

**CITY OF SAN MATEO
DRAFT ORDINANCE**

AN UNCODIFIED ORDINANCE REGARDING POLICE ACQUISITION AND USE OF MILITARY EQUIPMENT

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (AB 481), relating to the use of military equipment by law enforcement agencies, and is codified at California Government Code sections 7070 through 7075; and

WHEREAS, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined in Government Code section 7070, AB 481 requires the San Mateo Police Department to obtain City Council approval of an ordinance adopting a military equipment use policy at a regular meeting held pursuant to open meeting laws; and

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; and

WHEREAS, the proposed military equipment use policy is found within San Mateo Police Department (SMPD) Policy 709, attached hereto as Exhibit A; and

WHEREAS, in accordance with Government Code section 7071(b), SMPD Policy 709 was published on the SMPD website on March 15, 2022, more than thirty days before presentation of the policy to the City Council on April 18, 2022; and

WHEREAS, SMPD Policy 709 complies with Government Code section 7070(d), which sets forth the requirements of a military equipment use policy.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. CEQA. In accordance with California Environmental Quality Act (CEQA) Guidelines section 15378, this action is not a project because adopting an ordinance to approve a military equipment use policy is an organizational or administrative activity that will not result in any direct or indirect physical changes in the environment.

Section 2. Incorporation of Recitals. The recitals set forth above are hereby incorporated into this ordinance as if fully set forth herein.

Section 3. Findings and Determinations. Based on the recitals set forth above, in addition to information provided to the City Council at the public meeting, the City Council finds and determines that:

(a) The military equipment identified in SMPD Policy 709 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

(b) SMPD Policy 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.

Section 4. Approval of Military Equipment Use Policy. SMPD Policy 709, attached hereto as Exhibit A and incorporated by reference, is hereby approved and adopted.

Section 5. Annual Review of Ordinance and Military Equipment Report. The City Council will review this ordinance at least annually, and at that time vote on whether to renew the ordinance at a regular meeting. An annual military equipment report shall also be submitted to the City Council after making the report publicly available on a City internet website and following community outreach, all in accordance with state law.

Section 6. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 7. Publication. This ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 8. Legislative History and Effective Date. This ordinance was introduced on Clerk to complete., and adopted on Clerk to complete., and shall be effective 30 days after its adoption.

Military Equipment

709.1 PURPOSE, SCOPE AND PHILOSOPHY

This policy establishes guidelines for the acquisition, funding, use and reporting of "military equipment", as the term is defined in Government Code section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 (2021) (AB 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.

It is the policy of the San Mateo Police Department (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.

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. AB 481 has declared that 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.

709.1.1 DEFINITIONS

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

Governing body – The City Council.

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- 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.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- 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.

Military Equipment

- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by the governing body or a state agency to require additional oversight.

709.2 POLICY

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

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall 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 Mateo 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 military 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.

709.4 MILITARY EQUIPMENT INVENTORY

The list of qualifying equipment for the Department is set forth in Attachment A.

Military Equipment

709.5 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 or ordinance introduction 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.

709.6 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or his/her designee, the Police Department may acquire, borrow and/or use military equipment that is not included in this policy.

If the Department acquires, borrows, and/or uses military equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the exigent circumstance, submit a proposed amended policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
- Include the military equipment in the Department's next annual military equipment report.

709.7 COORDINATION WITH OTHER JURISDICTIONS

Absent exigent circumstances, military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

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709.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall 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.

709.9 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.

ATTACHMENT A

AB 481 (attachment list 709.4)
MILITARY USE EQUIPMENT

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.
 - a. **Manufacturer description, quantity, capabilities, and purchase cost of current UAS:**
 - i. Matrice 210, cost \$15,000, quantity 1: The DJI Matrice 210 is a powerful, industrial-grade flight platform with world-class agility and speed, two barometers, and redundant IMUs for maximum reliability, and new smart flight features that make capturing complex shots easy. The aircraft's visual sensors enable enhanced hovering precision even when flying indoors or in environments where GNSS is unavailable. The drone's new airframe design gives it an IP43 Ingress Protection Rating, in accordance with the global IEC 60529 standard. The M210/M210 RTK's mechanical design, along with quick release landing gears and mounted folding arms, makes it easy to transport, store, and prepare for flight.
 - ii. Mavic II Enterprise, cost \$5,000.00, quantity 1: The DJI Mavic II Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems, and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12 megapixel photos that support up to 6x FHD zoom. DJI signature technologies such as Obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Additional features like the built in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes.
 - iii. Sky Hero Loki MkII, quantity 2, cost \$10,000.00 (for kit of 2): The Loki MkII is the most incredible indoor small tactical UAV system in the world, fully purpose built for close quarter, under roof, tactical scouting missions. Operating in congested and dark environment, its purpose is to place a microphone and a camera practically anywhere to collect critical life-saving intelligence of immediate threats ahead of a team. It enables reliable and rapid situational awareness for precise decision making, while maximizing the team's safety.
 - b. **Purpose and authorized use:** UAS/Drones and robots may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of SMPD drones will be for official law enforcement purposes, and in a manner that respects the privacy of our community. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard

monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.

- c. **Fiscal Impact:** Varies depending on replacement parts and re-occurring costs due to software associated with the drone program \$1,000.00 to \$2,500.00.
 - d. **Legal and procedural rules:** Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.
 - e. **Required training:** Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA certificate or authorization. For the ground vehicles agency-authored orientation course with annual refresher training.
 - f. **Lifespan:** All UAS equipment, 5-7 years.
2. **Robots:** Unmanned remotely operated machines on the ground utilized to enhance the safety to the community and officers.
- a. **Manufacturer description, quantity, capabilities, and purchase cost:**
 - i. Robotex Avatar II, cost \$14,000, quantity 3: The AVATAR® enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you've had a chance to assess the situation. The AVATAR® saves lives by keeping first responders out of harm's way, and it does so at a fraction of the price of other robots.
 - ii. iRobot packbot 510, cost \$0.00, quantity 1: The 510 PackBot is a multi-mission tactical mobile robot developed and manufactured by iRobot. It is designed for use by warfighters and first responders to carry out dangerous missions in high-threat battlefield scenarios. The 510 PackBot can perform surveillance and reconnaissance, chemical, biological, radiological and nuclear (CBRN) detection, building and route clearance, explosive ordnance disposal (EOD), HazMat handling, improvised explosives device (IED) detection, checkpoint, and vehicle and personnel inspections. It can be easily configured based on the operators' mission needs.
 - iii. Recon robotics recon scout, cost \$0.00, quantity 1: The Throwbot® 2 (TB2) robot is a throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments. Designed to withstand repeated drops of up to 30 feet (9 m) onto concrete, the Throwbot® 2 robot can be thrown into hazardous situations to allow operators to quickly make informed decisions when seconds count. This

vehicle will be for official law enforcement purposes and will fall under Lexipol SOP 501.

- c. **Fiscal Impact:** Purchased on a grant, \$1500.00 annual maintenance.
 - d. **Legal and procedural rules:** Use shall be in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required training:** Agency-authored orientation course; annual refresher.
 - f. **Lifespan:** 12-15 years depending on use
4. **Command and control vehicles:** A mobile command post that provides shelter, access to Police Department computer systems and information during a critical incident and other planned events.
- a. **Manufacturer description, quantity, capabilities, and purchase cost:**
 - i. Braun Northwest mobile command vehicle, cost \$0.00, quantity 1: The MCV is build on a Ford F550 chassis and can be utilized for SWAT/CNT and other critical incidents, pre-planned large events, searching for missing persons, natural disasters, and community events. Effective, reliable communication is critical in an emergency or crisis situation. To meet this important need, Braun Northwest custom-builds are durable, functional command/communication units.
 - ii. Ford motor vehicle F53 motorhome command post, cost \$100,000.00, quantity 1: The F53 command vehicle can be utilized for SWAT/CNT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events. This vehicle can also be used as a mobile office that provides shelter, access to the Police Department computer systems, and restroom facilities on extended events.
 - b. **Purpose and authorized uses:** To serve as a mobile command post during any incident that requires command and control beyond a static dispatch center. Any use of the MCV vehicle will be for official law enforcement purposes, pre-planned events, or training exercises.
 - c. **Fiscal impact:** Purchased on a grant; \$5,000.00 annual maintenance.
 - d. **Legal and procedural rules:** Use shall be in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required training:** Agency-authored orientation course; annual refresher.
 - f. **Lifespan:** 12-15 years depending on use
5. **Rifles:** A shoulder fired rifle capable of firing a projectile accurately at over 100 yards.
- a. **Manufacturer description, quantity, capabilities and purchase cost:**
 - i. Daniel Defense DDM4 V7, cost \$2,000.00 each, quantity 36: The AR15 style firearm features M-LOK attachment technology with the Daniel Defense 15.0 rail. Built around a cold hammer forged, 16-inch barrel, the V7 has a DD improved flash suppressor to reduce flash signature. The mid-length gas system provides smooth and reliable cycling under any condition and reduces both perceived recoil and wear on moving parts. With the M-LOK attachment points that run along 7 positions and an uninterrupted 1913 Picatinny rail on top, the V7 has plenty of room for the sights, optics, and accessories the user may require. The independently ambidextrous GRIP-N-RIP charging handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and Pistol Grip.

- ii. Daniel Defense personal defense weapon (PDW) 300 Blk, cost \$2,000.00 each, quantity 14: The AR15 style firearm features M-LOK attachment technology with the Daniel Defense MFR rail. Built around a Cold Hammer Forged, 7.5-inch barrel, the PDW has a Daniel Defense improved flash suppressor to reduce flash signature. The mid-length gas system provides smooth and reliable cycling under any condition and reduces both perceived recoil and wear on moving parts. With the M-LOK attachment points that run along 7 positions and an uninterrupted 1913 Picatinny rail on top, the PDW has plenty of room for the sights, optics, and accessories the user may require. The independently ambidextrous GRIP-N-RIP charging handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and pistol grip.
- iii. Windham weaponry AR15, cost \$1,800.00, quantity 14: Windham AR15: Caliber: .223 Rem. / 5.56mm Semi-Automatic, Gas Impingement System Safety: Manual Lever with Indicator Markings on Both Sides of Receiver, Receiver Material: Forged 7075 T6 Aircraft Aluminum with Aluminum Trigger Guard, Receiver Finish: Hardcoat Black Anodize Finish, Bolt Material: Carpenter 158 Steel, Barrel: 11.5" Heavy Profile, Chrome Lined with A2 Flash Suppressor, Barrel Material: 4150 Chrome Moly Vanadium 11595E Steel w. M4 Feed Ramps, Rifling: 1 in 7" – Right Hand Twist, Stock: 6 Position Telescoping Stock with W-W Logo, Forend: 10" Midwest Industries Combat Rail One Piece Free Float Handguard, M-LOK™ Compatible, Pistol Grip: A2 Black Plastic Grip, Rear Sight: None: Mil Std 1913 Rail Ready for Accessory Sights/Optics, Front Sight: None: Mil Std 1913 Rail Ready for Accessory Front Sights, Weight / Length: 6.0 lbs. (without magazine) / 32"(28.25" with Telestock collapsed), Packaging: Hard Plastic Gun Case & Operators Manual
- iv. Georgia Precision AR10, cost \$2,500.00 each, quantity 3: GAP 10 308: Upper and lower receiver, precision manufactured for us from 7075 Billet by Seekins Precision, Bartlein Stainless 5r rifled barrel to match your projectile and caliber. (standards: 11.25 for 308, 8 for 6.5mm, 7.7 for 6mm), Gas tube: Mid-length for 16.5"-18", Rifle-length for 19"-22" Geissele SSA-E 2-stage trigger standard. Optional: Trigger Tech Adaptable AR Primary Trigger. SP3R V3 Rail, 15" MLOK accessory attachment points, Seekins DNA charging Handle / Optional Upgrade: Badger Ambidextrous gen 3 SLR Sentry 8 (.875") adjustable gas block installed Standard finish is a matte black hard coat anodization on handguard and receivers, barrel cerakoted black. Ambidextrous bolt release.
- v. SPEER GOLD DOT .223 CALIBER 62 GRAIN RIFLE ROUND, cost: \$260 per case of 500, quantity: 400 cases. Remington ammunition made by Speer is reloadable, features nickel plated brass cases and Boxer primers, and this is a non-corrosive round. The Gold Dot LE ammunition goes through a process of joining the jacket and core one molecule at a time, thanks to this Speer eradicates the potential for the leading cause of bullet failure (jacket/core separation). This process will guarantee extraordinary weight retention through barriers as strong as auto-glass. In addition to its remarkable strength, Gold Dot rifle ammunition asserts remarkable accuracy. With exact tolerances and unparalleled bullet uniformity of jacket thickness.
- vi. FEDERAL 9MM LUGER GRAIN HST DUTY AMMUNITION, cost: \$9600, quantity: 8000 rounds. This 9mm ammo load features nickel plated brass casings and

non-corrosive primers. A specially designed hollow-point tip will not plug while passing through a variety of barriers and this bullet holds its jacket in the toughest conditions HST is engineered to provide 100% weight retention through most barriers

- vii. Hornady 300, blackout 110 grain GMX, cost \$25,000.00, quantity 12,000 rounds. The 300 Blackout TAP® offers excellent barrier performance from 6.75 - 16" barreled rifles. The monolithic copper alloy bullet design fouls less than pure copper bullets while maintaining accuracy and consistent terminal performance. The 300 Blackout TAP® is the absolute optimum choice for patrol rifles in 300 Blackout.
 - viii. Hornady 308, 168 grain AMAX, quantity 1,000 rounds, cost \$2,000.00: The 168 gr. A-MAX® bullet is a traditional match grade bullet with the performance advantages of a polymer tip. This bullet demonstrates an increase in penetration and retained weight over the 155 gr. A-MAX® bullet. Standard barrier performance is exemplary, and this load demonstrates controlled and impressive soft tissue expansion without over penetration. The Hornady® 168 gr. A-MAX® TAP Precision® offers industry leading all-around performance for law enforcement precision marksmen providing the ability to stop a threat.
 - b. **Purpose and authorized uses:** To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible. The use and deployment of the rifle falls under Lexipol policy 312 and 408. Only Officers who have attended the POST certified patrol rifle course may deploy the rifle.
 - c. **Fiscal impact:** Annual maintenance is \$25.00 per rifle. Total ammunition budget is \$50,000 per year.
 - d. **Legal and procedural rules:** Use is established under Lexipol policy 312 and 408. It is the policy of SMPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
 - e. **Required training:** Quarterly qualifications and ongoing training
 - f. **Lifespan:** Rifles 10-20 years depending on use. No expiration on ammunition.
6. **Distraction Devices:** A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
- a. **Manufacturer description, quantity, capabilities, and purchase cost:**
 - i. COMBINED TACTIACL SYSTEMS, 7290-2 FLASH-BANG, cost: \$52, quantity: 20. A non-bursting, non-fragmenting multi-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, 7290M MINI FLASH-BANG, cost: \$38, quantity: 20. 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 and authorized uses:** Distraction devices are ideal for distracting dangerous suspects to allow tactical teams to complete a dangerous mission or task. Distraction devices shall only be used by officers trained in the proper use and deployment. 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.
 - c. **Fiscal Impact:** Varies depending on use.
 - d. **Legal and procedural rules:** It is the policy of the SMPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
 - e. **Required training:** Officers must attend training hosted by certified POST instructors which is followed by an annual refresher training.
 - f. **Lifespan:** Upon use.
7. **Explosive breaching tools:** Tools that are used to conduct a positive breach using kinetic energy.
- a. **Manufacturer description, quantity, capabilities, and purchase cost:**
 - i. DETONATING CORD, cost: \$1 per foot, quantity: 0 feet. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.
 - ii. BLASTING CAP, cost: \$12, quantity: 0. A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful, and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.
 - iii. REMINGTON 870 BREACHING SHOTGUN, cost: \$500, quantity: 5. This weapon allows for breachers to safely utilize shotgun breaching rounds 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).
 - iv. DEFENSE TECHNOLOGY FRANGILBE BREACHING ROUND, cost: \$5 per round, quantity: 50. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
 - b. **Purpose and authorized use:** To safely create a positive breach and enter a structure. Kinetic and shotgun breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
 - c. **Fiscal Impact:** Cost varies depending on use in the field. Annual maintenance and training costs are approximately \$1,500.00 to \$5,000.00.
 - d. **Training:** All Officers who use kinetic and shotgun breaching tools shall attend a 40-hour explosive breaching course and will train regularly.
 - e. **Legal and procedural rules:** Breaching tools will only be used for official law enforcement purposes and will be pursuant to State and Federal law.
 - f. **Lifespan:** Detonating cord 10 years, blasting caps 10 years, breaching shotguns 20 years, breaching shotgun rounds 5 years.

8. **Chemical agents:** Canisters that contain OC and CS chemical agents that are released when deployed.

a. **Manufacturer description, quantity, capabilities, and purchase cost:**

- i. CTS 7290M, cost \$35.00 each, quantity 20: The CTS 7290M Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 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. The patented design of the 7290M, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.
- ii. CTS 5230, cost \$30.00 each, quantity 20: 5230 JL large diameter burning grenade designed to discharge a high volume of smoke and chemical agent rapidly through multiple emission ports. The smoke composition is formulated to burn rapidly decreasing the possibility that the grenade can be picked up and thrown back at crowd management officers.
- iii. CTS 6330 and 6340, cost \$25.00 each, quantity 12: 6330 / 6340 A unique grenade delivering an invisible vapor and rendering an intense respiratory effect. Provides best results when used indoors and requires no personal decontamination.
- iv. CTS 5230B, cost \$35.00 each, quantity 10: 5230B Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.
- v. CTS 8210, cost \$25.00 each, quantity 10: 8210 Small diameter pyrotechnic irritant smoke grenade for outdoor use to disperse crowds. Emits smoke for up to 30 seconds and is small enough to carry in a pocket. Can be hand thrown or launched.

b. **Purpose and authorized use:** To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use may include, but are not limited to:

- i. Self-destructive, dangerous, and/or combative individuals
- ii. Barricaded suspects
- iii. Riot/crowd control and civil unrest incidents
- iv. Training exercises

c. **Fiscal impact:** Varies depending on use in the field, \$1,500.00 to \$2,500.00 per year.

d. **Training:** Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents' instructors.

e. **Legal and procedural rules:** It is the policy of the SMPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

f. **Lifespan:** 5 years from date of manufacture.

9. **Long Range Acoustical Device (LRAD):**

a. **Manufacturer description, quantity, capabilities, and purchase cost:**

- i. Long Range Acoustical Device (LRAD), cost \$0.00 (purchased on a grant), quantity 1: is a high intensity directional acoustical array for long range, crystal clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.
 - b. **Purpose and authorized uses:** To be used to issue dispersal orders during crowd and riot control situations or to address the public in the event of civil emergencies, natural disasters, evacuations, and police incidents (e.g., missing persons, perimeters for wanted suspects/ K9 deployments, etc.). The LRAD may also be used to issue a warning tone. The LRAD shall only be used by officers trained in its deployment and used in a manner consistent with department policy and training.
 - c. **Fiscal impact:** None
 - d. **Training:** All operators receive training prior to operating any of the LRAD's in the field.
 - e. **Legal and procedural rules:** It is the policy of the SMPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law.
 - f. **Lifespan:** 20 years.
- 10. **CTS Launching cup:** Has the capability to launch an OC or CS cannister from a 12 gauge less lethal shotgun.
 - a. **Manufacturer description, quantity, capabilities, and purchase cost:**
 - i. COMBINED SYSTEMS LC5 40MM LAUNCHING CUP, cost: \$302, quantity: 2. The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12gauge shotgun and the munition launched with our model 2600 launching cartridge.
 - b. **Purpose and authorized use:** To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use may include, but are not limited to:
 - i. Self-destructive, dangerous, and/or combative individuals
 - ii. Barricaded suspects
 - iii. Riot/crowd control and civil unrest incidents
 - iv. Training exercises
 - c. **Fiscal impact:** None
 - d. **Training:** Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents' instructors.
 - e. **Legal and procedural rules:** It is the policy of the SMPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - f. **Lifespan:** 20 years.
- 11. **40mm Launchers and rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch less lethal impact and OC/CS rounds.
 - a. **Manufacturer description, quantity, capabilities, and purchase cost:**
 - i. PENN ARMS 40mm launcher, cost \$1,000.00, quantity: 26. The 40mm launcher is a single shot launcher that has set the standard for less-lethal launchers worldwide for over 20 years. The patented designs are small, lightweight, and operationally versatile.
 - ii. 4330 – Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.

- iii. 4431 – CS powder filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.
 - iv. 4340 – Liquid OC filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.
 - v. Less lethal foam-tipped projectile capable of travelling 250 fps to a maximum range of 100 feet.
- b. Purpose and authorized uses:** To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use may include, but are not limited to:
- i. Self-destructive, dangerous, and/or combative individuals
 - ii. Barricaded suspects
 - iii. Riot/crowd control and civil unrest incidents
 - iv. Training exercises
- c. Fiscal impact:** Annual costs can range from \$5,000 to \$20,000 depending on use.
- d. Training:** Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents' instructors.
- e. Legal and procedural rules:** It is the policy of the SMPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
- f. Lifespan:** Penn arms 40mm launcher 20 years, 40mm foam tipped projectile until used, all chemical agent rounds 5 years from date of manufacture.