

## Executive Summary

On September 30, 2021, Governor Newsom approved Assembly Bill 481 requiring California law enforcement agencies to obtain approval of a Military Equipment Use Policy by their applicable governing body (City Council) prior to taking certain actions related to the funding, acquisition, or use of controlled equipment.

Assembly Bill 481 allows the governing body to approve the funding, acquisition, and use of controlled equipment ("Military Equipment") within its jurisdiction if the equipment meets specified standards. The Controlled Equipment Use Policy and an Annual Controlled Equipment Use Report is subject to annual review to affirm the criteria outlined in Assembly Bill 481 have been met.

The format of this report was crafted in a manner that conforms to the statutorily required annual report pursuant to California Government Code section 7072(a) to include the following information:

- 1) A summary of the military equipment uses and purposes;
- 2) A summary of any complaints or concerns concerning the military equipment;
- 3) The results of any internal audits, information on any violations, and actions taken in response;
- 4) The total annual cost for each type of equipment;
- 5) The quantity possessed of each type of equipment;
- 6) The intent to acquire additional equipment and quantity sought.

\*\*\*Unless otherwise noted the funds for equipment, staff costs, training costs, or costs for the use of the equipment, is from the approved existing budget. Tuition costs for outside training courses, even if included in the existing budget, will be noted in the total annual outside training cost section.\*\*\*

The Exeter Police Department recognizes the public's ongoing interest in how controlled equipment is used to protect our community and is committed to maintaining our community's trust in providing professional and responsive police services. As such, the Exeter Police Department has authored the following comprehensive Annual Controlled Equipment Use Report to remain transparent with our community and in accordance with annual reporting requirements set forth by applicable California Law.

## **Controlled Equipment Categories**

Assembly Bill 481 created Government Code 7070 which designated 15 categories of items deemed “military” or more accurately defined as controlled equipment.

- **Category 1:** Unmanned, remotely piloted, powered aerial or ground vehicles.
- **Category 2:** Mine-resistant, ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- **Category 3:** High-mobility multi-purpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- **Category 4:** Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- **Category 5:** Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- **Category 6:** Weaponized aircraft, vessels, or vehicles of any kind.
- **Category 7:** Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- **Category 8:** Firearms of .50-caliber or greater. However, standard-issue shotguns are specifically excluded from this subdivision.
- **Category 9:** Ammunition of .50-caliber or greater. However, standard-issue shotgun ammunition is specifically excluded from this subdivision.
- **Category 10:** Specialized firearms and ammunition of less than .50-caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard-issue service weapons and ammunition of less than .50-caliber that are issued to officers, agents, or employees of a law enforcement agency or a State agency.
- **Category 11:** Any firearm or firearm accessory that is designed to launch explosive projectiles.
- **Category 12:** “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

- **Category 13:** Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
- **Category 14:** The following projectile launch platforms and their associated munitions: 40-millimeter projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
- **Category 15:** Any other equipment as determined by a governing body or a state agency to require additional oversight.

**High-mobility multi-purpose wheeled vehicles (HMMWV), commonly referred to as Humvees**

(Category 3)

**a. Description, quantity, capabilities, and purchase cost:**

AM General HMMWV

Quantity: 3

The Humvee is a lightweight, diesel powered, four wheel drive tactical vehicle that is commercially manufactured.

**b. Purpose:**

To provide safe transport, security, and rescue of agency personnel and citizens in high-risk incidents. To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

**c. Authorized Use:**

The use of these vehicles must be authorized by a Lieutenant or higher, based on the specific circumstances of the incident. All applicable EPD Policies remain in effect, to include, but not limited to, EPD Policy 704 – Vehicle Use.

**d. Expected Lifespan:**

15 years

**Use Reporting 2022**

In 2022, the Humvees were not utilized. Prior to 2022, the Humvees have only been utilized for community events.

**Summary of Complaints or Concerns 2022:**

No complaints or concerns received.

**Internal Audits/Violations 2022:**

No Violations

**Total Annual Cost 2022:**

Less than \$500 per vehicle annually for maintenance.

**Specialized Firearms and Ammunition**

(Category 10)

**a. Description, quantity, capabilities, and purchase cost:**

The Colt AR-15/M4 is a lightweight, magazine fed, gas operated semi-automatic rifle capable of accurately stopping an armed suspect at various distances to include those that exceed the capabilities of a service pistol. The .223/5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. Quantity: 23

**b. Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

**c. Authorized Use:**

Only sworn personnel that are POST certified are authorized to use a rifle. All other EPD Policies remain in effect, to include, but not limited to, EPD Policy 300 – Use of Force and EPD Policy 306 – Firearms.

**d. Expected Lifespan:**

15 years

**Use Reporting 2022**

The rifles were used during range qualifications and training. The rifles were also deployed during patrol operations per policy but were not discharged.

**Summary of Complaints or Concerns 2022:**

No complaints or concerns received.

**Internal Audits/Violations 2022:**

No Violations

**Total Annual Cost 2022:**

Annual maintenance cost is less than \$50 per rifle.

**Intended Acquisition in 2023:**

The Exeter Police Department will be exploring the possibility of purchasing additional rifles and accessories to enhance their usefulness in the field.

## **Projectile Launch Platforms and Associated Munitions** (Category 14)

### **a. Description, quantity, capabilities, and purchase cost:**

1. The Armor Holdings, 40MM less-lethal launcher is a single shot launcher that allows an officer to assess after every round of spent munitions. The launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks.

Quantity: 1

2. The Remington Model 870 12 Gauge shotgun, is a pump action shotgun used to deploy less-lethal 12 Gauge bean bag rounds up to a distance of 75 feet. The range of the system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.

Quantity: 4

### **b. Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

### **c. Authorized Use:**

Only sworn personnel that have completed Department training are authorized to use the launcher. All other EPD Policies remain in effect, to include, but not limited to, EPD Policy 300 – Use of Force.

### **d. Expected Lifespan:**

25 years

## **Use Reporting 2022**

The launcher was not used in 2022.

## **Summary of Complaints or Concerns 2022:**

No complaints or concerns received.

## **Internal Audits/Violations 2022:**

No Violations

## **Total Annual Cost 2022:**

None.

## **Intended Acquisition in 2023:**

The Exeter Police Department intends to purchase training ammunition and send personnel to updated training.