

# Agenda Item

DATE: February 7, 2023

TO: Mayor Rhoades and City Council

FROM: John Alfred, Police Chief

SUBJECT: Receive and file Ione Police Department's Military Equipment Policy.

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## **RECOMMENDED ACTION:**

Receive and file Ione Police Department's Military Equipment Policy.

## **FISCAL IMPACT:**

There is no fiscal impact associated with this item.

## **BACKGROUND:**

AB 481 was authored by Assembly member David Chiu (D-San Francisco) to address law enforcement agencies' funding, acquisition, and use of Military Equipment. The Assembly Bill creates more transparency, oversight, and accountability in the use and acquisition of police equipment which qualifies by definition as Military Equipment. On September 30, 2021, Governor Newsom signed AB 481 into law. The full text of AB 481 is attached.

## **ATTACHMENTS:**

Policy 709 – Military Equipment Policy

Assembly Bill No. 481

Exhibit A – Ione Police Military Equipment Inventory

# Military Equipment

## 709.1 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).

### 709.1.1 DEFINITIONS

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

**Governing body** – The elected or appointed body that oversees the [Department/Office] is the Ione 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 a governing body or a state agency to require additional oversight.

## *Military Equipment*

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### **709.2 POLICY**

It is the policy of the Ione Police Department that members of this [department/office] comply with the provisions of Government Code § 7071 with respect to military equipment.

### **709.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this [department/office] 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/office] equipment that qualifies as military equipment in the current possession of the [Department/Office], or the equipment the [Department/Office] 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 Ione 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/office]'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/office] 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/Office] will respond in a timely manner.

### **709.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the [Department/Office]:

Exhibit A

### **709.5 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/office] 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):

## *Military Equipment*

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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/office].
- (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.

### **709.6 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.

### **709.7 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/office] 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/office] inventory.

### **709.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the [Department/Office] shall hold at least one well-publicized and conveniently located community engagement meeting, at which the [Department/Office] should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

**Ione Police Department Assembly Bill 481-  
Military Equipment Inventory  
Exhibit A**



# Ione Police Department AB 481-Military Equipment Inventory

This document has been created in accordance with California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075.

The equipment identified in this document is stored and/or used at the Ione Police Department operated facilities.

It is the policy of the Ione Police Department to ensure we provide adequate public safety services in a transparent manner, including the purchase and use of military equipment. Decisions regarding the use, procurement and funding of military equipment should take into consideration the public's welfare, safety and civil rights and allow for public input.

The Department shall make the following considerations before seeking authorization for purchasing military equipment:

- The equipment is necessary because there is no reasonable alternative that could provide the same objective of deputy and civilian safety.
- The equipment is reasonably cost-effective compared to alternatives that can achieve the same objectives of deputy and civilian safety.

The procurement or use of any new type of military equipment, not already in possession of the Department, or approved on the current Military Equipment Policy, will require the approval of the Ione City Council. These procedures are also outlined in the Ione Police Department Policy Section 709.

Ione Police Department Policy 709 Military Use Equipment may be referred to for additional information regarding:

- The definition and types of military equipment as defined in California Government Code section 7070 (c)(1)-(16).
- The approval process for the purchase of any additional military equipment.
- The requirements for the annual review of the Military Equipment Report as defined by California Government Code Section 7071(e).

The Ione Police Department is subject to independent oversight by the Amador County Grand Jury. Additionally, the actions of peace officers may be subject to review for violations of California law by the Amador County District Attorney's office, and the California State Attorney General's Office. Additionally, the U.S. Attorney has the ability to investigate and prosecute for violations of federal civil rights laws under color of authority.

Violations of the Military Equipment Use Policy by members of the Police Department may result in sanctions including suspension or termination.

# **Ione Police Department AB 481-Military Equipment Inventory**

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| <b>3.0</b> | <b>Specialized firearms/ammunition less than .50 caliber</b>      |
| <b>4.0</b> | <b>40mm launchers, Less Lethal Bean Bag shotgun and munitions</b> |

# Ione Police Department AB 481-Military Equipment Inventory

**1.0 CATEGORY – 5 COMMAND AND CONTROL VEHICLES THAT ARE EITHER BUILT OR MODIFIED TO FACILITATE OPERATIONAL CONTROL AND DIRECTION OF PUBLIC SAFETY UNITS.**

## **1.1 Command and Control Vehicles**

| <b>2016 Chevrolet Tahoe<br/>Command Vehicle</b> |  |
|---|--|
| Description                                     | Command Vehicle – 2016 Chevrolet Tahoe   |
| Quantity  | 1  |
| Capability                                      | A vehicle used as a mobile office that provides shelter, access to department computer systems, mobile dispatch center during extended large pre-planned events, natural disasters, searching for missing persons, and community events. |
| Life Span                                       | 100,000 – 130,000 Miles  |
| Manufacturer's Desc                             | This is a standard 2016 Chevrolet chassis developed as a command vehicle. There is no specific manufacturer description.   |
| Purpose   | The command vehicle is utilized as a remote command center in the event of the loss of its primary command center located at 1 E. Main St.   |
| Legal   | IPD Policy 705.5 – Special Purpose Vehicles. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.                              |
| Costs   | Initial Cost: \$47,000<br>Re-Occurring Costs: \$0<br>Maintenance Costs: As needed<br>Year Obtained: 202<br>How was it Bought: City Funds   |
| Required Training                               | No additional training. Class C license.   |





# Ione Police Department AB 481-Military Equipment Inventory

## 2.0 CATEGORY 8 – FIREARMS AND AMMUNITION OF .50 CALIBER OR GREATER, EXCLUDING STANDARD-ISSUE SHOTGUNS AND STANDARD-ISSUE SHOTGUN AMMUNITION

### 2.1 Bean Bag Shotgun



| Remington Model 870™ Bean Bag Shotgun |   |
|---------------------------------------|---|
| Description                           | Remington Model 870™ Bean Bag Shotgun   |
| Quantity                              | 6   |
| Capability                            | Beanbag shotguns can fire a 12-gauge beanbag round with a maximum effective range of sixty feet.  |
| Life Span                             | 25 Years  |
| Manufacturer's Desc                   | The Remington Model 870™ is a pump-action shotgun design with ultimate strength, durability, silky-smooth bind-free action, with sleek and classical lines. As one of the most popular shotguns, the Model 870 is offered in dozens of configurations to suit hundreds of applications.   |
| Purpose                               | Beanbags are less-lethal munitions used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions. Situations when the deployment of less-lethal beanbags is authorized but not limited to include self-destructive, dangerous, and/or combative individuals. |
| Legal                                 | Use of Force Policy, Control Devices and Techniques Policy, Less-Lethal Policy. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.  |
| Costs                                 | Initial Cost:<br>approximately \$500<br>Re-Occurring Costs: \$0<br>Maintenance Costs: \$0 to \$25 per year<br>Years Obtained: Unknown<br>How was it Bought: Unknown   |
| Required Training                     | Officers that have been trained in the use of the beanbag shotgun undergo thorough classroom and live-fire training in its use and application. Additionally, officers trained in the use of the beanbag shotgun must pass annual qualifications to maintain proficiency and certification.   |

# Ione Police Department AB 481-Military Equipment Inventory

## 3.0 Category 10 - AR-15 Style Semiautomatic Rifle

### 3.1 AR-15 Style Semiautomatic Rifle



| AR-15 Style Semiautomatic Rifle |   |
|---------------------------------|---|
| Description                     | Firearms 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.  |
| Quantity                        | 19  |
| Capability                      | Carbine-style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.  |
| Life Span                       | No Expiration   |
| Manufacturer's Desc             | The carbine rifle is a firearm capable of stopping an armed subject at various distances. It is a lightweight, air-cooled, gas-operated, magazine fed shoulder fired weapon capable of operating in semi-automatic and selective fire modes. These rifles fire a .223 or 5.56 caliber cartridge, which is capable of penetrating soft body armor worn by armed subjects.  |
| Purpose                         | Members may deploy the patrol rifle in any circumstance where the member can reasonably expect the rifle to 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"> <li>a. Situations where the member reasonably anticipates an armed encounter.</li> <li>b. When a member is faced with a situation that may require accurate and effective fire at long range.</li> <li>c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>e. When a member reasonably believes that a suspect may be wearing body armor.</li> <li>f. When authorized or requested by a supervisor.</li> <li>g. When needed to euthanize an animal.</li> </ul> |
| Legal                           | All applicable federal, state, and local laws governing police use of force, and various Ione Police Department policies regarding use of force and firearms. Refer to Ione PD Policies 300 and 312, for more information on the use and training of Patrol Rifles.   |

## Ione Police Department AB 481-Military Equipment Inventory

|                   |   |
|-------------------|---|
| Costs             | Unit Cost: \$1,039.75 per unit<br>Re-Occurring Costs: \$0<br>Maintenance Costs: \$0 to \$25 per year<br>Years Obtained: Unknown<br>How was it Bought: Unknown   |
| Required Training | Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members operating any rifle must pass a range qualification and training quarterly. |

# Ione Police Department AB 481-Military Equipment Inventory

## 3.2 Remington Bronze .223



| Remington Bronze .223<br>Ammunition |   |
|-------------------------------------|---|
| Description                         | Remington Bronze .223 Ammunition  |
| Quantity                            | 3000  |
| Capability                          | Long Range Ammunition   |
| Life Span                           | 25 Years  |
| Manufacturer's Desc                 | Great for plinking, hunting and target shooting, the PMC Bronze .223 Remington 55-Grain Rifle Ammunition is designed with a non-corrosive boxer primer that allows for multiple reloads. The muzzle velocity and muzzle energy ensure consistent performance. |
| Purpose                             | Range training  |
| Legal                               | Use of Force Policy, Control Devices and Techniques Policy, Less-Lethal Policy. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.                |
| Costs                               | Initial Cost: .64 Cents a round<br>Re-Occurring Costs: \$0<br>Maintenance Costs: \$0 per year Years<br>Obtained: 12/2022<br>How was it Bought: Ione Police Department Budget  |
| Required Training                   | Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members operating any rifle must pass a range qualification and training quarterly.   |

# Ione Police Department AB 481-Military Equipment Inventory

## 3.2 Speer LE .223 Ammunition



| Speer LE .223 Ammunition |   |
|--------------------------|---|
| Description              | Speer LE Gold Dot .223 Rem Duty Ammunition  |
| Quantity                 | 200   |
| Capability               | Long Range Ammunition   |
| Life Span                | 25 Years  |
| Manufacturer's Desc      | Speer® Gold Dot® ammunition's reliability has made it the No. 1 choice for law enforcement, and we offer the same performance for self-defense rifle applications. Gold Dot rifle is engineered to provide industry-leading performance in FBI protocol testing through barrels less than 16 inches long. Its bullets are built using Speer's exclusive Uni-Cor® method. The jacket is bonded to the core one atom at a time, virtually eliminating core-jacket separation and creating a projectile that's accurate, tough and consistent through all common barriers. |
| Purpose                  | Duty ammunition for patrol rifles   |
| Legal                    | Use of Force Policy, Control Devices and Techniques Policy, Less-Lethal Policy. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.  |
| Costs                    | Initial Cost: \$1.69 a round<br>Re-Occurring Costs: \$0<br>Maintenance Costs: \$0 per year<br>Years Obtained: 2021<br>How was it Bought: Ione Police Department Budget  |
| Required Training        | Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members operating any rifle must pass a range qualification and training quarterly.   |

# Ione Police Department AB 481-Military Equipment Inventory

## 4.0 14 – KINETIC ENERGY WEAPONS AND MUNITIONS

### 4.1 Federal Laboratories 203A Launcher



| <b>Federal Laboratories 203A Launcher</b> |   |
|---|---|
| Description                               | Federal Laboratories 203A Launcher  |
| Quantity                                  | 1   |
| Capability                                | The FL-203A Less-Lethal Launcher is a single shot, shoulder-fired device that fires non-lethal munitions and liquids. Its ammunition includes 37 and 38mm baton and tear gas rounds. The baton rounds are cylindrical, rubber projectiles. Projectiles provide blunt impact, marking, and oleoresin capsicum (OC) effects to deny access, move, and/or suppress individuals from 5–15 meters.   |
| Life Span                                 | No lifespan indicated by the manufacturer. Lifespan varies on operational usage and wear.   |
| Manufacturer's Desc                       | The FL-203A Less-Lethal Launcher is constructed from durable materials, with comfortable ergonomics, and an easy-to-operate safety. The FL-203A Launcher is equipped with iron sights.  |
| Purpose                                   | The FL-203A is a less-lethal, single-shot launcher that launches plastic sphere projectiles. The plastic spheres burst on impact and release paint or contain PAVA powder (The name "PAVA" stands for Pelargonic Acid Vanillyl Amide, also called Nonivamide, and is the organic compound characteristically in natural chili pepper). The OC powder can effectively control, dissuade or disperse an individual(s) engaged in violent or riotous behavior. |
| Legal                                     | Use of Force Policy, Crowd Demonstration and Management Policy, and Control Devices and Techniques Policy. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.   |
| Costs                                     | Initial Cost: \$299.99<br>Re-Occurring Costs: \$0<br>Maintenance Costs: \$0-\$100<br>Year Obtained: Unknown<br>How was it Bought: Received through DRMO (military surplus)  |
| Required Training                         | Officers authorized to carry and use the FL-203A must have completed the POST-approved Less-Lethal course.  |

# Ione Police Department AB 481-Military Equipment Inventory



## 4.2 Bean Bag Rounds

| <b>Bean Bag<br/>(12-Gauge)</b> |  |
|--------------------------------|--|
| Description                    | 12-Gauge Shotgun Bean Bag Rounds   |
| Quantity                       | 0  |
| Capability                     | Beanbag shotguns can fire a 12-gauge beanbag round with a maximum effective range of 75 feet.  |
| Life Span                      | Five years from manufacturer date  |
| Manufacturer's Desc            | The Drag Stabilized™ 12-Gauge Round is a translucent 12-gauge shell loaded with a 40-gram tear-shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the law enforcement communities' number one choice for specialty impact munitions. This round has a velocity of 270 feet per second with a maximum effective range of 75 feet.   |
| Purpose                        | Beanbag shotguns used with beanbag rounds may be deployed to impact subjects who demonstrate assaultive or life-threatening behavior. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon. The main objectives that officers attempt to achieve in using a beanbag round on a subject exhibiting any of the criteria mentioned above are to effect investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death. |
| Legal                          | Use of Force Policy, Crowd and Demonstration Management Policy, and Control Devices and Techniques Policy, First Amendment Assemblies Policy. The department shall only utilize this equipment for official law enforcement purposes and pursuant to State and Federal Law and applicable department policy.   |
| Costs                          | Initial Cost: \$6 Each<br>Re-Occurring Costs: \$0<br>Maintenance Costs: \$0<br>Year Obtained: N/A<br>How was it Bought: Ione Police Department Budget  |
| Required Training              | Officers that have been trained in the use of the beanbag shotgun undergo thorough classroom and live-fire training in its use. Additionally, officers trained in the use of the beanbag shotgun must pass annual qualifications to maintain proficiency.  |