Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.

2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.

3. High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.

4. Tracked armored vehicles that provide ballistic protection to their occupants.

5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

6. Weaponized aircraft, vessels, or vehicles of any kind.

7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.

8. Firearms of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.

9. Ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.

10. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.

11. Any firearm or firearm accessory that is designed to launch explosive projectiles.

12. Noise-flash diversionary devices and explosive breaching tools or munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.

13. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

14. Kinetic energy weapons and munitions.

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15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the policy of the San Fernando Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of San Fernando Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

Heckler & Koch 9mm submachine guns

40mm Less Lethal Launcher

40mm Exact Impact Sponge Round

40mm Spede-heat long range Chlorobenzaldehyde Malononitrile (CS) Tear Gas Munition

40mm Ferret CS Munition

40mm Bean Bag Munition

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12 gauge Shotgun Less Lethal Bean Bag Munition

12 gauge Shotgun Ferret CS Munition

Pepperball launcher

Pepperball CS Munition

Unmanned aerial vehicle (drone)

Colt M4 Carbine Full Auto.223 Caliber Capability

For specific detail, see the following attachment: <u>See attachment: Military Equipment Policy</u> <u>Final.pdf</u>

The attachment referred to in policy section 706.4 above provides detail related to the description of each category of equipment/supply, quantity, capability, expiration date, purpose, product description, cost impact and policy reference for use. Less lethal weapon training shall be completed in compliance with policy section 304, Control Devices and Techniques. Training shall be provided by POST-certified less lethal instructors in compliance with approved POST-certified course outlines for less lethal weapons. Training for the M-4 rifle and submachine gun will be provided by POST-certified rifle and submachine gun instructors following POST-certified course outlines. All drone (unmanned aerial vehicle) operators will be certified in the Part 107 pilot course as required by the FAA.

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

It will be the practice of the Department to replace damaged equipment in order to maintain the equipment levels as specified in policy section 706.4 above. As equipment is deployed or utilized in compliance with this policy or if such equipment exhausts its useful life, the Department will replace that equipment. The Department will endeavor to maintain supplies of equipment at 50% of supply levels as established in the attachment referred to in policy section 706.4 above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any employee of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department or operating in a law enforcement capacity in conjunction with this Department shall comply with their respective military equipment use policies in rendering mutual aid.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment. Any complaints regarding the use of equipment or to express support for equipment use may be submitted as outlined in Policy 1009 - Personnel Complaints.

Attachments

Military Equipment Policy Final.pdf

- 1. Specialized Firearms and Ammunition (Equipment Category 10)
 - a. Description, quantity, capabilities, and purchase cost:
 - The carbine rifle is a firearm capable of accurately stopping an armed subject at various distances. The carbine rifle is a lightweight, air-cooled, gas-operated, magazine-fed, shoulder-fired weapon designed for semiautomatic and selective fire. The carbine rifle does not have an expiration date and needs to be serviced or replaced when the rifle fails or breaks. The .223 Remington/5.56mm NATO ammunition is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. These carbine rifles use ammunition already used by standard-issued patrol rifles. Colt AR-15 M4 Carbine | cost: \$5,600 | quantity: 4
 - II. The submachine gun is a firearm capable of accurately stopping an armed subject in a variety of conditions and at various distances. The submachine gun is a lightweight and compact firearm designed to match firepower while also having the capability to clear enclosed or close-combat spaces. The submachine gun does not have an expiration date and needs to be serviced or replaced when the submachine gun fails or breaks. These submachine guns use ammunition already used by standard-issued 9mm handguns. Heckler & Koch MP5 submachine gun | cost: \$3,000 | quantity: 8
 - III. The sniper rifle is a firearm capable of precision accuracy and is used to stop an armed subject from a safe distance. The sniper rifle can also be outfitted with a suppressor to reduce hearing damage in confined spaces. The projectile used by this rifle is capable of penetrating soft body armor being worn by armed subjects. The sniper rifle does not have an expiration date and needs to be serviced or replaced when the rifle fails or breaks. This rifle uses .308 Winchester ammunition which is not standard issue and is listed below. TacOps suppressed sniper rifle | cost: \$16,400 | quantity: 2
 - IV. The .308 Winchester is a rimless, bottlenecked rifle cartridge. This ammunition is deployed during potentially lethal encounters at longer distances. The 168 grain projectile maintains accuracy, while resulting in higher impact velocities and more energy on target to stop a violent threat. Federal Gold Medal MatchKing 168 grain boat-tail hollow-point | cost \$11,000 | quantity: 5,000

b. **Purpose**:

To be used as special weapons to address potentially deadly threats with more precision, handle close quarter situations/confined spaced, and/or deployment at greater distances than a handgun, if weapon systems are present and feasible to use in that particular situation.

c. Authorized Use:

Only personnel that are POST certified as operators or instructors, or personnel designated by the Chief of Police as authorized to use the above specifically mentioned rifles, submachine guns, and munitions.

d. Expected Lifespan:

I. Carbine Rifle – no expiration

- II. Submachine Gun no expiration
- III. Sniper Rifle no expiration
- IV. .308 Winchester 168 grain Rifle Ammunition no expiration

e. Fiscal Impact:

- I. Carbine Rifle estimated \$0 \$1,000 annually
- II. Submachine Gun estimated \$0 2,000 annually
- III. Sniper Rifle estimated \$0 \$2,000 annually
- IV. .308 Winchester 168 grain Rifle Ammunition estimated \$0 \$10,000

f. Training:

Personnel operating the above mentioned rifles and machine guns receive POST certified training as an operator or instructor and complete annual training and qualifications to maintain certification.

g. Legal and Procedural Rules:

Use of the above mentioned rifles, machine guns, and munitions is established under policy and procedure manual. It is the policy of the San Fernando Police Department to utilize this equipment only for official law enforcement purposes, according to State and Federal law.

2. PepperBall Launcher (Category 12)

a. **Description, quantity, capabilities, and purchase cost**:

This system uses high pressure to deliver PAVA (Pelargonyl Vanillylamide synthetic pepper spray) powder projectiles, similar in ways to that of a paintball delivery system. It is capable of launching projectiles at a subject up to 60 feet. The delivery of the projectile has an area saturation of up to 160 feet. This nonlethal option offers an alternative in potentially lethal encounters as a means of de-escalation. It also doubles as a valuable tool to control riotous situations and crowd control during civil unrest. PepperBall Launcher | cost: \$7,500 | quantity: 6

 PepperBall LIVE projectile is the basic PepperBall projectile and contains 2% PAVA powder and is designed for direct impact and area saturation, especially in confined and/or interior spaces. The projectile is launched from the PepperBall Launcher at a velocity of 280 - 350 fps. The projectile has a direct impact of 60 feet and an area of saturation of 150+ feet. PepperBall LIVE projectile | cost: \$6,824 | quantity: 3000

b. **Purpose**:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situation for use of this non-lethal weapon system 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 and/or dangerous animals
- V. Training exercises or approved demonstrations

c. Authorized Use:

Only personnel that have been trained as operators or instructors by the department, or personnel designated by the Chief of Police as authorized to use the PepperBall system.

d. Expected Lifespan:

- I. PepperBall Launcher no expiration
- II. PepperBall Live Projectile 1 year

e. Fiscal Impact:

- I. PepperBall Launcher estimated \$0 \$2,000 annually
- II. PepperBall LIVE Projectile estimated \$0 \$6,824 annually

f. Training:

Personnel operating the PepperBall launcher and munition received department training on the operation and deployment of the system. Refresher training is periodically conducted.

g. Legal and Procedural Rules:

Use of the PepperBall launcher and munitions is established under policy and procedure manual. It is the policy of the San Fernando Police Department to utilize this equipment only for official law enforcement purposes, according to State and Federal law.

3. Tear Gas (Category 12)

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

Chemical agent munitions, which are commonly referred to as "tear gas" are used by the San Fernando Police Department as a non-lethal tool to disperse rioting subjects and dislodge barricaded subjects. The San Fernando Police Department uses chemical agents which are used by law enforcement across the United States. CS (2-chlorophenylmethylenemalononitrile) is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the United Kingdom and United States, specifically by the U.S. Army. There are no known allergic reactions to CS. OC (Oleoresin Capsicum) was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5 oz. or less). OC is an inflammatory agent which causes involuntary closure of eyes (opens in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

- CS Direct Impact 40mm (part# 6322) This munition is a point-of-aim, point-of-impact direct-fire round. It serves as a solution whether you need to stop the threat from a single subject or control a crowd. The Direct Impact combines blunt trauma with the effects of an irritant powder, thereby maximizing the potential for incapacitation. Defense Technology | cost: \$1,550 | quantity: 50
- II. CS Spede-Heat Long Range 40mm (part# 6182) This munition delivers one chemical canister of CS agent from a 40mm launcher down range up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. This munition may be used to conceal tactical movement or to route a crowd. Defense Technology | cost: \$885 | quantity: 40
- III. CS Ferret 40mm (part# 2292) This barricade penetrating munition is filled with a CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can

also be used for area denial. It is designed to penetrate barriers, such as windows, hollow-core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the CS agent inside a structure or vehicle. Defense Technology | cost: \$400 | quantity: 20

- IV. CS Muzzle Blast 40mm (part# 6042) This munition is widely used as a crowd management tool for immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination (e.g. a means of contaminating crawl spaces and attics). Defense Technology | cost: \$270 | quantity: 10
- V. CS Liquid Ferret 12 gauge (part# 3012) This munition has nonpyrotechnical properties which eliminates the fire hazard common with other products. It is primarily used to dislodge barricaded subjects and is designed to penetrate windows, hollow-core doors, wallboard and thin plywood. Upon impact it delivers CS agent inside a structure or vehicle. Defense Technology | cost: \$600 | quantity: 100
- VI. OC Liquid Ferret 12 gauge (part# 3010) This munition has nonpyrotechnical properties which eliminates the fire hazard common with other products. It is primarily used to dislodge barricaded subjects and is designed to penetrate windows, hollow-core doors, wallboard and thin plywood. Upon impact it delivers CS agent inside a structure or vehicle. Defense Technology | cost: \$600 | quantity: 100
- VII. CS Stinger Grenade (part# 1088) The CS stinger grenade is a maximum effect device that delivers four stimuli for psychological and physiological effects: rubber pellets, light, sound, and CS. The CS stinger grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The blast of the CS stinger grenade is sufficient to project the rubber balls and chemical agent in a 50 foot radius. Defense Technology | cost: \$810 | quantity: 20

b. **Purpose**:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of these chemical agent munitions 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. Dislodging barricaded subjects
- V. Potentially vicious and/or dangerous animals
- VI. Training exercises or approved demonstrations

c. Authorized Use:

Only personnel that are POST certified as operators or instructors, or personnel designated by the Chief of Police as authorized to use the above specifically mentioned chemical agent munitions.

d. Expected Lifespan:

- I. Part# 6322 5 years from date of manufacture
- II. Part# 6182 5 years from date of manufacture
- III. Part# 2292 5 years from date of manufacture

- IV. Part# 6042 5 years from date of manufacture
- V. Part# 3012 5 years from date of manufacture
- VI. Part# 3010 5 years from date of manufacture
- VII. Part# 1088 5 years from date of manufacture

e. Fiscal Impact:

- I. Part# 6322 estimated \$0 \$1,550 annually
- II. Part# 6182 estimated \$0 \$885 annually
- III. Part# 2292 estimated \$0 \$400 annually
- IV. Part# 6042 estimated \$0 \$270 annually
- V. Part# 3012 estimated \$0 \$600 annually
- VI. Part# 3010 estimated \$0 \$600 annually
- VII. Part# 1088 estimated \$0 \$810 annually

f. Training:

Personnel operating the above mentioned 40mm launcher and chemical agent munitions receive POST certified training as an operator or instructor and complete annual training and qualifications to maintain certification.

g. Legal and Procedural Rules:

Use of the above mentioned 40mm launcher and chemical agent munitions is established under policy and procedure manual. It is the policy of the San Fernando Police Department to utilize this equipment only for official law enforcement purposes, according to State and Federal law.

4. Projectile Launcher Platforms and Associated Munitions (Category 14)

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

- I. The single shot 40mm launcher is not a firearm, but a less lethal system that uses smokeless black powder to deliver 40mm projectiles from a safe distance. The less lethal launcher is capable of launching 40mm munitions up to 131 feet. The launcher can fire impact munitions and chemical agent munitions. This less lethal system offers an alternative in potentially lethal encounters as a means of de-escalation. It also doubles as a valuable tool to control riotous situations and crowd control during civil unrest. The 40m launcher does not have an expiration date and needs to be serviced or replaced when the launcher fails or breaks. Defense Technology 40mm Tactical Single Launcher | cost: \$10,000 | quantity: 8
- II. The multiple shot 40mm launcher is not a firearm, but a less lethal system that uses smokeless black powder to deliver 40mm projectiles from a safe distance. The less lethal launcher is capable of launching up to four 40mm munitions consecutively at a distance up to 131 feet. The launcher can fire impact munitions and chemical agent munitions. This less lethal system offers an alternative in potentially lethal encounters as a means of de-escalation. It also doubles as a valuable tool to control riotous situations and crowd control during civil unrest. The 40m launcher does not have an expiration date and needs to be serviced or replaced when the launcher fails or breaks. Defense Technology 40mm Tactical 4-Shot Launcher | cost: \$4,000 | quantity: 2

- III. The bean bag shotgun is a firearm designed to fire 12 gauge bean bag less lethal munitions and 12 gauge chemical agent munitions. The bean bag shotgun is capable of accurately firing 12 gauge munitions up to 75 feet. This less lethal system offers an alternative in potentially lethal encounters as a means of de-escalation. The bean bag shotgun does not have an expiration date and needs to be serviced or replaced when the launcher fails or breaks. Remington 870 Shotgun with orange highvisibility less lethal stock and foregrip | cost: \$8,000 | quantity: 8
- IV. Exact Impact 40mm (part# 6325) The 40mm sponge round is a point-ofaim, point-of-impact, direct-fire munition. This lightweight, high-speed projectile consisting of a plastic body and sponge nose is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The munition is used as an alternative in potentially lethal encounters as a means of de-escalation. It can stop violent threats and subjects that pose a hazard to themselves through blunt force trauma. Defense Technology | cost: \$4,800 | quantity: 250
- V. Bean Bag 40mm (part# 6025) The 40mm bean bag munition is most widely used as a crowd management tool by Law Enforcement and Corrections when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy, single-subject munition for incapacitation or distraction. The round contains one silica sand-filled bag. Defense Technology | cost: \$2,000 | quantity: 80
- VI. Stinger 40mm (part# 6097) the stinger 40 mm 60-caliber munition is most widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately eighteen 60-caliber rubber balls. It is suitable for administering a means of pain compliance over a great distance. This munition is mainly used for routing crowds or groups that are mildly resistive. Defense Technology | cost: \$1,500 | quantity: 50
- VII. Bean Bag 12 gauge (part# 3027) The drag stabilized 12 gauge munition is a translucent 12 gauge shell loaded with a 40g tear-shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. This munition has a velocity of 270 fps with a maximum effective range of 75 feet. The munition is used as an alternative in potentially lethal encounters as a means of de-escalation. It can stop violent threats and subjects that pose a hazard to themselves through blunt force trauma. Defense Technology | cost: \$4,000 | quantity: 800
- VIII. Rubber Ball Stinger 12 gauge (part# 3016) The rubber ball stinger 12 gauge munition is a translucent 12 gauge shell loaded with approximately eighteen 32-caliber rubber balls. The 12 gauge rubber ball stinger is generally considered a low to medium pain compliance munition for close range deployment. The round has a maximum effective range of approximately 25 feet and a velocity of 500 fps. It is suitable for administering a means of pain compliance and is mainly used for routing crowds or groups that are mildly resistive. Defense Technology | cost: \$360 | quantity: 60
- b. **Purpose**:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of these kinetic energy weapons and munitions 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. Dislodging barricaded subjects
- V. Potentially vicious and/or dangerous animals
- VI. Training exercises or approved demonstrations

c. Authorized Use:

Only personnel that are POST certified as operators or instructors, or personnel designated by the Chief of Police as authorized to use the above specifically mentioned kinetic energy weapons and the above specifically mentioned munitions.

d. Expected Lifespan:

- I. Single Shot 40mm Launcher no expiration
- II. Multiple Shot 40mm Launcher no expiration
- III. Bean Bag Shotgun no expiration
- IV. Part# 6325 no expiration
- V. Part# 6025 no expiration
- VI. Part# 6097 no expiration
- VII. Part# 3027 no expiration
- VIII. Part# 3016 no expiration

e. Fiscal Impact:

- I. Single Shot 40mm Launcher estimated \$0 \$2,000 annually
- II. Multiple Shot 40mm Launcher estimated \$0-\$2,000 annually
- III. Bean Bag Shotgun estimated \$0 \$1,000 annually
- IV. Part# 6325 estimated \$0 \$4,800 annually
- V. Part# 6025 estimated \$0 \$2,000 annually
- VI. Part# 6097 estimated \$0 \$1,500 annually
- VII. Part# 3027 estimated \$0 \$4,000 annually
- VIII. Part# 3016 estimated \$0 \$360 annually

f. Training:

Personnel operating the above mentioned 40mm launcher and kinetic energy munitions receive POST certified training as an operator or instructor and complete annual training and qualifications to maintain certification.

g. Legal and Procedural Rules:

Use of the above mentioned 40mm launcher and kinetic energy munitions is established under policy and procedure manual. It is the policy of the San Fernando Police Department to utilize this equipment only for official law enforcement purposes, according to State and Federal law.