
Military Equipment

710.1 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).

710.1.1 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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710.2 POLICY

It is the policy of the Atwater Police Department that members of this department comply with the provisions of Government Code § 7070-7075 with respect to military equipment.

710.3 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 Atwater 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.

710.4 MILITARY EQUIPMENT INVENTORY

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

SEMI AUTO RIFLES CA Gov't Code §7070(c)(10): 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.

Description, Quantity, capabilities

1. AR-15 Patrol Rifle, Semi-Automatic, Caliber 5.56. To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible in accordance with department policy, state and federal statute.
 - (a) Authorized Users: Only members that have completed the POST certified patrol rifle class are authorized to use a rifle.
 - (b) Quantity; 36

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- (c) Ammunition: 5000 rounds

SELECT FIRE RIFLES CA Gov't Code §7070(c)(10): 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.

Description, Quantity, capabilities

1. M4 Rifle, Select Fire, Caliber 5.56. To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible in accordance with department policy, state and federal statute.

- (a) Authorized Users: Only members that have completed the POST certified patrol rifle class and are assigned the Merced County SWAT team are authorized to use the rifle.
- (b) Quantity: 1
- (c) Ammunition: See Above

40MM SINGLE SHOT LAUNCHER CA Gov't Code §7070(c)(14): The 40MM Single Launcher is a tactical single shot launcher that will fire standard 40mm less lethal ammunition or deploy chemical agents.

- 1. Quantity: 1
- 2. Authorized Users: Only members that have completed in service training and POST training are authorized to use a 40mm Single Shot Launcher.

37MM SINGLE SHOT LAUNCHER CA Gov't Code §7070(c)(14): The 37MM Single Launcher is a tactical single shot launcher that will fire standard 37mm less lethal ammunition or deploy chemical agents.

- 1. Quantity: 1 (inoperable)
- 2. Authorized Users: Only members that have completed in service training and POST training are authorized to use a 37mm Single Shot Launcher.

SEMI AUTO TRAINING RIFLES CA Gov't Code §7070(c)(10): The Department possess several AK47/SKS style rifles for the purposes of weapon safety and familiarization.

- 1. Quantity: 2
- 2. Authorized Users: Range and armorer staff to provide officer safety and evidence safety training to line staff.

COMMAND POST VEHICLE CA Gov't Code §7070(c)(5): The Department possess a 24 ft. command post/ crime scene vehicle designed to facilitate the operational control and direction of public safety units at major incidents or crime scenes.

MAINTENANCE OF MILITARY USE SUPPLY LEVELS

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When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 50% of stock in a calendar year without city council approval to maintain essential availability for the Department's needs.

710.5 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.

710.6 COORDINATION WITH OTHER JURISDICTIONS

Although 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, It is the policy of the Atwater Police Department to allow law enforcement agencies providing mutual aid or operating within the jurisdiction of the Atwater Police Department to use military equipment authorized by compliant Government Code 7071 compliant ordinances and agency policies from their home jurisdictions. Government Code 7071 (D)

710.7 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or his/her designee, the Police Department may acquire, borrow and/or use Military Equipment that is not included in the Military Equipment Use Policy.

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If the Police Department acquires, borrows, and/or uses Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that acquisition or use to the 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.
- If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
- Include the Military Equipment in the Police Department's next annual Military Equipment Report.

710.8 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.

710.9 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.

710.10 COMPLAINT PROCEDURE

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

- (a) Via email to: militaryequipment@atwater.org
- (b) Via phone call to: (209) 357-6298
- (c) Via mail sent to: Atwater Police Department Attn: Military Equipment Use Coordinator
750 Bellevue Rd. Atwater, CA 95301.

The Atwater Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.