

Military Equipment Use Policy

707.1 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). This is further required by Healdsburg City Municipal Code Chapter 2.60

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Department - the City of Healdsburg Police Department (HPD)

Governing body – The elected or appointed body that oversees the 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.

Healdsburg Police Department

Healdsburg PD Policy Manual

Military Equipment Use Policy

707.2 POLICY

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

707.3 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 Healdsburg 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 and coordinating 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.

707.4 MILITARY EQUIPMENT INVENTORY

The list attached hereto is divided into two section:

1. Section One - lists qualifying equipment that is owned and/or utilized by the Healdsburg Police Department.
2. Section Two - lists qualifying equipment that is not owned or regularly utilized by the Healdsburg Police Department, but which is known to be owned and/or utilized by law enforcement agencies which the department collaborates and/or participates for law enforcement purposes.

707.5 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

Healdsburg Police Department

Healdsburg PD Policy Manual

Military Equipment Use Policy

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):

- (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.

The military equipment use policy, and any amendments thereto, shall be approved by the governing body in accordance with Chapter 12.8 of Division 7 of Title 1 of the Government Code, if the governing body determines all of the following (Government Code § 7071(d)(1)):

- (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 proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (d) 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 equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

The military equipment use policy shall be reviewed and approved by the governing body at least annually through the adoption of a resolution. In the absence of such review and approval, the military equipment use policy shall expire one (1) year from the last approval date.

As part of the annual review, or from time to time as may be needed, the military equipment use policy may be amended through the adoption of a resolution by the governing body.

Healdsburg Police Department

Healdsburg PD Policy Manual

Military Equipment Use Policy

707.6 COORDINATION WITH OTHER JURISDICTIONS

In exigent circumstances and with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote the safety and security of community members. If the Department acquires, borrows, or uses military equipment in exigent circumstances, it will provide written notification of the acquisition, borrowing or use to City Council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.

Military equipment used by any member of this jurisdiction 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 jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

707.7 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.

707.8 COMPLIANCE

The Chief of Police or designee will ensure that all Department members comply with this policy. A complaint, concern, or question related to Military Equipment utilization by the Healdsburg Police Department can be made as follows:

(a) Via email to: police@healdsburg.gov

(b) Via phone call to: 707-431-3377

(c) Via mail sent to Healdsburg Police Department: Attn: Military Equipment Coordinator: 238 Center St, Healdsburg, CA 95448

707.9 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.

Healdsburg Police Department

Healdsburg PD Policy Manual

Attachment: Military Equipment List

Healdsburg Police Department

Military Equipment List

Section 1: Property Owned and/or Utilized by the Healdsburg Police Department

1. **Unmanned Ariel Vehicles (“UAV”):** unmanned, remotely piloted, powered aerial vehicle.
 - (a) Description, quantity, capabilities, and purchase cost
 - i. PARROT ANAFI, cost: \$700, quantity: 2. A compact, foldable, light and easily deployable sUAS. Stabilized on 5 axes (2 mechanical axes and 3 electronic axes), the Sony optical sensor built into ANAFI allows clear images to be taken, despite the vibrations associated with drone flights. The x3 zoom and the 180° tilt of the camera provide a detailed view of the observed target.
 - ii. PARROT ANAFI USA, cost: \$7,000, quantity: 1. To balance the resolutions of the thermal image and visible image, and therefore benefit from information not visible in thermal, the displayed image is a fusion of the information from the two cameras. Stabilized on three axes, the optical unit of ANAFI Thermal combines an infra-red sensor to the electro-optics, making it possible to identify temperatures between -10° and +400°. Thanks to the FLIR Lepton 3.5 module, it is possible to set the absolute temperature of each pixel
 - (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.
 - i. 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 a sUAS during approved missions. All other applicable policies remain in effect, including, but not limited to Policy section 321 – Search and Seizure, Policy section 331 – Missing Persons, Policy section 614 – Unmanned Aerial System Operations, Policy section 406 – Vehicle Use, Policy section 424 – Special Response Team.
 - (d) Training - Members utilizing a unmanned ariel vehicle shall be trained in accordance with Policy section 614 and shall conform to all FAA regulations regarding remoting piloting.
 - (e) Lifespan

Healdsburg Police Department

Healdsburg PD Policy Manual

Attachment: Military Equipment List

- i. Parrot Anafi - 10 years (anticipated).
 - ii. Parrot Anafi USA - 10 years (anticipated).
 - (f) Fiscal Impact - Annual maintenance is approximately \$100 for each unmanned ariel vehicle.
 - (g) Legal and Procedural Rules - Use of an unmanned ariel vehicle is subject to requirements of the policy of the Healdsburg Police Department and in accordance with all requirements under State and Federal law.
2. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by Department personnel as a less lethal tool to launch impact rounds.
- (a) Description, quantity, capabilities, and purchase cost
 - i. PENN ARMS, 40MM SINGLE MULTI LAUNCHER, cost: \$2,630, quantity: 6. The 40mm Single Launcher is a tactical single shot launcher that features a fixed stock and an Integrated Front Grip (IFG). It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less lethal round up to 131 feet and is authorized to be used by officers trained in its use.
 - ii. DEFENSE TECHNOLOGY, 37MM SINGLE LAUNCHER, cost: \$2,630, quantity: 1. The 37mm Single Launcher is a tactical single shot launcher that features a fixed stock and an Integrated Front Grip (IFG). It will fire standard 37mm less lethal ammunition, up to 8 inches in cartridge length.
 - iii. COMBINED TACTICAL SYSTEMS, 40MM SPONGE 4457, cost: \$21.00, quantity: 20. A less lethal 40mm lightweight foam projectile fired from a single 40mm launcher with a rifled barrel at 240-250 FPS. The 40mm Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 100 feet from the target.
 - iv. COMBINED TACTICAL SYSTEMS, 40MM .60 STING BALL 4558, cost: \$25.84, quantity: 20. A less lethal 40mm lightweight foam projectile fired from a single 40mm launcher with a rifled barrel at 240-260 FPS. The 40mm Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.
 - v. COMBINED TACTICAL SYSTEMS, 40MM FRANGIBLE IMPACT OC POWDER 4556, cost: \$19.09, quantity: 20. A less lethal 40mm lightweight foam projectile fired from a single 40mm launcher with a rifled barrel at 300 FPS. The 40mm direct fire, dispersed OC irritant round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 150 feet from the target.
 - vi. COMBINED TACTICAL SYSTEMS, 3.7MM/40MM STING BALL 8" LONG 3559, cost: \$17.46, quantity: 20. A less lethal 37mm multi-projectile impact munition fired from a single 37mm launcher with a rifled barrel at 280-325 FPS. The 37mm sting pellet round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 50 feet from the target.

Healdsburg Police Department

Healdsburg PD Policy Manual

Attachment: Military Equipment List

- vii. COMBINED TACTICAL SYSTEMS, 37MM/40MM FOAM BATON 8" LONG 3555, cost: \$21.38, quantity: 20. A less lethal 37mm lightweight foam projectile fired from a single 37mm/40mm launcher with a rifled barrel at 240-260 FPS. The 40mm Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 50 feet from the target.
 - viii. COMBINED TACTICAL SYSTEMS, 37MM OC MUZZLE BLAST INDOOR AND OUTDOOR 3440, cost: \$20.72, quantity: 20. A less lethal 37mm lightweight OC powder projectile fired from a single 37mm grenade launcher with a rifled barrel at 240-260 FPS. The 40mm Sponge Round provides accurate and effective performance when fired from the approved distance of not less than ten (10) feet and as far as 50 feet from the target.
- (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 - Sworn members utilizing the 40mm launcher and the less lethal 40mm impact rounds shall be trained in the use of such items by attending a POST certified course by POST certified less lethal instructors.
- (e) Lifespan
- i. Penn Arms 40MM Multi Launcher – 25 years.
 - ii. Defense Technology 37MM Single Launcher- 25 years.
 - iii. Model 4557 Sponge- 5 years.
 - iv. Model 4558 Sting Ball – 5 years.
 - v. Model 4556 OC Powder – 5 years.
 - vi. Model 3559 Sting Ball – 5 years.
 - vii. Model 3555 Foam Baton – 5 years.
 - viii. Model 3440 OC Powder – 5 years.
- (f) Fiscal Impact - Annual maintenance is approximately \$50 for each launcher.
- (g) Legal and Procedural Rules - Use of the 37/40mm launcher and 37/40mm less lethal rounds are subject to requirements of Policy section 303.8 (Kinetic Energy Projectile Guidelines) and Policy section 300 (Use of Force). It is the policy of the Healdsburg Police Department to utilize the 37/40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

Healdsburg Police Department

Healdsburg PD Policy Manual

Attachment: Military Equipment List

3. **Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.
- (a) Description, quantity, capabilities, and purchase cost
- i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$445, quantity: 2. 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, cost: \$5, quantity: 50. 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 butt stock and fore grip. 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) 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 instructors.
- (c) Lifespan
- i. Remington 870 Less Lethal Shotgun- 25 years.
 - ii. Super Sock Round- No listed expiration date.
- (d) Fiscal Impact - Annual maintenance is approximately \$50 per shotgun.
- (e) Training - Sworn members utilizing the 12 gauge less lethal shotgun and bean-bag rounds shall be trained in the use of such items by attending a POST certified course by POST certified less lethal instructors.
- (f) Legal and Procedural Rules - Use of the less lethal shotgun and beanbag rounds is subject to Policy 306 (Firearms), Policy 303.8 (Kinetic Energy Projectile Guidelines) and Policy 300 (Use of Force). It is the policy of the Healdsburg Police Department to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

Attachment: Military Equipment List

Section 2: Qualifying equipment not owned or regularly utilized by the Healdsburg Police Department, but which is known to be owned and/or utilized by law enforcement agencies which the Healdsburg Police Department collaborates and/ or participates with for law enforcement purposes.

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. 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.
3. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
4. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
5. 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 handguns.
6. Any firearm or firearm accessory that is designed to launch explosive projectiles.
7. Noise-flash diversionary devices and explosive breaching tools.
8. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
9. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
10. Kinetic energy weapons and munitions.