 12-Gauge Deftech Beanbag Round, cost: \$5, quantity: 556. 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). Deftech 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 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 sock round 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 sock round is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
  2. Purpose - To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  3. Authorized Use - Situations for use of the less lethal weapon systems may include, but are not limited to:
    - (a) self-destructive, dangerous and/or combative individuals.
    - (b) riot/crowd control and civil unrest incidents.
    - (c) circumstances where a tactical advantage can be obtained.

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- (d) potentially vicious animals.
- (e) training exercises or approved demonstrations.
- 4. Expected Life Span - Remington 870 Less Lethal Shotgun- 25 years; DefTech Sock Round - No listed expiration date.
- 5. Fiscal Impact - Annual maintenance and training costs are approximately \$125 for each shotgun.
- 6. Training - All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training by POST certified instructors.
- 7. Legal and Procedural Rules - Use is established under Policy 708 and the King City Police Department Policy 300 and 308. It is the policy of the KCPD 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.

#### 708.5.1 PROPOSED MILITARY EQUIPMENT ACQUISITION / ANNUAL COSTS

The following constitutes a list of qualifying "military equipment" proposed for acquisition during FY2022-23 for the Department:

- (a) Skydio X2 Unmanned Aerial System (UAS); cost: \$14,499 each, quantity: (1) UAS with a color, infrared, and zoom camera, weighs approx. 15 pounds and has video recording capabilities, approx. 45 minutes of all-weather flight time per battery.
  - 1. Purpose - To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
    - (a) major collision investigations.
    - (b) search for missing persons.
    - (c) natural disaster management.
    - (d) crime scene photography.
    - (e) public safety and life preservation missions.
    - (f) in response to specific requests from local, state or federal fire authorities for fire response and/or prevention.
  - 2. Authorized Use - Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
  - 3. Expected Life Span - All UAS equipment, 4-6 years.
  - 4. Fiscal Impact - Annual maintenance and battery replacement cost is approximately \$750.
  - 5. Training - All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour POST certified training and ongoing quarterly training.
  - 6. Legal and Procedural Rules - Use is established under Policy 708, FAA Regulation 14 CFR Part 107, and the King City Police Department UAS policy.

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It is the policy of the KCPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

- (b) Remington 870 Less Lethal Shotgun, cost: \$499, quantity: (4) 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.
  - 1. Purpose - To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  - 2. Authorized Use - Situations for use of the less lethal weapon systems may include, but are not limited to:
    - (a) self-destructive, dangerous and/or combative individuals.
    - (b) riot/crowd control and civil unrest incidents.
    - (c) circumstances where a tactical advantage can be obtained.
    - (d) potentially vicious animals.
    - (e) training exercises or approved demonstrations.
  - 3. Expected Life Span - Remington 870 Less Lethal Shotgun- 25 years; DefTech Sock Round - No listed expiration date.
  - 4. Fiscal Impact - Annual maintenance and training costs are approximately \$125 for each shotgun.
  - 5. Training - All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training by POST certified instructors.
- (c) Legal and Procedural Rules - Use is established under Policy 708 and the King City Police Department Policy 300 and 308.
- (d) It is the policy of the KCPD 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.

#### **708.6 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.

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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 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.

The Chief of Police has authority to apply for funding prior to obtaining council approval in the case of exigent circumstances. The Department shall obtain council approval as soon as practicable.

#### **708.7 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.

#### **708.8 ANNUAL REPORT**

The Chief of Police or the authorized designee shall 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 (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.

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.

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6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

#### **708.9 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.

#### **708.10 COMPLIANCE**

The King City Police Department is committed to responding to complaints, concerns, and questions received in a timely manner. Members of the public wishing to make a complaint, ask a question or express a concern can do so by any of the following means:

1. Via email to: [kingcitypolice@kingcity.com](mailto:kingcitypolice@kingcity.com)
2. Via phone call to: 831-385-4848
3. Via mail sent to: King City Police Department 415 Bassett Street, King City, CA 93930
4. Via in person by responding to the above address