

Military Equipment

706.1 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).

706.1.1 DEFINITIONS

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

Governing body – The City of Paso Robles 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 § 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 the City Council or a state agency to require additional oversight.

Pursuant to Government Code § 7070(c), the following are not military equipment:

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- Police versions of standard consumer vehicles
- Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes
- Items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person
- Standard issue shotguns
- Standard issue shotgun ammunition
- Standard issue service weapons and ammunition of less than .50 caliber
- Standard service-issued handheld pepper spray
- General equipment not designated as prohibited or controlled by the federal Defense Logistics Agency

706.2 POLICY

It is the policy of the Paso Robles Police Department that members of this department comply with the provisions of Government Code § 7070 through 7075 with respect to the approval for, acquisition, funding, and use of, and reporting regarding military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Administrative Commander 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 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, or the equipment the Department intends to acquire that requires approval by City Council.
- (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 Paso Robles 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).

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- (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 following constitutes a list of qualifying equipment for the Department:

See attachment: [MILITARY EQUIPMENT LIST PRPD.pdf](#)

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from City Council 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 City Council 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 City Council 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 City Council.
- (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

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing combined or regional operations, occasional planned operations, or in exigent circumstances. Military equipment used by other agencies that are providing mutual aid to the City of Paso Robles, or otherwise engaged in law enforcement operations, shall comply with their respective military equipment use policies in rendering mutual aid or carrying out a law enforcement function to related to a criminal matter under their investigation.

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706.7 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.

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 quantity possessed for each type of military equipment.
- (d) If the department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

706.8 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 (Government Code §7072).

706.9 EXTRAORDINARY CIRCUMSTANCES

This policy also recognizes that there may be very limited or extreme instances where incidents of extraordinary nature could demand the need for incident commanders to authorize Department personnel to use equipment not specified in this policy. This decision must be influenced by the totality of the circumstances, including the due regard for the public's safety, officer safety, respecting civil rights, seriousness of the situation, and other information available at that time. Should such extreme instances occur that call for members of this Department to use equipment not specified in this policy, the incident commander shall, if practical, notify the Chief of Police via the chain of command prior to deploying such equipment. Should such circumstances occur, the Chief of Police or his/her designee, shall notify the City Council as soon as practical, and indicate any such uses in the required annual report.

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706.10 COMPLAINT PROCESS

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 following the Department complaint process.

Attachments

MILITARY EQUIPMENT LIST PRPD.pdf

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MILITARY EQUIPMENT

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.

a. Description, quantity, and capabilities.

- i. DJI MAVIC ENTERPRISE DUAL ADVANCED, cost: approx. \$7,000 with accessories. Purchased 1 no cost for the second, was received on County Homeland Security Grant, quantity: 2, UAS that has a color and inferred camera as well as audible speaker and light. Capable of video recording and weighs approximately 899 grams, approx. 30 minutes of flight time.
- ii. DJI MAVIC MINI, cost: \$500 each, quantity: 7. Miniature UAS that weighs approximately 249 grams and is able to record video and audio with approximately 30 minutes of flight time.

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 and received a Part 107 Remote Pilot Certificate, shall be permitted to operate any UAS during approved missions.

d. Expected Life Span

All UAS equipment, 3-4 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$ 2,000

f. Training

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All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend training updates throughout the year.

g. Legal and Procedural Rules

Use is established under FAA Regulation 14 CFR Part 107, and Department policy. It is the policy of the Department 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.

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, and capabilities.

- i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, cost \$1100, quantity: 12. The 40MM Single Launcher is a tactical single shot launcher that features a rifle type stock and a Front Grip (FG) with light rail. 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 only authorized to be used by officers who have received training from a Peace Officer Standards and Training "POST" certified instructor.
- ii. DEFENSE TECHNOLOGY, 40MM CS FERRET, cost \$ 30 per round, quantity: 30. The ferret round is deployed from a 40mm launcher and contains CS (2-chlorobenzylidene malononitrile) gas. The ferret is used to deploy CS gas from a safe distance.
- iii. DEFENSE TECHNOLOGY, 40MM EXTENDED RANGE DIRECT IMPACT, cost \$30 per round, quantity: 40. A less lethal light weight expanding foam projectile used for longer distances.
- iv. DEFENSE TECHNOLOGY, 40MM STANDARD RANGE DIRECT IMPACT, cost \$30 per round; quantity: 120. A less lethal light weight expanding foam projectile used for close range applications.

b. Purpose

To limit the escalation of conflict.

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.

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- v. Training exercises or approved demonstrations.

d. Lifespan

DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, – 15 years.

DEFENSE TECHNOLOGY, 40MM CS FERRET – 5 years.

DEFENSE TECHNOLOGY, 40MM EXTENDED RANGE DIRECT – 5 years.

e. Fiscal Impact

Annual maintenance is approximately \$10 for each launcher.

f. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent's instructors.

e. Legal and Procedural Rules

It is the policy of the DEPARTMENT to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

3. **Distraction Devices:** A device used to distract dangerous persons.

a. Description, quantity, and capabilities.

- i. DEFENSE TECHNOLOGY, model 8902 Distraction Device, quantity: 3. A low roll distraction device that produces a loud bang with a bright light. Ideal for distracting dangerous suspects during a hostage rescue, room entry or other high-risk arrest situations.
- ii. LIBERTY DYNAMIC, Reloadable Noise Flash Diversion Device, cost \$130 each, quantity: 16. A low roll distraction device that produces a loud bang with a bright light. Ideal for distracting dangerous suspects during a hostage rescue, room entry or other high-risk arrest situations.
- iii. LIBERTY DYNAMIC, Reload for Noise Flash Diversion Device, cost \$45 each, quantity: 24. This is the reload for the distraction device once it has been used.

b. Purpose

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. Authorized Use

Diversionary Devices shall only be used:

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- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- iv. During training exercises.

d. Lifespan

DEFENSE TECHNOLOGY, model 8902 Distraction Device - 5 years.

LIBERTY DYNAMIC, Noise Flash Diversion Device – 5 years.

e. Fiscal Impact

No annual maintenance.

f. Training

Prior to use, officers must attend divisionary device training that is conducted by POST certified instructors.

g. Legal and Procedural Rules

It is the policy of the DEPARTMENT to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. **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, and capabilities.

- i. Barrett .50 Caliber rifle, Model 82A1M, no cost, rifle was donated covering the entire estimated cost of \$8500 each, quantity: 1. A semi-automatic rifle used by officers assigned to the special weapons and tactics “SWAT” team as snipers. The use of the rifle is reserved for disabling a vehicle in incidents where lethal force is justified, and no other reasonable means exist to stop the vehicle to protect innocent life.
- ii. Barret .50 Caliber Ammunition, M33 661GR rifle round, cost \$10 per round, quantity 60. A FMJ bullet designed to penetrate barriers.
- iii. Accuracy International.308 caliber rifle, Model R11894, cost \$4,500, quantity: 2. A highly accurate and durable bolt action rifle used by officers assigned to the SWAT team as snipers.

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- iv. Hornady .308 Caliber Ammunition, 168GR ELD TAP, cost \$1.25 per round. quantity:1000. A highly accurate round designed to penetrate common barriers but prevent overpenetration.

b. 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.

c. Authorized Use

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

d. Lifespan

Barrett .50 Caliber rifle, Model 82A1M - 15 years.

Barret .50 Caliber Ammunition, M33 661gr rifle round – 5 years.

Accuracy International .308 caliber rifle, Model R11894 – 15 years.

Hornady .308 Caliber Ammunition, 168gr ELD TAP – 5 years.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each firearm.

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

It is the policy of the DEPARTMENT to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

9. **Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

a. Description, quantity, and capabilities.

- i. COMBINED TACTICAL SYSTEMS, SMOKE CANISTER (5210 B), cost \$38, quantity: 6. When deployed, the canister emits a cloud of smoke used to cover or conceal movement. The canister is baffled to reduce the risk of fire and is indoor safe.
- ii. COMBINED TACTICAL SYSTEMS, Triple-PHASER CS CANISTER (5231), cost \$44 each, quantity: 8. The canister consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing for an increased dispersal area of CS gas. The canister is designed for outdoor use in crowd control situations.

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b. Purpose

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

c. Authorized Use

Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.

d. Lifespan

COMBINED TACTICAL SYSTEMS, SMOKE CANISTER (5210 B) - 5 years.

COMBINED TACTICAL SYSTEMS, Triple-PHASER CS CANISTER (5231) – 5 years.

e. Fiscal Impact

No annual maintenance

f. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.

g. Legal and Procedural Rules

It is the policy of the DEPARTMENT to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

10. **PepperBall Launcher:** A device that discharges irritant projectiles.

a. Description, quantity, and capabilities.

- i. TIPPMANN PEPPERBALL LAUNCHER, cost \$800, quantity: 2. The TIPPMANN is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles.
- ii. PEPPERBALL LIVE PROJECTILE, cost \$2.38, quantity: 480. The LIVE projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of

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280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.

- iii. PEPPERBALL GLASS BREAKER PROJECTILE, cost \$2.90, quantity: 40. The GLASS BREAKER is designed to break glass in tactical situations. Discharged from a PepperBall Launcher it is loaded one at a time.

b. Purpose

To limit the escalation of conflict. 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.

c. Authorized Use

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers.

d. Lifespan

PEPPERBALL SX LAUNCHER - 15 years.

PEPPERBALL LIVE PROJECTILE – 5 years.

PEPPERBALL GLASS BREAKER PROJECTLE – 5 years.

e. Fiscal Impact

Annual maintenance is approximately \$25 for each launcher.

No annual maintenance for munitions.

f. Training

Sworn members utilizing PepperBall launchers and projectiles are trained in there use by POST certified less lethal and chemical agents instructors.

g. Legal and Procedural Rules

It is the policy of the DEPARTMENT to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

11. **Shotgun Breaching Tools:** Tools that are used to conduct an explosive breach.

a. Description, quantity, and capabilities.

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- i. BENELLI M4 BREACHING SHOTGUN, cost \$1,900 each, quantity: 1. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure.
- ii. ROYAL ARMS TESAR-2 BACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND, cost \$4.50 per round, quantity: 20. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.

b. Purpose

To safely gain entry into a structure.

c. Authorized Use

Shotgun breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Lifespan

BENELLI M4 BREACHING SHOTGUN – 15 years.

ROYAL ARMS TESAR-2 FRANGILBE BREACHING ROUND – 5 years.

e. Fiscal Impact

Annual maintenance is approximately \$10 for shotgun.

No annual maintenance for munitions.

f. Training

All officers who use shotgun breaching tools shall be certified by POST instructors in the operation and use of shotgun breaching.

g. Legal and Procedural Rules

It is the policy of the DEPARTMENT to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.