

REPORT TO CITY COUNCIL

Approved by:

Dino Lawson, Chief of Police

Arnoldo Rodriguez, City Manager

Council Meeting of: June 7, 2023

Agenda Number: B-6

SUBJECT:

Annual review and report on Madera Police Department Military Equipment Use

RECOMMENDATION:

1. Receive and file the Police Department's Annual Military Equipment Use Report from January 1, 2022 through December 31, 2022
2. Adopt a Minute Order affirming the City's Military Equipment Use Ordinance 994 C.S. and related Madera Police Department Policy 709

SUMMARY:

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (AB 481), relating to the use of military equipment by law enforcement agencies. AB 481 is codified per Government Code sections 7070 through 7075. To comply with the provisions of AB 481, the City Council (Council) adopted an Ordinance approving the Police Department's Military Equipment Use Policy. The Policy contains guidelines for the funding, acquisition, or use of military equipment and provides detailed information, including definitions, the approval process, community engagement responsibilities, and required reporting.

Government Code section 7072 requires an annual review of the Police Department's Military Equipment Use Policy. Government Code section 7071 requires that the Council also review the ordinance itself annually and decide whether to "renew" it. Additionally, Government Code Section 7072 provides that within 30 days of submitting and publicly releasing an annual military equipment report, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment. The Annual Report, ordinance, and policy are attached as Exhibits A, B, and C, respectively.

DISCUSSION:

Under California law, the Department of General Services is authorized to accept and distribute federal surplus items, including arms and ammunition, from the United States Department of Defense. Such items, referred to as “military equipment,” form the basis of this report. 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
- 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

Under the provisions of the Government Code, law enforcement agencies must ensure their agency (the City) has an adopted ordinance affirming a policy for the use of military equipment prior to taking actions relating to funding, acquisition, or use of said equipment. Additionally, the governing body (City Council) must annually review the adopted ordinance and policy, making a determination to renew, not renew, or modify the ordinance and policy.

At its June 15, 2022, meeting, Council adopted Ordinance 994 C.S. adopting Madera Police

Department Policy No. 709 Military Equipment Use Policy to comply with the provisions of AB 481. The policy's purpose is to provide guidelines surrounding the approval, acquisition, and reporting requirements of military equipment in compliance with the Government Code requirements enacted by AB 481. In addition to requiring proper approval for acquiring such equipment, agencies must submit annual reports that provide the following information. The ordinance is furnished as Exhibit B to this report, and the policy can be found in Exhibit C.

- A summary of how the military equipment was used and the purpose of its use
- A summary of any complaints or concerns received concerning the military equipment
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response
- 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 the report
- The quantity possessed for each type of military equipment
- The quantity sought for each type of military equipment that the law enforcement agency seeks to acquire in the next year

The draft 2022 Annual Military Equipment Use Report is attached as Exhibit A. If the Annual Report is accepted, Madera Police Department will schedule a well-publicized and conveniently located community engagement meeting in compliance with Government Code §7072(b) to allow the public an opportunity to discuss and ask questions about the report.

Madera Police Department has reviewed Policy No. 709 and is not recommending any changes at this time. Additionally, there are no required or recommended changes to Ordinance 994 C.S. adopting said policy.

FINANCIAL IMPACT:

The requested action is to affirm administrative documents related to a law enforcement program. Any expenditures to obtain, maintain, or train on applicable military equipment are captured in the City's annual operating budget each year. The administrative cost of producing the 2022 Annual Military Equipment Use Report and conducting the subsequent community meeting is captured in the existing budget.

ALTERNATIVES:

Upon review of the ordinance, Council may propose an amendment be made to the existing ordinance. Moreover, Council can reject the Annual Report and request additional information be added prior to approval.

ATTACHMENTS:

1. 2022 Annual Military Equipment Use Report

2. Military Equipment Use Policy Ordinance
3. Madera Police Department Military Equipment Policy 709



MADERA POLICE DEPARTMENT

Dino Lawson
Chief of Police

MADERA POLICE DEPARTMENT

Annual Military Equipment Use Report

January 1, 2022 - December 31, 2022

Annual Military Equipment Use Report

On September 30, 2021, California Governor Gavin Newsom approved Assembly Bill 481, requiring law enforcement agencies to obtain approval from the applicable governing body, by adoption of a military equipment use policy. On June 15, 2022, the City Council adopted Ordinance No. 994 C.S., regarding the City's Equipment Use Policy. Per AB 481, the Madera Police Department is required to submit to the City Council and Annual Military Equipment Use Report and to seek approval of their military equipment use policy at a regular open meeting prior to taking certain actions relating to the funding, acquisition, and use of military equipment.

Assembly Bill 481 allows the governing body to approve the funding, acquisition, and use of military equipment within its jurisdiction, only if it determines that the military equipment meets specified standards. The military equipment use policy is subject to the City Council review to determine whether the standards set forth in Assembly Bill 481 have been met, based upon annual military equipment use report.

Finally, assembly Bill 481 requires publication of military equipment use policy and the annual military equipment use report on the department's website.

Assembly Bill 481

California Government Code section 7072 states the following:

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(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.

(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.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

In addition to maintaining the highest levels of public safety, the Madera Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following Annual Military Equipment Use Report in accordance with annual reporting requirements set forth in California Government Code section 7072.

This Report outlines the military equipment usage from January 1 to December 31, 2022. Certain items of military equipment, particularly consumables (ammunition, diversionary devices, pepper balls, chemical agents, etc.) are used throughout the year on a regular basis for training to maintain proficiency. Training usage is not captured in this section. This section only provides data for the operational use of military equipment listed within this Annual Military Equipment Use Report.

Outreach and Community Engagement

The Madera Police Department is committed to improving the trust and confidence between the Police and the community it serves. The Madera Police Department utilizes select military equipment, including UAS, the Mobile Command Vehicle, during outreach and community events, as a means of public awareness, transparency, and education. Military equipment may also be displayed during community events as a means of providing a safe environment for the public to enjoy.

This Annual Military Equipment Use Report outlines a summary of military equipment usage guidelines, inventory, fiscal impact, complaints, and reported concerns from January 1, 2022, through December 31, 2022.

The following is the data for Military Equipment Use by category:

Unmanned Aircraft System (UAS)

Unmanned Aircraft Systems were utilized a total of seventeen (17) times from January 1, 2022, through December 31, 2022.

Authorized usages:

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- search for missing persons.
- natural disaster management.
- Crime/Accident scene photography.
- SWAT, tactical or other public safety and life preservation missions.
- In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Robots

Robots were utilized zero (0) times from January 1, 2022, through December 31, 2022.

Authorized usages:

- To be used to remotely gain visual/audio data
- Delivery of items (i.e., CNT phone) during critical incidents to engage in de-escalation and/or crisis intervention techniques in an attempt to resolve incidents peacefully
- To visually clear buildings

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Mobile Incident Command Vehicle

The Mobile Command Vehicle was utilized a total of five (5) times from January 1, 2022, through December 31, 2022.

Authorized usages:

- To be used based on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Breaching Equipment

The breaching equipment were utilized zero (0) times between January 1, 2022, through December 31, 2022.

Authorized usages:

- To safely and quickly gain entry into a structure.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Chemical Agent and Smoke Canisters

Chemical Agents and Smoke Canisters were utilized zero (0) times between January 1, 2022, through December 31, 2022.

Authorized usages:

- To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the chemical agents 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.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

40MM Launcher and Rounds

The 40MM was used zero (0) times between January 1, 2022, through December 31, 2022.

Authorized usages:

- 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.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Less Lethal Launcher

Less Lethal launcher was utilized during zero (0) calls for service between January 1, 2022, through December 31, 2022.

Authorized usages:

- To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- 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.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Inventory by Equipment Type

January 1, 2022, through December 31, 2022

Note: The inventory of certain items of consumable military equipment (i.e. ammunition, diversionary devices, chemical agents, etc.) frequently fluctuates throughout the year due to operational usage, training usage, operational wear, and/or manufacturer recommended replacement guidelines. While the Madera Police Department strives to provide accuracy in its inventory reporting, this report reflects approximations of certain consumable items of military equipment during the time period listed above.

Unmanned Aircraft System (UAS)	
Equipment Name and Model/Manufacturer	Quantity
DJI Air S2	3

Robots	
Equipment Name and Model/Manufacturer	Quantity
Avatar III	1

Mobile Incident Command Vehicles	
Equipment Name and Model/Manufacturer	Quantity
28-foot-long, two-axle, bumper pulled Mobile Command Trailer	1

Breaching Equipment	
Equipment Name and Model/Manufacturer	Quantity
Remington 870 breaching shotgun	2
CTS 12 gauge breaching munition	10
Royal Arms 12-gauge Flash Bang Cartridge	81

Chemical Agent and Smoke Canisters	
Equipment Name and Model/Manufacturer	Quantity
Defense Technology Flameless Smoke Grenade #1027	100 canisters

Defense Technology Riot Continuous CS Grenade, #1082	6 canisters
Defense Technology Flameless CS Grenade, #1026	3 canisters
Defense Technology Blast OC, #1040	2 canisters

40MM Launcher and Rounds	
Equipment Name and Model/Manufacturer	Quantity
Defense Technology, 40MM multi-launcher	2
Defense Technology 40MM Spede-Heat CS, #6182	3 rounds
Defense Technology 40MM Spede-Heat smoke, #6183	6 rounds
Defense Technology 40MM Stinger .60ca rubber ball, #6097	20 rounds

Less Lethal Shotgun	
Equipment Name and Model/Manufacturer	Quantity
Remington 870 Less-Lethal shotgun	25
Safariland 12-gauge Super-Sock, #3027	234 rounds

Fiscal Impact Calendar Year 2022

Unmanned Aircraft System (UAS)- Combined purchase of 3 drones with extra batteries and accessories \$6,000.

Robot- No maintenance in 2022.

Mobile Incident Command Vehicles- Combined annual maintenance of approximately \$4000.

Breaching Equipment- No maintenance in 2022.

Chemical Agent and Smoke Canisters- No annual maintenance.

40MM Launcher and Rounds- No maintenance in 2022.

Less Lethal Shotgun- No maintenance in 2022.

Training Costs

Calendar Year 2022 - Military Equipment Use Training Costs

The use of certain items of military equipment and related special tactics are perishable skills that require ongoing training to maintain proficiency. The courses attended by deputies can vary year to year depending on operational need. Funding sources for training are from the existing budget.

The following are training classes attended by officers in 2022 and associated costs related to military equipment covered in the annual equipment report:

UAS Drone Training

Course Presenter: 21 CLETS UAS

Course Content: This course provides training for police personnel to comply with FAA regulations to provide instruction/training in drone use by public safety. This course includes a review of use of force and related agency policies, deployment techniques, use of protective mask, use of chemical munitions, decontamination/care, instruction techniques, and various scenario exercises. This course provides updated legislative content of Penal Code Section 835a.

Cost: \$1274.68/per person (1 professional staff - existing police budget)

UAS Drone Certification

Test Company: PSI True Talent

Details: FAA testing and certification

Cost: \$175/per person (2 officers-existing police budget)

Maintenance Costs**Maintenance of Military Equipment Supply Levels**

The Department may order up to 25% of the existing inventory of consumable items on this list in a calendar year, without Board approval, in order to maintain a stock available for Department needs. Consumable items include:

- a. Breaching rounds
- b. Chemical agents and smoke canisters
- c. 40MM munitions
- d. Less-lethal 12-gauge rounds

Summary of Complaints or Concerns:

None.

Violations of Equipment Use Policy:

None.

ORDINANCE NO. 994 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MADERA ADDING CHAPTER 16 TO TITLE III OF THE MADERA
CITY CODE RELATING TO ADOPTION OF A MILITARY
EQUIPMENT USE POLICY**

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 16 is added to Title III of the Madera Municipal Code to read as follows:

**CHAPTER 16
Military Equipment Use Policy**

- 3-16.01 Title of Ordinance.**
- 3-16.02 Findings.**
- 3-16.03 Determinations.**

Section 3.16.01 Title of Ordinance

This chapter shall be titled “Military Equipment Use Policy.”

Section 3.16.02 Findings.

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.
- B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070.
- C. Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.
- D. The proposed Military Equipment Use Policy is found within Madera Police Department Policy Section 709.
- E. The Military Equipment Use Policy as set forth in Madera Police Department Manual Section 709 was published on the Madera Police Department’s internet website on April 21, 2022. The Madera Police Department Policy Section 709 was presented to City Council on April 21, 2022.

- F. The Military Equipment Use Policy as set forth in Department Policy Section 709 meets the requirements of California Government Code section 7070, subdivision (d).

Section 3-16.03. Determinations.

Based on the findings above, in addition to information provided to the City Council at the public hearing, the City Council determines as follows:

- A. The military equipment identified in Madera Police Policy 709 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
- B. The Military Equipment Use Policy as set forth in Madera Police Manual 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. The military equipment identified as Madera Police Manual 709 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. The Military Equipment Use Policy as set forth in Madera Police Manual 709 is approved and adopted.
- E. A copy of the Madera Police Manual 709 may be obtained from the Madera Police Department or the City Clerk.

SECTION 2. CEQA. The City Council finds and determines that this ordinance is not a "project" for the purposes of the California Environmental Quality Act (CEQA), as the ordinance does not have the potential for resulting in either a direct physical change in the environment, or a reasonably indirect physical change in the environment. Instead, the ordinance merely provides a procedural mechanism for enforcing the City's Municipal Code and abating nuisances so as to promote public health, safety, and welfare. As such, the adoption of this ordinance is not subject to CEQA.

SECTION 3. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 4. Publication. The City Clerk is authorized to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation in the City of Madera, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

(Certification on next page)

The foregoing Ordinance No. 994 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 1st day of June 2022 and adopted after a second reading at a regular meeting of the City Council held on 15th day of June 2022 by the following vote:

AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.

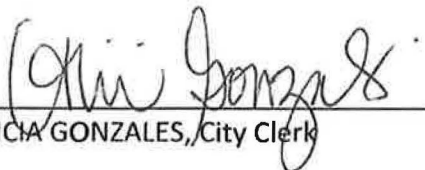
ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



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 Madera Police 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.
- 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.

Military Equipment

709.2 POLICY

It is the policy of the Madera Police Department (MPD) 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 Madera 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 list set forth in Attachment A is the list of qualifying equipment for the Department:

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):

Military Equipment

- (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

Military equipment used by any member of this department shall be approved for use and in accordance with this department policy. Military equipment used by other jurisdictions that are providing mutual aid to this department, or operating in conjunction with this department, shall comply with their respective military equipment use policies in rendering mutual aid.

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.

Military Equipment

709.9 MAINTENANCE OF MILITARY EQUIPMENT SUPPLY LEVELS

The Department may order up to 25% of the existing inventory of consumable items in this list in a calendar year, without city council approval, to maintain a stock available for Department needs. MPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the Chief of Police or designee. Consumable items include:

- a. Breaching rounds
- b. Distraction devices
- c. Chemical agents and smoke canisters
- d. 40MM munitions
- e. Less-lethal 12-gauge rounds

ATTACHMENT A TO POLICY 709 MILITARY EQUIPMENT SECTION 709.4

SECTION ONE: Qualifying Equipment Owned/Utilized by the Madera Police Department.

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.
 - a. Description, quantity, capabilities, and purchase cost of current UAS:
 - i. DJI Air S2, cost \$1,500 each, quantity 3. Miniature UAS that weighs approximately 595 grams and can record video and obtain digital images with approximately 31 minutes of flight time.
 - b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

 - i. Search for missing persons.
 - ii. Natural disaster management.
 - iii. Crime/Accident scene photography.
 - iv. SWAT, tactical or other public safety and life preservation missions.
 - v. In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.
 - c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate UASs during approved missions.
 - d. Expected Life Span

All UAS equipment, 3-5 years.
 - e. Fiscal Impact

Combined annual maintenance and battery replacement cost for all UASs is approximately \$1,000.
 - f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend quarterly department training.
 - g. Legal and Procedural Rules

Use is established under FAA Regulation 14 CFR Part 107, and the MPD UAS policy. It is the policy of the MPD 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.

2. **Robots:** Unmanned machine operating on the ground utilized to enhance the safety to the community and officers.

a. Description, quantity, capabilities, and purchase cost

- i. Avatar III, cost: \$90,000 each, quantity: 1. The Avatar III is a rugged, heavy-duty tactical robot that allows personnel to remotely inspect dangerous situations safely and quickly. It has stair climbing ability and an arm capable of lifting 65lbs. The Avatar III also offers microphones, speakers, and cameras for communications, and can deliver small items into unsafe environments.

b. Purpose

To be used to remotely gain visual/audio data, deliver hostage negotiator phone, open doors, disrupt packages, and visually clear buildings.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the robot identified at section 2(a)(i). Use is established by the Investigations Lieutenant and/or Incident Commander.

d. Expected Life Span

15 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$250.

f. Training

All robot operators complete annual basic operator training to operate the robot identified at sections 2(a)(i).

g. Legal and Procedural Rules

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

3. **Mobile Incident Command Vehicle:** A mobile office that provides shelter, access to Police Department computer systems, and incident briefing room for extended events.

a. Description, quantity, capabilities, and purchase cost

- i. 2009 Wells Cargo- model EW2824W. 28-foot-long, two-axle, bumper pulled Mobile Command Trailer, cost \$41,000, quantity 1. The interior of the trailer provides three workstations with computers and mobile radios. The trailer has

a small refrigerator, microwave, and climate control unit.

b. 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.

c. Authorized Use

The Mobile Command Center (MCC) shall be used by Officers / Volunteers trained in their deployment and in a manner consistent with Department policy and training. Furthermore, only Officers / Volunteers who are properly licensed and have completed a driver's training program will be allowed to drive the MCC.

d. Lifespan

20 years with IT upgrades every 5 – 7 years.

e. Fiscal Impact

Annual maintenance cost is approximately \$2,050.

f. Training

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course.

g. Legal and Procedural Rules

It is the policy of the MPD to use the MCC only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

4. **Breaching Equipment:** Tools that are used to breach doors or glass by use of slugs or explosives.

a. Description, quantity, capabilities, and purchase cost

- i. Remington 870 breaching shotgun, cost: \$500, quantity 2. This weapon allows for breachers to utilize shotgun breaching rounds in order to defeat deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gasses to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round.

- ii. CTS 12-gauge breaching munition, #2570, cost \$7 each, quantity 10. The round is fired from a breaching shotgun and is used to disrupt locking mechanisms and hinges, defeat and breach external and internal doors.
- iii. Royal Arms Flash Bang Cartridge FBC (Red Cap), cost: \$7.50, quantity: 81, This cartridge is used with the breaching shotgun for diversionary, disorientation, breaching, and crowd control. The round is designed to breach solid wood doors, sliders, and car windows.

b. Purpose

To gain entry safely and quickly into a structure.

c. Authorized Use

Breaching with 12-gauge rounds may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Lifespan

Breaching shotgun – 25 years

Breaching rounds – 5 years

e. Fiscal Impact

Annual maintenance is approximately \$500.

f. Training

All Officers who use breaching rounds shall be certified by a POST instructor in the use of breaching rounds and equipment.

g. Legal and Procedural Rules

It is the policy of the MPD to utilize breaching equipment only for official law enforcement purposes, and pursuant to State and Federal law.

5. **Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

a. Description, quantity, capabilities, and purchase cost

- i. Defense Technology, Flameless Tri-Chamber SAF Smoke Grenade, #1027, cost \$43 each, quantity 100. The Tri-chamber flameless smoke grenade will deliver .70 oz of agent during a 20-25 second burn time. It can be used in crowd control as well as tactical deployment situations but was designed with a barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. It provides the option of delivering indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.

- ii. Defense Technology, Riot Control Continuous Discharge Grenade, CS, #1082, cost \$27, quantity 6. The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload through four gas ports located on top of the canister. It can be used to conceal tactical movement or to route a crowd. The launchable grenade holds 2.7 oz of active agent.
- iii. Defense Technology, Flameless Tri-Chamber CS Grenade, #1026, cost \$45 each, quantity 3. The Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. It is designed primarily for indoor tactical situation to detect and/or dislodge a barricaded subject. The grenade will deliver .70 oz of agent during its 20-25 seconds burn time. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfit, and/or incapacitation of potentially violent or dangerous subjects.
- iv. Defense Technology, Instantaneous Blast OC #1040, cost \$27, quantity 2. The Instantaneous Blast OC grenade is designed for indoor or outdoor use; this grenade's powder is expelled upon initiation of a small internal detonator that has sufficient force to split the canister at six machined grooves on the outside surface. This device is well suited for affecting numerous subjects grouped in an area, using wind to the advantage. It will deliver 1.5 oz of active agent.

b. Purpose

To limit the escalation of conflict and minimize the use of more serious force options. Situations for use of the chemical agents' 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.

c. Authorized Use

Only Officers who have received POST certification in the use chemical agents are authorized to use chemical agents.

d. Training

Officers utilizing chemical agent canisters are certified by POST in the use of less lethal and chemical agents instructors.

e. Lifespan

5 years from manufacturing date.

f. Fiscal Impact

No annual maintenance.

g. Legal and Procedural Rules

It is the policy of the MPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

6. **40MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds and chemical munitions.

a. Description, quantity, capabilities, and purchase cost:

- i. Defense Technology, 40MM tactical 4 shot launcher, #1440, quantity 2, cost \$2500 each. The 40MM multi launcher is a multi-shot pump action launcher that features an adjustable stock, integrated front grip, and an accessory rail. It features a revolving cylinder that will hold four rounds and will fire standard 40MM less lethal ammunition up to 4.8 inches in cartridge length.
- ii. Defense Technology Spede-Heat 40MM long-range, CS, #6182, cost \$30 each, quantity 3. The Spede-Heat CS long-range munitions delivers one chemical canister of CS agent from a 40MM launcher down range up to 150 yards. The pyrotechnic round is designed specifically for outdoor use in crowd control situations.
- iii. Defense Technology Spede-Heat 40MM long-range round, SAF Smoke #6183, cost \$27 each, quantity 6. The Spede-Heat SAF Smoke munitions deliver one chemical canister of SAF-smoke down range up to 150 yards. The round is designed for outdoor use in crowd control situations with a continuous burn that expels its payload in 20-40 seconds from a single source.
- iv. Defense Technology Stinger 40MM .60 caliber rubber ball round, #6097, cost \$28 each, quantity 20. The Stinger 40MM .60 caliber round is most widely used as a crowd management tool by law enforcement. The round contains approximately eighteen .60 caliber rubber balls. It utilizes smokeless powder as the propellants. The round is generally deployed in low trajectories or skip fired in the general direction (non-target specific) of the intended targets. It is suitable for administering a means of pain compliance over a distance of 15-40 feet with non-compliant crowds.

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.

d. Training

Officers utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agents' instructors.

e. Lifespan

40MM Launchers - 15 years.

40MM munitions - 5 years.

f. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

g. Legal and Procedural Rules

It is the policy of MPD to utilize the 40mm equipment only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

7. **Less Lethal Launcher:** A Less Lethal Launcher is used to deploy the less lethal 12-gauge rounds.

a. Description, quantity, capabilities, and purchase cost

- i. Remington 870 Less Lethal Launcher, cost \$950 each, quantity: 25. Used to deploy less lethal impact munitions. The stock and pump grip of the launcher are bright orange in color to indicate it's use as less lethal.
- ii. 12-gauge Safariland drag stabilized beanbag round, #3027, cost: \$5, quantity 234. A less lethal 12-gauge round that launches a ballistic fiber bag filled with 40 grams of lead shot. The effective range of this munition is at least 20 feet up to 75 feet from the target. It does not require a minimum range to "unfold" or "stabilize" and accuracy is relative to the launcher, barrel length, environmental conditions, and the operator.

b. Purpose

To limit the escalation of conflict and attempt to avoid the need for lethal force.

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.

d. Lifespan

Remington 870 Less Lethal Launcher–
25years

Safariland drag stabilized round–No
expiration

e. Fiscal Impact

Annual maintenance is approximately \$50 for each shotgun.

f. Training

All officers are trained in the use of 12-gauge less lethal launcher as a less lethal option by in-service training.

g. Legal and Procedural Rules

It is the policy of the MPD to utilize the less lethal launcher only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

SECTION TWO: Qualifying equipment known to be owned and/or utilized by law enforcement units with which the Madera Police Department collaborates and/or participates for law enforcement purposes. The Madera Police Department participates in the Madera County Regional SWAT Team. This equipment is owned and operated by Madera County SWAT Team through the Madera County Sheriff's Office, which could result in its deployment and/or use in the City of Madera.

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.
2. **Robots:** Unmanned machine operating on the ground utilized to enhance the safety to the community and officers.
3. **Armored Vehicles:** Commercially produced, wheeled, armored personnel vehicle utilized for law enforcement purposes.

4. **Mobile Incident Command Vehicle:** A mobile office that provides shelter, access to Sheriff's Office computer systems, incident briefing room, and restroom facilities for extended events.
5. **Breaching Equipment:** Tools that are used to breach doors or glass by use of slugs or explosives.
6. **Distraction Devices:** A distraction device produces a loud noise and bright flash and is used to distract and temporarily disorient dangerous suspects during hostage rescue, room entries, or other high-risk arrest situations.
7. **Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.
8. **CTS Launching Cup:** Cups that attach to 12 gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.
9. **PepperBall Launcher:** A device that discharges irritant projectiles.
10. **Long Range Acoustic Device (LRAD):** A high intensity directional acoustical array for long-range, crystal-clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.
11. **40MM and 37MM Launchers and Rounds:** 40MM and 37MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds and chemical munitions.
12. **Less Lethal Launcher:** A Less Lethal Launcher is used to deploy 12-gauge rounds.

SECTION THREE: This Policy has been adopted by the City Council as Ordinance No. _____