

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). This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 (2021). These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

It is the policy of the Department of Public Safety that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

709.1.1 DEFINITIONS

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

Governing body – The Stockton Unified School District Board of Trustees..

Military equipment – Includes but is not limited to the following (Government Code § 7070 (c) (1)(16):

- 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.

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- 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.

709.2 POLICY

It is the policy of the Department of Public Safety that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

1. The Lieutenant, Sergeants, and any other person(s) designated by the Chief of Police will ensure that all Department members comply with this policy.
2. The designated military equipment coordinator will conduct an annual audit with the assistance of designated staff. The military equipment coordinator shall notify the Chief of Police of any policy violations. The Chief of Police may refer the matter to an investigator in accordance with OE3 Bargaining Agreement Article 16 (Disciplinary Procedures). All instances of non-compliance will be reported to the Board of Trustees via the annual military equipment report.
3. Any member of the public can register a question or concern regarding the military equipment use by contacting the Department via e-mail at <https://www.susdpolice.org/> or call (209) 933-7085. The designated military equipment coordinator shall ensure that the Department responds to questions and concerns regarding military equipment use in a timely manner.
4. Any member of the public may register a complaint regarding the Department's use of military equipment by providing a written description of the complaint to the Lieutenant via e-mail at <https://www.susdpolice.org/>. Once the complaint is received, the Lieutenant shall ensure that the complaint receives a response in a timely manner and is routed to the appropriate supervisor in accordance with OE3 Bargaining Agreement Article 16 (Disciplinary Procedures).

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall 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:

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- (a) Acting as liaison to the Board of Trustees 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 Board of Trustees.
- (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 Stockton Unified School District Department of Public Safety (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) Ensuring that the Department responds to questions, concerns, and complaints regarding the Department's use of military equipment from members of the public in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY

The military equipment acquired and authorized by the Department:

- (a) Is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) Will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) Is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Military equipment shall only be used by a Department employee only after applicable training per policy 312.6, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

All military use equipment kept and maintained by the Department shall be cataloged in a way which addresses each of the following requirements:

- 1. The manufacturer's description of the equipment.
- 2. The capabilities of the equipment.
- 3. The purposes and authorized uses for which the Department proposes to use the equipment.
- 4. The expected lifespan of the equipment.

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5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.

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

1. School Emergency Mobile Communications Vehicle: An unarmored vehicle equipped with specific communication and audio-visual devices to assist in command and control of a critical incident.

- (a) Description, quantity, capabilities, and purchase cost.
 1. Customized 1996 GMC FC (a manufacturer's description is not available), Cost: \$16,000, quantity:1. Originally purchase by the Stockton Unified School District (SUSD) and used as a mobile computer lab, the Department of Public Safety repurposed the vehicle to be used as a mobile command center containing public safety radios a resources allowing SUSD personnel in charge of school safety to have the resourced to properly manage a school emergency
- (b) Purpose/Authorized Uses
 1. To be used as a mobile computer lab and command center in circumstances involving, for example, a critical incident or emergency, large crowds of people, or a natural disaster.
- (c) Required Training
 1. Only officers trained in the deployment and operations as det forth in Policy 706 are authorized to operate the School Emergency Mobile Communications Vehicle.
- (d) Legal and Procedural Rules
 1. It is the policy of the Department to use the School Emergency Mobile Communications Vehicle only for official law enforcement purposes only and in accordance with Department Policy 706 and California State laws regarding the operation of motor vehicles.

2. Specialized firearms and ammunition: 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.

- (a) Description, quantity, capabilities, and purchase cost.
 1. Sig Sauer MCX Semi-Automatic 16" Rifle, cost: \$1750, quantity: 17. A rife that fires an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It has a folding telescoping stock which allows a trained officer better control inside of structures with greater accuracy than a handgun.
 2. Colt AR-15 Rifle Semi-Automatic AR-15, cost: unknown, quantity: 10. A rifle that fires an intermediate-power cartridge (.223) which enables an officer greater accuracy than a handgun.

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3. Speer Gold Dot.223 Caliber 62 Grain Rifle Round, cost \$260 per case of 500, quantity: 50 cases. Remington ammunition made by Speer, features nickel plated brass cases and Boxer primers and this is a non-corrosive round. The Gold Dot LE ammunition goes through a process of joining the jacket and the core in molecule at a time. Thanks to this, Speer eradicates the potential for the leading cause of bullet failure (jacket/core separation). This process will guarantee extraordinary weight retention through barriers as strong as auto-glass. In addition to its remarkable strength, Gold Dot rifle ammunition asserts remarkable accuracy. With exact tolerances and unparalleled bullet uniformity of jacket thickness.
 4. Winchester 9mm Luger Auto 147 Grain Full Metal Jacket Flat Point Practice Ammunition, cost: \$6,300, quantity: 15,000 rounds. Winchester 9mm Luger ammunition is loaded with a 147 grain Full metal Jacket bullet. The Full Metal Jacket bullet is for range practice and reducing fouling in the barrel. The jacket extends from the nose of the base, preventing bullet expansion and barrel leading. This ammunition is new production, non-corrosive, ammunition, featuring brass cases, boxer primed and is re-loadable.
 5. Federal 9 MM Luger Grain HST Duty Ammunition, cost: \$5,000, quantity: 28 cases. This 9mm ammunition load features nickel plated brass casings and noncorrosive primers. A specially designed hollow-point tip won't plug while passing through a variety of barriers and this bullet holds its jacket in the toughest conditions HST is engineered to provide 100% weight retention through most barriers.
- (b) Purpose/Authorized Uses
1. To be used as precision weapons that are capable of addressing threats with more precision and/or over a greater distance than handguns, if present and feasible in accordance with Department Policy 312.
- (c) Required Training
1. Only Department members who are POST-certified peace officers are authorized to use a rifle.
- (d) Legal and Procedural Rules
1. It is the Policy of the Department to utilize rifles only for official law enforcement purposes, pursuant to Department Policy 312 and State and Federal law regarding the use of force.

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the Board of Trustees 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 Board of Trustees 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

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policy must be approved by the Board of Trustees 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 Board of Trustees.
- (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.

The Department shall seek Board approval 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.

The Department has authority to apply for funding prior to obtaining Board approval in the case of exigent circumstances. The Department shall obtain Board approval as soon as practicable.

The Board shall review this policy at least annually and vote on whether to renew the policy (Government Code § 7071).

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. The Department has intersecting jurisdictions with Stockton Police Department and San Joaquin County Sheriff's Office. In order to provide increased public safety for the community members of Stockton, each department recognizes the need for cooperation to effectively use resources and operate efficiently over intersecting jurisdictions.

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 Board of Trustees 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).

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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:

- A summary of how the military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning the military equipment.
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- The quantity possessed for each type of military equipment.
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

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.