

## ORDINANCE NO. 1556

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA ADDING CHAPTER 7—MILITARY EQUIPMENT USE POLICY, TO TITLE III—PUBLIC SAFETY, OF THE ARCATA MUNICIPAL CODE

**WHEREAS**, in 2021, the California Legislature approved, and the Governor signed into law Assembly Bill 481 (“AB 481”), which among other things, adds Chapter 12.8 to Division 7 of Title 1 to the California Government Code providing certain requirements for the funding, acquisition, and use of military equipment, as defined, by local law enforcement agencies; and

**WHEREAS**, AB 481 requires that the City Council adopt, by ordinance, a military equipment policy that complies with the requirements of AB 481 and to make said policy publicly available; and

**WHEREAS**, the City Council intends, by this Ordinance, to implement the requirements of AB 481; and

**WHEREAS**, the City Council has considered the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with this Ordinance; and

**WHEREAS**, all legal prerequisites to the adoption of the Ordinance have occurred, including that the military equipment policy was submitted to the City Council by the Chief of Policy and was made publicly available on the Arcata Police Department’s internet website at least 30 days prior to the public meeting at which this Ordinance was introduced.

### NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCATA DOES ORDAIN AS FOLLOWS:

**SECTION 1. Recitals.** The above recitals are each incorporated by reference and adopted as findings by the City Council.

**SECTION 2. Arcata Municipal Code Amendment.** Chapter 7—Military Equipment Use Policy, is hereby added to Title III—Public Safety, of the Arcata Municipal Code as set forth in *Exhibit “A,”* attached hereto and incorporated herein by reference. Without modifying the substance, following approval of this Ordinance, the City Clerk shall, if necessary, cause the Municipal Code amendment adopted by this Ordinance to be consistent in form and style with Title III of the Municipal Code.

### SECTION 3. Approval and Adoption of Military Use Policy.

1. **Approval and Adoption.** The Military Equipment Use Policy set forth in *Exhibit “B”* to this Ordinance is hereby approved and adopted as the “Military Equipment Use Policy” of the City of Arcata.
2. **Determinations.** In accordance with section 7071(d) of the Government Code, the City Council makes the following determinations concerning the Military Equipment Use Policy:
  - i. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

- ii. The Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
  - iii. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
  - iv. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
3. **Procedural Requirements Met.** The City Council finds that all pre-requisites to approving the Military Equipment Use Policy have been met, including:
- i. The Military Equipment Use Policy was submitted to the City Council as a proposed policy on July 20, 2022, Ordinance;
  - ii. The Military Equipment Use Policy was made publicly available on the Arcata Police Department website for a consecutive thirty (30) day period prior to introduction of this Ordinance at a public hearing;
  - iii. Notice of the public hearing at which this Ordinance was introduced was published in the manner required by law at least ten (10) days before the public hearing and the public hearing was continued to the date at which this Ordinance was adopted;
  - iv. This Ordinance was introduced and adopted at regular meetings of the City Council, each held in accordance with the Ralph M. Brown Act.

**SECTION 4. Effective Date.** This Ordinance shall become effective on the 31<sup>st</sup> day after its adoption by the City Council. The Clerk shall cause this Ordinance to be published in the manner required by Government Code section 36933.

**SECTION 5. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

**DATED:** August 3, 2022

**ATTEST**

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/s/ Bridget Dory  
City Clerk, City of Arcata

**APPROVED:**

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/s/ Stacy Atkins-Salazar  
Mayor, City of Arcata

## **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1556 passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 3<sup>rd</sup> day of August, 2022, by the following vote:

**AYES: ATKINS-SALAZAR, SCHAEFER, MATTHEWS, STILLMAN, WATSON**

**NOES: NONE**

**ABSENT: NONE**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata

## **Exhibit “A”**

### **Title III**

#### **Public Safety**

##### **Chapter 7-Military Equipment Use Policy**

###### **Sec. 3870 Definitions.**

As used in this Chapter, the following terms shall have the following meanings:

**“City”** means any department, agency, bureau, and/or subordinate division of the City of Arcata.

**“City Council”** means the City Council of the City of Arcata.

**“Exigent Circumstances”** means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

**“Military Equipment”** shall have the same meaning as set forth in Government Code section 7070(c) as follows:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
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. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. 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 agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

**“Military Equipment Use Policy”** means a publicly released, written document that includes, 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 law enforcement agency or the state agency 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, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency 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. For a law enforcement agency, 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 law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

***“Police Department”*** means any division, section, bureau, employee, volunteer and/or contractor of the Arcata Police Department.

***“State agency”*** means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

***“Type”*** means each item that shares the same manufacturer model number.

### **Sec. 3871 Military Equipment Use Policy Requirement.**

1. The Police Department shall obtain approval of the City Council, by an ordinance adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the City Council held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:
  - i. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
  - ii. 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.

- iii. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
  - iv. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of Arcata.
  - v. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
  - vi. 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.
  - vii. Acquiring Military Equipment through any means not provided by this section.
2. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Police Department shall commence a City Council approval process in accordance with this section. If the City Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this code.
3. In seeking the approval of City Council, the Police Department shall submit a proposed Military Equipment Use Policy to City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue. The governing body shall only approve a Military Equipment Use Policy pursuant to this section if it determines all of the following:
- v. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
  - vi. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
  - vii. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
  - viii. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the

accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

4. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.
5. The City Council shall review any ordinance that it has adopted pursuant to this Section approving the funding, acquisition, or use of Military Equipment at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

#### **Sec. 3872 Use in Exigent Circumstances.**

1. Notwithstanding the provisions of this Section, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.
2. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:
  - i. 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.
  - ii. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
  - iii. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

#### **Sec. 3873 Reports on the Use of Military Equipment.**

1. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.

2. The Police Department 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.
3. 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:
  - i. A summary of how the Military Equipment was used and the purpose of its use.
  - ii. A summary of any complaints or concerns received concerning the Military Equipment.
  - iii. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
  - iv. 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.
  - v. The quantity possessed for each type of Military Equipment.
  - vi. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
4. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department 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.
5. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

## Exhibit “B”

Policy

**710**

Arcata Police Department

Arcata PD Policy Manual

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# Military Equipment

## 710.1 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).

### 710.1.1 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:

- 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.
- 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 a governing body or a state agency to require additional oversight.

## **710.2 POLICY**

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

## **710.3 MILITARY EQUIPMENT COORDINATOR**

The Investigations Commander shall 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 Arcata 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.

## **710.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department: [See](#)

[attachment: Military Equipment List 2022.pdf](#)

## **710.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by

way of a resolution 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.

#### **710.6 COORDINATION WITH OTHER JURISDICTIONS**

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.

#### **710.7 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.

#### **710.8 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.

## **Attachments**

## **Military Equipment List 2022**

# **Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

## **Arcata Police Department**

### **Subject: Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

**Attachment “A” Date 04/01/2022**

## **PURPOSE**

This Department Attachment establishes guidelines for the use, training, approval, and procurement of existing military equipment and future military equipment acquisitions in accordance with California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075. Additionally, this Attachment outlines the specific descriptions of existing military equipment within the Department’s inventory.

## **BACKGROUND**

On September 30, 2021, the Governor of the State of California approved AB-481 requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy. The Department is required to seek City Council approval of this military equipment use procedure by resolution at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The resolution is subject to annual City Council review to determine whether, based on an annual military equipment report, the standards set forth in the approving ordinance have been met.

## **Command and Control Vehicles**

**Mobile Command Vehicle:** Completely self-contained command posts designed to provide the Incident Commander with a mobile base of operation.

**Capability:** As a mobile base of operation, these vehicles contain specialized command, control, and communications equipment to assist with this mission.

**Usage:** Mobile Command Vehicles are to be utilized as an Incident Command Post for planned or unplanned events.

**Training Requirements:** Operators must possess a California Class “B” driver’s license and complete a familiarization course with the Police Vehicle Maintenance Supervisor.

**The Department currently possesses (1) Mobile Command Vehicle Manufacture:**

MBF Industries

# **Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

**Manufacture Description:** MBF Industries, Inc. is located in Sanford, FL by the I-4 / 417 corridor off of Rinehart Road. Our place consists of several in-house departments such as office personnel, engineers, integration, mechanical installation, body, electrical, cabinetry, upholstery and installation.

For decades, MBF Industries has pioneered the development of specialty vehicles tailored to the needs of our customer's specifications. MBF is dedicated to maintaining a high level of quality through the research, design, and development of every vehicle we produce. Our global enterprise focuses on the development of homeland security vehicles in response to post 911 incidents and disaster recovery vehicles.

**Purchase Cost:** \$245,408

**Expected Life Span:** 25 Years

**Fiscal Impact:** The annual fiscal impact for the Mobile Command Vehicle is calculated as annual maintenance costs at \$2700

## **Beanbag Shotguns**

**Beanbag Shotguns:** Standard Remington Model 870, 12- gauge shotgun that has been modified with an orange stock and fore-end.

**Capability:** Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

**Usage:** Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in Department Policy 308, Control Devices and Techniques. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon, within the force guidelines of Department Policy 300, Use of Force. The main objectives that officers attempt to achieve in using a beanbag on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or, protect the officer, the subject, or another person from injury or death. Beanbag shotguns combined with beanbag rounds are authorized to be used by any officer that has been trained in its use and maintains current qualifications.

**Training Requirement:** All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor. All training and proficiency for control devices will be documented in the officer's training file. Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

**The department currently possesses (12) Beanbag Shotguns Manufacture:**

Remington Arms LLC

## **Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

**Manufacture Description:** The Remington Model 870 is a pump-action shotgun manufactured by Remington Arms Company, LLC. The 870 features a bottom-loading, side ejecting receiver and a tubular magazine under the barrel. It has dual action bars, internal hammer, and a bolt which locks into an extension in the barrel.

**Purchase Cost:** \$379.00

**Expected Lifespan:** Bean Bag Shotguns have an expected life span of 25 years

**Fiscal Impact:** Bean Bag Shotguns - No Annually Cost

## **12 Gauge Bean Bag Munition**

**12 Gauge Bean Bag Munition:** 12 Gauge Bean Bag munition is manufactured specifically for shotguns chambered in 12 gauge. Currently there is one type of 12 gauge Bean Bag Shotgun munition in use operationally by the Department.

**Capability:** 12 Gauge Bean Bag munition used in conjunction with a Bean Bag Shotgun provides officers the ability to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in Department Policy 308, Control Devices and Techniques. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon, within the force guidelines of Department Policy 300, Use of Force. The main objectives that officers attempt to achieve in using a beanbag on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or, protect the officer, the subject, or another person from injury or death. Beanbag shotguns combined with beanbag rounds are authorized to be used by any officer that has been trained in its use and maintains current qualifications.

**Usage:** The usage guidelines for use of 12 gauge Bean Bag munition used in conjunction with a Bean Bag Shotgun are outlined in Department Policy 300 Use of Force, and Department Policy 308, Control Devices and Techniques

**Training Requirements:** All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor. All training and proficiency for control devices will be documented in the officer's training file. Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

**Manufacturer:** CTS

**Manufacturers Description:** The Model 2581 Super-Sock® is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock® is an aerodynamic projectile and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock® is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. Effective range is 75ft.

## **Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

**Expected Lifespan:** CTS Super Sock Bean Bag munition has an expected life span of 5 years

**Purchase Cost:** \$35.50 per 5 rounds

**Fiscal Impact:** CTS Super Sock Bean Bag munition - Approximately \$0-\$400 annually

### **Specialized firearms and ammunition of less than .50 caliber, including assault weapons**

#### **AR-15 Rifles**

**AR-15 Rifles:** A semi-automatic shoulder-fired long rifle that fires a rifle caliber cartridge. The Department-approved AR-15 style weapon system is designed to fire a .223/5.56 caliber projectile.

**Capability:** The rifle caliber carbine provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

**Usage:** The usage guidelines for AR-15 rifles are outlined in Department Policy 312-Firearms and Department Policy 300- Use of Force.

**Training Requirements:** The training requirements for AR-15 rifles are contained in Department Policy 312.6-FIREARMS TRAINING AND QUALIFICATIONS. All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course. At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

#### **The Department currently possesses (12) AR-15 Rifles Purchase**

**Cost:** \$1750.00

**Expected Lifespan:** AR-15 Rifles have an expected life span of 25 years

**Fiscal Impact:** AR-15 Rifles - No Annual Cost

### **.223 Caliber or 5.56mm Rifle Ammunition**

**.223 Caliber or 5.56mm Rifle Ammunition:** .223 Caliber or 5.56mm Rifle Ammunition: Rifle ammunition manufactured specifically for rifles chambered in 5.56mm or .223 Remington. Currently there is one type of .223/5.56mm caliber rifle ammunition in use operationally by the Department.

**Capability:** .223 caliber or 5.56mm rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

## **Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

**Usage:** The usage guidelines for use of .223 and 5.56mm ammunition used in conjunction with AR-15 rifles are outlined in Department Policy 300 Use of Force, 300.4 Deadly Force Application and Department Policy 312 Firearms.

**Training Requirements:** The training requirements for .223 and 5.56mm ammunition used in conjunction with AR-15 rifles require officers to successfully complete regular rifle training and consistent weapons qualifications to maintain proficiency with the AR-15 per Department Policy 312-Firearms.

### **Winchester - 55 grain Full Metal Jacket Rifle Ammunition Manufacturer:**

Winchester

**Manufacturer Description:** Backed by generations of legendary excellence, Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of hunter's and shooter's needs.

**Purchase Cost:** \$12.99 per 20 rounds

**Expected Lifespan:** .223/5.56 mm Ammunition has an expected life span of 5 years

**Fiscal Impact:** .223/5.56 mm Ammunition has an annual cost of \$650

## **Pepper Ball Launchers**

**Pepper Ball Launchers and Pepper Ball Munitions:** A non-lethal munitions system that employs paint ball type launchers to fire "pepper balls" that contain powdered OC in place of the paint. The pepper ball delivery system combines chemical agent exposure with kinetic energy impact to aid in its effectiveness in addressing armed and/or violent individuals or crowds.

**Capability:** Pepper ball launchers give officers the ability to address an armed and/or violent suspect(s) with a non-lethal munition that delivers both chemical agent and kinetic energy impact. This combination can be extremely effective in gaining compliance or reducing threat potential with an armed and/or violent suspect(s). Due to its design, pepper balls can be delivered from a larger standoff distance allowing for an added degree of officer safety. Its high round capability and accuracy allow for its use in a wide variety of operational environments.

**Usage:** Pepper ball launchers and pepper ball munitions can be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest consistent with Penal Code section 13652, suicidal individuals, and individuals believed to possess or have immediate access to a deadly weapon. Pepper ball munitions can be effective in driving suspects from confined spaces or vehicles. The use of pepper ball munitions is only authorized under certain circumstances and is contingent on the approval of a supervisor absent exigent circumstances.

**Training Requirements:** Officers that have been trained in the use of the Pepper ball launcher undergo thorough classroom and live fire training in its use. Additionally, officers trained in the use of the pepper ball launcher must pass annual qualification to maintain proficiency

The Department currently possesses the following types of pepper ball launchers and pepper ball munitions:

# **Military Equipment Types/Descriptions/Guidelines for Use/Fiscal Impact**

## **(4) PepperBall VKS pepper ball launcher:**

**Manufacturer:** PepperBall USA

**Manufacturer Description:** A Variable Kinetic System, multi-payload, long-range, semi-automatic launcher with adjustable kinetics. Manufactured by PepperBall USA.

**Purchase Cost:** \$1350

**Expected Lifespan:** PepperBall VKS pepper ball launchers have an expected life span of 15 years

**Fiscal Impact:** PepperBall VKS pepper ball launchers have no annual cost

## **Pepper Ball Munitions**

### **PepperBall Live-X – Projectile Pepper Ball Munition**

**Manufacturer:** PepperBall

**Manufacturer Description:** Our most potent and powerful concentration of PAVA pepper powder. One round of LIVE-X contains the equivalent to 10 regular PepperBall rounds.

### **PepperBall Inert – Projectile Pepper Ball Munition**

[\*NOTE: This projectile is utilized for training purposes only and contains no chemical agent.]

**Manufacturer:** PepperBall

**Manufacturer Description:** Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.

**Purchase Cost:** \$44.95 per 10 rounds

**Expected Lifespan:** PepperBall Live-X – Projectile Pepper Ball Munition have an expected life span of 5 years

**Fiscal Impact:** PepperBall Live-X – Projectile Pepper Ball Munition have an approximate annual cost of \$0-\$500