

Military Equipment

710.1 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).

710.1.1 DEFINITIONS

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

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.

Piedmont Police Department

Piedmont PD Policy Manual

Military Equipment

710.2 POLICY

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

710.3 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) 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.
- (b) Conducting an inventory of all military equipment at least annually.
- (c) Collaborating with any allied agency that may use military equipment within the jurisdiction of Piedmont Police Department (Government Code § 7071).
- (d) 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.
- (e) 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).
- (f) 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.

710.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

Table 1:

Weapon Type	Manufacturer	Serial Number	Date Acquired	Purchase Cost	Annual Maintenance Expense	Annual Training Hours
M4 Rifle	Rock River Arms	AC2022459	9/12/2019	\$1,000.00	\$25.00	12
M4 Rifle	Rock River Arms	AC2022481	9/10/2021	\$1,000.00	\$25.00	12
M4 Rifle	Rock River Arms	CM155434	9/2/2021	\$1,000.00	\$25.00	12

Piedmont Police Department

Piedmont PD Policy Manual

Military Equipment

M4 Rifle	Rock River Arms	CM155453	9/9/2021	\$1,000.00	\$25.00	12
M4 Rifle	Rock River Arms	CM155527	9/12/2019	\$1,000.00	\$25.00	12
M4 Rifle	Colt	CR220128	3/2/2021	\$1,100.00	\$25.00	12
M4 Rifle	Colt	CR220144	6/23/2020	\$1,100.00	\$25.00	12
M4 Rifle	Colt	CR220151	4/29/2019	\$1,100.00	\$25.00	12
M4 Rifle	Colt	CR219472	9/12/2019	\$1,100.00	\$25.00	12
M4 Rifle	Colt	CR218577	9/12/2019	\$1,100.00	\$25.00	12
40mm	Penn Arms	GS4786	04/01/2021	\$870.35	\$25.00	4
40mm	Penn Arms	GS6315	04/01/2021	\$870.35	\$25.00	4

1. M4 Rifle

(a) Description, quantity, capabilities, and purchase cost

See Table 1.

(b) Purpose: Patrol rifles enable officers when in compliance with the PPD's Use of Force Policy, to address medium to long distance threats, or those threats who are heavily armed, armored or both. In both short and long-distance deployments, patrol rifles allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance or precision.

(c) Authorized use: Situations for use may include, but are not limited to:

- Situations where the member reasonably anticipates an armed encounter.
- When a member is faced with a situation that may require accurate and effective fire at long range.
- Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- When a member reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

Piedmont Police Department

Piedmont PD Policy Manual

Military Equipment

(d) Training – Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

(e) Lifespan – Approximately 15 years

(f) Fiscal impact – Annual maintenance expense is estimated at \$25.00 for each M4 Rifle. Annual maintenance includes a detailed review of the weapon, audit check and repair of worn parts.

(g) Legal and Procedural Rules - Use of M4 Rifle is subject to requirements of Piedmont Police Policy Section 300: Use of Force and Section 306: Firearms. It is the policy of the Department to utilize the M4 Rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

2. 40 mm

(a) Description, quantity, capabilities, and purchase cost

See Table 1.

(b) Purpose – The 40mm launcher affords the ability to use less lethal and impact munitions. This allows officers to address a threat from a greater distance and provides an alternative option for deadly force when reasonable. When necessary, there is no alternative to these less lethal weapon systems.

(c) Authorized use – Situations for use may include, but are not limited to:

- The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- The suspect has made credible threats to harm him/herself or others.
- The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

(d) Training – Sworn members are required to attend an initial 4 hour training and additional annual training thereafter.

(e) Lifespan – Approximately 15 years

(f) Fiscal impact – Annual maintenance expense is estimated at \$25.00 for each 40mm. Annual maintenance includes a detailed review of the weapon, audit check and repair of worn parts.

Ammunition costs can vary based on the training but are approximately \$5000.00 per year.

(g) Legal and Procedural Rules – Use of 40 mm is subject to requirements of Piedmont Police Policy Section 300: Use of Force and Section 303 Control Devices and Techniques. It is the policy of the Department to utilize 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

Military Equipment

710.5 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):

- (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.

710.6 COORDINATION WITH OTHER JURISDICTIONS

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 law enforcement agencies that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

710.7 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.

Piedmont Police Department

Piedmont PD Policy Manual

Military Equipment

710.8 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.