

Military Equipment Funding, Acquisition and Use Policy

709.1 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).

709.1.1 DEFINITIONS

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

Governing body – The elected or appointed body that oversees the Department (City of San Pablo 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.
- 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 (e.g. 40MM launcher, bean bag shotgun, foam tipped projectiles).

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

709.2 POLICY

It is the policy of the San Pablo Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment. Violations of this policy by member(s) of the San Pablo Police Department will be investigated in accordance with SPPD policy #1020.

709.3 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 City Council 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 City Council.
- (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 Pablo 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 (prior to submission to the City Council per section 709.7) and ensuring that the report is made available on the department website (Government Code § 7072).

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the San Pablo Police Department, as well as provides legal and procedural rules for use and training requirements:

[See attachment: SPPD Military Equipment Inventory.pdf](#)

709.5 APPROVAL OF THIS POLICY

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance approving 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 City Council, a public hearing is held, and the policy is available on the department

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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 City Council 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 City Council.
- (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 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction 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 jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

709.7 ANNUAL REPORT

Upon approval of this military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the City Council 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). In considering the annual report and ordinance annually, the City Council needs to consider whether it can continue to make the findings in California Government Code § 7071 (d)(1).

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.

709.8 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

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the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

709.8.1 COMMUNITY CONCERNS AND COMPLAINTS

The San Pablo Police Department has established a Community Concerns and Complaints process with forms available in English and Spanish. The community will have the ability to provide verbal concerns/complaints over the telephone or in-person at the Police Facility (SPPD policy #1020).

709.9 CITY COUNCIL APPROVAL

Pursuant to California Government Code section 7071, the City Council of San Pablo approved this Policy pursuant to Ordinance # _____ on _____, 2022. Further substantive amendments to the Policy need to be reviewed and approved by the City Council.

Attachments

SPPD Military Equipment Inventory.pdf

1. Unmanned Aerial Vehicles

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

The unmanned Aerial Vehicle (UAV) is a battery powered, remote operated device. Flight time of approximately 30-45 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

- i. Nightingale Blackbird-Mobile UAV, cost \$65,000, quantity: 1.
- ii. Nightingale Blackbird-Autonomous UAV, cost \$50,000, quantity: 1.
- iii. Aardvark Tactical LOKI UAV, cost \$4,000, quantity: 2.
- iv. DJI Mavick UAV, cost \$500, quantity: 1.

b. **Purpose:**

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. Major collision investigations
- ii. Emergency Life Threatening Situations
- iii. Search for missing persons
- iv. Natural disaster management
- v. Crime scene photography
- vi. SWAT, tactical or other public safety and life preservation missions
- vii. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention

c. **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate San Pablo Police Department's UAV's approved missions.

d. **Expected Lifespan:**

Nightingale Blackbird-Mobile UAV- 5 years.
Nightingale Blackbird-Autonomous UAV- 5 years.
Aardvark Tactical LOKI UAV- 5 years.
DJI Mavick UAV- 5 years

e. **Fiscal Impact:**

Annual maintenance cost of approximately \$0-\$500.

f. **Training:**

All Department UAV operators are licensed by the Federal Aviation Administration for UAV operation. UAV operators train monthly in the use of the UAV's.

g. **Legal and Procedural Rules:**

Use is established under the FAA Regulation 14 CFR Part 107 and the San Pablo Police Department UAV policy (SPPD policy #613). It is the policy of SPPD to utilize UAV only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law.

2. Armored Personnel Carrier

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

General Dynamics Dragoon 300 AFV, cost: \$150,000, quantity: 1. This armored personnel carrier was obtained from the United States Military through the 1033 Program (via Hercules PD) and retrofitted for law enforcement use. The Dragoon is designed to withstand multiple bullet strikes from small arms fire as well as low level explosions. Equipped with emergency lights/siren and a public address system. Common uses for the Dragoon include citizen and officer rescues, evacuations, and the deployment of officers and chemical agents. The Dragoon is deployed for only SWAT operations by members of the San Pablo Police Department SWAT team.

The acquisition of the Dragoon from the Hercules Police Department was approved by City Council on January 21, 2020, Resolution #2020-001.

b. **Purpose:**

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. **Authorized Use:**

The use of the Dragoon shall only be by authorized members of the San Pablo Police Department SWAT team who have been trained in the use of this vehicle.

d. **Expected Lifespan:**

50 years

e. **Fiscal Impact:**

Annual maintenance cost of approximately \$1,000

f. **Training:**

All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

g. **Legal and Procedural Rules:**

Use is established under SPPD policy #706. It is the policy of this Department to utilize armored vehicles for official law enforcement purposes and pursuant to State and Federal law.

3. Command and Control Vehicles

- a. **Description, quantity, capabilities, and purchase cost:**
2008 Dodge Transport Van, cost: \$30,000, quantity: 1. This vehicle is a large transport van modified to transport SWAT operators to critical incidents. The van is equipped with lights/siren and painted white in color.
- b. **Purpose:**
To be used in response to critical incidents to transport SWAT operators.
- c. **Authorized Use:**
The use of the van is limited to trained San Pablo Police Department SWAT team members.
- d. **Expected Lifespan:**
10 years
- e. **Fiscal Impact:**
Annual maintenance cost of approximately \$1,000
- f. **Training:**
All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.
- g. **Legal and Procedural Rules:**
Use is established under SPPD policy #706. It is the policy of this Department to utilize the transport van for official law enforcement purposes and pursuant to State and Federal law.

4. Command and Control Vehicles

- a. **Description, quantity, capabilities, and purchase cost:**
2007 MTMVR Trailer- custom uplift by Odin Systems, cost: \$28,500, quantity: 1. This trailer is a command vehicle used for tracking/monitoring critical incidents. The trailer is equipped with monitors, computers, dispatch radios and office equipment.
- b. **Purpose:**
To be used in response to critical incidents.
- c. **Authorized Use:**
The command trailer shall be used by officers who have been trained in its deployment and use.
- d. **Expected Lifespan:**
20 years
- e. **Fiscal Impact:**
Annual maintenance cost of approximately \$1,000
- f. **Training:**
All driver/operators shall attend a formalized instruction and be trained in vehicle operations and practical driving instruction.

g. **Legal and Procedural Rules:**

Use is established under SPPD policy #706. It is the policy of this Department to utilize the command vehicle for official law enforcement purposes and pursuant to State and Federal Law.

5. Specialized Firearms and Ammunition

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

Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have a greater accuracy over a long distance.

- i. Colt AR-15/M4 semi-automatic rifle for patrol use, cost \$28,900, quantity: 34.
- ii. Bushmaster M4 semi-automatic rifle for patrol use, cost \$3,400, quantity: 4.
- iii. Colt AR-15/M4 automatic rifle for SWAT use, cost \$23,940, quantity: 21.
- iv. Remington 700 bolt-action rifle for SWAT use, cost \$1,950, quantity: 2.
- v. Remington 870 breaching shotgun for SWAT use, cost \$530, quantity: 1.
- vi. Remington 870 bean bag shotgun, cost \$15,900, quantity: 30.
- vii. Penn Arms L140-3 40MM launcher, cost \$1,550, quantity: 2.
- viii. Defense Technology 40MM launcher, cost \$775, quantity: 1
- ix. Penn Arms PGL-65-40 40MM multi-launcher, cost \$2,690, quantity: 1.
- x. Winchester 5.56x45mm 55 grain FMJ ammunition, cost \$32,852, quantity 43,000 rounds.
- xi. Winchester 223 Remington 64 grain power point ammunition, cost \$2,740, quantity: 5000 rounds.
- xii. Federal .308 Winchester 168 grain Gold Medal Sierra Matchking, cost \$489, quantity: 500 rounds
- xiii. Defense Technology Drag Stabilized Bean Bag round, 180, quantity: 30.
- xiv. CTS 4557-40MM Smokeless Sponge Baton round, \$3,482, quantity: 200.

b. **Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

c. **Authorized Use:**

Only members that are POST certified are authorized to use a rifle, bean bag shotgun, breaching shotgun, and 40MM launcher.

d. **Expected Lifespan:**

Colt AR-15/M4 rifle- 15 years

Bushmaster M4 rifle- 15 years
Remington 700 rifle- 15 years
Remington breaching shotgun- 15 years
Remington bean bag shotgun- 15 years
Penn Arms L140-3 40MM launcher- 15 years
Defense Technology 40MM launcher- 15 years
Penn Arms PGL-65-40 40MM launcher- 15 years
Winchester 5.56x45mm 55 grain FMJ ammunition- No expiration
Winchester 223 Remington 64 grain power point ammunition- No expiration
Federal .308 Winchester 168 grain Gold Medal Sierra Matchking- No expiration
Defense Technology Drag Stabilized Bean Bag round- No expiration
CTS 4557-40MM Smokeless Sponge Baton round- No expiration

e. **Fiscal Impact:**

Annual maintenance is approximately \$50 for each rifle.

f. **Training:**

Prior to the use of the specialized firearms listed within this section, all officers must be certified by POST instructors in the maintenance and operation of such firearms.

g. **Legal and Procedural Rules:**

Use is established under SPPD policies #300, #308 and #312. It is the policy of this Department to utilize specialized firearms only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

6. Flashbangs

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

A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of the high-risk situations.

- i. Defense Technology Low Roll 12g Non-Reloadable Distraction Device, cost \$1,530, quantity: 30.

b. **Purpose:**

To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6-8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. **Authorized Use:**

Diversionary Devices shall only be used:

- i. By SWAT team members 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.
- d. **Expected Lifespan:**
5 years
- e. **Fiscal Impact:**
No maintenance costs associated with the storage of this device.
- f. **Training:**
Prior to use, officers must attend diversionary device training that is conducted by POST certified instructors.
- g. **Legal and Procedural Rules:**
Use is established under SPPD policy #415. It is the policy of this Department to utilize diversionary devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

7. Tear Gas

- a. **Description, quantity, capabilities, and purchase cost:**
Chemical agent munitions, which are commonly referred to as "tear gas," are used by the San Pablo Police Department as a non-lethal tool to disperse rioting suspects and/or barricaded suspects. CS (2-Chlorobenzylidenemalonitrile) and OC (Oleoresin Capsicum) are commonly used by law enforcement agencies across the United States.

CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5oz or less). OC is an inflammatory agent which causes involuntary closure of eyes (open 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

- i. Defense Technology Aardvark 40MM CS Ferret, cost \$1,100, quantity: 50.
- ii. Defense Technology Aardvark CS/OC Riot Control Grenade, cost \$675, quantity: 25.
- iii. Defense Technology Aardvark Pocket Tactical Grenade, cost \$630, quantity: 30

- iv. Defense Technology Aardvark Aerosol OC/CS Grenade, cost \$216, quantity: 8.

b. **Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems 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 animals.
- v. Training exercises or approved demonstrations.

c. **Authorized Use:**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

d. **Expected Lifespan:**

Defense Technology Aardvark 40MM CS Ferret- 5 years.
Defense Technology Aardvark CS/OC Riot Control Grenade- 5 years.
Defense Technology Aardvark Pocket Tactical Grenade- 5 years.
Defense Technology Aardvark Aerosol OC/CS Grenade- 5 years.

e. **Fiscal Impact:**

No maintenance costs associated with the storage of these devices.

f. **Training:**

Officers utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.

g. **Legal and Procedural Rules:**

Use is established under SPPD policy #308. It is the policy of this Department to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.