

Military Equipment

708.1 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).

708.1.1 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.

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708.2 POLICY

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

708.3 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 Atascadero 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 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.

708.4 MILITARY EQUIPMENT INVENTORY

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

[See attachment: AB 481 Military Equipment List Attachment A Policy 708.pdf](#)

708.5 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):

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- (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.

708.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

708.7 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.

708.8 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.

Attachments

AB 481 Military Equipment List Attachement A Policy 708.pdf

ATASCADERO POLICE DEPARTMENT POLICY MANUAL

ATTACHMENT TO POLICY MANUAL SECTION 708

INVENTORY LIST OF AB 481 DEFINED MILITARY EQUIPMENT

Equipment Name: 5.56mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)		
Quantity Owned/Sought: 7 owned		Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifles that fire a 5.56mm projectile.		
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<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ul style="list-style-type: none"> • Situations where the officer reasonably anticipates an armed encounter. • When an officer is faced with a situation that may require accurate and effective fire at long range. • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. • When an officer reasonably believes that a suspect may be wearing body armor. • When authorized or requested by a supervisor. 		
<p>Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.</p>		
<p>Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.</p>		
<p>Training Required: 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.</p>		

Equipment Name: 5.56mm Semi-automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)		
Quantity Owned/Sought: 17 owned		Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifle capable of firing a 5.56mm projectile.		
Manufacturer Product Description: Bushmaster XM15-E2S Patrolman Rifle. Short barreled carbine for patrol operations		
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ul style="list-style-type: none"> • Situations where the officer reasonably anticipates an armed encounter. • When an officer is faced with a situation that may require accurate and effective fire at long range. • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. • When an officer reasonably believes that a suspect may be wearing body armor. 		

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<ul style="list-style-type: none"> When authorized or requested by a supervisor.
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.
Training Required: 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.

Equipment Name: 5.56mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)		
Quantity Owned/Sought: 3 owned		Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifles that fire a 5.56mm projectile.		
Manufacturer Product Description: Heckler and Koch G36C is a compact deployable patrol rifle ideal for compact carry locations such as motor vehicles and motorcycles.		
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: <ul style="list-style-type: none"> Situations where the officer reasonably anticipates an armed encounter. When an officer is faced with a situation that may require accurate and effective fire at long range. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. When an officer reasonably believes that a suspect may be wearing body armor. When authorized or requested by a supervisor. 		
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.		
Training Required: 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.		

Equipment Name: 40 caliber and 9mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)		
Quantity Owned/Sought: 2 owned		Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifles that fire a 40 caliber and 9mm projectile.		
Product Description: Heckler and Koch MP5 sub machine gun made to cover a wide variety of different tactical requirements for specialized teams.		
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:		

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<ul style="list-style-type: none"> • Situations where the officer reasonably anticipates an armed encounter. • When an officer is faced with a situation that may require accurate and effective fire at long range. • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. • When an officer reasonably believes that a suspect may be wearing body armor. • When authorized or requested by a supervisor.
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.
Training Required: 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.

Equipment Name: .308 caliber bolt-action Rifle and Ammunition - CA Govt. Code §7070(c)(10)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Remington 700 Sniper Rifle fires a .308 caliber projectile at extended distances.	
Manufacturer Product Description: The Remington 700 is the number one bolt-action of all time, proudly made in the U.S.A. For over 50 years, more Model 700s have been sold than any other bolt-action rifle before or since. The legendary strength of its 3-rings-of-steel receiver paired with a hammer-forged barrel, combine to yield the most popular bolt-action rifle in history.	
Purpose/Authorized Uses: This rifle is exclusively authorized for use by a sniper-trained SWAT officer, and may be deployed in circumstances where the officer can articulate a reasonable expectation that the rifle may be necessary. Examples of some general guidelines for deploying the rifle may include but are not limited to: <ul style="list-style-type: none"> • Situations where the officer reasonably anticipates an armed encounter. • When the officer is faced with a situation that may require accurate and effective fire at long range. • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. • When an officer reasonably believes that a suspect may be wearing body armor. • When authorized or requested by a supervisor. 	
Fiscal Impacts: \$1,604.12 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.	

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Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force including Atascadero Police Department Policy Manual sections 300, 305, 310, 312, 314.7.3.

Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy.

Equipment Name: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Govt. Code §7070(c)(14)

Quantity Owned/Sought: 9 owned

Lifespan: Approximately 15 years

Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions.

Manufacturer Product Description:

Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a "less lethal" use of force option, which serves as an additional option to mitigate the possibility of using lethal force.

Fiscal Impacts: \$3,400 initial purchase per launcher, \$2,500 initial purchase of 40mm projectiles. The ongoing cost for munitions will vary.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force, primarily Atascadero Police Department Policy Manual sections 300 and 308.

Training Required: Initial orientation course including qualifications are provided by Department members who have attended a POST-certified instructor's course; annual recertification, including qualifications by demonstrated use in a training environment are required of all operators.