

CITY OF JACKSON

MILITARY EQUIPMENT USE POLICY

706.1 PURPOSE AND SCOPE

The purpose of this policy ("Policy") is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment pursuant to Assembly Bill 481 ("AB 481"). (California Government Code section 7070, *et seq.*)

706.1.1 DEFINITIONS

Definitions related to this Policy include those provided in Government Code section 7070, in addition to the following:

Governing body – City of Jackson City Council ("City Council").

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 section 30510 and Penal Code section 30515, with the exception of standard-issue handguns.
- 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.

706.2 POLICY

It is the Policy of the City of Jackson that members of this Police Department ("Department") comply with the provisions of AB 481 with respect to the funding, acquisition and use of military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates Sergeant Jose Arevalos 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 City Council 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 and military equipment the Department intends to acquire.
- 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 Department.
- e. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting; and
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of military 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.
- 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.

706.4 MILITARY EQUIPMENT INVENTORY

The list of qualifying equipment for the Department is attached to this Policy as Exhibit "A" and incorporated into the Policy by this reference.

706.5 APPROVAL

The Chief of Police, or authorized designee, shall obtain approval from City Council by way of an ordinance adopting the Policy. As part of the approval process, the Chief of Police or authorized designee shall ensure the proposed Policy is submitted to City Council and is available on the Department website at least thirty (30) days prior to any public hearing concerning the Policy. The Policy must be approved by City Council prior to engaging in any of the following:

- a. Requesting military equipment made available pursuant to 10 USC § 2576(a).
- 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 Department's jurisdiction.
- e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by this Policy.
- 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.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for the use and in accordance with this Department Policy. Military equipment used by other jurisdictions that are providing mutual aid to the City of Jackson, or otherwise engaged in law enforcement operations in this City, shall comply with their respective military equipment use policies in rendering mutual aid or carrying out a law enforcement function related to a criminal matter under their investigation.

706.7 ANNUAL REPORT

Upon approval of this Policy, the Chief of Police or authorized designee should submit a military equipment report to City Council 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.

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code section 7072 for the preceding calendar year for each type of military equipment in Department inventory. "Type" of military equipment is defined to mean "each item that shares the same manufacturer model number."

706.8 COMMUNITY ENGAGEMENT

Within thirty (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.

Exhibit "A"

Military Equipment Inventory

The following constitutes a list of qualifying equipment for the Department

(A) **Rifles:** Firearms 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.

(B) **Ammunition 223/5.56mm:** Ammunition used for the Colt M16A1 Rifle

1. Description, quantity, capabilities, and purchase cost

- (a) **Colt M16A1 RIFLE**, quantity 4, received from Law Enforcement Support Office (LESO) 1033 Program at no cost. Caliber .223/5.56MM.
- (b) **Delaware Machinery RIFLE**, quantity 3, received from Sierra Gun Works for \$400.00 each. Caliber .223/5.56MM.
- (c) **Smith & Wesson M&9-15**, quantity 2, received from Sierra Gun Works for \$600.00 each. Caliber .223/5.56MM.
- (d) **Bushmaster XM15**, quantity 1, received from Adamson Police Products for \$800.00 each. Caliber .223/5.56MM.
- (e) **Colt Match Target**, quantity 1, acquired through illegal possession at no cost. Caliber .223/5.56MM.
- (f) **DPMS A-15**, quantity 1, acquired through illegal possession at no cost. Caliber .223/5.56MM.
- (g) **Remington .223/5.56MM 55GR MC RIFLE ROUND**, cost \$62.40 per case of 200, quantity 5 cases. Remington .223/5.56MM ammunition features a lead core 55 Grain Full Metal Jacket bullet that is non-magnetic, non-corrosive, boxer primer and brass casing.
- (h) **Remington .223/5.56MM 55GR PSP RIFLE ROUND**, cost \$69.70 per case of 200, quantity 3 cases. Remington .223/5.56MM ammunition features a lead core 55 Grain Jacketed Soft Point bullet that is non-magnetic, non-corrosive, boxer primer, and brass casing.
- (i) **Speer .223/5.56MM 62GR GDSP RIFLE ROUND**, cost \$279.80 per case of 500, quantity 3 cases. Speer .223/5.56MM ammunition features a lead core 62 Grain Jacketed Soft Point bullet that is non-magnetic, non-corrosive, boxer primer, and nickel plated brass casing.

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

3. Authorized Use - Only members that are POST certified are authorized to use a rifle.

4. Lifespan

- (a) All Listed Rifles - no expiration.
- (b) All Listed Ammunition - no expiration.

5. Fiscal Impact - Annual maintenance is approximately \$10.00 for each rifle.

6. Legal and Policy Statutes Governing Authorized Use

(a) **Jackson Police Department Policy Manual Section 302: Shooting Policy.**

302.1 PURPOSE AND SCOPE:

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

302.1.1 POLICY:

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.

(c) To stop a dangerous animal.

1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.

2. In circumstances in which officers have sufficient advance notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

(d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without

their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

(e) For target practice at an approved range.

Where feasible, a warning should be given before an officer resorts to deadly force as outlined (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

302.1.2 WARNING SHOTS:

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

302.1.3 MOVING VEHICLES:

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

(a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

(b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

(c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

302.1.4 REPORT OF WEAPON DISCHARGE:

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit.

7. 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.