

CLOVERDALE POLICE DEPARTMENT: GENERAL ORDERS

708.1-GO MILITARY EQUIPMENT USE JANUARY 18, 2022

PURPOSE

This policy establishes guidelines for the acquisition, funding, use, and reporting of "military equipment," as the term is defined in Government Code section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 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.

POLICY

It is the policy of the Cloverdale Police Department ("CPD") that there be 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.

PHILOSOPHY

The acquisition of military equipment and its deployment in our community may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties and should be based on meaningful public input.

PROCEDURE

A. DEFINITIONS

1. **Governing Body** – The elected or appointed entity that oversees the Cloverdale Police Department
2. **Military Equipment** – Any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

B. GENERAL

1. The Department shall obtain approval of the governing body annually prior to engaging in any of the following activities:
 - a. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 - 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 permanently or temporarily, including borrowing or leasing.

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- d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
- 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 pursuant to general order.
- 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.

2. In seeking the approval of the governing body (Cloverdale City Council), CPD shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue. The City Council shall only approve the proposed military equipment use policy if it is determined that the military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. MILITARY EQUIPMENT USE CONSIDERATIONS

1. Military equipment shall only be acquired and authorized by CPD if the governing body determines:
 - a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - b. The military equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 - c. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military
2. Military equipment shall only be used by a CPD employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed unless exigent circumstances arise.

D. MILITARY EQUIPMENT REPORTING CONSIDERATIONS

CPD shall submit an annual military equipment report to the City Council that addresses each type of military equipment possessed by CPD.

1. CPD shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
2. 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:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing

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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.

e. The quantity possessed for each type of military equipment.

f. If CPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

i. Within 30 days of submitting and publicly releasing an annual military equipment report, CPD shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and CPD's funding, acquisition, or use of military equipment.

E. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Cloverdale Police Department shall be cataloged in a way that addresses each of the following requirements:

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for ongoing maintenance.
6. The quantity of the equipment, whether maintained or sought.

F. COMPLIANCE

1. The Department Administrative Team (DAT) will ensure that all CPD members comply with this policy. The DAT will conduct an annual audit. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the Internal Affairs Division and handled in accordance with the Lexipol Policy titled-(Internal Affairs Investigations). All instances of non-compliance will be reported to City Council via the annual military equipment report.
2. Any member of the public can register a question or concern regarding military use equipment by contacting CPD by email or by phone. A response to the question or concern shall be completed by CPD in a timely manner.
3. Any member of the public can submit a complaint to any member of CPD and in any form (i.e. in-person, telephone, email, etc.). Once the complaint is received, it should be routed to the Sergeants in accordance with Lexipol Policy titled-(Personnel Complaints).

G. FUNDING

CPD shall seek City Council approval 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.

1. CPD has the authority to apply for funding prior to obtaining City Council approval in the case of exigent circumstances. CPD shall obtain City Council approval as soon as practicable.

H. MILITARY USE EQUIPMENT

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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:

- **DJI M210 with RTK**, cost: \$27,000 each, quantity: 1. UAS that has 32 minutes of flight time, in all-weather, rated IP43, has an IR camera, Zenmuse gimbal zoom camera, which includes picture/video recording capabilities in 4k.
- **DJI Parrot ANAFI**, cost \$0.00 (Came free with purchase of M210) quantity: 1. UAS has a 25 min. flight time, good weather only, has a mounted camera on a 180 deg. Gimble, and is foldable for portability. Works off smartphone app and is limited in capabilities. This UAS can take pictures and video which includes a digital zoom.

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. major collision investigations.
- ii. Search for missing persons.
- iii. natural disaster management.
- iv. crime scene photography.
- v. SWAT, tactical, or other public safety and life preservation missions.
- vi. 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 or supervise the DJI Parrot/DJI Matric 210 RTK during approved missions.

d. Expected Life Span

All UAS equipment, 5 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost are approximately \$500.00.

f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour department training and ongoing quarterly training.

g. Legal and Procedural Rules

Use is established under FAA Regulation 14 CFR Part 107 and the City of Cloverdale Lexipol UAS policy. It is the policy of the CPD 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.

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2. Chemical Agent and Smoke Canisters: 37MM Launchers are utilized by CPD personnel as a less-lethal tool that contains chemical agents that are released when deployed.

a. Description, quantity, capabilities, and purchase cost

i. PENN ARMS, 37MM SINGLE SHOT LAUNCHER, #L137-1, Barrel: 6061-T6 Aluminum, Type III Hard Coat Anodized Frame/Fire Control Group: Steel Foregrip & Trigger Grip: Super Tough (ST) Glass Filled Nylon Resin cost: \$1000, quantity: 1. The 37MM Single Launcher is a tactical single-shot launcher that features a fixed stock with iron sights.

b. Purpose: Limit the escalation of conflict where employment of lethal force is prohibited

c. Authorized use Situations: **This device is not authorized for use**
(personnel is not trained to deploy the equipment.)

3. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round (personnel is not trained to deploy this equipment).

a. Description, quantity, capabilities, and purchase cost

i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$946, quantity: 3. 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.

ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND-Model 2581, cost: \$5, quantity: 16. 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). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange buttstock and foregrip. 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 Model 2581 Super-Sock 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 Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

b. Purpose

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

c. Authorized Use

Situations for the use of the less-lethal weapon systems may include, but are not limited

to:

i. Self-destructive, dangerous and/or combative individuals.

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- ii. Circumstances where a tactical advantage can be obtained
- iii. Potentially vicious animals.
- iv. Training exercises or approved demonstrations.

d. Lifespan

Remington 870 Less Lethal Shotgun- 25 years.
Super Sock Round- No listed expiration date.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each shotgun.

f. Training

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

g. Legal and Procedural Rules

Use is established under the Lexipol Policy. It is the policy of the CPD 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.

4. Rifles: Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

a. Description, quantity, capabilities, and purchase cost

- i. **BUSHMASTER .223 CALIBER RIFLE, MODEL XM15-E25**, cost: \$1000, quantity: 6. The BUSHMASTER with 16" Barrel, AR-15, is an entry-level AR-15 style rifle. The magazine holds 30 rounds of .223 ammunition and the rifle has a non-collapsible stock. This rifle is primarily used in an overwatch capacity to protect the community during large events.
- ii. **BUSHMASTER .223 CALIBER RIFLE, MODEL 90831** cost: \$1000, quantity: 6. A highly accurate and durable rifle that includes a 16" barrel length and 30 round magazine. This rifle is primarily used in an overwatch capacity to protect the community during large events.
- iii. **COLT ARMS .223 CALIBER RIFLE, AR-15 SP1**, cost \$1000, quantity 2. The COLT ARMS AR-15 with a 16" barrel is an entry-level rifle. The magazine holds 30 rounds of .223 ammunition and the rifle has a non-collapsible stock. This rifle is primarily used in an overwatch capacity to protect the community during large events.

b. Purpose

To be used as a precision weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

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c. Authorized Use

Only members that are POST certified are authorized to use a rifle.

d. Lifespan

BUSHMASTER XM15-E25.223 rifle- 15 years.

BUSHMASTER 90831 .223 rifle- 15 years.

COLT ARMS AR-15 .223 rifle, 15 years.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each rifle.

f. Training

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

g. Legal and Procedural Rules

Use is established under Lexipol policy. It is the policy of the CPD to utilize rifles only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

I. MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without city council approval to maintain essential availability for the Department's needs.

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