

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).

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.
- 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.

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706.2 POLICY

It is the policy of the Napa Valley College 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 governing body.
- (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 Napa Valley College 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: AB 481 List of Equipment.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 military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

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- (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 used by any member of this jurisdiction shall be approved for use and in accordance with this Department's policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

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

AB 481 List of Equipment.pdf



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AB 481 Equipment Report

March 2022

Considerations:

The following AB 481 – reportable equipment inventory sheets contained within this document were compiled at the beginning of the year 2022.

With respect to costs, annual upkeep expenses, and estimated effective lifespan, all efforts have been made to be as accurate as possible while acknowledging that many factors not within the department's control can affect the values.

Costs associated with the following items represent the best estimates at the time this document was prepared. Many of the items are not purchased from manufacturers, but from dealers, who may adjust the costs in accordance with market factors beyond the predictability abilities of Napa Valley College Police.

Because of the unpredictability of law enforcement, many of the items estimated upkeep costs and lifespans may vary due to training availability, incidents, operations, and other factors.

In addition there are some costs for non-AB481 equipment that are used to support the items listed, some examples being slings, carrying cases, and cleaning supplies. These costs are not included in the cost estimates of the listed items.

40 MM Launcher (single capacity)

Description:

The 40 mm less lethal launcher device has the ability to shoot multiple types of 40 mm projectiles. NVCPD Officers are only authorized to carry inert or marking sponge munitions.

Purpose & Use:

A 40 mm less lethal launcher is used to deploy less lethal munitions and is used primarily in de-escalation situations, most commonly where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-complaint subject at longer distances.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding course. Unit cost of \$800. NVCPD currently has 2 launchers. Estimated effective lifespan 10+ years.

Training Requirements:

Officers must complete department-approved training presented by the Napa County Sheriff's Office to be authorized to use the 40 mm less lethal launcher device. Officers are also required to attend regular refresher trainings.

Compliance Protocols:

Use of 40 mm less lethal launcher shall conform to all relevant NVCPD policies, including but not limited to NVCPD policy 300, 302, and 700. Officers must maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public Complaint Procedures:

NVCPD policy number 1004 shall apply to all personnel complaints.

Exact/Direct Impact 40 MM Sponge Munitions

Description:

The exact impact 40 mm sponge munition is a lightweight, high-speed projectile consisting of a plastic body and sponge nose. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. The direct impact 40 mm foam munition is a lightweight projectile that consists of a plastic body and a crushable foam nose that contains a powder payload. This payload area can hold inert, marking, OC (Oleoresin Capsicum) or CS (Chlorobenzylidenemalonitrile) powder. The crushable foam nose dissipates energy upon impact while releasing the powder payload. The munition is deployed from a 40 mm launcher.

Purpose & Use:

The exact impact 40 mm sponge munition and the direct impact 40 MM foam round is a point-of-aim, point-of-impact, direct-fire munition that is most commonly used in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-complaint subject at longer distances. These are considered less lethal impact munitions (LLIM). NVCPD officers are only authorized to carry inert or marking munitions for use.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$25 annual estimated training and operational allocation of 2 units.

Training Requirements:

Officers must successfully complete department-approved training presented by the Napa County Sheriff's Office to be authorized to use the exact impact 40 mm sponge munition and the direct impact 40 mm foam munition.

Compliance Protocols:

Use of the exact impact 40 mm sponge munition and the direct impact 40 mm foam munition shall conform to all relevant NVCPD policies, including but not limited to NVCPD policy 300, 302, and 700. Officers must maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

NVCPD policy number 1004 shall apply to all personnel complaints