

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). 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.

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 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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.

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- 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 Tustin 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 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 Tustin City Council.
- (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 Tustin 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:

[See attachment: Tustin PD Military Equipment Inventory \(004\).pdf](#)

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

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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

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.

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 department inventory.

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.

Attachments

Tustin PD Military Equipment Inventory (004).pdf

MILITARY EQUIPMENT INVENTORY

UNMANNED AIRCRAFT SYSTEMS (UAS)

Description: A UAS is an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Quantity: 13

Capabilities: Sustained flight controlled by a remote pilot on the ground. Expected Lifespan: 3 to 5 years.

Product Description: Commercially available platforms for aerial productivity combining configurability to work as a solution for a variety of industrial applications with flight safety and data security features.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public.

Training Required: Federal Aviation Administration (FAA) Part 107 License and Department provided training.

Initial Cost: \$85,000. Annual Cost: \$40,000.

RESCUE VEHICLE

Current Inventory:

1. LENCO BEARCAT G3

Description: An armored rescue vehicle deployed during high-risk incidents, special events, and community outreach.

Quantity: 1

Lifespan: 25 years

Product Description: Ballistic Engineered Armored Rescue Vehicle, steel armor construction.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while transporting first responder personnel and/or community members to/from high-risk situations. Provide a mobile platform for safe personnel deployments.

Training Required: Class B driver's license.

Initial Cost: \$.

Annual Cost: Annual fiscal impact varies dependent on maintenance requirements.

2. ARMORED FORD TACTICAL TRANSIT VAN

Description: An armored rescue vehicle deployed during high-risk incidents Quantity: 1

Lifespan: 10-15 years

Purpose and Authorized Use: To assist police personnel in enhancing public safety while transporting first responder personnel and/or community members to/from high-risk situations. Provide a mobile platform for safe personnel deployments.

Training Required: Class B driver's license.

Initial Cost: \$140,800.

Annual Cost: Annual fiscal impact varies dependent on maintenance requirements.

MOBILE INCIDENT COMMAND VEHICLE (MIC)

1. INTERNATIONAL MATTMAN CHASSIS (custom built 1999)

Description: A vehicle used to enhance communication and coordination during emergency incidents, special events, or community outreach.

Quantity: 1

Lifespan: 20 years

Purpose and Authorized Use: A mobile command vehicle provides a strategic location for

police personnel during emergency incidents, special events, or community outreach events. Use of this equipment is also appropriate for large scale events that require advanced coordination of large numbers of police and other safety or first responder personnel. Training Required: Class C driver's license and additional department provided vehicle-specific, driver and operational training. Initial Cost: \$329,432. Annual Cost: \$9,000.

FIREARM – RIFLES AND ASSOCIATED AMMUNITION

Current Inventory:

1. AMERICAN DEFENSE MANUFACTURING ADM4 MOD-2 PATROL RIFLE

Description: This firearm is chambered in .223 caliber/5.56 mm and has a 16-inch barrel. The magazine holds 30 rounds of ammunition, and the rifle has a collapsible stock. This rifle is primarily used in a patrol capacity.

Quantity: 89

Purchase Price: \$2,700.00/firearm

2. AMERICAN DEFENSE MANUFACTURING ADM4 MOD-2 SHORT BARRELED RIFLE

Description: Magazine-fed, semi-automatic rifle with a 10.5-inch barrel, chambered in .223/5.56. This rifle has a collapsible/folding stock and is primarily used in covert capacity in order to be rapidly deployable.

Quantity: 3

Purchase price: \$2,700/rifle,

3. AMERICAN DEFENSE MANUFACTURING ADM4 MOD-2 SELECT FIRE RIFLE

Description: This firearm is chambered in .223 caliber/5.56mm and has a 16-inch barrel. The magazine holds 30 rounds of ammunition, and the rifle has collapsible stock. This rifle is only issued to SWAT personnel.

Quantity: 5

Purchase price: \$3200/rifle

4. COLT AR-15 A3 RIFLE

Description: This firearm is chambered in .223 caliber/5.56 mm and has a 16-inch barrel. The magazine holds 30 rounds of ammunition, and the rifle has collapsible stock. This rifle is primarily used in a patrol capacity and is expected to be phased out and replaced by the American Defense Manufacturing ADM4 rifles.

Quantity: 19

Purchase Price: \$1,000.00 each

5. COLT M-4 SELECT FIRE RIFLE

Description: The rifle is chambered in .223 caliber/5.56mm and has a 16-inch barrel. The magazine holds 30 rounds of ammunition, and the rifle has collapsible stock. This rifle is only issued to SWAT personnel.

Quantity: 5

Purchase Price: \$1,000.00 each

6. ACCURACY INTERNATIONAL AT-LE

Description: This rifle is chambered in .308 caliber and has a 26-inch barrel. The magazine holds 10 rounds of ammunition, and the rifle has a collapsible stock. This rifles are only issued to SWAT personnel.

Quantity: 1

Purchase Price: \$5,000.00 each

7. FEDERAL XM193 RIFLE ROUND

Description: Federal 5.56 ammunition features a lead core 55 grain Full Metal Jacket (FMJ) bullet that is nonmagnetic, and non-corrosive. The Federal XM193 Ammunition is used for rifle training.

Quantity: 32,000
Purchase Price: \$200.00 per case of 500

8. WINCHESTER RANGER SOFT POINT RA223RY RIFLE ROUND

Description: Winchester .223 caliber duty ammunition features a Lead Pointed Soft Point (PSP) 55 grain bullet that is nonmagnetic and non-corrosive.

Quantity: 15,482
Purchase Price: \$660.00 per case of 1,000

9. WINCHESTER RANGER FRANGIBLE RA223SF RIFLE ROUND

Description: Winchester .223 caliber duty ammunition features a frangible 55 grain bullet that is nonmagnetic and non-corrosive.

Quantity: 500
Purchase Price: \$660.00/1,000 rounds

10. WINCHESTER RANGER PENETRATOR M85 RIFLE ROUND

Description: Winchester M855 5.56mm duty ammunition features a 62-grain green tip penetrator bullet.

Quantity: 3,960
Purchase Price: \$495.00 per case of 1,000

Expected Life Span:

American Defense Manufacturing ADM4 Mod-2 patrol rifle - 20 years
American Defense Manufacturing ADM4 Mod-2 short barreled rifle - 20 years
American Defense Manufacturing ADM4 Mod-2 select fire SWAT rifle - 20 years
Colt AR-15 A3 patrol rifle – 5 years
Colt M-4 SWAT Rifle – 5 Years
Federal XM193 5.56mm rifle training ammunition – no expiration
Winchester Ranger RA223RY .223 rifle duty ammunition – no expiration
Winchester Ranger RA223SF .223 frangible rifle ammunition – no expiration
Winchester Ranger M844 5.56 penetrator rifle ammunition – no expiration

Purpose and Authorized Use: To be used as precision weapons and ammunition to address a threat with more precision and/or greater distances than a handgun, if present and if use is feasible. Only officers who have received training with the specific firearm are authorized to use that rifle.

Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.

Fiscal Impact: Annual maintenance is approximately \$50 for each rifle.

Legal and Procedural Rule: It is the policy of the Tustin Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

40MM PROJECTILE LAUNCHER AND ASSOCIATED MUNITIONS

Current Inventory:

1. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER MODEL 1006/1425

Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.

Quantity: 42
Lifespan: 20+ years
Initial Cost: \$44,688.
Annual Cost: N/A

2. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE MODEL 6325

Description: A less lethal 40mm lightweight plastic and foam projectile fired from a single or

multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120-foot pounds of energy on impact.

Quantity: 400

Lifespan: 5 years

Initial Cost: \$18 each

Annual Cost: N/A

3. SAGE CONTROL MUNITIONS 40MM FOAM IMPACT BATON MODEL KO48LW

Description: A less lethal 40mm direct fire soft-tip baton projectile that is designed to be used where kinetic energy is preferred for the incapacitation of hostile and/or noncompliant individuals.

Quantity: 500

Lifespan: 5 years

Initial Cost: \$20 each

Annual Cost: N/A

Purpose and Authorized Use: Less lethal, intermediate force option. Situations for use of the less lethal weapon systems may include, but are not limited to:

- a) Self-destructive, dangerous and/or combative individuals.
- b) Riot/crowd control and civil unrest incidents.
- c) Circumstances where a tactical advantage can be obtained.
- d) Potentially vicious animals.
- e) Training exercises or approved demonstrations.

Training Required: Training and qualification once per year.

Legal and Procedural Rules: Authorized use is established under the Use of Force Policy. It is the policy of the Tustin Police Department to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

NOISE FLASH DIVERSIONARY DEVICE

Current Inventory:

1. DEFENSE TECHNOLOGY (DEFTEC), MODEL 8933 DISTRACTION DEVICE BODY

Description: Device that produces a loud sound with a bright light that is intended to cause confusion and distraction. This device has a reloadable steep, non-bursting canister body. The body is designed to reduce rolling when deployed and will accept the 15-gram, 12-gram and 4-gram reloads with an M201A1 type fuse.

Quantity: 17

Lifespan: 5 years

Initial Cost: \$1,515.

Annual Cost: Recurring purchase as needed.

2. DEFENSE TECHNOLOGY MODEL 8901 DISTRACTION DEVICE 12 GRAM RELOAD

Description: Standard military-style M201A1 type fuse produces 175 dB of sound output at 5 feet and produces 6-8 million candelas for 10 milliseconds. Reload is available with and without a safety clip.

Quantity: 50

Lifespan: Until used

Initial Cost: \$1,815.

Annual Cost: Recurring purchase as needed.

Purpose and Authorized Use: To distract/disorient potentially violent or dangerous suspects. Diversionary Devices shall only be used:

- a) By officers who have been trained in their proper use
- b) In hostage and barricaded subject situations

c) In high-risk warrant (search/arrest) services where there may be extreme hazards to officers
d) During other high-risk situations where their use would enhance officer safety e) During training exercises.

Training Required: Prior to use, officers must attend diversionary device training that is conducted by POST certified instructors.

Legal and Procedural Rules: It is the policy of the Tustin Police Department to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

EXPLOSIVE BREACHING TOOLS

Current Inventory:

1. REMINGTON 870 BREACHER PISTOL GRIP SHOTGUN

Description: Manually operated, pump-action, tube magazine fed, closed-bolt, 12-gauge firearm used to defeat locking mechanisms.

Quantity: 1

Lifespan: 25 years

Initial Cost: \$800

Annual Cost: N/A.

2. SAFARILAND DEFENSE TECHNOLOGY 12-GAUGE TKO BREACHING ROUND

Description: A translucent 12-gauge shell loaded with a compressed zinc slug. The 12 Gauge TKO Breaching round utilizes smokeless powder as the propellant. The TKO Breaching Round is capable of defeating door lock mechanisms, doorknobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine powder eliminating additional fragmentation.

Quantity: 10

Initial Cost: \$70

Annual Cost: N/A.

Purpose and Authorized Use: To safely gain entry into a structure. Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

Training Required: Training on safe use and deployment and device functionality.

PEPPERBALL LAUNCHER

Current Inventory:

1. PEPPERBALL FTC LAUNCHER

Description: The pepperball launcher is a tactical single shot launcher capable of deploying an assortment of different projectiles. This launcher features a hopper, high pressured air tank and a sling. It will launch up to 100 feet.

Quantity: 10

Lifespan: 10

Initial Cost: \$7,000

Annual Cost: N/A

2. PEPPERBALL LIVE PROJECTILE

Description: The live projectile is a plastic projectile containing a white powder This powder contains a small percentage of "Pava" which reacts to the body similarly to Pepper spray.

Quantity: 1,500

Lifespan: 3 years

Initial Cost: \$495.00/case of 375 projectiles

Annual Cost: N/A

3. PEPPERBALL INERT PROJECTILE

Description: A PepperBall inert projectile is a plastic projectile containing a white powder similar to Talcum Powder. This projectile is primarily used for training purposes but is also available to officers for situationally based deployments.

Quantity: 750

Lifespan: 3 years

Initial Cost: \$495.00/case of 375 projectiles

Annual Cost: N/A

4. PEPPERBALL HPA (HIGH PRESSURE AIR) TANKS

Description: PepperBall launchers use high pressure air to deploy the projectile from the launcher. The HPA tank attaches to the launcher and allows the launcher to function.

Quantity: 20

Lifespan: 10 years

Initial Cost: Varies between \$50 - \$130

Annual Cost: N/A

Purpose and Authorized Use: To limit the escalation of conflict and decrease use of lethal force when feasible. Officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launcher.

Training Required: Officers deploying kinetic energy projectiles will complete a recertification courses at least once every two years.