

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 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 handguns.
- 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.

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- 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.

706.2 POLICY

It is the policy of the San Bernardino Community College District Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 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 a 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 the San Bernardino 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.

706.4 MILITARY EQUIPMENT INVENTORY

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

- Remington 870 12- Gauge 2 ³/₄ Shotgun Less-Lethal Shotgun with orange-colored stock and forestock/forend

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- Colt AR-15 .223/5.56 NATO Rifle

706.5 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):

- (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.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Other law enforcement agencies and their members who respond to assist with incidents in this jurisdiction shall use their military equipment in accordance with their agencies' policies.

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 the department inventory.

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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.

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Attachment A to Policy 706 - Military Equipment Use Policy

Equipment Type:

SEMIAUTOMATIC PATROL RIFLES.

Quantity Owned:

8 Patrol Rifles.

Capabilities:

The Colt AR-15 semiautomatic carbine rifle is a standard issue firearm for sworn member of the police department. It fires 5.56 (.223 caliber) ammunition and is capable of firing at greater distances and with greater accuracy than Department-issued pistols.

Manufacturer's Description:

Colt AR-15 .223/5.56 NATO Rifle.

Ammunition Utilized:

Federal or Remington .223 Caliber (5.56 NATO).

Lifespan:

Approximately 25 years or 30,000 rounds.

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:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.

- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

Fiscal Impacts:

The semiautomatic rifles and associated equipment/accessories have already been purchased over time. Ongoing maintenance, ammunition, and/or replacement costs will vary.

Legal/Procedural Rules Governing Use:

All applicable local, state, and federal laws governing police use of force as well as all applicable San Bernardino Community College District Police Department policies concerning Use of Force and Firearms.

Training Required:

Officers are required to successfully complete departmental training. This training shall consist of an initial 16-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualify semi-annually with a certified patrol rifle instructor.

Equipment Type:

Remington 870 Shotgun with orange-colored stock and forestock/forend for Bean Bag deployment.

Quantity Owned:

2 Bean Bag shotguns.

Capabilities:

Bean Bag shotguns can fire a 12-gauge bean bag round with a maximum effective range of sixty feet.

Manufacturer's Description:

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.

Ammunition Utilized:

Safariland Defense Technology 12 gauge Drag Stabilized Bean Bag Round.

Lifespan:

Approximately 25 years or 30,000 rounds.

Purpose/Authorized Uses:

This department is committed to reducing the potential for violent confrontations. Bean Bag (kinetic energy) projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Fiscal Impacts:

The bean bag shotguns and associated equipment/accessories have already been purchased over time. Ongoing maintenance, ammunition, and/or replacement costs will vary.

Legal/Procedural Rules Governing Use:

All applicable local, state, and federal laws governing police use of force as well as all applicable San Bernardino Community College District Police Department policies concerning Use of Force and Firearms.

Training Required:

All sworn personnel receive their initial less lethal/munitions training during the basic POST police academy training course. Upon joining our Department, all sworn personnel receive a two-hour (2) refresher course every 24 months on less lethal/munitions at the trimester training at the San Bernardino Co. Sheriff's Department.