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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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

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SECTION 2. The Amended Policy, attached hereto as Attachment 2 and incorporated by reference, is hereby adopted.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance, including the provisions of the Amended Policy, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The City Clerk is hereby authorized and directed to certify as the passage of this Ordinance and to give notice thereof by causing copies of this Ordinance to be posted in three public places throughout the City or published in a county newspaper that is circulated in the City, within 15 days after its passage, there being no newspaper of general circulation printed and published within the City.

SECTION 5. This Ordinance shall be in full force and effect on the 30th day after its second reading and adoption.

PASSED and ADOPTED this 3rd day of January, 2023.



Alma Hernandez, Mayor

ATTEST:



Anita Skinner, City Clerk

APPROVED AS TO FORM:



Elena Q. Gerli, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SOLANO)
3 CITY OF SUISUN CITY)

4 I, Anita Skinner, City Clerk of the City of Suisun City, California, do hereby certify that
5 the foregoing Ordinance No. 796 was duly passed and adopted by the City Council of the City
6 of Suisun City at the regular meeting thereof, held on the 20th day of December, 2022, regularly
7 passed and adopted at a regular meeting of said City Council held on Tuesday, January 3, 2023,
8 and was signed by the Mayor of the said City, and that the same was passed and adopted by the
9 following vote:

7	AYES:	Council Members:	<u>Dawson, Hudson, Washington, Mayor Hernandez</u>
8	NOES:	Council Members:	<u>None</u>
9	ABSENT:	Council Members:	<u>None</u>
	ABSTAIN:	Council Members:	<u>None</u>

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Anita Skinner, City Clerk

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 will supersede previous SCPD Policy 210.

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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Military Equipment

706.2 POLICY

It is the policy of the Suisun City 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 Suisun City 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:

Description, quantity, capabilities, and purchase cost.

Defense Technology 40mm LMT Tactical Single Shot Launcher With Expandable Stock

- Description: Tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMT will fire standard 40mm less lethal projectiles propelled by smokeless powder, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems. Double action S&W trigger group, barrel length of 14 inches rifled bore.
- Cost: \$985.70 (Curtis Blue Line Uniforms)

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- Quantity of four (4)

DEFENSE TECHNOLOGY, Model 6325 eXact iMPact 40mm sponge round.

- Description: 40 mm sponge Round delivers a point-of-aim, point-of-impact direct-fire round in the form of a plastic body and sponge nose. It is a lightweight, high-speed projectile that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. Due to the smokeless powder as the propellant, it has velocities that are extremely consistent. This round has been effectively used for crowd control, patrol, and tactical applications.
- Cost: \$28.65 per round
- Quantity of one hundred ten (110)

Farber Specialties Custom Built Mobile Command Vehicle

- One 33' diesel vehicle with emergency lighting and audio visual equipment for use as a mobile emergency operations center or incident command vehicle during investigations, critical incidents, natural disasters and other incidents such as chemical spills or a fire event. This vehicle will also be used for community events as a mobile meeting point for staff and community members during events like 4th of July Fireworks, National Night Out, Christmas on the Waterfront and other community outreach events where police and other city staff can advertise their presence and connect with the community.
- Cost is estimated at \$500,000.00 - funding provided by the State of California

REMINGTON 870 LESS LETHAL SHOTGUN,

- **Description :** The Remington 870 Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of Deescalation.
- Cost: \$800 per rifle
- Quantity: five (5)

12-GAUGE DRAG STABILIZED BEAN BAG ROUND

The Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for limiting the escalation of conflict where the deployment of lethal force is prohibited.

Cost: \$7 per round

Quantity: Fifty (50)

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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):

- (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 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

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the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.9 USE IN EXIGENT CIRCUMSTANCES

The Suisun City Police Department participates with the Solano County Sheriff's Special Response Unit and works closely with local, county, state, and federal partners. In exigent circumstances and with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote the safety and security of community members. If the Police Department acquires, borrows, or uses military equipment in exigent circumstances, it will provide written notification of the acquisition or use to the City Council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.