

## Governing Body Specific Equipment Approval

### 705.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of California Government Code defined military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 705.1.1 DEFINITIONS

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

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

California Government Code defined "Military Equipment" – Includes but is not limited to the following:

- (a) Unmanned, remotely piloted, powered aerial or ground vehicles
- (b) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers
- (c) 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
- (d) Tracked armored vehicles that provide ballistic protection to their occupants
- (e) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
- (f) Weaponized aircraft, vessels, or vehicles of any kind
- (g) Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram
- (h) Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition
- (i) 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
- (j) Any firearm or firearm accessory that is designed to launch explosive projectiles
- (k) Noise-flash diversionary devices and explosive breaching tools
- (l) Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray
- (m) TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs)
- (n) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag", rubber bullet, and specialty impact munition (SIM) weapons
- (o) Any other equipment as determined by a governing body or a state agency to require additional oversight

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NOTE: For purposes of this policy, "Governing Body Specific" and "Military" are interchangeable terms sharing precisely the same definition.

### **705.2 POLICY**

It is the policy of the Sebastopol Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military/governing body specific equipment.

### **705.3 SPECIFIC EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the specific equipment coordinator. The responsibilities of the specific 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, or is defined 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 equipment defined as military per the California Government Code or requiring additional oversight by council direction, at least annually
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Sebastopol 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.

### **705.4 SPECIFIC EQUIPMENT INVENTORY**

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

Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge drag stabilized beanbag round.

- (a) Description, quantity, capabilities, and purchase cost:
  - i. REMINGTON 870 LESS LETHAL SHOTGUN:

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- (a) Cost: approximately \$500
  - (b) Quantity: 6 (Previously purchased and in department inventory) The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Drag Stabilized 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.
- ii. DEFENSE TECHNOLOGY PART #3027 DRAG STABILIZED 12 GA. BEANBAG ROUND:
- (a) Cost: approximately \$6 per round
  - (b) Quantity: approximately 95
  - (c) PRODUCT SPECIFICATIONS:
    - A. Diameter: 12-Gauge
    - B. Length: 2.50 in / 6.3 cm
    - C. Projectile Count: 1
    - D. Velocity: 270 fps / 82 mps
    - E. Minimum Safe Range: 20 ft / 6.1 m
    - F. Maximum Effective Range: 75 ft / 22.9 m
  - (d) PROJECTILE SPECIFICATIONS:
    - A. Material: Tear-shaped bag with tails filled with #9 shot
    - B. Length: 5.00 in / 12.7 cm
    - C. Weight: 1.43 oz / 40 g
    - D. Beanbag rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by blue furniture. This round provides accurate and effective performance when fired from the approved distance of not fewer than 20 feet. The maximum effective range of this munition is up to 75 feet from the target.
- (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:
- 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

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- (d) Lifespan: Remington 870 Less Lethal Shotgun- 25 years Drag stabilized beanbag round- No listed expiration date (5-year warranty)
- (e) Fiscal Impact: Annual training requires the replenishment of our existing munitions inventory due to expending the existing inventory during the training. Approximately \$750 per year.
- (f) Training: All officers are trained in the 12-gauge less lethal shotgun as a less lethal option by in-service training. Officers will receive annual training which should include practice firing of the munitions to maintain familiarity and accuracy.
- (g) Legal and Procedural Rules: It is the policy of the Sebastopol Police Department to utilize the less-lethal shotgun only for official law enforcement purposes, in accordance with departmental policies and pursuant to State and Federal law, including those regarding the use of force.

#### **705.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the governing body specific equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed governing body specific 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/governing body specific equipment made available pursuant to 10 USC § 2576a
- (b) Seeking funds for military/governing body specific 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/governing body specific 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/governing body specific equipment within the jurisdiction of this department
- (e) Using any new or existing military/governing body specific 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/governing body specific equipment
- (g) Acquiring military/governing body specific equipment through any means not provided above.

#### **705.6 COORDINATION WITH OTHER JURISDICTIONS**

Governing body specific equipment or military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military/governing body

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specific used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military/governing body specific equipment use policies in rendering mutual aid.

### **705.7 USE IN EXIGENT CIRCUMSTANCES**

In exigent circumstances and with the approval of the Chief of Police or designee, military/governing body specific equipment may be deployed from outside entities to promote the safety and security of community members. If the Police Department acquires, borrows, or uses military/governing body specific equipment in exigent circumstances, it will provide written notification of the acquisition or use to the City Council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.

### **705.8 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.

### **705.9 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.