

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.

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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- 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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709.2 POLICY

It is the policy of the West Valley-Mission Community College District Police Department that members of this department 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 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 West Valley-Mission Community College District 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.

709.4 MILITARY EQUIPMENT INVENTORY

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

[Insert attachment here]

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 website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The

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military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any member in this jurisdiction unless the military equipment is approved for use in accordance with this policy. Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction shall comply with their respective military equipment policies.

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 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.

709.8 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.

The following is the approved designated "military equipment" used by the department listed by category as identified in Government Code 7070.

Unmanned Aerial Systems (UAS)/ Unmanned Aerial Vehicles (Category 1)

a. Description

Unmanned aerial systems (UAS), are commonly used by public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement, fire personnel, and the public. An Unmanned Aerial Vehicle (UAV) is an unmanned, remotely powered aerial system of any type that can sustain direct flight, whether remotely piloted or via pre-programing, and all the attached systems are designed for gathering information via photography, recording or any other means.

- b. The West Valley College Unmanned Aerial Technology Certification Program uses a variety of UAV models to prepare, train and certify students, to enter the unmanned aircraft technology field. The District Police Department collaborates with West Valley College for pilot training and use of the unmanned aerial vehicles listed below for law enforcement and public safety.

c. Quantity

- One - Skydio X2E UAS (Existing equipment, collaboration with WVC)
- Four - Skydio 2 UAS (Existing equipment, collaboration with WVC)

d. Capabilities

The Skydio X2E is a battery powered, remote operated device. Controller: Skydio Enterprise Controller with 6.8-inch integrated screen. Controller allows operators to control UAV and view live feed from UAS-mounted cameras. The Skydio X2E has 360-degree environmental coverage, and omnidirectional avoidance coverage. Camera: Sony IMX577 camera with dual RGB and FLIR capabilities. Camera provides operators with the ability to switch between standard RGB camera and views based on heat of objects within frame. Flight time of approximately 35 minutes per battery, depending on weather and flight conditions.

e. Purpose

The UAS will be deployed by WVMPD when its use would assist officers or incident commanders with overall situational awareness in varying situations, which include but are not limited to:

- i. de-escalating a situation
- ii. collision investigations
- iii. search for missing persons.
- iv. natural disaster management
- v. crime scene photography
- vi. tactical or other public safety and life preservation missions.
- vii. In response to specific requests from local, state, or federal authorities for law enforcement, fire response and/or prevention.

- f. Authorized Use
Only assigned operators who have completed the required training and FAA certification shall be permitted to operate an unmanned aerial vehicle during approved activities. All applicable WVMPD policies remain in effect, to include, but are not limited to: Policy 322 - Search and Seizure, Policy 332 - Missing Persons, Policy 406 - Crime and Disaster Scene Integrity.
- g. Expected Lifespan
The unmanned aerial vehicles have an estimated expected lifespan of approximately 5 years.

Specialized Firearms and Ammunition (Equipment Category 10)

- a. Description
The Carbine Rifle is a standard issue firearm for sworn members of the department. It can stop an armed subject at various distances and with far greater accuracy than the standard issue sidearm. The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic fire. The .223/5.56 cartridge is used in the Carbine Rifle and designed to stop a deadly threat/ violent encounter.
- b. Quantity
- Five - Colt AR-15/M4 Carbine Rifles (Existing Equipment)
 - Four - Bushmaster XM-15 Carbine Rifles (Existing Equipment)
 - The department's primary training ammunition for this firearm is: Winchester USA223R1K and W223K cartridges, .223/5.56 caliber, .55 gr.
 - The department's primary duty ammunition for this firearm is: Winchester RA223RY cartridges, .223/5.56 caliber, .55 gr.

Note: The quantity of ammunition possessed by the department varies based on availability and usage. Other ammunition manufacturers and types of ammunition, including those with different ballistic characteristics, may be selected and used by the department based upon availability, evaluation and or recommendation.

- c. Purpose
Carbine Rifles are more accurate than a handgun. They are intended to be used to address a significant threat over distance with greater precision.
- d. Authorized Use
Only sworn members of the department who are POST certified in the use of a Carbine Rifle and have met department qualification standards are authorized to use it. All other applicable WVMPD policies remain in effect, to include, but not limited to; Policies 300 – Use of Force, 304 – Shooting Policy, 312 – Firearms.
- e. Expected Lifespan
The lifespan of the carbine rifle is determined by the overall use over time. It is regularly serviced, and parts replaced as necessary. The lifespan of the carbine's barrel is approximately 20,000 rounds fired.

Kinetic Energy Weapons and Munitions (Equipment Category 14)

a. Description

The purpose of this device (Mossberg 12GA shotgun) is to deliver a small fabric pillow that is filled with No. 9 lead shot weighing about 1.4 ounces (Munition). The munition is expelled at about 250 to 300 feet per second. It spreads out in flight and distributes its impact over one square inch of the target. The munition is designed to deliver a blow that will cause minimum long-term trauma and no penetration to the body (Less lethal).

b. Quantity

- Six – Mosberg 590A1 12 Gauge pump-action shotgun – Less Lethal Orange Over Molded Shotgun stocks w/ Orange fore-end (Existing Equipment)
- The department uses the following less lethal ammunition: CTS 2581 12GA Less Lethal Impact Rounds.

Note: The quantity of less lethal ammunition possessed by the department for this firearm varies based on availability and usage. Other less lethal ammunition manufacturers and types of ammunition, including those with different characteristics, may be selected and used by the department based upon availability, evaluation and or recommendation.

c. Purpose

Kinetic Energy Weapons and munitions are a control device that is intended to be used to restrain or arrest a subject who is violent or demonstrates the intent to be violent.

d. Authorized Used

Only sworn members of the department who have been certified in the use of Kinetic Energy Weapons and Munitions and have met the department qualification standards are authorized to use it. All other applicable WVMPD policies remain in effect, to include, but not limited to; Policies 300 – Use of Force, Policy 308 – Control Devices and Techniques.

e. Expected Lifespan

The lifespan of the Mossberg 590A1 shotgun is determined by the overall use over time. It is regularly serviced, and parts replaced as necessary.