

## Military Equipment

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, funding, use and reporting requirements of "military equipment", as the term is defined in Government Code Section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481. 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.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. Access to this equipment by sworn members of the OHAPD provides officers options to safeguard lives, ensure safety, and protect civil liberties of all citizens. OHAPD officers must have an understanding of, and true appreciation for, the limitations of their authority, particularly with respect to overcoming unlawful resistance from those with whom they come in official contact. In addition, this policy safeguards the public's welfare, safety, civil rights and civil liberties, and ensures that there are safeguards, including transparency, oversight, and accountability measures in place.

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, civil liberties, and should be based on meaningful public input. (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 706.1.1 DEFINITIONS

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

**Governing body** - means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

**Oakland Housing Authority (OHA) Board of Commissioners (BOC):** – The Oakland Housing Authority BOC is the governing body for the OHAPD.

**Military Equipment** – Includes but is not limited to the following:

- (1) Wheeled armored vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.

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- (2) Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.
- (3) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion. (4)
- (4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (5) Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (6) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or that is explosive in nature.
- (7) Firearms of .50 caliber or greater.
- (8) Ammunition of .50 caliber or greater.
- (9) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30515 of the Penal Code, with the exception of other service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency.
- (10) Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.
- (11) Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (12) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (13) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (14) Sonic weapons, including the Long Range Acoustic Device sound cannon.
- (15) Any other equipment as determined by the state coordinator pursuant to Section 7074.

#### **706.2 POLICY**

It is the policy of the Oakland Housing Authority Police Department 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. Any military equipment acquired prior to the enactment of this policy shall adhere to all protective measures set forth in this policy and comply with the provisions of Government Code § 7071 with respect to military equipment.

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#### **706.3 MILITARY EQUIPMENT USE CONSIDERATIONS**

The military equipment acquired and authorized by the Department is:

- A. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety,
- B. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, and
- C. Military equipment shall only be used by a Department employee after receiving applicable training and demonstrating proficiency in its use.

#### **706.4 MILITARY EQUIPMENT COORDINATOR**

The Lieutenant Adjutant will serve as the military equipment coordinator. The responsibilities of the military equipment coordinator include, but are not limited to:

- (a) Acting as liaison to the Chief of Police 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 Commissioners.
- (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 Oakland Housing Authority 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.

#### **706.5 MILITARY EQUIPMENT INVENTORY**

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

##### **Unmanned Vehicle (Equipment Category 1)**

- A. **Description, quantity, capabilities and purchase cost:** **Recon Scout XT-**  
Quantity (1) – Cost \$8,000 Battery powered, remote operated micro-robot platform that enables trained officers to obtain instantaneous video and audio reconnaissance

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within hazardous indoor or outdoor environments while not escalating This micro-robot is designed to be able to crawl over a variety of terrain, clearing obstacles up to 2" (5 cm) tall.

- B. **Purpose** – To be used to remotely gain on-scene and real-time visual/audio data allowing officers to quickly make informed decisions.
- C. **Authorized Use** – Only assigned officers who have completed the required training shall be permitted to operate the Recon Scout XT. All applicable State, Federal and Local laws governing police including OHAPD policies apply to the use of the robot.
- D. use of force.
- E. **Expected Lifespan** – 10-15 years
- F. **Fiscal Impact** – No known annual maintenance cost.
- G. **Training** – All robot operators must complete appropriate officer training on operating the Recon Scout XT. Officers are designated by the Police Department to operate the robot during critical incidents.

#### **Command and Control Vehicle (Equipment Category 5)**

- A. **Description, quantity, capabilities and purchase cost:** **Mobile Command Center-** Quantity (1) – Cost \$250,000 The vehicle is a converted 1991 Carlin Recreational Vehicle. The vehicle is affixed with Code 3 lights and siren and OHAPD graphics. The vehicle contains two workspaces including computer monitors, seating, and table tops.
- B. **Purpose** – To be used as an alternate Communications Center in the event of a system failure.
- C. **Authorized Use** – The vehicle is only authorized as a secondary Communications Center and is not driven. The vehicle is parked at the Service Center adjacent to the Communications Center. All applicable State, Federal and Local laws governing police including OHAPD policies apply to the use of the Mobile Command Center.
- D. **Expected Lifespan** – The vehicle has exceeded its lifespan.
- E. **Fiscal Impact** – No known annual maintenance cost.
- F. **Training** – Staff members receive training on the operation of the vehicle to include system and generator start-up.

#### **Specialized Firearms and ammunition (Equipment Category 10)**

- A. **Description, quantity, capabilities and purchase cost:**
  - 1. **Patrol Rifle** – Quantity (22) Cost \$1,500 (fully equipped). The Colt AR-15 patrol rifle is a firearm capable of accurately stopping an armed subject at various distances. The rifle is a light weight shoulder fired weapon designed for semi-automatic fire.
  - 2. **.223 cal. / 5.56 mm Ammunition** – Quantity (18,000 rounds) Cost (\$12,000) The .223 cal. / 5.56 mm cartridge is used as a lethal option designed to stop a

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violent encounter. The round is capable of penetrating soft body armor being worn by armed subjects.

- B. **Purpose** – In defense of life, officers may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed.
- C. **Authorized Use** – All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use the patrol rifles. Situations which the rifle may be deployed may include, but are not limited to:
1. Situations where the member reasonably anticipates an armed encounter.
  2. When a member is faced with a situation that may require accurate and effective fire at long range.
  3. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
  4. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
  5. When a member reasonably believes that a suspect may be wearing body armor.
- D. **Expected Lifespan** – With proper maintenance and care, there is no expected lifespan of the patrol rifle.
- E. **Fiscal Impact** –
1. Colt AR-15 – Annual Maintenance Cost \$1,500
  2. (Training Ammunition) – Annual Cost \$6,800 **(12,000 Total Rounds)**
  3. (Duty Ammunition) – Annual Cost \$4,000 **(4,500 Total Rounds)**
- F. **Training** – Prior to using a patrol rifle, officers must be certified through the California Peace Officers Standards and Training (POST). Additionally, all officers that operate a rifle are required to pass a range qualification twice a year.

### **Pepperball Launcher and Ammunition (Equipment Category 12)**

- A. **Description, quantity, capabilities and purchase cost:**
1. **FN 303-** Quantity (3) – Cost \$1,500 each - Specialty munitions launcher that uses compressed air to fire .68 cal. fin stabilized projectiles, which are capable of carrying a variety of payloads such as PAVA/OC Powder and Indelible Marking Paints. The launcher is semi-automatic and fires from a 15 round magazine.
  2. **FN 303 INDELIBLE PAINT/ MARKING ROUND** - Cost: \$900 Quantity: 150 rounds. The FN 303 Indelible Paint is a .68 cal round which weighs approximately 8.5 grams. The round works primarily through blunt trauma, similar to other specialty impact munitions. In addition, the round contains a non-washable, indelible, paint. This paint is yellow in color and is designed to allow for the later identification suspects.

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3. **FN 303 PAVA POWER/ OLEORESIN CAPSICUM ROUND** - Cost: \$900  
Quantity: 150 rounds. The FN 303 PAVA Power round isa.68 cal fin stabilized projectile. It weighs approximately 8.5 g. In addition to blunt trauma, the PAVA Power round uses a synthetic version of Oleoresin Capsicum (pepper spray) to create a secondary effect on the target.
  4. **FN 303 CLEAR IMPACT** - The FN 303 clear impact round is a cal round which weighs approximately 8.5 grams. It contains no payload and shall only be used for training purposes.
- B. **Purpose** – The Specialty Impact Munitions are a means of delivering less-lethal projectiles at an armed or violent subject from safer distances than traditional hand-held impact weapons.
- C. **Authorized Use** – The discharge of the FN 303 Less-Lethal Launcher shall be in accordance with this policy and Departmental Policy 300 - USE OF FORCE and 306 – FN 303 LESS LETHAL LAUNCHER. All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use of the FN-303 and Munitions.
- D. **Expected Lifespan** – With proper maintenance and care, there is no expected lifespan of the patrol rifle. Air Bottles will need to replaced as needed.
1. Fiscal Impact – FN 303 – Annual Cost \$3,000
  2. (Training Ammunition) – Annual Cost \$1,800 **(300 Rounds)**
  3. (Marking Rounds) – Annual Cost \$1,800 **(300 Rounds)**
  4. PAVA / OC Rounds – Annual Cost \$1,800 **(300 Rounds)**
- E. **Training** – Only sworn personnel who have received training in the use of the FN 303 Less-Lethal Launcher and who have demonstrated proficiency with the system are authorized to deploy the FN 303 Less-Lethal Launcher.

#### **Less-Lethal Projectile (Equipment Category 1)**

- A. **Description, quantity, capabilities and purchase cost:**

**Extended Range Impact Munition-** Quantity (300 rounds) – Cost \$3,600

- (b) **Purpose** – The Specialty Impact Munitions are a means of delivering less-lethal projectiles at an armed or violent subject from safer distances than traditional hand-held impact weapons.
- (c) **Authorized Use** – The use of Extended Range Impact Munitions shall be in accordance with this policy and Departmental Policy 300 – DE-ESCALATION and USE OF FORCE and 306 – FN 303 LESS LETHAL LAUNCHER. All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use of Extended Range Impact Munitions.
- (d) **Expected Lifespan** – There is no expected lifespan on these munitions.
- (e) **Fiscal Impact** – Extended Range Impact Munitions – Annual Cost \$2,000

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- (f) **Training** – Only sworn personnel who have received training in the use of the Extended Range Impact Munitions and who have demonstrated proficiency with the system are authorized to deploy the Extended Range Impact Munitions.

#### **706.6 BOARD OF COMMISSIONER APPROVAL**

The Chief of Police shall obtain approval from the Board of Commissioners by way of a resolution adopting the military equipment policy. As part of the approval process, the Chief of Police shall ensure the proposed military equipment policy is submitted to the Board of Commissioners 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 Board of Commissioners prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment be 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 Commissioners.
- (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.

#### **706.7 MAINTENANCE OF MILITARY USE SUPPLY LEVELS**

When stocks of military equipment ammunition, specifically, Drag Stabilized Flexible Baton rounds, or FN 303 munitions have reached significantly low levels or have been exhausted, the Department may order up to 50% of stock in a calendar year without the Board of Commissioners approval to maintain availability for the Department's needs. All other specified military equipment shall require board authorization to replace.

#### **706.8 COORDINATION WITH OTHER JURISDICTIONS**

On occasion, OHAPD may be required to assist or be assisted by other law enforcement agencies in a formal Law Enforcement Mutual Aid Request (LEMA) or support with day to day operational collaboration (i.e. pursuits, investigative unit assistance, joint law enforcement operations, etc.). In certain mutual aid or operational collaboration circumstances, it may be necessary for sworn Department members to utilize military equipment in order to fulfill an assigned mission (i.e. civil unrest, tactical requests, barricaded suspects, etc.).

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When sworn Department members utilize military equipment in instances of mutual aid or law enforcement collaboration, the following shall apply:

- A. Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the OHAPD's Policy manual regardless of operational jurisdiction.
- B. Should the OHAPD request mutual aid from another law enforcement agency and military equipment is required during the course of the response, the following shall apply:
  1. The OHAPD shall remain in charge of the overall incident command.
  2. The Incident Commander or designee shall brief the supervisor from the assisting agency and inform them of the mission, enforcement posture, and any pertinent information related to the incident.
  3. The assisting agency will be expected to adhere to their respective policies and procedures, particularly those governing the use of military equipment.

Military equipment owned by the OHAPD should not be used by any other law enforcement agency, unless the military equipment is approved for use in accordance with the outside agency's military equipment policy.

#### **706.9 TEMPORARY ACQUISITION OF MILITARY EQUIPMENT**

Military equipment owned by the OHAPD shall not be loaned or used by any other law enforcement agency unless the military equipment is approved for use in the outside agency's policy.

At certain times the Department may require the use of military equipment which is maintained agency inventory. This policy authorizes the Chief of Police to temporarily acquire equipment from outside law enforcement agencies in situations which would enhance the safety of the public and officers, and to bring a critical incident to a safe resolution. Equipment authorized for temporary acquisition is limited to;

- A. Unmanned, remotely piloted, powered aerial or ground vehicle (i.e. drones and throw bots), or
- B. Armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

Instances in which the temporary acquisition of equipment has occurred shall be documented in the annual report.

#### **706.10 TESTING AND EVALUATION OF MILITARY EQUIPMENT FOR POTENTIAL FUTURE ACQUISITION**

While the Department's current inventory of military equipment is operationally sufficient advancements in technology, tactics, and operational effectiveness may necessitate the expansion or complete replacement of certain items of military equipment in the current inventory. From time to time, certain equipment vendors and/or manufacturers may loan certain military



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equipment items for testing to conduct assessments involving feasibility of use, cost analysis, effectiveness, and training efficacy. This process is commonly referred to as "Testing and Evaluation" (T&E).

During the Testing and Evaluation process, staff conducts assessments of the equipment being tested and opine the viability of whether or not an item of military equipment should be considered for Department use. Military equipment that is being tested shall not be used operationally without express approval from the Office of the Chief of Police, and approval of the Board of Commissioners.

Only similar military equipment within the Department's current military equipment inventory may be used for Testing and Evaluation provided authorization is received from the Office of the Chief of Police. Military equipment that is not similar to the Department's current military equipment inventory must be approved by the Board of Commissioners and the Office of the Chief of the Police, prior to acquisition for the Testing and Evaluation process.

Military equipment items that have been assessed and recommended for final approval after undergoing the Testing and Evaluation process must be approved by the Board of Commissioners and the Office of the Chief of the Police prior to being formally acquired for Department inventory and operational use.

### **706.11 ANNUAL REPORT**

Upon approval of a military equipment policy, the Lieutenant Adjutant should submit a military equipment report to the Board of Commissioners 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 Lieutenant Adjutant 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.

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) 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 the submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment (in the form of an annual inventory).

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- (f) If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

### **706.12 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. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.) to the Office of the Chief of Police. The received form will be considered a public records request and handled in accordance to the Oakland Housing Authority's public records policy.

### **706.13 DIRECTIVE HISTORY AND REVISION(S)**

CALEA STANDARD - N/A

Prior Directive - N/A

Revisions - N/A

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