

Military Equipment Use Policy

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, approval, acquisition, and reporting requirements of military equipment (Ordinance No. _____; Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

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

"Department" – means the Department of Police Services for the City of Coronado.

"Governing body" – means the City Council.

"Military equipment" – means 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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- Notwithstanding the above, "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

706.2 POLICY

- (a) It is the policy of the Coronado Police Department that members of this department comply with the provisions of Ordinance No. _____ and Government Code §§ 7071 and 7072 with respect to military equipment.
- (b) Members of the Coronado Police Department are authorized to use, acquire and borrow the military equipment as set forth in this Policy under the conditions set forth herein. No other uses of military equipment are authorized.

706.3 MILITARY EQUIPMENT COORDINATOR

The Support Services Captain will 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 Coronado 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 covering the previous year for submission to the Chief of Police by March 31 of each year and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Monitoring and updating 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.
- (h) Reviewing this Policy at least annually and making recommendations to the governing body for any revisions.

706.4 CURRENT MILITARY EQUIPMENT INVENTORY

The following constitutes a list of existing military equipment for the Department, which members of the Department are authorized to use under the conditions specified:

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a. Command Vehicle (CV): A mobile office that provides shelter, access to Police Department computer systems, police radios, and telephones on extended events.

1. Manufacturer's Description, quantity, capabilities, and purchase cost

Freightliner Chassis (custom built) vehicle, cost: \$193,070.00, quantity: 1. The CV can also be utilized for critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.

2. Purpose

To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

3. Authorized Use

The CV shall be used by officers trained in their deployment and in a manner consistent with department policy and training.

4. Lifespan

The CV has a, 15-20 year lifespan on chassis and vehicle structure. Upgrades needed every 3-4 years to maintain IT systems.

5. Fiscal Impact

Annual maintenance cost is approximately \$3,000.00.

6. Training

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

7. Legal and Procedural Rules

The CV is only to be used for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

b. Field Supervisor Vehicle (FSV): A vehicle that is used to facilitate the operational control and direction of public safety units.

1. Manufacturer's Description, quantity, capabilities, and purchase cost

2012 and 2019 Chevrolet (custom built) vehicle, cost: \$115,000.00 each vehicle, quantity: 2. The FSV is primarily utilized for day-to-day patrol operations as well as critical incidents, preplanned large events, searching for missing persons and natural disasters.

2. Purpose

To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

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3. Authorized Use

The FSV shall be used by officers trained in their deployment and in a manner consistent with department policy and training.

4. Lifespan

The FSV has a, 10-12 year lifespan on chassis and vehicle structure.

5. Fiscal Impact

Annual maintenance cost is approximately \$3,000.00.

6. Training

The driver/operator shall receive training in the safe handling and operation of the vehicle from an experienced operator before use.

7. Legal and Procedural Rules

The FSV is only to be used for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

c. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

1. Manufacturer's Description, quantity, capabilities, and purchase cost

i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425, cost: \$1000 each, quantity: 12. The 40MM Single Launcher is a tactical single shot launcher that features an adjustable stock and an adjustable Integrated Front Grip (IFG) 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 trained personnel.

ii. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$8 each, quantity: 100. A less lethal 40mm lightweight plastic and foam projectile fired from a single shot 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact 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.

iii. DEFENSE TECHNOLOGY, 40MM DIRECT IMPACT OC, #6320, cost: \$30 each, quantity: 5. A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single shot 40mm grenade launcher with a rifled barrel at 295 FPS. The 39-gram crushable foam projectile delivers 120 ft/lbs of energy upon impact in addition to dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC (Oleoresin Capsicum aka "Pepper Spray") Round provides accurate and effective performance when fired

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from the approved distance of not less than five (5) feet and as far as 120 feet from the target.

2. Purpose

To limit the escalation of conflict where employment of lethal force may not be authorized or other force options may be ineffective.

3. 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. To control riotous, violent criminal unrest incidents
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training or approved demonstrations.

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

4. Lifespan

Defense Technology model 1425- 20 years.

Defense Technology model 6325 Exact Impact Sponge- 5 years.

Defense Technology model 6320 Direct Impact OC- 5 years.

5. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

6. Legal and Procedural Rules

Use is established under Department Policy 303. The 40mm is only to be used for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

d. Patrol 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.

1. Manufacturer's Description, quantity, capabilities, and purchase cost

i. Colt Rifle, Bush Master, Daniel Defense, Stag Arms, H&K, Smith and Wesson, DPMS, and Mega 223 caliber Patrol Rifles, cost \$1,000 each, quantity: 40.

ii. GOLD DOT® DUTY RIFLE AMMUNITION 223 REM. (5.56X45MM), cost \$170 per case of 500, quantity: 8000. SPEER LE® Gold Dot® Duty Rifle brings proven bullet technology to rifle platform. The Gold Dot® bullet was the first high performance, bonded-core bullet available in handgun ammunition, and has since set the bar for duty ammunition. Gold Dot rifle bullets are optimized to ensure expansion out of barrels down

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to 10" at a wide variety of velocities out to 200 yards. In addition, these new loads boast outstanding feeding in short, very short and standard length AR platforms. Like their handgun counterparts, the Gold Dot rifle bullets are constructed using Gold Dot technology. The process of joining the jacket and core one molecule at a time eliminates the potential for the leading cause of bullet failure—jacket/core separation. It also ensures impressive weight retention through barriers as tough as auto-glass. In addition to being tough, Gold Dot rifle loads boast outstanding accuracy. Exact tolerances and unprecedented bullet uniformity of jacket thickness give Gold Dot rifle loads outstanding accuracy. In addition, these loads feature flash suppressed propellants and a muzzle velocity of up to 3000 fps. The versatility, reliability and superior construction of the new Speer LE Gold Dot Duty Rifle loads allow law enforcement agencies to utilize this tested and proven bullet technology in duty rifles with complete confidence.

2. Purpose

To be used as precision weapons to address a threat consistent with Coronado Police Department policy 300 with more precision and/or greater distances than a handgun, if present and feasible.

3. Authorized Use

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

4. Lifespan

Colt Rifle, Bush Master, Daniel Defense, Stag Arms, H&K, Smith and Wesson, DPMS, and Mega 223 caliber Patrol Rifles- no expiration.

5. Fiscal Impact

Annual maintenance is approximately \$50 for each rifle.

6. 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 once a year.

7. Legal and Procedural Rules

Use is established under department policy 305. It is the policy of the Coronado Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law, including regarding the use of force.

706.5 MILITARY EQUIPMENT ACQUISITION

The following constitutes a list of military equipment that the Department intends to acquire, which members of the Department are authorized to use under the conditions specified below:

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a. Colt Model # LE6933, 223 caliber Patrol 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.

1. Manufacturer's Description, quantity, capabilities, and purchase cost

The Coronado Police Department is planning on purchasing (10) Colt Model # LE6933, 223 caliber Patrol Rifles, cost \$1,000 each.

Built for the demanding use of those who protect our communities every day, the Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle. Featuring an extended handguard that accepts modular rail segments for mounting a wide variety of pro-grade optics, lighting, and ergonomics-enhancing accessories, as well as the highly durable Magpul® MBUS® Pro Series front and rear back up sights and B5 Bravo buttstock. The Colt EPR reestablishes the Colt AR-15® as the finest tool for local, regional, and national law enforcement agencies.

2. Purpose

To be used as precision weapons to address a threat consistent with Coronado Police Department policy 300 with more precision and/or greater distances than a handgun, if present and feasible. The (10) Colt Model # LE6933, 223 caliber Patrol Rifles will replace the following Patrol Rifles currently in the Department's inventory:

Daniel Defense, Stag Arms, Smith and Wesson, DPMS and Mega 223 caliber Patrol Rifles

3. Authorized Use

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

4. Lifespan

No expiration.

5. Fiscal Impact

Purchase price approximately \$1,000 each. Annual maintenance is approximately \$50 for each rifle.

6. 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 once a year.

7. Legal and Procedural Rules

Use is established under department policy 305. It is the policy of the Coronado Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law, including regarding the use of force.

8. Reasonably cost effectiveness compared to available alternatives.

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While Daniel Defense, Stag Arms, Smith and Wesson, DPMS and Mega 223 caliber Patrol Rifles currently in the Department's inventory have been used, they have not been proven to achieve the same objective of officer and civilian safety as the Colt Model # LE6933, 223 caliber Patrol Rifles. Placing the same model of Patrol Rifle in use assures uniform training, increases efficiency and contributes to overall safety. Other models of Patrol Rifles are in the same price range. Accordingly, the proposed acquisition is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

706.6 APPROVAL

- (a) The Chief of Police or the authorized designee shall obtain initial approval from the governing body by way of an ordinance adopting this military equipment use policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment use 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 final military equipment use policy shall be made publicly available on the Department website for as long as the military equipment is available for use. The military equipment use policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):
 - 1. Requesting military equipment made available pursuant to 10 USC § 2576a.
 - 2. 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.
 - 3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 - 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
 - 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
 - 6. 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.
 - 7. Acquiring military equipment through any means not provided above.
- (b) 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)):
 - 1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

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2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 3. 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.
 4. 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.
- (c) 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.
- (d) 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.

706.7 COORDINATION WITH OTHER JURISDICTIONS

Coronado Police Department works closely with local, county, state, and federal partners within San Diego County. 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 Coronado Police 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.

If military equipment from an outside law enforcement agency is expected to be used during a pre-planned event in Coronado, the Coronado Police Department will provide written notification of its intended use to City Council at least 30 days prior to the event.

In some instances such as a planned high risk warrant, the use of military equipment from another agency may be needed to safely execute the operation. If another agency's military equipment is used, the Coronado Police Department will provide a written explanation to City Council of its use no later than 30 days after the event.

706.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall submit a military equipment report to the governing body for each type of military equipment

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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 shall 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 the Department inventory.

706.9 COMPLIANCE

The Support Services Sergeant or designee will ensure that all Department members comply with this policy. The Military Equipment Coordinator and the Support Services Sergeant will conduct an annual audit. The Chief of Police or designee will be notified of any policy violations. All instances of non-compliance will be reported to City Council via the annual military equipment report.

Any member of the public can register a question or concern regarding military equipment use by contacting the Coronado Police Department Support Services Sergeant via phone at 619-522-7350 or in person, at the front counter of the Coronado Police Department 700 Orange Avenue Coronado, CA 92118. The Support Services Sergeant or designee will document each complaint/question in a log and respond to each inquiry within 30 days.

A member of the public can submit a complaint to any Coronado Police Department Supervisor in any form (*i.e.*, in person, at the front counter of the Coronado Police Department at 700 Orange Avenue Coronado, CA 92118; by telephone at 619-522-7350; or by, email via the website at https://www.coronado.ca.us/government/departments_divisions/police_services) Once the complaint is received, it will be routed to the Chief of Police for review.

706.10 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.