

# Military Equipment

## 707.1 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).

### 707.1.1 DEFINITIONS

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

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

**Exigent Circumstance** - A good faith belief by the Police Chief or designee that an emergency involving the danger or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

**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.

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- Any other equipment as determined by a governing body or a state agency to require additional oversight.

#### **707.2 POLICY**

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

#### **707.3 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 Vernon 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.

#### **707.4 MILITARY EQUIPMENT INVENTORY**

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

**Mobile Incident Command Vehicle (MIC):** Area E Command Post (custom built Class A) vehicle. A vehicle used as a mobile office to provide a centralized shelter, access to Department computer systems, and restroom facilities during extended 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: Only officers trained in the deployment and operations of the MIC are authorized to operate it. Situations in which the MIC is authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.

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

- The DJI Mavic 3 Thermal (M3T) is an all-in-one, quick-to-deploy commercial and enterprise UAS designed for public safety, weighing approximately 920 grams. The M3T features a zoom camera, thermal sensor, and speaker.
- The DJI Avata 2 is a compact commercial UAS designed for first responders, weighing approximately 377 grams. Flight times are up to 23 minutes. The Avata 2 features a spotlight that makes it easier to navigate in tight spaces during interior building searches.
- Purpose: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
  - Major collision investigations
  - Search for missing persons
  - Natural disaster management
  - Crime scene photography
  - Tactical or public safety and life preservation missions
  - In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention
- Authorized Use: Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions. All other applicable VPD policies remain in effect, including, but not limited to the VPD Unmanned Aerial System Operations policy.

**40 mm Launchers and Rounds:** 40 mm Launchers are utilized by Department personnel as a less lethal tool to launch impact rounds or to deploy chemical agents.

- 40 mm Single Shot Launcher, is a tactical single shot launcher which will launch a 40 mm less lethal round or deliver chemical agents.
- 40 mm Exact Impact Sponge, is a less lethal 40 mm lightweight plastic and foam projectile fired from a 40 mm launcher.
- 40 mm Exact Impact Marking Round is a less lethal 40 mm lightweight plastic and crushable foam projectile fired from a single 40 mm launcher. It delivers a marking agent upon impact.
- Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:
  - Self-destructive, dangerous and/or combative individuals
  - Riot control and civil unrest incidents
  - Potentially vicious animals
  - Training exercises or approved demonstrations.

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- Authorized Use: Only assigned operators who have completed the required POST training shall be permitted to deploy the 40mm or the chemical agents.

**Less Lethal Shotgun:** The less lethal shotgun is a 12-gauge shotgun that has been designated by an orange stock to be used to deploy the less lethal 12-gauge drag stabilized bean bag round.

- Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. 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.
- Authorized Use: All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training.

#### **Specialized Firearms and Ammunition:**

- Patrol Rifle: A rifle that fires a 5.56 mm or .223 caliber cartridge. The Vernon Police Department utilizes an approximate 11.5-inch barrel. The 11.5-inch short-barreled rifle allows a trained officer better control inside of structures, which allows the officer to have greater accuracy than a handgun.
- Colt 9 mm Pistol caliber Carbine (PCC): A 9 mm PCC is primarily used for training.
- .223 caliber/5.56MM rifle rounds, 9 mm Luger, .40 Smith and Wesson, .45 Automatic, .38 caliber, handgun rounds, and double 00 buck: The Vernon Police Department utilizes only new, commercially produced ammunition. Full Metal Jacket bullets are used specifically for range practice which also reduces fouling in the firearm. Duty ammunition is a specially designed hollow-point tip to have controlled expansion to limit over penetration.
- Patrol Rifle Suppressors: A patrol rifle suppressor is designed to reduce the decibel level of the rifle to protect the hearing of the user and anyone near the use of the rifle.
- 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 Department certified are authorized to use a patrol rifle. Prior to using a patrol rifle, officers must be certified by Department range instructors in the operation of the firearm. Additionally, all members that operate any patrol rifle are required to pass a range qualification quarterly. Officers will only use departmental approved duty ammunition.

**PepperBall Launcher:** A device that discharges irritant projectiles.

- The PepperBall Launcher is a compressed-air powered launcher designed to fire less lethal PepperBall projectiles. The PepperBall launcher is a hopper fed device.

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- PepperBall Projectile. The PepperBall projectile contains a concentrated amount of PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces.
- Purpose: To limit the escalation of conflict where deployment of lethal force is prohibited or undesirable. Situations for the 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.
- Authorized Use: Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers.

#### **707.5 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.*

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### **707.6 USE IN EXIGENT CIRCUMSTANCES**

In exigent circumstances and with the approval of the Chief of Police or his/her designee, the Department may acquire, borrow and/or use Military Equipment that is not included in the Military Equipment Use Policy.

If the Police Department acquires, borrows, and/or uses Military Equipment in an Exigent Circumstance, in accordance with this section, it must take all of the following actions:

- Provide written notice of that 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.
- If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
- Include the Military Equipment in the Department's next annual Military Equipment Report.

### **707.7 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.

Military equipment deployed or used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies when rendering assistance. Situations may arise where Vernon Police Department may deploy or use military equipment owned by other law enforcement agencies.

If the Department is in another jurisdiction under mutual aid or operational collaboration circumstances, Department members are required to adhere to the City of Vernon's Military Equipment Use Policy and all applicable Department policies and procedures, regardless of operational jurisdiction.

### **707.8 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.

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#### **707.9 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.

#### **707.10 COMPLIANCE PROCEDURE**

The Administration Lieutenant will ensure that all Department members comply with this policy. The Administrative Lieutenant will conduct an annual audit with the assistance of the Department's Training Division. The Chief of Police or designee will be notified of any policy violations, and, if needed, the violation(s) will be referred to the Professional Standards Bureau and handled in accordance with VPD Policy 1009 (Personnel Complaints).

Any member of the public can register a complaint, question or concern regarding military use equipment by contacting the Vernon Police Department's Administration via email at [PDadmin@covpd.org](mailto:PDadmin@covpd.org). A response to the question or concern shall be completed by the Department in a timely manner.