Williams Police Department

Annual Military Equipment Use Report
July 1, 2023 – June 30, 2024

Table of Contents

Executive Summary.....3

Introduction.....5

Definitions.....6

Use of Force per Penal Code 13652.1 / Assembly Bill 48.....7

Penal Code 13652.1 Definition.....7

Assembly Bill 48 Definition.....7

Chemical Agents.....8

Summary of Military Equipment Usage.....9

Rifles and Munitions.....9

Chemical Agents.....9

Inventory of Military Equipment.....11

Fiscal Impact of Military Equipment.....12

Department Transparency.....12

Community Complaints/Concerns/Comments.....12

Internal Audits.....13

Internal Audit Results.....14

Conclusion.....15

Executive Summary

On September 30, 2021, California Governor Gavin Newsom approved Assembly Bill 481, requiring law enforcement agencies to obtain approval from the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy. The Williams Police Department is required to seek City Council approval of their Military Equipment Use Policy at a regular open meeting prior to taking certain actions relating to the funding, acquisition, and use of military equipment.

Assembly Bill 481 allows the governing body to approve the funding, acquisition, and use of military equipment within its jurisdiction, only if it determines that the military equipment meets specified standards. The Military Equipment Use Policy is subject to City Council review to determine whether the standards set forth in Assembly Bill 481 have been met, based upon an Annual Military Equipment Use Report.

Finally, Assembly Bill 481 requires publication of the Military Equipment Use Policy and the Annual Military Equipment Use Report on the Department's website.

Assembly Bill 481

California Government Code section 7072 states the following:

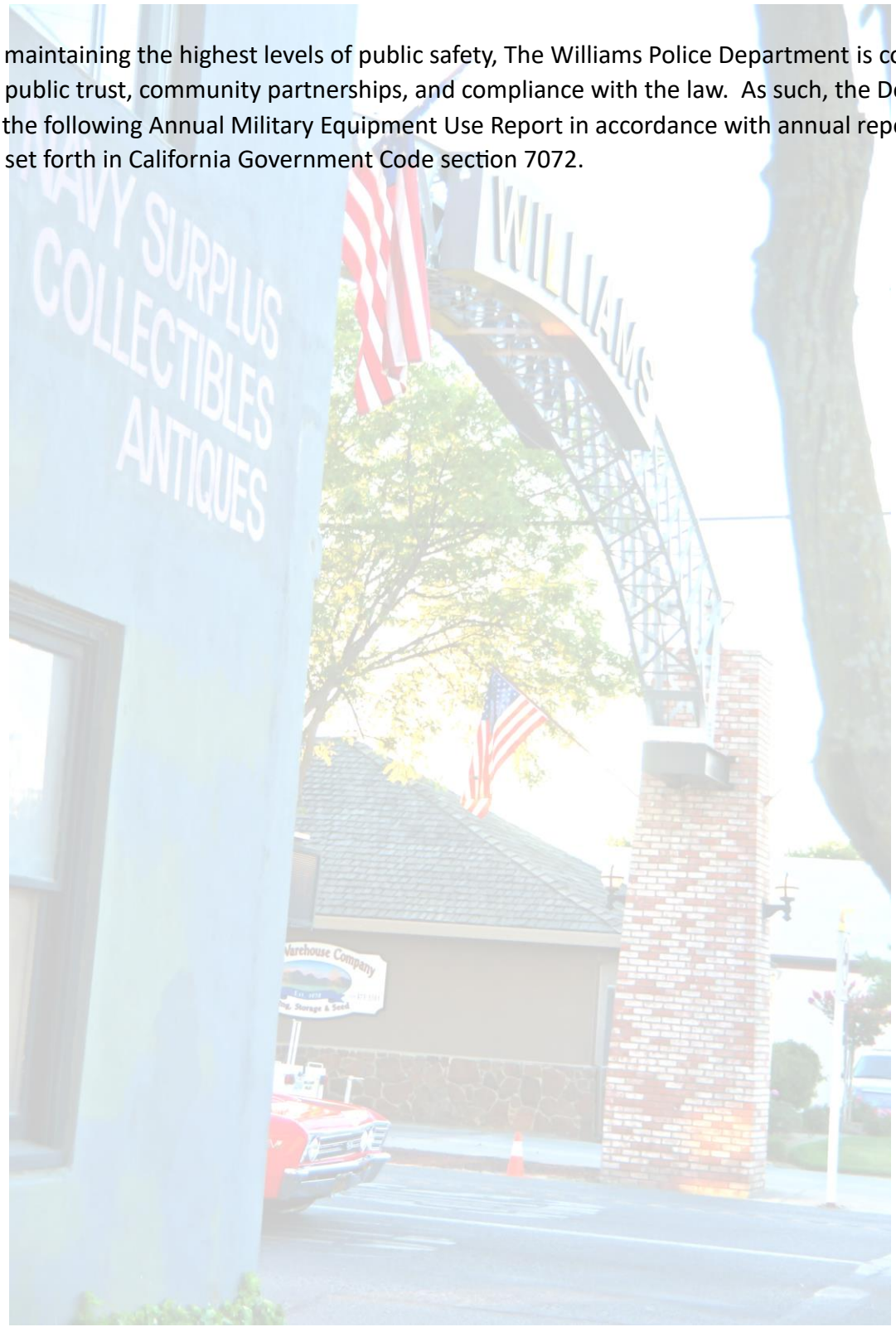
(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. 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:

(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, if the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency 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 the law enforcement agency's funding, acquisition, or use of military equipment.

In addition to maintaining the highest levels of public safety, The Williams Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following Annual Military Equipment Use Report in accordance with annual reporting requirements set forth in California Government Code section 7072.



Introduction

The City of Williams is home to approximately 5,500 people. The volume of calls for service to which the Williams Police Department responds to on an annual basis reflects a population of that size. In 2022, the Department logged approximately 7,600 events which included calls requiring an officer response. In addition, Williams Police Department officers made 1,217 officer-initiated contacts. During these events and officer-initiated contacts, Williams Police Officers made 65 felony arrests and 280 misdemeanor arrests. Of all those contacts and arrests, only one incident resulted in a documented use of force. These statistics illustrate the relatively few instances of force used by Williams police officers in relation to overall contacts and arrests.

The Williams Police Department possesses and employs military equipment to assist in safely achieving the furtherance of its mission to service the Williams Community and partner with its citizens to reduce crime and improve quality of life issues. While the inventory of military equipment varies, the mere possession of the equipment does not warrant its use for every incident.

The Williams Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution, in a safe manner. The use of military equipment is restricted to certain instances and in some cases only by certain units. The use of the Department's military equipment is continuously evaluated and the use of such equipment by department personnel is influenced by the totality of the circumstances, public safety, officer safety, civil rights, State law, and information available at the time of use.

It is incumbent upon incident commanders, supervisors, individual officers, and specific units to recognize the circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

This Annual Military Equipment Use Report outlines a summary of military equipment usage, guidelines, inventory, fiscal impact, complaints, and reported concerns from July 2023 through June 2024.

Definitions

Pursuant to California Assembly Bill 481, the following definitions are applicable only to the Williams Police Department's Current military equipment inventory for operational needs. For a more detailed list of "military equipment" definitions, refer to California Government Code sections 7070(c)(1) through (16).

"**Governing body**" means the Williams City Council and Mayor

"**Military equipment**" means any wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16) to include:

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

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

3. **Less Lethal Shotguns and Munitions**: A shotgun used to deploy the less lethal shotgun munitions.

"**Military equipment**" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

"**Military Equipment Use Policy**" refers to Williams Police Department Policy Manual section 706 and means a publicly released, written document governing the use of military equipment by the Department that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

2. The purposes and authorized uses for which the Department proposes to use each type of military equipment.

3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

4. The legal and procedural rules that govern each authorized use.

5. The training, including any course required by the Commission on Peace Officer Standards and Training (POST), that must be completed before any sworn member is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment Use Policy.

6. The mechanisms to ensure compliance with the Military Equipment Use Policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

7. The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the Department will ensure that each complaint, concern, or question receives a response in a timely manner.

Use of Force per Penal Code 13652.1/Assembly Bill 48

Penal Code 13652.1 Definition

Commencing January 1, 2022, Each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control. However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

Each incident will include information known to the agency at the time of the report and shall include only the following:

(1) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.

(2) The type of kinetic energy projectile or chemical agent deployed.

(3) The number of rounds or quantity of chemical agent dispersed, as applicable.

(4) The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.

(5) The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

Assembly Bill 48 Definition

This bill, commencing January 1, 2022, requires each law enforcement agency, within a specified timeframe, to post on their internet website a summary, as described, of any incident in which a kinetic energy projectile or chemical agent (Defined under Penal Code 13652) is deployed by that agency for the purpose of crowd control. The bill would require the Department of Justice to provide a compiled list of links to these reports on its internet website.

Penal Code 13652 Definitions:

(1) “Kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

(2) “Chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

Kinetic energy projectiles

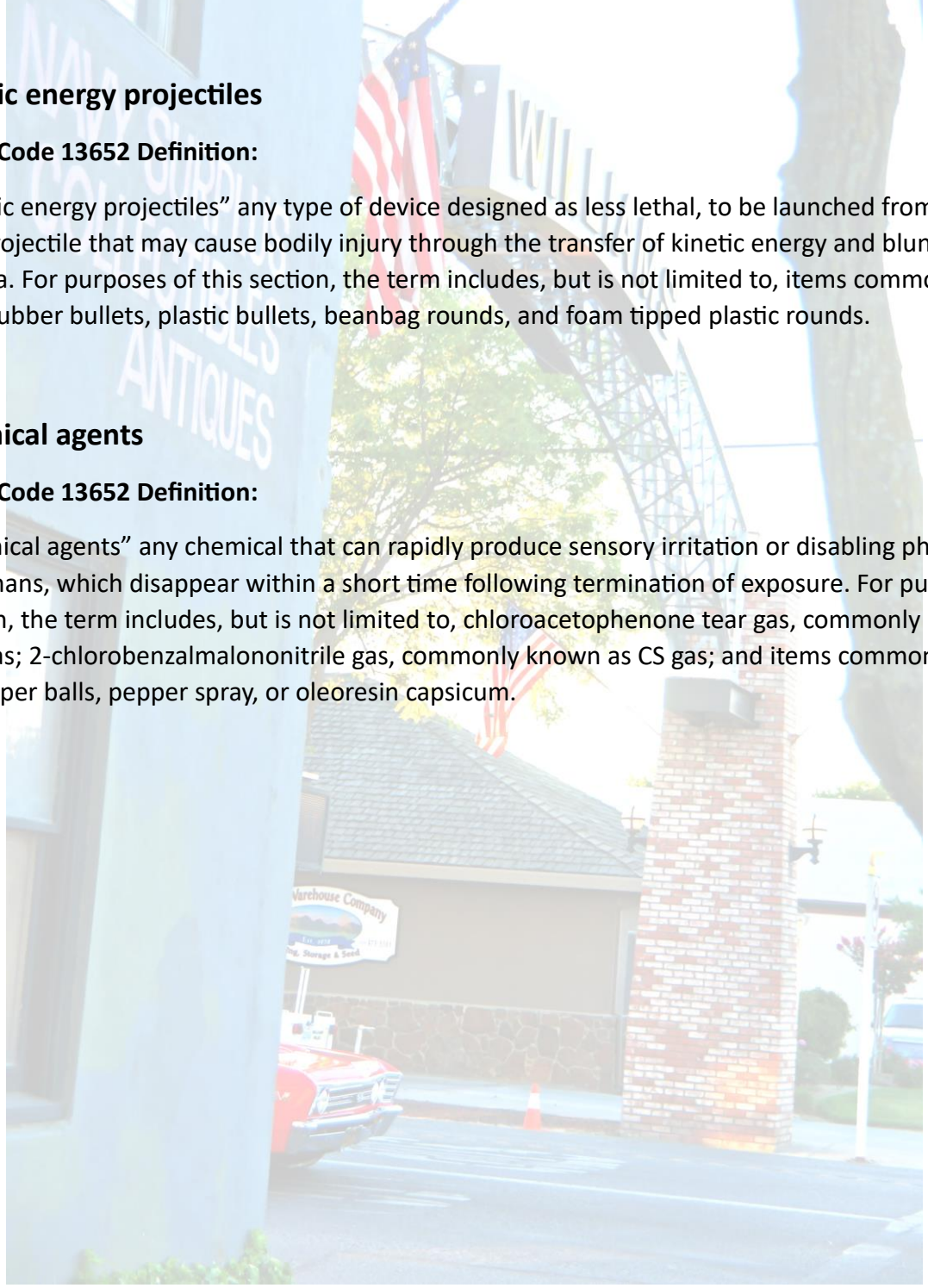
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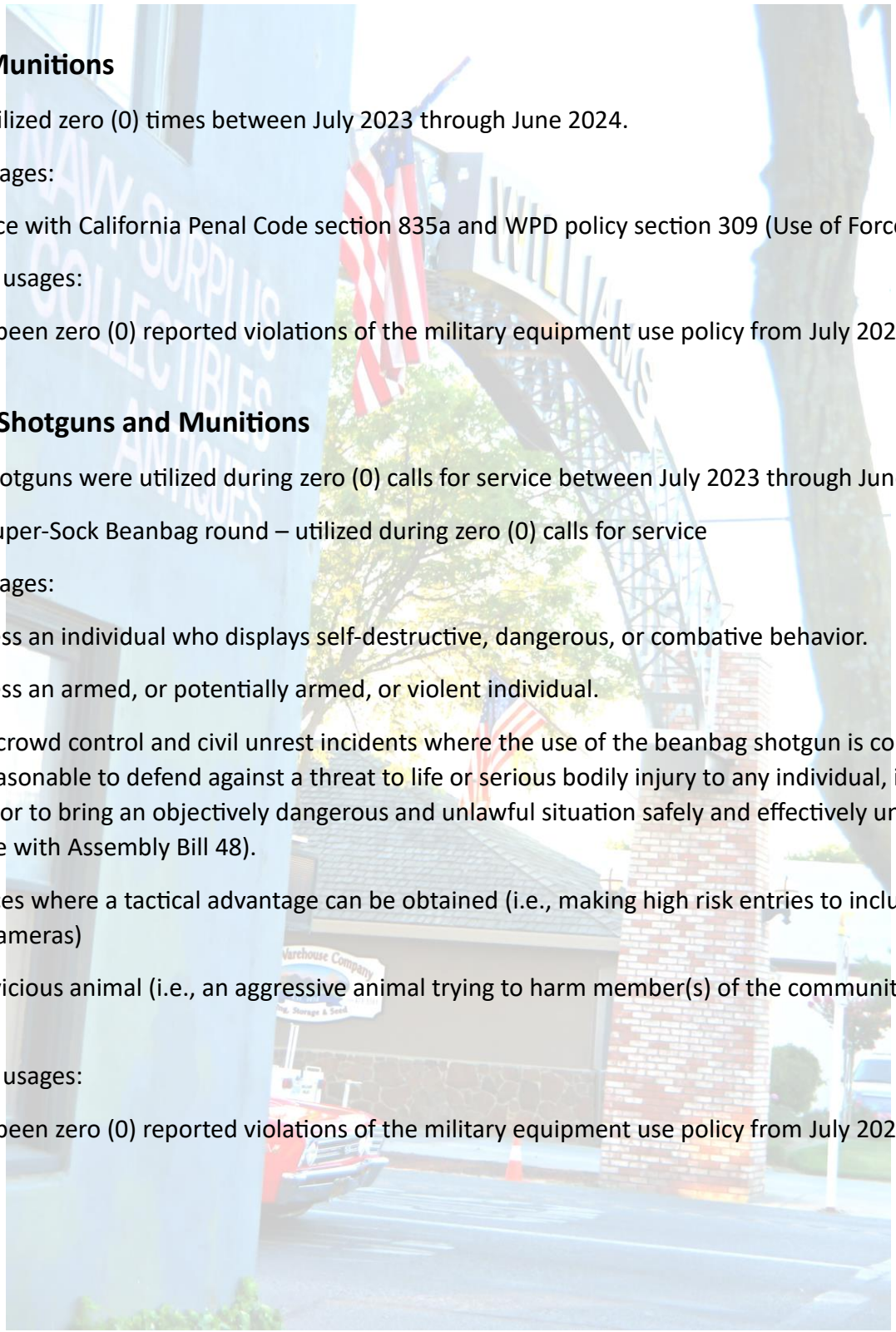
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Summary of Military Equipment Usages



Rifles and Munitions

Rifles were utilized zero (0) times between July 2023 through June 2024.

Authorized usages:

• In accordance with California Penal Code section 835a and WPD policy section 309 (Use of Force)

Unauthorized usages:

• There have been zero (0) reported violations of the military equipment use policy from July 2023 through June 2024.

Less Lethal Shotguns and Munitions

Less Lethal Shotguns were utilized during zero (0) calls for service between July 2023 through June 2024.

• 12-Gauge Super-Sock Beanbag round – utilized during zero (0) calls for service

Authorized usages:

• Safely address an individual who displays self-destructive, dangerous, or combative behavior.

• Safely address an armed, or potentially armed, or violent individual.

• During riot/crowd control and civil unrest incidents where the use of the beanbag shotgun is considered objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (in compliance with Assembly Bill 48).

• Circumstances where a tactical advantage can be obtained (i.e., making high risk entries to include disabling surveillance cameras)

• Potentially vicious animal (i.e., an aggressive animal trying to harm member(s) of the community or an officer)

Unauthorized usages:

• There have been zero (0) reported violations of the military equipment use policy from July 2023 through June 2024.

Chemical Agents

Chemical Agents were utilized zero (0) times between July 2023 through June 2024.

• OC Fogger - utilized zero (0) times

• OC Stream - utilized zero (0) times

Authorized usages:

• Safely address an individual who displays self-destructive, dangerous, or combative behavior.

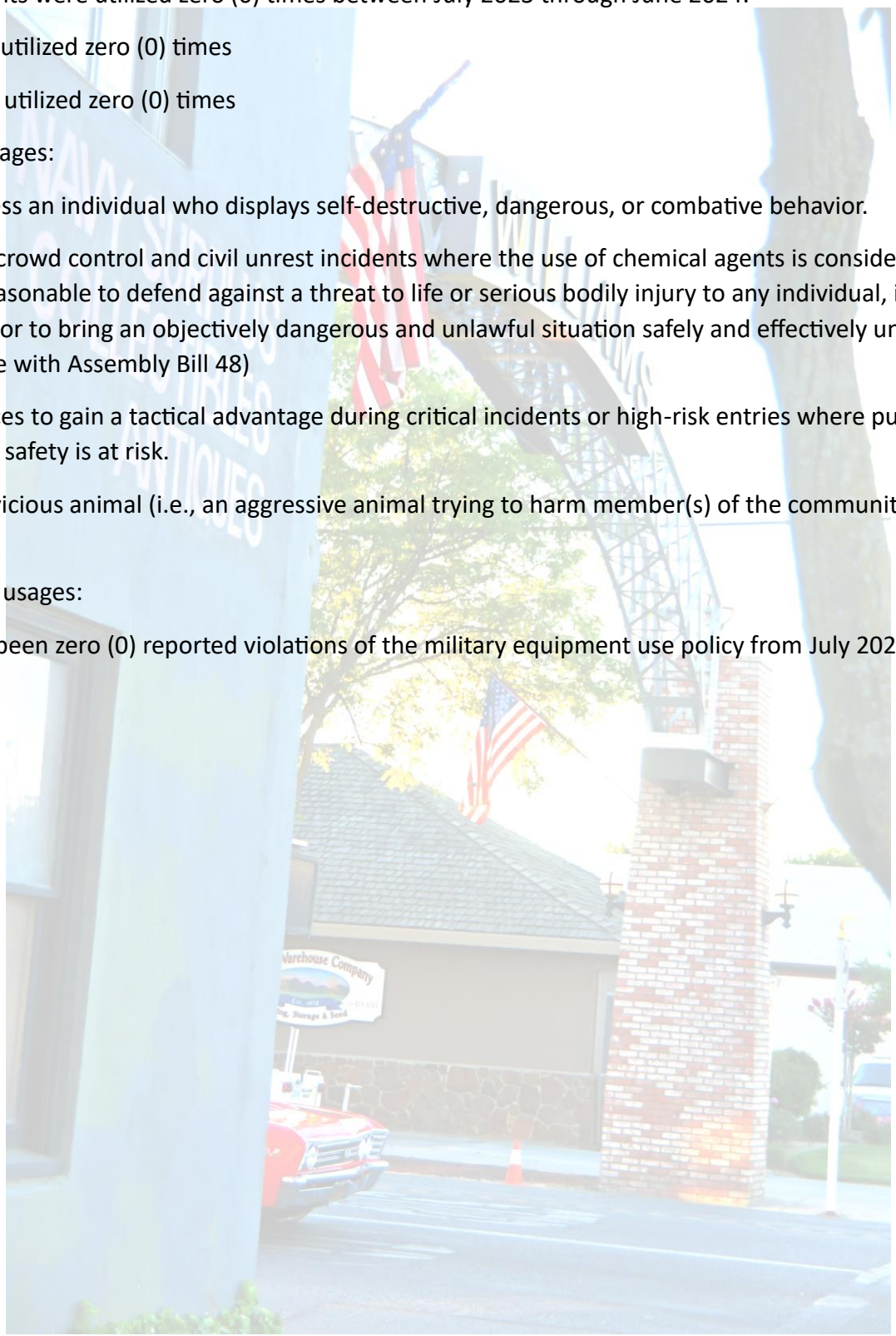
• During riot/crowd control and civil unrest incidents where the use of chemical agents is considered objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (in compliance with Assembly Bill 48)

• Circumstances to gain a tactical advantage during critical incidents or high-risk entries where public safety and/or officer safety is at risk.

• Potentially vicious animal (i.e., an aggressive animal trying to harm member(s) of the community or an officer).

Unauthorized usages:

• There have been zero (0) reported violations of the military equipment use policy from July 2023 through June 2024.



Inventory by Equipment Type

Note: The inventory of certain items of consumable military equipment (i.e. ammunition and chemical agents) frequently fluctuates throughout the year due to operational usage, training, operational wear and/or manufacturer recommended replacement guidelines. While the Williams Police Department strives to provide accuracy in its inventory reporting, this report reflects approximations of certain consumable items of military equipment during the period reported.

Less Lethal Shotgun and Munitions

Equipment Name and Model/Manufacturer	Quantity
Model 120, 12-Gauge Shotgun / Winchester Firearms	1
12-Gauge Super-Sock Beanbag Round / Combined Systems Inc.	15 rounds

Rifles

Equipment Name and Model/Manufacturer	Quantity
AR-15 A2, .223 / Colt	9
XM 15-E2S, .223 / Bushmaster	2
MP15, .223 / Smith & Wesson	1
M14, 7.62 / Springfield	4

Munitions

.223 Caliber 60 Grain TAP Rifle Round / Hornady	3,000
.223 Caliber 55 Grain FMJ / Hornady	4,500
12g Slug 1oz / Winchester	300
12g 00 Buck / Federal Premium	300
.308 168 Grain HPBT Match / Winchester	780

Fiscal Impact of Military Equipment

Consumable Military Equipment Acquisitions

Projected consumable military equipment acquisitions for FY 2024/2025 are anticipated to be consistent with current replenishment schedules and quantities for consumables. A variety of commercial factors (i.e. supply and demand, inflation, supply chain issues etc.) may influence the fiscal impact of future military equipment acquisitions and ongoing military equipment consumables can vary according to inventory levels that fluctuate as a result of training, operational usage, or manufacturer replacement guidelines. The Williams Police Department currently has three categories of consumable military equipment which includes ammunition, chemical agents, and less lethal munitions. Funding for the consumable military equipment is sourced from the existing police budget.

Non-Consumable Military Equipment Acquisitions

The Williams Police Department does not have any projected costs for acquisitions of non-consumable military equipment for FY 2024/2025.

Department Transparency

Community Complaints/Concerns/Comments

In some instances, the application and use of military equipment may cause questions and/or concerns for members of the community. It is vitally important that the Department address questions from community members regarding the application and use of military equipment.

The Williams Police Department is committed to full and fair investigations of community member complaints. As such, the Department has sound internal procedures for thorough and impartial investigations of community complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Williams Police Department.

The following is a summary of formal investigations, including officer-involved shootings and the use of military equipment, as investigated by the Williams Police Department's administration from July 2023 through June 2024.

Complaints or Concerns:

The Williams Police Department Administrative Sergeant conducted an inspection of all reported complaints and concerns from July 2023 through June 2024. The results of the inspection found zero (0) complaints or concerns related to the use of military equipment.

Officer-Involved Shootings (OIS):

There were zero (0) OIS incidents that occurred involving the use of military equipment from July 2023 through June 2024.

Response to Procedure Violations

California Assembly Bill 481, enacted California Government Code section 7072(a)(3), requires local law enforcement agencies to provide information regarding military equipment use procedure violations and responses to those violations. In accordance with the new law, the Williams Police Department has actively tracked this information. As of June 30, 2024, there have been zero (0) reported violations of the military equipment use policy.

Responses:

Not applicable.

Internal Audits

California Assembly Bill 481, requires local law enforcement agencies to include the results of any internal audits or inspections conducted and any responsive actions in its annual military equipment use report. When an audit is conducted, inspectors shall refer to the department's military equipment use policy for established guidelines regarding funding, acquisition, or use of military equipment.

The duty of auditing the Williams Police Department's military equipment use has been assigned to the Department's Military Equipment Coordinator (MEC). The MEC has developed a tracking and auditing process to ensure compliance, consistency, accountability, and transparency as outlined in WPD policy section 706 (Military Equipment Use) which states the following:

WPD Policy Section 706.3 states:

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 Williams 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.

Internal Audit Results

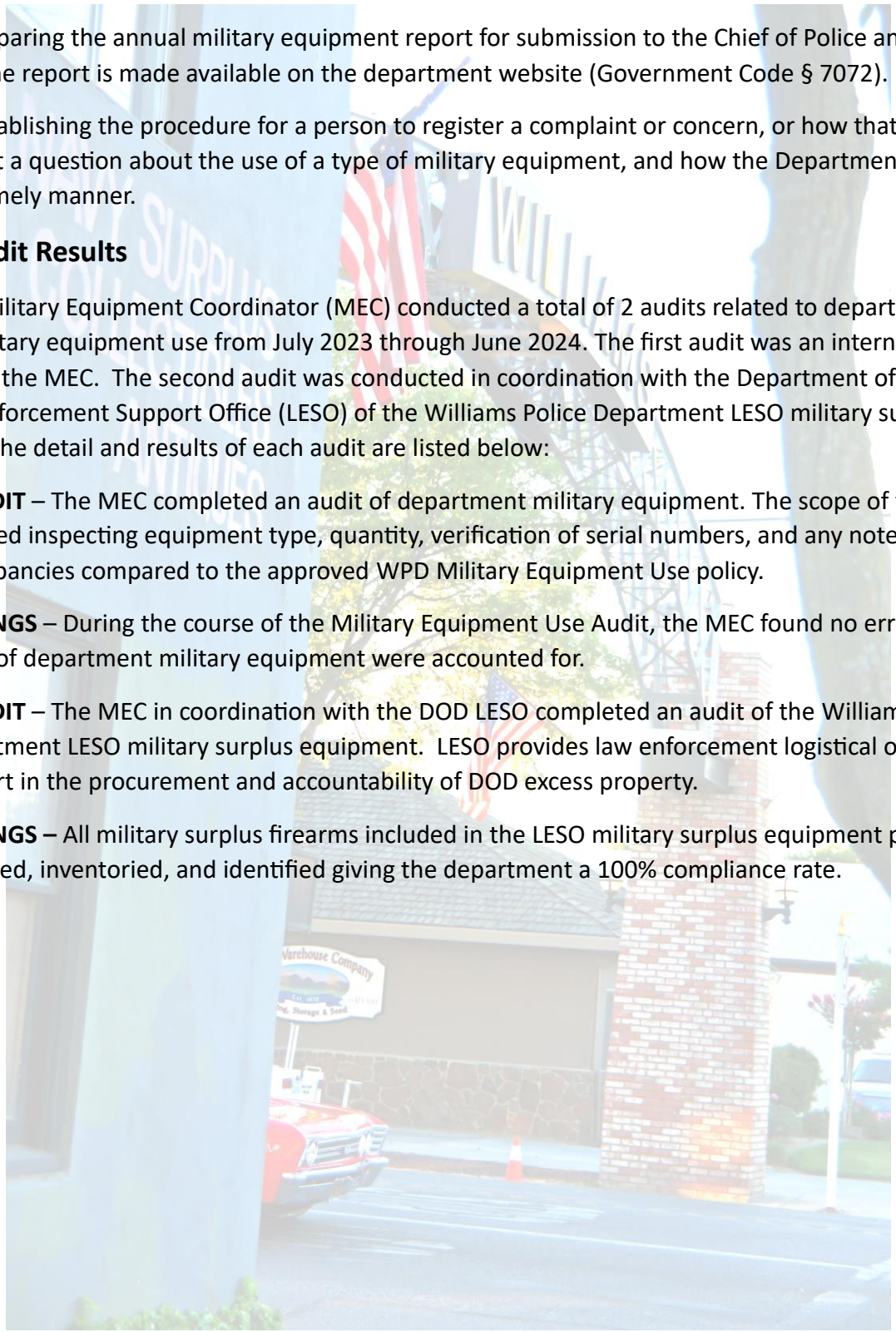
The Military Equipment Coordinator (MEC) conducted a total of 2 audits related to department approved military equipment use from July 2023 through June 2024. The first audit was an internal audit conducted by the MEC. The second audit was conducted in coordination with the Department of Defense's (DOD) Law Enforcement Support Office (LESO) of the Williams Police Department LESO military surplus equipment. The detail and results of each audit are listed below:

1. **AUDIT** – The MEC completed an audit of department military equipment. The scope of the audit included inspecting equipment type, quantity, verification of serial numbers, and any noted discrepancies compared to the approved WPD Military Equipment Use policy.

FINDINGS – During the course of the Military Equipment Use Audit, the MEC found no errors and all items of department military equipment were accounted for.

2. **AUDIT** – The MEC in coordination with the DOD LESO completed an audit of the Williams Police Department LESO military surplus equipment. LESO provides law enforcement logistical oversight and support in the procurement and accountability of DOD excess property.

FINDINGS – All military surplus firearms included in the LESO military surplus equipment program were collected, inventoried, and identified giving the department a 100% compliance rate.



Conclusion

The acquisition and use of military equipment 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 the local government's decision to fund, acquire, or use such equipment. When making decisions regarding how military equipment is funded, acquired, or used, the Williams Police Department gives strong consideration to the public's welfare, safety, civil rights, and civil liberties.

In a continued effort for greater transparency, the Williams Police Department places high regard to meaningful public input in the use of military equipment in our community, to increase the safety of the public. Any member of the public can submit a question or concern regarding military equipment use by contacting the Williams Police Department via phone at (530) 473-2661, email at info@williamspd.net or by mail to 700 North Street, Williams, CA 95987. The Department will strive to provide a timely response to the community's questions and concerns regarding the use of military equipment.

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 appropriate supervisor in accordance with Williams Police Department Policy Section 1010 (Personnel Complaints).

