

Emeryville Police Department – 2023 Annual Report

Military Equipment Inventory

The only Military Equipment owned by the City of Emeryville is 35 semi-automatic rifles. State law defines “Category 10 Military Equipment” as specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency¹. While these 35 rifles are standard issue service weapons, neighboring jurisdictions have included them in their Military Equipment Inventory and staff recommended their inclusion in the City’s Inventory for consistency with surrounding jurisdictions and to promote transparency consistent with the intent of AB 481.

Pursuant to Government Code Section 7071, the law enforcement agency shall submit to the City Council an annual military equipment report 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 following six (6) categories are required as part of the annual reporting requirements.

1. Purpose and Use

The rifles are used as a precision weapon when sworn personnel reasonably anticipate an armed encounter, to address threats that may be protected by body armor or where the distance prevents a handgun from proficiently or effectively addressing the threat. Emeryville Police Department policies “300-Use of Force” and “305-Firearms” describe authorized use of the rifle.

The use of the patrol rifles was consistent throughout this annual reporting period. The patrol rifles are taken out on patrol regularly during this reporting period by officers assigned to patrol operations. Officers carry the patrol rifles in their assigned patrol vehicles, in a locked cradle, during their shift.

2. Complaints

The Department proactively seeks feedback and complaints related to the use of the identified military equipment. During this reporting period, the Department did not receive any complaints or feedback on the use of the patrol rifles.

3. Internal Audits

¹ This inventory includes weapons personally owned by officers but deployed for official use in the course of duty.

All sworn personnel deploying these rifles must have completed a 16-hour POST (Peace Officer Standards and Training) certified "Firearms/Tactical Rifle" course. Annual qualification requirements are described in Emeryville Police Department policy "305-Firearms". In addition, POST requires 4 hours of training every two years.

During the officer's training, each patrol rifle was inspected as part of the safety evaluation and audit systems. No violations of the patrol rifle safety standards or military use policy were identified during this reporting period.

4. Annual Cost & Fiscal Impact

The expected lifespan for each patrol rifle is projected to be 5-15 years. The annual cost is detailed below:

- Colt AR-15 and Colt M4: Initial cost - \$999; annual maintenance – approximately \$50
- Smith & Wesson M&P-15 and M&P-15T: Initial cost - \$899; annual maintenance - approximately \$50
- Smith & Wesson M&P VTAC, Bravo Company MFG M-4, Colt LE Carbine, Noveske N4, Noveske N15, Rock River Arms LAR-15, and Spike's Tactical ST15: Initial cost - personally owned/purchased; annual maintenance - approximately \$50

5. Quantity, Description, and Capabilities

The quantity of patrol rifles possessed is as follows:

- 13 Colt AR-15 rifles; 8 Colt M4 rifles; 2 Smith & Wesson M&P-15 rifles; 3 Smith & Wesson M&P-15T rifles; 2 Smith & Wesson M&P-15 VTAC rifles; 1 Bravo Company MFG M-4 rifle; 2 Colt LE Carbine rifle; 1 Noveske N4 rifle; 1 Noveske N15 rifle; 1 Rock River Arms LAR-15 rifle; 1 Spike's Tactical ST15 rifle (total: 35 AR-15 style rifles)
- These rifles are 16" barrel AR-15 platform rifles. The rifles are gas operated, semi-automatic rifles with the ability to be fired from shoulder level. The rifles include a collapsible stock and 30 round magazine and are chambered for .223 or 5.56 caliber.
- These rifles can be fired from shoulder level and have a long spirally grooved barrel intended to make bullets spin. The rifle barrel's design provides greater accuracy over a long distance. The rifles also have the ability to defeat soft body armor.

6. Acquisition of Additional Military Equipment

The Department does not intend to acquire additional military equipment. However, if an existing patrol rifle becomes worn or damaged to the point where the patrol rifle is no longer serviceable or safe, the Department may seek to acquire a replacement.

