

Military Equipment

709.1 PURPOSE AND SCOPE

California Government Code section 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval.

California Government Code §7070(c) provides a list of equipment types that are considered to be "military equipment" for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the Benicia Police Department, or reasonably likely to be deployed in the City of Benicia by its law enforcement partners.

709.1.1 DEFINITIONS

Military Equipment Use Policy. California Government Code section 7070(d) defines a Military Equipment Use Policy as a publicly released written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, is applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

Military Equipment. California Government Code section 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.

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2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullets, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

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709.2 POLICY

It is the policy of the Benicia Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment, including when and how such equipment may be deployed, and meet the reporting requirements of Government Code § 7072.

709.3 ANNUAL MILITARY EQUIPMENT REPORT

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the Benicia Police Department will submit to the Benicia City Council an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report required by this section will remain publicly available on the City's internet website for as long as the military equipment is available for use. In addition, within 30 days of submitting and publicly releasing an Annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting. The Annual Military Equipment Report will 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 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 the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Benicia City Council will use the Annual Military Equipment Report as a mechanism to ensure the Benicia Police Department's compliance with this Military Equipment Use Policy, and to help it determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year.

709.4 COLLABORATION OR COORDINATION WITH OTHER AGENCIES

Law enforcement agencies responding to a call for mutual aid or who participate in collaboration with Benicia Police Department within the City of Benicia shall adhere to their own policies on the use of military equipment.

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709.5 POLICY COMPLIANCE

Government Code section 7070 requires that this policy specify the mechanisms to be used by the Department to ensure compliance with this policy. Complaints regarding violations of this policy are subject to investigation and discipline in accordance with Policy 1020, and other policies of the Department related to officer discipline. Complaints, questions, or other inquiries can be made as described below in the Public Involvement section. Further, The Chief will designate a Military Equipment Coordinator, whose responsibilities are described herein, which will include assisting with ensuring compliance with this policy.

709.6 PUBLIC INVOLVEMENT

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

- (a) Via phone call to: 707-745-3412
- (b) Via mail sent to: Benicia Police Department Attn: Military Equipment Coordinator 200 East L St. Benicia, CA. 94510
- (c) Via Email: Police@ci.benicia.ca.us

The Benicia Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

709.7 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall 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 the Benicia 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.

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(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.

709.8 MILITARY EQUIPMENT INVENTORY

Pursuant to Government Code section 7070(d), the below provides a description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment. This section will include the purposes and authorized uses, the fiscal impact, the legal and procedural rules that govern the use, and the training required, for each type of military equipment.

Refer to the Solano County Sheriff's Office website for a list qualifying equipment not previously listed in this policy, that is not owned or regularly utilized by the Benicia Police Department, but which is known to be owned and/ or utilized by the Solano County Sheriff's Office Regional SWAT Team, for which the Benicia Police Department is a participating agency. While the equipment is not purchased, owned, or maintained by the Benicia Police Department, it could be used in the City of Benicia if the Solano County Sheriff's Office Regional SWAT is deployed, and is therefore referenced in this Military Equipment Use Policy. Note that the Solano County Sheriff's Office Regional SWAT Team is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment the Solano County Sheriff's Office Regional SWAT Team possesses is rarely deployed but could prove essential to emergency operations when needed.

The list below is the inventory of qualifying equipment that is owned/sought and/or utilized by the Benicia Police Department.

MILITARY EQUIPMENT INVENTORY

Qualifying Equipment Owned by the Benicia Police Department

Equipment Name: Heckler & Koch 5.56mm Semiautomatic Rifles and Ammunition.

Quantity Owned: 6

Lifespan: 15 Years

Equipment Capabilities: The HK416 is a select fire semi-automatic/fully automatic rifle and is capable of firing 5.56 mm projectile rifle rounds. The attached magazine holds 30 rounds of ammunition and allows officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns.

Manufacturer Product Description: The HK416 is a 5.56x45mm magazine fed lightweight auto rifle available in multiple barrel lengths that is gas operated via short

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stroke gas piston system for enhanced reliability built on the common M4/M16/AR15 style platform.

Purpose/Authorized Uses: HK416 rifles are to be used exclusively by officers assigned to the Solano County Sheriff's Office Regional SWAT Team. These rifles are typically deployed by SWAT officers (operators) during high-risk SWAT operations. Examples of some general guidelines for deploying the HK 416 rifle:

1. Situations where the officer reasonably anticipates an armed encounter.
2. When an officer is faced with a situation that may require accurate and effective fire at long range.
3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
4. When an officer reasonably believes that there may be a need to engage with a barricaded person or a person with a hostage.
5. When an officer reasonably believes that a suspect may be wearing body armor.

Fiscal Impacts: The initial cost of equipment was approximately \$1,476 per rifle. Rifle maintenance is conducted by trained departmental staff.

Legal/Procedural Rules Governing Use: The use of this weapons system is also governed under Lexipol Policy 300 - Use of Force, and Lexipol Policy 312 – Firearms.

Training Required: Officers must successfully complete a 16-hour POST approved Patrol Rifle Course, a 40-hour POST approved SWAT Operators Course, and regularly train and qualify with various weapons systems including the HK 416 rifle to maintain proficiency.

Equipment Name: Winchester Ranger.223 Rem 55 Grain Soft Point Rifle Round.

Fiscal Impact: Cost \$767 per case of 1000.

Quantity Owned: 19,440 rounds.

Description: Winchester Ranger 223 Remington 55 Grain Pointed Soft Point ammo review offers the following information: This Winchester Ranger.223 Remington ammo features a 55 Grain Pointed Soft Point bullet. This Winchester Ranger 223, 55 grain Power Point Soft Point is intended for Law Enforcement use. The Winchester Ranger 223 Remington has a muzzle velocity of 3240 feet per second and a muzzle energy of 1262 foot pounds. Winchester Ranger ammo is reloadable, features brass cases and Boxer primers. This ammunition is non-corrosive.

Equipment Name:.308 Bolt Action Rifle- Barrett MRAD and Ammo

Quantity Owned: 1 owned

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Lifespan: 20 years (minimum)

Equipment Capabilities: A bolt-action rifle with precision optics that fires a 308 caliber Winchester round. The 308 rifle provides SWAT snipers with the ability to engage hostile suspects at great distances with precise accuracy.

Purpose/Authorized Uses: 308 bolt action Sniper rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

Fiscal Impacts: The initial cost of the equipment was approximately \$5,970. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff at no cost.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Benicia Police Department Policies on Use of Force. The use of this weapons system is also governed under Lexipol Policy 300 - Use of Force, and Lexipol Policy 312– Firearms.

Training Required: SWAT Snipers must successfully complete a 40-hour POST approved SWAT Operator School and attend a 40-hour POST approved Basic Sniper School. SWAT Snipers must also regularly train and qualify with various weapons systems including the 308-bolt action Sniper rifle to maintain proficiency

Equipment Name: 308 Winchester Supreme 168 grain Ammunition

Quantity Owned: Approximately 1080 rounds.

Description: This Winchester Supreme 308 Winchester ammo features 168 grain Match King boat tail hollow point bullets. 308 Winchester by Winchester Supreme has a muzzle velocity of 2680 feet per second and muzzle energy of 2680 foot pounds. Winchester Supreme 308 Winchester is non-corrosive, reloadable, and features boxer primer and brass casing.

Fiscal Impacts: Cost is \$44.89 per box of 20 rounds.

Equipment Name: 40mm Launchers and Rounds

Quantity Owned: 2

Lifespan: 25 years

Equipment Capabilities: 40mm Launchers are utilized by department personnel as a less lethal tool to launch less lethal impact rounds. The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions.

Purpose/Authorized Use: To limit the escalation of conflict as a less lethal use of force and/or to gain compliance or overcome resistance by targeting dangerous individuals

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or areas. Situations for use of the less lethal weapon systems may include, but are not limited to:

1. Self-destructive, armed, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Training exercises.

Manufacturer Product Description: Defense Technologies 40mm launcher, cost \$855 each. Manufactured exclusively for Defense Technology, the 40LMTS is a tactical single shot launcher with lightrail. The ambidextrous LateralSling Mount and QD mounting systems allow both a single and a two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems. (**Description Source:** <https://www.defense-technology.com/product/40mm-lmt-tactical-single-launcher-expandable-stock/>)

Direct Impact 40mm Model 6326 Marking Crushable Foam Round Quantity- 4 rounds, \$18.46 per round. The 40mm Direct Impact munition is a point-of-aim, point-of-impact direct-fire round.

Exact Impact 40mm Model 6325 Standard Range Sponge Round. Quantity- 16 rounds, \$19.33 per round. The exact impact 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.

Fiscal Impacts: The initial cost of this equipment was approximately \$1710 for two 40mm Less Lethal Launchers. The ongoing costs for munitions will vary depending on supply. Maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Benicia Police Department Policies on Use of Force and Crowd Control.

Training Required: Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.

Equipment Name: Pepper ball Launcher Tac-SF and Rounds

Quantity Owned: 4

Lifespan: 10 years

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Equipment Capabilities: The Pepper ball Tac-SF Launcher is a less lethal tool to launch less lethal impact rounds. The Pepper ball Launcher is capable of firing 68 caliber pepper ball rounds.

Product Description: The TAC-SF semi-automatic launcher is a semi-automatic launcher that may be used for, riot-control scenarios or any other situation requiring high-intensity engagement. It quickly disperses PAVA across expansive areas making it a solid tool for operational teams. Pepper balls are potent but non-lethal weapons that contain powdered chemical that are designed to help subdue an attacker.

Pepper ball Live-X.68 caliber rounds. Approx. 400 rounds. Current cost is \$995 per pack of 375 rounds.

Purpose/Authorized Uses: The pepper ball Launchers are intended for use as a less lethal use of force option. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use may include but are not limited to: (a) self-destructive, dangerous, and/or combative individuals; (b) barricaded suspects; and (c) training exercises.

Fiscal Impacts: The initial cost of this equipment was approximately \$1700. The ongoing costs for munitions will vary depending on market costs. Maintenance and training are conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Benicia Police Department Policies on Use of Force and Crowd Control.

Training Required: Officers must complete a department certified pepper ball Launcher course as well as regular training and qualifications as required by law and policy.

Equipment Name: Less Lethal Shotgun and Rounds

Quantity Owned: 12

Lifespan: 15 years

Equipment Capabilities: The Remington 870 pump action 12 gauge shot gun is capable of firing 12 gauge Drag Stabilized Bean Bag Round.

Product Description: The Remington 870 Less Lethal 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. The Remington 870 pump shotgun is a reliable 12 gauge with double action bars for smooth pump operation. The shotgun has a distinctive blaze orange buttstock, forearm grip, and sling.

Purpose/Authorized Uses: The Less Lethal Shotgun is intended for use as a less lethal use of force option. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use may include but are not limited to: (a) self-

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destructive, dangerous, and/or combative individuals; (b) barricaded suspects; and (c) training exercises.

Fiscal Impacts: The initial cost of this equipment was approximately \$4,800 total. The ongoing costs for munitions will vary based on need and market cost. Maintenance is conducted by departmental staff. The current replacement cost for the Remington 870 shotgun is approximately \$687.00.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Benicia Police Department Policies on Use of Force and Crowd Control.

Training Required: Officers must complete a department certified 12 gauge Less Lethal Shotgun course as well as regular training and qualifications as required by law and policy.

Equipment Name: Defense Technology 12 gauge Drag Stabilized Bean Bag Round.

Product Description: The 12-Gauge Drag Stabilize Round is comprised of a translucent 12-Gauge shell loaded with a 40-gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four (4) stabilizing tails. The 12-Gauge Drag Stabilize Round utilizes smokeless powder as the propellant.

Fiscal Impact: Approx. 921 rounds. \$36 per 5 rounds replacement cost. Approximate expiration date of 5 years.

Equipment Name: Robotex Avatar Tactical Robot

Quantity Owned: 1

Lifespan: 10-15 years

Equipment Capabilities: A remote controlled robot that can quickly and easily be deployed. Capable to navigating various terrain such as stairs, sand, clothing, grass, etc. Two-way audio, and video recording capability.

Manufacturer Product Description: The AVATAR enables law enforcement officers to remotely inspect dangerous situations and gather video and audio intelligence including direct-to-unit video and audio recording, touch screen display, increased durability, and secure Wi-Fi networking. With these capabilities officers will be better equipped to remotely gather intelligence and keep themselves and their teams safe from harm.

Purpose/Authorized Uses: The Robotex Avatar Tactical Robot is a safety tool that allows SWAT and tactical teams to inspect/assess areas or dangerous situations prior to having officers enter an occupied or unoccupied dwelling.

Fiscal Impacts: The initial cost of this equipment was \$29,999 and was fully purchased through a grant. There are no annual maintenance costs.

Legal/Procedural Rules Governing Use: All applicable state and federal laws, and Benicia Police Department Policies on Search and Seizure

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Training Required: Officers must complete a department approved robot operator course and receive regular training as required by law and policy.