



Interoffice Memo

DATE: March 21, 2023

TO: Kirk DeJesus, Port Director

FROM: Rick Salsedo, Chief of Police

RE: Annual Report to the Board of Port Commissioners on the Police Department Use of Military Style Equipment

SYNOPSIS

In accordance with Government Code Section 7072, this annual report on military style equipment used by the Police Department is submitted for informational purposes.

BACKGROUND

In September 2021, Assembly Bill 481 (AB 481) was approved as law in the state of California. This bill resulted in the addition of Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code. The new section requires that a police department who uses "military equipment", as defined in the section, must create a specific policy governing the department's use of such equipment. The policy must be approved by the governing body of the department.

The new Government Code section definition of military equipment includes: "Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code." In 2021, the Police Department purchased and received delivery of six patrol rifles that fit the definition of assault weapons. The rifles are Sig Sauer M400, 16 inch, 5.56 caliber NATO style with 30 round magazines. These weapons are carried in patrol cars for deployment in the event of certain active shooter situations.

On February 22, 2022 the Board of Port Commissioners approved the Police Department's Military Equipment policy (Resolution #8294).

Per the Military Equipment policy and Government Code Section 7072, the Police Department is to provide an annual report to the Board on military equipment used by the Department. Currently, the Police Department does not use any other equipment that fits the definition of "military equipment", other than the patrol rifles. The below update addresses the topics required by Government Code Section 7072.

PATROL RIFLE UPDATE

Summary of Use/Deployment:

During the second half of 2022 (June – December), all six Sig Sauer M400 rifles were routinely deployed in the patrol car with each patrol officer while on duty. Prior to the routine deployment of the rifles, every Sergeant and Officer of the Port Police Department attended a 24-hour California Peace Officer Standards and Training (POST) certified course on the proper operation and deployment of the weapon.

There were zero (0) instances in 2022 where the rifle was used in the field during an actual incident.

Summary of Complaints:

No internal or citizen complaints were received regarding the use of rifles.

Internal Violations or Audits:

There were no violations of policy by Department members on the use of patrol rifles. All sworn patrol personnel successfully passed the required POST training to deploy patrol rifles. Additionally, all sworn patrol personnel successfully passed annual rifle qualifications.

Annual Costs:

- Training = approximately \$14,200.00

Training costs for 2022 were significantly higher than anticipated in future years due to the requirement that all sworn patrol personnel attend a (one-time) 24-hour POST Rifle Course. The POST course was free, however overtime costs were incurred for shift coverage to allow all sworn staff to attend the training. Typically, training costs will primarily be related to annual on-duty shooting qualifications and training of new-hire police officers.

- Supplies = approximately \$3900.00

Supplies include ammunition, spare magazines, gun cleaning supplies, etc. These costs were also higher than anticipated in future years due to all patrol personnel attending the required 24-hour POST Rifle Course (i.e. 730 rifle rounds per officer were needed for the course).

Current Quantity of Patrol Rifles:

The Department has six (6) Sig Sauer M400, 16 inch, 5.56 caliber NATO style rifles available for use by sworn patrol personnel.

Need for Additional Rifles:

The Department does not currently anticipate the need to purchase additional rifles.

PUBLIC INFORMATIONAL MEETING

In accordance with the policy and Government Code Section 7072, within 30 days of presenting this report to the Board of Port Commissioners, the Police Department will hold a public meeting to present this annual report and address any citizen/Port tenant questions. The date and time for this public meeting will be publicized to all Port tenants and posted on the Port website.