

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for CDI's acquisition and use of military equipment as required by Government Code (GC) sections 7070 and 7073 (AB 481, Chapter 406, Statutes of 2021). Hereafter, these provisions of law are referenced as AB 481.

For the purposes of this policy, equipment that is never deployed in communities, such as training simunition weapons used solely for training exercises, does not fall within the parameters of AB 481.

Per GC 7070, local law enforcement agencies and state agencies with law enforcement divisions must establish a Military Equipment Use Policy. Per GC 7073, state agencies are required to post on the agency's internet website their Military Equipment Use Policy. Additionally, the agency is required to provide a copy of the policy to the Governor or the Governor's designee.

706.1.1 DEFINITIONS

This section includes only definitions that apply to state agencies under AB 481. Definitions that relate only to local law enforcement agencies have been omitted.

State Agency: The law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution (GC 7070(e)).

Type: Each military equipment item that shares the same manufacturer model number (GC § 7070(f)).

Military equipment: As defined in GC § 7070(c), military equipment includes, but is not limited to, the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
3. 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.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.

7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
9. 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.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles.
11. Noise-flash diversionary devices and explosive breaching tools.
12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
13. Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
15. 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 Enforcement Branch within the California Department of Insurance that all personnel authorized to use military equipment shall do so only in accordance with the provisions outlined in this policy.

706.3 MILITARY EQUIPMENT COORDINATOR

The Enforcement Tactics Training Unit (ETTU) Sergeant is the designated military equipment coordinator. The coordinator is responsible for the following:

1. Notify the Professional Standards Unit Captain via chain of command that the Department acquired or removed any equipment that pertains to this policy, so this policy can be amended to reflect the changes.
2. Annual equipment inventory.

706.4 MILITARY EQUIPMENT INVENTORY

This section describes each type of “military equipment” that the Enforcement Branch possesses and uses within the meaning of AB 481, including the description, expected lifespan, quantity sought (if applicable), capabilities, manufacturer product descriptions, purposes and authorized uses, fiscal impact, legal and procedural rules governing use of the equipment, and required training. (GC, § 7070 (d)).

<p>Military Equipment: Projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons. (GC subsection 7070 (c)(14)).</p>
<p>Description: Remington 870, 12-gauge pump-action shotgun. Combined Systems 12G Super- Sock Bean Bag Impact Munition. This equipment provides a less lethal option and can be used for de-escalation purposes.</p>
<p>Expected Lifespan: None indicated by manufacturer.</p>
<p>Quantity Sought: None at the time of initial issuance of Policy.</p>
<p>Equipment Capabilities: See manufacturer product description below.</p>
<p>Manufacturer Product Description: The Remington 870, 12-gauge pump-action shotgun features a bottom-loading, side ejecting receiver and a tubular magazine under the barrel. The receiver on the Remington 870 is milled of solid steel. The Remington 870 shotguns are manufactured to meet the highest standard for accuracy, reliability and durability.</p> <p>The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock is an aerodynamic projectile and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. Effective range is 75ft. Used during any enforcement operation such as, but not limited to, arrest and/or search warrants.</p>
<p>Purposes and Authorized Uses: Used by Detectives in field and tactical operations. The less lethal shotgun is used in compliance with law and CDI policy to deploy a less than lethal use-of- force option when needed.</p>
<p>Fiscal Impact: Approximately \$580.00 per unit. Annual maintenance is completed on an as needed basis and is less than \$100.00 annually for replacement parts and/or batteries. Approximately \$19,500 for ETTU to spend at least nine eight-hour days to complete annual inspections.</p>
<p>Legal and Procedural Rules Governing Use of Equipment: Enforcement Branch Use of Force and Control Devices and Techniques policies.</p>
<p>Required Training Before Using Equipment: Only Detectives who have been trained and demonstrated proficiency are authorized to use the less lethal shotgun and impact munitions. Detectives must complete the Enforcement Branch initial training for impact munitions and the less lethal shotgun. Proficiency must be demonstrated annually during a re-certification course.</p>

In order to make a request of the Enforcement Branch to purchase military equipment, an interoffice memorandum addressed to the Deputy Commissioner, and copied to the Military Equipment Coordinator, must be sent through the chain-of-command. This request should address at a minimum, the item requested for purchase, costs of materials and training, and the advantages and disadvantages of making the acquisition.

706.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment made available through coordinated efforts with other agencies should not be used by any Enforcement Branch employee unless the military equipment is specifically listed in Section 706.4.

706.6 REQUIRED TRAINING

Military equipment specified in Section 706.4 shall only be used by an Enforcement Branch Detective after the training specified in Section 706.4 has been completed, including, if applicable, any course required by POST, unless exigent circumstances arise. The use of military equipment acquired and authorized by the Department shall be used in accordance with the Department's Impact Munitions policy and Use of Force policy.

706.7 INQUIRIES

For questions regarding this policy, please contact the Professional Standards Unit at ProfessionalStandardsUnit@insurance.ca.gov.

706.8 EMPLOYEE ACKNOWLEDGMENT

Upon request Detectives must review and acknowledge the Military Equipment Policy (MEP). The policy will be released through Lexipol.