

## Military Equipment

### 708.1 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).

#### 708.1.1 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:

- 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 and ammunition issued to officers.
- 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.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### **708.2 POLICY**

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

### **708.3 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 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 by the California Government Code or requiring additional oversight by Council directions at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Moraga 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.

### **708.4 MILITARY EQUIPMENT INVENTORY**

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

See Attachment A

### **708.5 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

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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.

### **708.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with the Department policy. Military equipment used by other jurisdictions that are providing mutual aid or emergency assistance to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid or assistance.

### **708.7 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.

### **708.8 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.

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### **708.9 POLICY COMPLIANCE**

Complaints regarding violations of this policy are subject to investigation and discipline in accordance with policies of the Department related to officer discipline.

### **708.10 PUBLIC CONCERNS**

Complaints related to this policy may be submitted by members of the public in accordance with Policy Section 1020. Complaints regarding violations of this policy are subject to investigation and discipline in accordance with policies of the Department related to officer discipline. Questions related to the use of specific military equipment may be submitted during the community engagement process or in accordance with the California Public Records Act (Government Code Section 6250, et. seq.).

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Policy 708 – Military Equipment

Attachment A – List of Equipment

Less Lethal Shotgun and Bean Bag Rounds.– the less lethal shotgun is used to deploy the less lethal 12-gauge Drag Stabilized Bean Bag Round.

Description, quantity, capabilities, and purchase cost

- A. Remington Model 870 Less Lethal Shotgun. Cost - \$500. Quantity – 3. The Remington Model 870 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.
  
- B. 12-GAUGE SUPER-SOCK BEANBAG ROUND, cost \$7. Quantity – 80. 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 fps. CRS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguished by an orange butt stock and foregrip. This round provides accurate and effective performance when fired from an 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 distance to unfold or stabilize. The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environment conditions and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the location where the projectile impacts.

Purpose

The purpose of this less lethal equipment is to limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Authorized Use

Situations for use of the less lethal weapon system may include, but are not limited to self-destructive, dangerous and/or combative individuals; circumstances where a tactical advantage can be obtained; potentially vicious animals; and training exercises.

Lifespan

The lifespan of the Remington Model 870 shotgun is approximately 25 years. There is no listed expiration date for the Super-Sock beanbag round.

### Fiscal Impact

The annual maintenance costs are approximately \$50 per weapon.

### Training

All officers are trained in the use of the 12 gauge less lethal shotgun as a less lethal option during in-service training that is conducted either by in-house instructors or outside training courses.

### Legal and Procedural Rules

The use of the less lethal 12-gauge shotgun is established under Policy Manual Sections 300 & 308. It is the policy of the Moraga 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.