

STOCKTON POLICE DEPARTMENT

GENERAL ORDERS

**MILITARY EQUIPMENT USAGE
SUBJECT**

DATE: FEBRUARY 24, 2022

NO: F-02a

FROM: INTERIM CHIEF JIM CHRASKA

TO: ALL PERSONNEL

INDEX: MILITARY EQUIPMENT

I. POLICY

The policy of the Stockton Police Department is to comply with the provisions in Government Code § 7070; Government Code § 7071; Government Code § 7072 for the approval, acquisition, and reporting requirements of military equipment.

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 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 department inventory.

II. DEFINITIONS

A. Governing body – The elected or appointed body that oversees the Department.

B. Military equipment – Includes but is not limited to the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.

a. Unmanned remotely piloted powered aerial vehicle: Unmanned aerial systems (UAS) are necessary as they provide visibility to high-risk locations. Without the use of a UAS, peace officers would have to deploy to high-risk locations, which would increase the risk to the officers and members of the public. The UAS system is designed to enter small spaces, such as enclosed structures, as well as to provide overhead observations of wooded areas and other structures located in often crowded spaces. There are no known alternatives which could be used to safely access these locations.

b. Unmanned remotely controlled ground vehicle: Unmanned ground robots are used for reconnaissance during critical incidents to assist in providing visibility in areas where it would be unsafe to send a peace officer. This system can also be used to defuse or move potentially hazardous items. Not having access to this item would require the use of peace officers to engage in high-risk tasks. There is no known alternative to this system.

c. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. No item is currently in inventory.

2. 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.

- a. Armored personnel carriers, Humvees, wheeled vehicles that have a breaching or entry apparatus: Armored vehicles are used to provide ballistic protection to officers and citizens during rescue, critical incidents, and other hazardous situations. These vehicles allow officers closer access to high-risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian commercial vehicles. As such, there are no reasonable alternatives to providing the same level of ballistic protection.
 - b. Tracked armored vehicles that provide ballistic protection to their occupants. No item is currently in inventory.
3. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
 - a. Command and control vehicles: The mobile incident command vehicle (MIC) is an unarmored vehicle equivalent to a commercial recreational vehicle. It is equipped with specific communication and audio-visual devices to assist in command and control of a critical incident. This vehicle allows for mobile incident command and use of the Incident Command Systems facilitating the best possible on scene decision-making by key leaders. It provides for mobility, sheltering, and logistical support, restroom facilities and power. There is no known alternative for the MIC which provides the same amount of mobility and support at one location in a quick deploying package.
 - b. Weaponized aircraft, vessels, or vehicles of any kind. No item is currently in inventory.
4. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
 - a. Breaching apparatuses, battering rams, slugs: Battering rams and breaching apparatus are used to defeat locked, barricaded, or fortified locations allowing officers to conduct rescues or high-risk forceable entries. This includes but is not limited to rescuing hostages. These items allow peace officers to quickly enter a structure when time is of the essence. This would include but not limited to an active shooter or kidnapping situation. In such situations time is of the essence and it would not be feasible to wait for other delayed access to the structure. There are alternatives which are used for low risk and/or non-fortified situations. This includes handheld battering rams. However, this alternative does not afford the same level of protection or speed that such equipment provides when necessary. As such there is no reasonable alternative to these items when they are used and required.
 - b. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition. No item is currently in inventory.
5. 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, except for standard-issue handguns.
 - a. Specialized firearms and ammunition, including assault weapons: Patrol rifles, Special Weapons and Tactics (SWAT) rifles, and sniper rifles, enable officers when in compliance with the SPD's Use of Force Policy, to address medium to long-distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers precision shot placement, minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance or precision.
 - b. Any firearm or firearm accessory that is designed to launch explosive projectiles. (See teargas and pepper ball description)

6. Noise-flash diversionary devices and explosive breaching tools.
 - a. Flashbangs: Flashbangs are used as a distraction device to disorient or divert the suspect'(s) attention away from officers. This can allow officers to gain safer access to a high-risk situation, giving extra time to assess and analyze existing threats. This can prevent injury to officers and citizens. These devices can often lead to a safer resolution and allow officers to take a citizen into custody without force. There is no known alternative to a flashbang when it is necessary.
7. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
 - a. Tear gas and pepper ball: Tear gas and pepper ball are less lethal methods used to address violent or riotous crowds when there is a risk of physical safety. They are also used to safely extract a suspect from a fixed location or safely detain a suspect who poses a risk of violence to officers. Tear gas allows peace officers to deploy a less-lethal chemical agent into a structure where other weapons would not be capable of doing so. These weapons are less lethal and afford peace officers an added option to avoid lethal force encounters. When these items are reasonable and necessary for use, there is no other alternative.
8. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs). No item is currently in inventory.
9. Kinetic energy weapons and munitions.
 - a. 40mm projectile launchers and bean bag shotguns: The 40mm launcher affords the ability to use less lethal chemical agents and impact munitions. This allows officers to address a threat from a greater distance and provides an alternative option for deadly force when reasonable. The bean bag shotgun also allows officers to confront a potentially armed or dangerous suspect at a longer distance. This can potentially prevent a deadly force encounter. When necessary, there is no alternative to these less-lethal weapon systems.
10. Any other equipment as determined by a governing body or a state agency to require additional oversight.

C. 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:

1. Acting as liaison to the governing body for matters related to the requirements of this policy.
2. 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.
3. Conducting an inventory of all military equipment at least annually.
4. Collaborating with any allied agency that may use military equipment within the jurisdiction of Stockton Police Department (Government Code § 7071).
5. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
6. Publicizing the details of the meeting.
7. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
8. 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).

9. 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.

III. **PROCEDURES**

A. 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):

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. 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. A City of Stockton Council Meeting where the subject of military use equipment can be discussed as an item of "New Business."