

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Police Department
Presentation By: James Runyen, Police Commander

Summary

Subject: An Ordinance Adopting an Equipment Use Policy per CA Assembly Bill No. 481
Recommendation: Waive the reading and adopt an Urgency Ordinance of the City Council of the City of Yuba City adding Chapter 23 to Title 4 of the Yuba City Municipal Code adding a policy related to use of Military Equipment Policy by title only
Fiscal Impact: None

Council's Strategic Goal:

This addresses the City Council's Strategic Goal of Public Safety.

Purpose:

To establish an emergency ordinance that complies with Assembly Bill 481, which codified Government Code sections 7070 through 7075 and requires a law enforcement agency to obtain approval from an applicable governing body by adopting a “military equipment” use policy by ordinance. This must be done prior to the law enforcement agency funding, acquiring, or using military equipment. The Yuba City Police Department seeks City Council adoption of the attached Military Equipment Use Policy – YCPD policy 707 (Exhibit A), in order to allow YCPD to continue to use the vital equipment specified therein. The emergency ordinance is attached to this report (Exhibit B).

Background:

Items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for Law Enforcement Agencies (LEAs) throughout the country. These tools have been tested in the field, and are used by LEAs to enhance citizen safety and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Yuba City.

The term “military equipment”, as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbangs.

YCPD is committed to using the most up-to-date tools and equipment to safeguard the citizens of Yuba

City. Many items deemed to be “military equipment” by AB 481 are in fact employed by YCPD and LEA’s across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and the accompanying Military Equipment Use Policy, also provide YCPD’s peace officers with vital tools that facilitate compliance with its stringent use of force policy.

Along with seeking authorization to use preexisting equipment, the YCPD also seeks authorization to acquire, fund and use a new piece of equipment in the coming year. In sum, Yuba City Police officers have faced gun fire from suspects for prolonged incidents which required the use of armored/ballistic vehicles to protect the officers and community. In the event of a mass casualty event, an armored vehicle provides protection and evacuation abilities for both citizens and officers. The protection of ballistic equipment allows for more time and opportunity to attempt to deescalate situations and provides for safer tactics to resolve life-threatening events in the safest way possible.

YCPD is requesting to purchase a Lenco Bearcat G2 in the coming fiscal year. The Lenco Bearcat, G2, is an armored vehicle designed specifically for law enforcement that seats 10-12 personnel with an open floor plan that allows for rescue of downed personnel. It can stop various projectiles, which provides greater safety for citizens and officers beyond the protection level of shield and personal body armor. This allows officers the ability to gain a better view of suspects from a safe position and introduce less than lethal options when dealing with violent offenders. The Bearcat has become a standard for many tactical teams in the nation, offering more opportunity to resolve critical incidents in the safest manner for all involved parties. This armored vehicle is more suited for our needs than the current military armored vehicles the department is using that were acquired through the 10-33 program.

Analysis:

There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers with as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the tools identified below is vital to YCPD’s mission and will continue to be strictly regulated through internal processes and oversight.

The proposed ordinance seeks to approve YCPD’s Policy 707, which constitutes YCPD’s Military Equipment Use Policy. Policy 707 outlines each item identified in Government Code section 7070 that is currently owned by the City. The policy also includes the current use and cost of each item (Exhibit 1). These particular items, and their stated uses, were in place prior to the implementation of AB 481 or currently in the process of being obtained. Future acquisitions of any item deemed to be “military equipment” will require a further public meeting, policy update, and council approval.

The proposed ordinance safeguards the public’s welfare, safety, civil rights and civil liberties. The ordinance ensures that there are safeguards, including transparency, oversight, and accountability measures in place. For instance, the ordinance requires that YCPD’s Field Operations Division Commander will ensure that YCPD complies with the policy. YCPD will conduct an annual audit of military equipment. Violations of the policy will be corrected when discovered. Members of the public are provided directions per the policy on how to register complaints about violations. All items which result in the use of force will be investigated, as is already required by existing YCPD policy.

There are no reasonable alternatives to the items listed below. YCPD has not discovered alternative items that can achieve the same objectives of officer and civilian safety.

Each item’s necessity is further described below:

Unmanned remotely piloted powered aerial vehicles: Unmanned aerial systems (UAS) are necessary as they provide visibility to high risk locations. Without the use of a UAS, peace officers would have to deploy to high risk locations, which would increase the risk to the officers and members of the public. The UAS system is designed to enter small spaces, such as enclosed structures, as well as to provide overhead observations of wooded areas and other structures located in often times crowded spaces. There are no known alternatives which could be used to safely access these locations.

Unmanned remotely controlled ground vehicle: Unmanned ground robots are used for reconnaissance during critical incidents to assist in providing visibility in areas where it would be unsafe to send a peace officer. This system can also be used to defuse or move potentially hazardous items. Not having access to this item would require the use of peace officers to engage in high-risk tasks. There is no known alternative to this system.

Armored personnel carriers: Armored vehicles are used to provide ballistic protection to officers and citizens during rescue, critical incidents and other hazardous situations. These vehicles allow officers closer access to high risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian commercial vehicles. As such, there are no reasonable alternatives to providing the same level of ballistic protection.

Breaching apparatuses, battering rams, slugs: Battering rams and breaching apparatus are used to defeat locked, barricaded or fortified locations, allowing officers to conduct rescues or high-risk forcible entries. This includes but is not limited to rescuing hostages. These items allow peace officers to quickly enter a structure when time is of the essence. This would include but not limited to an active shooter or kidnapping situation. In such situations, time is of the essence and it would not be feasible to wait for another delayed access to the structure. There are alternatives which are used for low risk and/or non-fortified situations. This includes handheld battering rams. However, this alternative does not afford the same level of protection or speed that such equipment provides when necessary. As such, there is no reasonable alternative to these items when they are used and required.

Specialized firearms and ammunition, including assault weapons (except for standard issued weapons): Patrol rifles, Special Weapons and Tactics (SWAT) rifles, and sniper rifles enable officers when in compliance with the YCPD's Use of Force Policy, to address medium to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers' precision shot placement, minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance or precision.

Flashbangs: Flashbangs are used as a distraction device in order to disorient or divert the suspect'(s) attention away from officers. This can allow officers to gain safer access to a high- risk situation, giving extra time to assess and analyze existing threats. This can prevent injury to officers and citizens. These devices can often lead to a safer resolution and allow officers to take a citizen into custody without force. There is no known alternative to a flashbang when it is necessary.

Tear gas and pepper ball: Tear gas and pepper ball are less lethal methods used to address violent or riotous crowds when there is a risk of physical safety. They are also used to safely extract a suspect from a fixed location or safely detain a suspect who poses a risk of violence to officers. Tear gas allows peace officers to deploy a less lethal chemical agent into a structure where other weapons would not be capable of doing so. These weapons are less lethal and afford peace officers an added option to avoid lethal force encounters. When these items are reasonable and necessary for use, there is no other alternative.

40mm projectile launchers and bean bag shotguns: The 40mm launcher affords the ability to use less lethal chemical agents and impact munitions. This allows officers to address a threat from a greater

distance and provides an alternative option for deadly force when reasonable. The bean bag shotgun also allows officers to confront a potentially armed or dangerous suspect at a longer distance. This can potentially prevent a deadly force encounter. When necessary, there is no alternative to these less lethal weapon systems.

New Acquisitions

If approved for purchase, the Bearcat will sustain YCPD SWAT's core capabilities of protection, response, prevention, mitigation, and recovery to a terrorist attack, critical incident, mass casualty incident or rescue, by allowing tactical team members access to a mobile piece of equipment for the safety of officers and civilians. The YCPD SWAT Team needs mobile NIJ Level IV protection in off-road environments, tight indoor and outdoor spaces, and at second floor levels of structures. SWAT also needs NIJ Level IV protection in order to provide life-sustaining/saving services to the affected population, conduct stabilization and rescue efforts, and ensure a safe and secure environment. The Bearcat will also sustain efforts to identify, discover and locate threats or hazards, to include explosives and ballistic threats. At this time, there are no other commercially produced vehicles available that can achieve the same objective of officer and civilian safety.

The YCPD will be seeking a combination of city funds and grants funds to acquire this piece of equipment.

If approved and purchased, the YCPD SWAT Team will train with the Bearcat to assess capability, safety and effective use. The training will consist of lectures, familiarization, and driving.

Because there is only one vendor producing this product or anything similar, the price is reasonable compared to other armored vehicles.

Fiscal Impact:

None at this time.

Alternatives:

None

Recommendation:

Adopt an Emergency Ordinance that allows YCPD to use existing equipment that falls under the military equipment use policy (YCPD policy 707) that complies with the requirements of Assembly Bill 481.

Attachments:

1. Exhibit A YCPD Policy 707
2. Exhibit B Urgency Ordinance

Prepared By:
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Submitted By:
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City Manager

Exhibit A



YUBA CITY POLICE DEPARTMENT

Exhibit A



YCPD Policy 707

YCPD Policy 707 MILITARY EQUIPMENT USE 3-11-22

PURPOSE

This standard operating procedure establishes guidelines for the acquisition, funding, use and reporting of "military equipment", as the term is defined in Government Code section 7070. This standard operating procedure is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

POLICY

It is the policy of the Yuba City Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

PHILOSOPHY

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

PROCEDURE

A. DEFINITIONS

1. Governing Body – The elected or appointed entity that oversees the Yuba City Police Department.
Military Equipment – Any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

B. GENERAL

1. The Department shall obtain approval of the governing body annually prior to engaging in any of the following activities:
 - a. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 - 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 territorial jurisdiction of the governing body.
 - 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 pursuant to general order.



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- 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.

2. In seeking the approval of the governing body, the Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

C. MILITARY EQUIPMENT USE CONSIDERATIONS

1. The military equipment acquired and authorized by the Department is:
 - a. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - b. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
2. Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.
3. Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid or law enforcement related services to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid and/or assistance.

D. MILITARY EQUIPMENT REPORTING CONSIDERATIONS

1. The Department shall submit an annual military equipment report to City Council that addresses each type of military equipment possessed by the Department.
2. The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
3. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - d. 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.
 - e. The quantity possessed for each type of military equipment.
 - f. If YCPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
 - i. Within 30 days of submitting and publicly releasing an annual military equipment report, YCPD shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and YCPD's funding,



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acquisition, or use of military equipment. This shall occur as a part of YCPD's presentation to the governing body.

E. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Yuba City Police Department shall be cataloged in a way which addresses each of the following requirements:

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.

F. COMPLIANCE

1. The Field Operations Division Commander will ensure that all Department members comply with this policy. The Commander will conduct an annual audit with the assistance of Patrol Division Lieutenants. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the Investigation Division Commander and handled in accordance with YCPD policy. All instances of non-compliance will be reported to City Council via the annual military equipment report.
2. Any member of the public can register a question or concern regarding military use equipment by contacting the Yuba City Police Department's Records Unit via email at policerecords@yubacity.net. A response to the question or concern shall be completed by the Department in a timely manner.
3. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.). Once the complaint is received, it should be routed to the Patrol Division Commander.

G. FUNDING

The Department shall seek council approval 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.

1. The Department has authority to apply for funding prior to obtaining council approval and utilizing newly acquired equipment in the case of exigent circumstances. The Department shall obtain council approval as soon as practicable.

H. MILITARY USE EQUIPMENT

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.

a. Description, quantity, capabilities, and purchase cost of current UAS:

- i. DJI MAVIC MINI 2, cost: \$535 each, quantity: 3. Small UAS that weighs approximately 249 grams and is able to record video and audio with approximately 31 minutes of flight time.
- ii. DJI AIR 2, cost: \$1200 each, quantity: 1. UAS THAT weighs approx. 595 grams, has video recording capabilities, with approximately 31 minutes of flight time.



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- iii. AUTEL EVO II ENTERPRISE, cost: \$10,500 each, quantity: 0. UAS that has a color and infrared camera as well as audible speaker and light. Capable of video recording and weighs 1,138 grams, approximately 42 minutes of flight time.

- b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. Missing Persons
- ii. Any rapidly evolving or developing emergency situation
- iii. SWAT deployments/tactical situations
- iv. Crime scene investigations

- c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

- d. Expected Life Span

All UAS equipment, 3-5 years.

- e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$4,000.

- f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must maintain a minimum of 1 hour of flight time per month as well as quarterly trainings.

- g. Legal and Procedural Rules

Use is established under YCPD Standard Operating Procedure, FAA Regulation 14 CFR Part 107, and the City of Yuba City UAS policy 606. It is the policy of the YCPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

2. Robots: A remotely-controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.

- a. Description, quantity, capabilities, and purchase cost

- i. Avatar II Tactical Robot, Robotx Technology Solutions, cost: \$12,389 each, quantity: 1. The Avatar II Tactical Robot is a rugged, easy to use, tactical robot which enhances the capabilities of law enforcement and first-responders by allowing them to safely and quickly inspect dangerous situations. The Avatar II has the ability to navigate rugged terrain, climb stairs, and is equipped with a microphone and speaker to communicate with dangerous suspects.

- b. Purpose

To be used to remotely gain visual/audio data, open doors, communicate with barricaded subjects and clear buildings.

- c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the robots identified at sections 2. Use is established by the SWAT Team Leader, Tactical Commander and or Incident Commander.



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- d. Expected Life Span
All robots, 10-15 years.
 - e. Fiscal Impact
Annual maintenance and battery replacement cost is approximately \$5,00.
 - f. Training
Robot operator training is conducted annually during SWAT trainings.
 - g. Legal and Procedural Rules
It is the policy of the YCPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
3. **Armored Vehicles:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.
- a. Description, quantity, capabilities, and purchase cost
 - i. CADILLAC GAGE RANGER (PEACEKEEPER), cost: free (Military 1033 program), quantity: 1. The Cadillac Peacekeeper is an armored vehicle that seats approximately 6 personnel. The exterior and floor of the cabin are protected by hardened steel plate, which can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.
 - ii. Lenco BEARCAT, G2, cost: \$315,518.65, quantity: 0. The Lenco Bearcat, G2, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.
 - iii. Mine-Resistant Ambush Protected (MRAP), cost: Free (Military 1033 program), quantity: 1. The MRAP is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.
 - b. Purpose
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 armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.
 - i. Lifespan
Lenco Bearcat models G2 and G3, 25 years.
 - ii. Fiscal Impact
Annual maintenance cost of approximately \$10,000.
 - iii. Training



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All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

iv. Legal and Procedural Rules

Use is established under General Order 580.18. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

4. 40 MM Launchers and Rounds: 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds and as a method to deploy chemical agents from a safe distance.

a. Description, quantity, capabilities, and purchase cost

i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, LMT #1425, cost: \$1090, quantity: 7. The 40MM Single Launcher is a tactical single shot launcher. It will launch a 40MM less lethal projectiles and 40MM chemical agency projectiles.

ii. PENN ARMS, 40MM LAUNCHER, #GL1-40, cost: \$1179, quantity: 8. The 40MM Single Launcher is a tactical single shot launcher. It will launch a 40MM less lethal projectiles and 40MM chemical agency projectiles.

iii. PENN ARMS, 40MM MULTI-LAUNCHER, #GL65-40, cost: \$3000, quantity: 1. The 40MM Multi-Launcher is a tactical platform capable of holding six projectiles in the launcher. It will launch a 40MM less lethal projectiles and 40MM chemical agency projectiles. This platform is more suitable for deploying multi projectiles in a shorter amount of time. This is effective during less lethal and or chemical agent deployments.

iv. FEDERAL LABS, 37MM MULTI-LAUNCHER, #2127, cost: \$2200, quantity: 1. The 37MM Multi-Launcher is a tactical platform capable of holding six projectiles in the launcher. It will launch a 37MM less lethal projectiles and 37MM chemical agency projectiles. This platform is more suitable for deploying multi projectiles in a shorter amount of time. This is effective during less lethal and or chemical agent deployments.

v. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$18, quantity: 121. (Up to 200) A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

b. Purpose

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

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.



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- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.
- vi. Barricaded subjects

d. Training

Sworn members utilizing 40MM less lethal, chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

e. Lifespan

Defense Technology LMT #1425- 25 years. Penn Arms #GL1-40- 15 years. Penn Arms GL65-50-15 years. Federal labs 37MM Multi-launcher-10 years. Model 6325 Exact Impact Sponge- 5 years.

f. FISCAL IMPACT

Annual maintenance is approximately \$50 for each launcher.

g. LEGAL AND PROCEDURAL RULES

It is the policy of the YCPD to utilize the 40mm or 37MM launchers only when properly trained and for official law enforcement purposes pursuant to State and Federal law, including those regarding the use of force.

5. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

a. Description, quantity, capabilities, and purchase cost

- i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$946, quantity: 13 (up to 100).

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 De-escalation.

- ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND, #2581 cost: \$5, quantity: 186 (up to 250). A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. 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. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

b. Purpose

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

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:



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- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Lifespan

Remington 870 Less Lethal Shotgun- 25 years.

Super Sock Round- No listed expiration date.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each shotgun.

f. Training

All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.

g. Legal and Procedural Rules

It is the policy of the YCPD to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

6. **Combined Systems LC5 40MM Launching Cup:** Cups that attaches to 12 gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.

1. Description, quantity, capabilities, and purchase cost

COMBINED SYSTEMS LC5 40MM LAUNCHING CUP, cost: \$150, quantity: 1. The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with our model 2600 launching cartridge.

2. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Allows chemical agents to be deployed from a distance, behind cover and concealment.

3. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

4. Lifespan

Combined Systems LC5 40MM Launching Cup- 25 years

5. Fiscal Impact

No annual maintenance.

6. Training

Officers utilizing the launching cups are trained by POST certified chemical agent instructors.

7. Legal and Procedural Rules



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Use is established under the Standard Operating Procedure and Policy 707. It is the policy of the YCPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

7. Distraction Devices: A device used to distract dangerous persons.

a. Description, quantity, capabilities, and purchase cost

- i. **COMBINED TACTICAL SYSTEMS, 7290-2 FLASH-BANG**, cost: \$52 ea., quantity: 7.
A non-bursting, non-fragmenting multi (2)-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
- ii. **COMBINED TACTICAL SYSTEMS, 7290-9 FLASH-BANG**, cost: \$139 ea., quantity: 11.
A non-bursting, non-fragmenting multi (9)-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
- iii. **COMBINED TACTICAL SYSTEMS, 7290M MINI FLASH-BANG**, cost: \$38 ea., quantity: 51.
The 7290M Flash-Bang exhibits all the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candelas of light.

b. Purpose

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. Authorized Use

Diversionary Devices shall only be used:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

d. Lifespan

Until used.

e. Fiscal Impact

No annual maintenance.

f. Training

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors.

g. Legal and Procedural Rules



YUBA CITY POLICE DEPARTMENT

Exhibit A



YCPD Policy 707

Use is established under General Order 580.16. It is the policy of the YCPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. **Rifles:** Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

a. Description, quantity, capabilities, and purchase cost

i. GA Precision (AR-10) .308 CALIBER RIFLE, MODEL GAP-10, cost: \$3,580.00, quantity: 1. The GAP-10 with 18" Barrel, AR-10, is a precision style rifle. This firearm is chambered in .308 Winchester/7.62 NATO and has an 18" barrel. This rifle is primarily used in an over watch capacity to protect the community during large events and Tactical Situations that require Sniper Response. The GAP-10 is no longer being produced. The 2nd Generation GAP-10 retails for \$3,724.00.

ii. FNH SCAR-17 .308 caliber rifle, cost: \$1800 each Quantity: 2. The SCAR with 18" barrel is a precession-style rifle that is more powerful than a standard rifle. The firearm is chambered in a .308 Winchester/7.62 NATO. This rifle is primarily used in an over watch capacity to protect the community during large events and Tactical Situations that require Sniper Response.

iii. Hornady .308 Winchester 168 gr ELD-M Tap rifle round cost, \$250 per case of 200. Quantity: 20 cases (up to 40 cases).

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 members that are POST certified are authorized to use a rifle. d.

d. Lifespan

GA Precision GAP-10 .308 rifle – 15 years

Daniel Defense AR-10 .308 rifle- 15 years.

LWRCI SWAT operator package IC DI 10.5" rifle- 5 years.

Colt M16A1 rifle converted to semi-automatic AR-15- no expiration.

Federal American Eagle 9mm Luger 147 Grain FMJ- no expiration.

Federal HST Law Enforcement 9mm Luger Ammo 147 grain JHP- no expiration. e.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each rifle.

f. Training

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

f. Legal and Procedural Rules

Use is established under the Standard Operating Procedure. It is the policy of the YCPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.



YUBA CITY POLICE DEPARTMENT

Exhibit A



YCPD Policy 707

9. Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed.

a. Description, quantity, capabilities, and purchase cost

i. COMBINED TACTICAL SYSTEMS (CTS), Baffled Riot CS Smoke Grenade, #5230B, cost: \$49.75, quantity: 45. (Up to 60) This pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. The munition is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.2 in. by 2.6 in. and holds an approximately 25 gm. of active agent payload. It has an approximate burn time of 20-40 seconds.

ii. COMBINED TACTICAL SYSTEMS (CTS), 40mm CS Liquid Barricade Projectile, #4330, cost: \$29.70, quantity: 55. (Up to 75) The 40mm CS Liquid Barricade Projectile is designed specifically for penetrating intermediate barriers, such as single pane exterior windows, vehicle windows, pressed wood particle doors, 1-2 layers of wallboard, and interior hollow core doors, and deliver irritant agents into an adjacent room(s). This launchable munition is 4.1 in. long and 40mm in diameter and holds approximately 10 gm of active agent.

iii. COMBINED TACTICAL SYSTEMS (CTS), Outdoor Tactical Grenade CS, #8230, cost \$45, quantity: 20. (Up to 30) The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically, for outdoor use or in a "Fire safe deployment canister" and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. This grenade will deliver approximately 30 gm. of agent during its 20-40 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections.

iv. COMBINED TACTICAL SYSTEMS (CTS), White Smoke Canister Grenade, #6210. cost: \$35.50, quantity: 12. (Up to 20) White indoor/outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone. Emits grey-white smoke only for approximately 20 to 40 seconds. It is approximately 6.0 in. in length by 2.34 in. Does not contain chemical agents.

v. COMBINED TACTICAL SYSTEMS (CTS), White Smoke Canister Grenade, #6210HC. cost: \$35.50, quantity: 25. (Up to 35) White outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone. Emits grey-white smoke only for approximately 20 to 40 seconds. It is approximately 6.0 in. in length by 2.34 in. Does not contain chemical agents.

vi. COMBINED TACTICAL SYSTEMS (CTS), OC-CS Vapor Grenade, #6343, cost: \$49.80, quantity: 5. (Up to 10) The OC-CS Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) and compound 2-chlorobenzalmalononitrile (CS) in a powerful mist. The grenade is designed for indoor use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC-



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YCPD Policy 707

CS Vapor on the subject is dramatic and requires no personal decontamination. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC-CS Vapor Aerosol Grenade is ideal for cell extractions or barricades situations where the use of pyrotechnic, powder or liquid devices is not practical or desired. The munitions contain 30 gm of active OC-CS chemical agents.

vii. DEFENSE TECHNOLOGY, OC AEROSOL GRENADE 1.3% FOGGER, 6 OUNCE, #56854, cost: \$22, quantity: 11. (Up to 20) The 6 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. This is an anatomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. This device has minimum clean up. The canister may also be handheld to direct the spray pattern. This product is designed to provide room clearing ability with minimum clear up requirements.

viii. DEFENSE TECHNOLOGY, OC AEROSOL GRENADE 1.3% FOGGER, 1 OUNCE, #56814, cost: \$12.08, quantity: 9. (Up to 20) The 1 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. It is ideal for situations where the use of pyrotechnic, powder, or liquid devices are not practical or desired. The 1.3% Major Capsaicinoids provides sufficient effects in confined areas of up to 6,000 cubic feet such as attics, crawl spaces, garages, and interior rooms. The Aerosol Grenade Fogger was designed as an operator controlled instantaneous initiated aerosol grenade. It is a non-pyrotechnic that contains no CFCs, is not a fire hazard and requires minimal decontamination.

ix. DEFENSE TECHNOLOGY, MUZZLE BANG LAUNCHING CARRTRIDGE, 12 gauge. #1210, cost \$5.83, quantity 20. (Up to 30) This munition incorporates an opaque shell and utilizes black powder as the propellant. It has the ability to be used alone as a Muzzle Bang for crowd management or for propelling grenades when using the 1370 Launching Cup.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

c. Authorized Use

Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.

d. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.

e. Lifespan

5 years from manufacturing date.



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Exhibit A



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f. Fiscal Impact

No annual maintenance.

g. Legal and Procedural Rules

Use is established under the YCPD Chemical Agent Manual 580.07. It is the policy of the YCPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

10. Explosive Breaching Tools: Tools that are used to conduct an explosive breach.

a. Description, quantity, capabilities, and purchase cost

- i. ROYAL REMINGTON 870 EXPRESS BREACHING SHOTGUN, Cost: \$500, quantity: 3. This weapon allows for Breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
- ii. ROYAL ARMS TESAR-1 ORANGE CAP 275 GRAIN COPPER FRANGIBLE BREACHING ROUND, Cost: \$5 per round, quantity: 6 (Up to 30). The round is fired from a breaching shotgun and is used to destroy solid wood doors, locks and hinges
- iii. ROYAL ARMS TESAR-2 BACK CAP 425 GRAIN COPPER FRANGIBLE BREACHING ROUND, Cost: \$5 per round, quantity: 150 (Up to 200). The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
- iv. ROYAL ARMS TESC#3 GREEN CAP 375 GRAIN CLAYVON FRANGIBLE BREACHING ROUND, Cost: \$5 per round, quantity 10 (Up to 30). The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
- v. ROYAL ARMS FB-82H 12-GAUGE 82 GRAIN FLASH BANG HARD BREACHING ROUND, Cost: \$5 per round, quantity: 3. (Up to 30) The rounds are fired from a breaching shotgun and is used as a diversionary round and can be used to break glass and shot at a velocity of 270-290 feet per second (FPS).
- vi. ROYAL ARMS MB-70S 12 GAUGE MUZZLE BLAST FLASH BANG SOFT BREACHING ROUND, cost: \$5 per round, quantity: 11. (Up to 30) The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
- vii. ROYAL ARMS TESAR-4 YELLOW CAP 750 GRAIN COPPER FRANGIBLE BREACHING ROUND, cost: \$6 per round, quantity: 11. (Up to 30) The round is fired from a breaching shotgun and is used as a diversionary round and can be used to break glass.

b. Purpose

To safely gain entry into a structure.

c. Authorized Use

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.



YUBA CITY POLICE DEPARTMENT

Exhibit A



YCPD Policy 707

d. Lifespan

Breaching Shotgun- 25 years

Royal Arms Tesar-1 orange cap 275 grain copper breaching round- 5 years

Royal Arms Tesar-2 black cap 425 grain copper breaching round- 5 years

Royal Arms Tesar-3 green cap 375 grain clayvon frangible breaching round- 5 years

Royal Arms FB-82H 12-gauge 82 grain flash bang hard core breaching round- 5

Royal Arms MB-70S 12-gauge muzzle blast flash bang soft breaching round- 5 years

e. Fiscal Impact

Annual maintenance is approximately \$500.

f. Training

Shotgun breaching shall be limited to SWAT personal who have attended a Shotgun Breaching course or received documented training.

g. Legal and Procedural Rules

It is the policy of the YCPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

11. **PepperBall Launcher:** A device that discharges irritant projectiles.

a. Description, quantity, capabilities, and purchase cost

- i. PepperBall VKS CARBINE, cost: \$1300, quantity 4. The Variable Kinetic System (VKS) is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall VKS Carbine features a Dual Feed System that offers the ability to quickly switch between Hopper mode and Magazine mode for optimum versatility.
- ii. PepperBall LIVE PROJECTILE, cost: \$2 per projectile, quantity 50 (up to 100). The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.
- iii. PepperBall LIVE-X PROJECTILE, cost: \$3 per projectile, quantity 100 (up to 200). The Live Projectile contains a concentrated amount of PAVA pepper powder. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 5% PAVA Powder.
- iv. PepperBall VXR INERT PROJECTILE, cost: \$.80 per projectile, quantity 950 (up to 1500). The VXR Inert Projectile is a non-lethal round. The projectile contains approximately no PAVA powder. This projectile is best for direct impact with no PAVA powder. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.0% PAVA powder.

b. Purpose



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Exhibit A



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To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include but, are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

c. Authorized Use

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers.

d. Training

Sworn members utilizing PepperBall launchers and projectiles are trained in their use by POST certified less lethal and chemical agents instructors.

e. Lifespan

- i. PepperBall VKS Carbine- 20 years
- ii. PepperBall Live Projectile- 3 years
- iii. PepperBall Live-X Projectile- 3 years
- iv. PepperBall Inert Projectile- 3 years

f. Fiscal impact

Annual maintenance is approximately \$50 for each PepperBall launcher.

g. Legal and Procedural Rules

Use is established under YCPD policy 303. It is the policy of the YCPD to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

I. MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without city council approval to maintain essential availability for the Department's needs. YCPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

EXHIBIT B

ORDINANCE NO. ____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ADDING CHAPTER 23 TO TITLE 4 OF THE YUBA CITY MUNICIPAL CODE ADDING
A POLICY RELATED TO USE OF MILITARY EQUIPMENT POLICY**

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies;

WHEREAS, Assembly Bill 481 (AB 481), codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy at a regular meeting held pursuant to open meeting laws prior to taking certain actions relating to the funding, acquisition, or use of “military equipment”. The term “military equipment” is defined in California Government Code Section 7070;

WHEREAS, AB 481 allows the City Council to approve the funding, acquisition, or use of military equipment, within its jurisdiction only if it makes specified determinations;

WHEREAS, The proposed military equipment use policy is found within Yuba City Police Department Policy Manual, Policy 707. The policy was published on March 11, 2022 and displayed on the Yuba City Police Department website on March 11, 2022, and is being presented to the City Council on April 19, 2022;

WHEREAS, The Yuba City Police Department Policy 706 meets the requirements of California Government Code 7070;

WHEREAS, This ordinance adds Chapter 23, to Title 4 of the Yuba City Municipal Code to affirm and codify Yuba City Police Department Policy 707 and authorize the use of “military equipment” by the members of the Yuba City Police Department as described in Policy 707;

WHEREAS, The Yuba City Municipal Code and Governing state law enables the City Council of the City of Yuba City to enact an urgency ordinance when needed to respond to any emergency to preserve the public peace, health, safety, or public welfare.

WHEREAS, The City of Yuba City has a compelling interest in immediately enacting the standards set forth by Yuba City Police Department Policy 707;

WHEREAS, The City Council determines this ordinance is an urgency measure needed to immediately preserve public health, safety, and welfare. It is intended this urgency ordinance shall take immediate effect to avoid and ameliorate the threat to public peace, health, and safety; and

WHEREAS, In the enactment of this ordinance, the City of Yuba City has followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and found this activity is not a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by the failure to enact this Urgency Ordinance to address the requirements of Assembly Bill 481, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City.

SECTION 3. Chapter 23 of Title 4 is added to the Yuba City Municipal Code to read in its entirety as follows:

CHAPTER 23- MILITARY EQUIPMENT USE POLICY

Sec. 4-23.010 -Title

This chapter shall be titled “Military Equipment Use Policy.”

Sec. 4-23.020 - Findings.

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.
- B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070.
- C. Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.
- D. The proposed Military Equipment Use Policy is found within Yuba City Police Department Policy Section 707.
- E. The Military Equipment Use Policy as set forth in Yuba City Police Department

Policy Section 707 was published as required by law and meets the requirements of California Government Code section 7070, subdivision (d).

Sec. 4-23.030 - Determinations.

Based on the findings above, in addition to information provided to the City Council at the public hearing, the City Council determines as follows:

1. The military equipment identified in Yuba City Police Policy 707 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. The Military Equipment Use Policy as set forth in Yuba City Police Policy 707 will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified as Yuba City Police Policy 707 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. The Military Equipment Use Policy as set forth in Yuba City Police Policy 707 is approved and adopted as may be amended from time to time.

SECTION 4. The City Manager is hereby directed to execute all documents and to perform all other acts necessary to implement this Ordinance.

SECTION 5. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. In accord with Yuba City Municipal Code and Governing state law this urgency ordinance shall take immediate effect upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council on the 19th day of April, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Ciara Wakefield, Deputy City Clerk

Dave Shaw, Mayor

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

SHANNON CHAFFIN, City Attorney
Aleshire & Wynder, LLC