



AB 481 Military Equipment Annual Report 2023

Prepared by:

**Commander Jeff Henderson
Suisun City Police Department**

Submitted December 18, 2023

Military Equipment Use AB 481 Compliance Requirements:

- Approval of the Military Use Policy (Completed May 3, 2022, Policy 706)
- Approval of the Police Acquisition and Use of Military Equipment Ordinance (Completed May 3, 2022, Suisun City Ordinance 796)
- Held the initial Community Engagement Meeting (March 31, 2022)
- Will present Military Equipment use public meeting on January 18, 2024
- Current Military Equipment Inventory (Attached)
- Annual Report (See below)

Annual Report Description:

Assembly Bill 481 requires the police department to report annually on the inventory, procurement, use, and misuse of covered military equipment items. The annual report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding.

Per AB 481, the annual report must include the following:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) 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 submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

SCO 796 Military equipment policy (Approved May 2022)

ORDINANCE NO. 796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AMENDING ORDINANCE 793, ADOPTING POLICY 706 RELATING TO THE POLICE DEPARTMENT'S USE OF MILITARY EQUIPMENT, IN ACCORDANCE WITH ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 ("AB 481") to address the funding, acquisition, and use of military equipment by law enforcement agencies in California; and

WHEREAS, AB 481, codified as Government Code Sections 7070 through 7075, required that Suisun City Police Department ("SCPD") begin the process of obtaining approval from City Council of its military equipment use policy by ordinance prior to May 1, 2022; and

WHEREAS, accordingly, on May 3, 2022, the City Council adopted Policy 706, City of Suisun City Police Department Military Equipment Use Procedure Policy ("Policy 706") attached hereto as Attachment 1 and incorporated by reference; and

WHEREAS, since the adoption of Policy 706, the State of California has granted SCPD funding for, amongst other things, the acquisition of a command vehicle by SCPD to facilitate the operational control and direction of public safety units; and

WHEREAS, pursuant to Government Code section 7070(c)(5), a command vehicle to facilitate the operational control and direction of public safety units is "military equipment," as that phrase is defined in Government Code Section 7070; and

WHEREAS, in accordance with AB 481, SCPD has drafted an amended Policy 706 (the "Amended Policy") to include the command vehicle in the list of all of its current "military equipment," as that phrase is defined in Government Code Section 7070; and

WHEREAS, the Amended Policy was made available to the public on SCPD's internet website on November 19, 2022, which was at least thirty (30) days prior to the public hearing held on December 20, 2022, concerning the amendment to Policy 706, in accordance with Government Code section 7071(b); and

WHEREAS, the Amended Policy was reviewed by the City of Suisun City legal counsel; and

WHEREAS, the City Council finds that the Amended Policy meets the requirements of AB 481.

Equipment Usage for 2023:

As evident in the Military Equipment Inventory, the Suisun City Police Department does not own any equipment in categories 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 or 13.

Category 5: Command Vehicle

In December of 2023, the Command Vehicle was utilized during the Christmas on the waterfront event.

Category 14: Less than Lethal Impact Device (Kinetic Energy Munitions)

In 2023, the Suisun City police Department utilized the equipment in Category 14 in training scenarios during Range training. The police department also used Less than Lethal Impact Devices in the following two incidents.

1. This incident occurred next to Dollar Tree in Suisun City, CA (Solano County) on 08/20/2023 at approximately 1243 hours. Officers were dispatched to 270 Sunset Ave (Raley's) for a report of a white male carrying a knife. The male was further described as having curly hair, a black shirt and carrying a knife.

The suspect, matching the above description, was located on the South side of Dollar Tree (250 Sunset Ave, Suisun City). The suspect was pacing back and forth on a pedestrian walkway right next to Dollar Tree. The suspect was also holding a knife. Officers could see a silver blade coming out of his hand as he switched it from hand to hand.

The subject was verbally uncooperative with officers and held a knife down to his side. As a result of the threat posed by the subject, Dollar Tree and Ace Hardware requested to temporarily close their business.

At 1315 hours, Officers approached the subject in order to make contact with him. He was still standing on a pedestrian walkway South of Dollar Tree. The patrol sergeant was designated as "less lethal" and deployed a "40mm" (LMT 40 MM launcher; serial # FW16816 w/ eXact iMPact 40MM Safariland sponge rounds). The other Officers were designated as "lethal" cover and had their firearms out.

While speaking with the subject who was standing up and still had the knife in his hands. The subject would continue to switch it from hand to hand. The subject seemed agitated while officers were speaking with him and he refused to drop the knife after being asked multiple times.

Multiple mutual aid assets including CIT/HNT (Crisis Intervention Team / Hostage Negotiations Team) members were requested.

Officers told the subject that he was under arrest for robbery as a result of the investigation that had been on-going from a prior call that involved the same subject who was now identified during the stand-off. The subject refused to comply.

A Solano County negotiator arrived on scene and began speaking with the subject. The subject stood up with the knife in his hand. The patrol sergeant told the subject to put the knife down no less than three more times. The sergeant then warned the subject that a 40mm projectile will be used on him. The subject refused and still held onto the knife in his right hand. One 40mm less lethal sponge round was fired at the subject to effect an arrest and overcome his resistance.

The subject stopped resisting and complied with officer's directions. He was taken into custody without further incident.

2. This incident occurred on 10/12/2023 at approximately 2119 hours, officers responded for a juvenile disturbance at 312 Lark Circle between a grandmother (RP) and her 16 y/o grandson, reportedly non-physical. Once on scene, officers broadcasted "one at gunpoint".

The patrol sergeant responded to the scene and officers informed him that they had observed the subject with a knife or boxcutter in hand when contacted and he retreated back into the apartment where he barricaded himself inside. Parties were separated and the juvenile subject was believed to be alone in the apartment. Officers on scene backed out and attempt call-out the subject.

The patrol sergeant arrived on scene and told the RP that they would make a reasonable attempt at communication with the juvenile from outside but that they would not force entry or attempt to take him into custody directly as he was only an active threat to himself. The patrol sergeant also told her to consider preparing for an alternative for the evening to allow him to calm down if communication couldn't be established in a timely manner.

Phone calls and verbal announcements were unsuccessful. Additional PA announcements were unsuccessful. Eventually, the patrol sergeant observed the subject go to the rear patio. The subject did not respond to the patrol sergeants attempt to speak with him and picked up items from the patio and mumble to himself "gonna kill one of y'all". The juvenile walked to the landing of the second floor, where a staircase is the only means of ingress or egress to/from the apartment unit, and officers were standing by near the parking lot some distance away with less lethal options including a LMT 40 MM launcher; serial # FW16816 w/ eXact iMpact 40MM Safariland sponge rounds). The subject had a hammer and what appeared to be a saw in either hand.

The subject refused to comply with commands, took steps toward the staircase with the weapons in hand, and the officer assigned to deploy the 40mm fired one 40mm foam projectile striking the subject. The subject immediately threw both weapons down allowing officers to approach the stairs with the shield to retrieve the potential weapons

as the subject fled back inside the unit. Shortly after, the subject complied with commands to surrender and was rendered medical aid before being transported for evaluation and arrest processes.

Summary of Complaints for 2023:

The Suisun City Police Department did not receive any complaints concerning military equipment in 2023.

Violations of Policy 706:

An internal review revealed no violations of Policy 706.

Total Annual Cost for Military Equipment:

The fiscal impact for yearly maintenance costs for each category is documented in the attached Military Equipment Inventory. There have been no new purchases of any equipment besides replacing 40mm ammunition that was used in each deployment and replacing ammunition used in training.

Replacement Military Equipment Inventory List:

1. 40mm Ammunition (Category 14 on Current Inventory List)

DESCRIPTION:

The eXact iMPact™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.

TOTAL REPLACEMENT COST: \$1,153.16.00 for 35 rounds (Approximate cost based on recent quote)

PURPOSE: To be used as a precision extended range less lethal impact weapon to address a threat while allowing for time, distance and de-escalation.

AUTHORIZED USE: This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in

death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

LIFESPAN: - 5 years

TRAINING: A minimum of 4 hours training annually in the use of the 40mm system

FISCAL IMPACT: Annual Maintenance is \$100.00

LEGAL AND PROCEDURAL RULES: Use of the 40 mm launcher and ammunition is subject to the requirements of POLICY 303.9 (Control devices and techniques) and Policy 300 (Use of Force). It is the policy of the Suisun City Police Department to utilize 40mm rounds only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force and military equipment use.

Additional Information:

There were no deployments of the departments Remington 870 less lethal shotgun system or any 12 gauge drag stabilized Bean Bag rounds.

The next annual report will be presented on or before December 2024.