



Agenda Report

23-249

Agenda Date: 5/23/2023

REPORT TO COUNCIL

SUBJECT

Approve the Annual Military Equipment Report, and Adopt a Resolution Making Required Findings and Renewing Santa Clara City Code Section 2.80.080, Allowing for the Continued Use of the Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

On September 30, 2021, Governor Newsom signed a series of policing reform bills aimed at increasing transparency of peace officer misconduct records, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creating a public forum for the approval of the purchase of military equipment. Assembly Bill (AB) 481 (Assembly Member David Chiu, Democrat, San Francisco) (Attachment 1) codified law enforcement's acquisition, use, and funding of military equipment.

In enacting AB 481, the Legislature stated that the public has a right to know about any funding, acquisition, or use of military equipment by State or local government officials in an effort to increase transparency, accountability and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment. Furthermore, the State legislature stated that local agency decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, civil liberties, and public input.

The bill required law enforcement agencies seeking to continue use of military equipment acquired prior to January 1, 2022 to accomplish the following by May 1, 2022:

- Draft a Military Equipment Use Policy that describes each piece of military equipment and the authorized uses for each piece of equipment;
- Seek approval of the Policy from their governing body by Ordinance before acquiring new military equipment or seeking funds for equipment purchases; and,
- Make publicly available on the agency's website any proposed or final military equipment use policy for as long as the military equipment is available for use.

The Santa Clara Police Department (SCPD) fulfilled each requirement and exceeded the community engagement efforts required of AB 481 by involving advisory groups and/or the community at large. The City Council approved the proposed policy and adopted the required ordinance (SCCC 2.80.080) on March 8, 2022.

The law also requires the SCPD provide the City Council and the public with an annual report detailing equipment inventory, uses, complaints, etc. The City Council is then required to review the annual report for approval and review the ordinance for renewal. Such renewal is required in order for the department to continue to use its existing (and to acquire new) qualifying equipment.

DISCUSSION

At least annually after the adoption of a Military Equipment Use Policy, each law enforcement agency is required to prepare a yearly military equipment report to include the following categories of information, and to submit that report to the governing body (City Council) for approval, and to publish that annual report on the City's website:

- A summary of how the military equipment was used and the purpose of its use;
- A summary of any complaints or concerns received concerning the military equipment;
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
- 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;
- The quantity possessed for each type of military equipment; and
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Within 30-days of submitting the annual military equipment report, and publicly releasing the report on the website, a law enforcement agency must hold at least one "well-publicized and conveniently located community engagement meeting," to allow for public discussion of the report. The submission to the governing body shall be on May 23, 2023. The publication of the report on the City's website began on April 21, 2023. It is important to ensure that the community engagement meeting receives a high degree of transparency, convenience, and publicity (and also to ensure that the meeting occurs in such a manner that the City Council can most directly benefit from community input in its decision-making). Holding the meeting concurrently with the City Council meeting would most directly fulfill this requirement. Advertising for the public meeting included messaging via GovDelivery, as well as on the Police Department's social media platforms (e.g. Facebook, Instagram, Nextdoor and Twitter) encouraging public participation in the City Council meeting on this topic.

In addition, SCPD utilizes the Chief's Advisory Committee as a local civilian sounding board on issues, matters and public policies which influence or impact the ongoing relationship between law enforcement and the community we serve. SCPD has also sought their feedback related with equipment purchases (e.g., unmanned aircraft systems). The Annual Report was presented to the Chief's Advisory Committee on April 24, 2023; the CAC's recommendation - to state more clearly that there were no unauthorized uses or complaints this year, and that the majority of the equipment had been utilized by the department for decades - has been incorporated into the Annual Report.

Summary of SCPD's Equipment

Many of the items designated by AB 481 as military equipment have been in our Police Department's equipment inventory for decades. Use of this equipment is built into SCPD operating procedures and provides a snapshot of their respective functionality.

A summary of the types of equipment in SCPD's possession, examples of how this equipment has (and can) be utilized as well as the source for original funding is below. It should be noted, maintenance and/or repair costs as necessary are paid from the General Fund unless otherwise documented.

Equipment	Purpose	Authorized Use	Example of Types of Law Enforcement Uses	Purchase Funding Source	In Use by SCPD Since

<p>Robot and Unmanned Aircraft (Equipment Category 1)</p>	<p>To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings. Could be utilized in major collision investigations, search for missing persons, natural disaster management, crime scene photography, SWAT, tactical or other public safety and life preservation missions, in response to specific requests from local, state or federal fire authorities for fire response and/or prevention</p>	<p>Only assigned operators who have completed the required training shall be permitted to operate either piece of equipment. Use is established by the Incident Commander</p>	<p>Robot • Highly mobile way to conduct sophisticated, live audio and video surveillance to prevent, investigate or fight crime • Deliver item(s) to a suspect Unmanned Aircraft • Disaster response and damage assessment • Locate missing persons and rescue events • Identify, locate and apprehend non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers • Suspected explosive device • Dangers that would benefit from situational intelligence exposed from an aerial perspective • Video / photographic documentation of crime</p>	<p>Robot Grant Unmanned Aircraft Grant *</p>	<p>2005</p>
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<p>Armored Rescue Vehicle (Equipment Category 2)</p>	<p>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</p>	<p>The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training</p>	<p>• Evacuation of innocent individual(s) • Functions as a rolling shield to allow law enforcement personnel to safely get closer to a location and/or gain access to a location • Send message or warning tone over significant distance • Hail a suspect from being barricaded</p>	<p>Grant **</p>	<p>2010</p>
<p>Command and Control Vehicles (Equipment Category 5)</p>	<p>To be utilized for critical incident callouts</p>	<p>The CNT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license</p>	<p>• Serve as a safe, secure workspace for staff on scene of a crime scene or critical incident • Tool to carry equipment associated with work</p>	<p>Grant, General Fund and City's disposal/reuse program</p>	<p>2002</p>

Breaching equipment (Equipment Category 7)	To safely gain entry into a structure	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises	<ul style="list-style-type: none"> • Force open closed and/or locked doors • Diversionary tactic when trying to take a dangerous suspect into custody 	Grant, General Fund and Asset Forfeiture Program	2007
Specialized Firearms and Ammunition (Equipment Category 10, 12 and 14)	To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible	Only members that are POST certified are authorized to use a rifle	<ul style="list-style-type: none"> • Non-lethal tool to stop an armed subject at various distances • Device to create a temporary diversionary tactic when trying to take a dangerous suspect into custody 	Grant, General Fund and Asset Forfeiture Program	1975 - 2000 depending on the item

*Purchase and corresponding policy approved however item not yet acquired.

**This item was purchased with UASI funds and therefore is a regional law enforcement asset.

As a reminder, nothing in this bill prohibits law enforcement from obtaining any of the items deemed as military equipment, but rather AB 481 creates a public process for getting approval on the type of equipment that is authorized and the uses for that equipment. SCPD possesses equipment in 7 of the 15 established categories.

Funding and Purchases

While the department is the recipient of a variety of federal grants, *the department has not applied for or received designated military equipment through the United States Department of Defense 1028 or 1033 excess equipment transfer programs.*

Prior to the implementation of AB 481, decisions surrounding the acquisition of equipment were presented to the City Council at a high-level during consideration of the standard budget process or in a more detailed manner through a Report to City Council, and procurement of such equipment adheres to the City’s purchasing processes. The use of such equipment is governed by the Police Department’s Use of Force Policy #300. In addition, the California Peace Officer Standards and Training (POST) requirements for operation and deployment of this equipment is managed by SCPD’s Training Unit. In many cases, POST, vendor provided trainings or cross-training among surrounding law enforcement agencies are implemented as new legislation and tools are deployed.

All SCPD policies and procedures that govern safe-handling, storage, and qualification on specified equipment remain in effect. This includes but is not limited to California Occupational Safety and Health Agency (OSHA) certification of energetic breaching operators, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) oversight of energetic breaching materials, SCPD weapons storage procedures, and ATF oversight of Noise Flash Diversionary Devices.

The way in which SCPD procures equipment has not changed as a result of AB 481, nor are there any significant new purchases planned over the next reporting period. During the reporting period, the only significant equipment purchased that falls within this category are unmanned aircraft equipment (Category 1). Other qualifying equipment, such as ammunition, was also purchased, as set forth in the Annual Report.

Annual Report & Ordinance Renewal

AB 481 requires law enforcement agencies to prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of SCPD Lexipol Policy 706 (Attachment 3), the cost of such use, and other similar information. The 2022 Annual Report is attached (Attachment 5).

As is noted in the Executive Summary, SCPD did not have any unauthorized uses during the reporting period, nor did it receive any complaints associated with the use of AB 481 equipment.

A governing body that has adopted a Military Equipment Use Policy by ordinance pursuant to AB 481, as the City of Santa Clara has done, is required to annually review that ordinance and, based upon the information provided in the Annual Report, make the following findings to support a renewal of the ordinance:

- a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- b. The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- c. The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and,
- d. 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.

The proposed Resolution (Attachment 4) incorporates the Annual Report, reflects the required findings, and approves renewal of SCCC 2.80.080 for an additional year.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The staff time to prepare the 2022 Annual Report and corresponding Report to Council is significant.

However, the equipment referenced in the Annual Report have already been funded.

COORDINATION

This report has been coordinated with the Finance Department, Police Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the Annual Military Equipment Report, and Adopt a Resolution Making Required Findings and Renewing Santa Clara City Code Section 2.80.080, Allowing for the Continued Use of the Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481

Reviewed by: Pat Nikolai, Chief of Police

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Assembly Bill 481
2. RTC 22-1582
3. Draft Policy #706
4. AB 481 Annual Resolution
5. 2022 AB 481 Annual Report

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow 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 bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) 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.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(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.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, 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.

(e) “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.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body 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:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(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 territorial jurisdiction of the governing body.

(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 pursuant to this chapter.

(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 by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with 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.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) 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.

(D) 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.

(2) 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 relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body 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, subject to paragraph (2), 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.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body 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.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency 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. 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:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) 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.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency 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.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) 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.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) 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.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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Santa Clara Police Department
SCPD Policy Manual
[Policy #706](#)

Military Equipment

706.1 PURPOSE AND SCOPE

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

706.1.1 DEFINITIONS

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

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

Military equipment categories– 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.

706.2 POLICY

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

706.3 MILITARY EQUIPMENT COORDINATOR

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

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

706.4 MILITARY EQUIPMENT INVENTORY

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

~~See attachment: 706.4 MILITARY EQUIPMENT INVENTORY.pdf~~ ([Insert Annual Report Link Here](#))

[Available on the Department's AB481 website at](#)

<https://www.santaclaraca.gov/our-city/departments-g-z/police-department/community/assembly-bill-481-military-equipment-funding-acquisition-and-use-policy>

706.5 APPROVAL

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

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

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

706.6 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.

706.7 ANNUAL REPORT

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

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

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Attachments

Attachment

SCPD Policy Manual

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706.4 MILITARY EQUIPMENT

INVENTORY.pdf - 5

706.4 MILITARY EQUIPMENT INVENTORY.pdf

706.4 MILITARY EQUIPMENT INVENTORY.pdf

1. Robot (Category 1)

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

~~Transcend Tactical Robot, cost: \$24,452.24, Quantify: 1. This equipment is a battery powered, remote operated device. Equipped with two cameras and twoway radio capabilities. This equipment is for (potential) use during high-risk incidents. Use is limited to members of the Departments Special Response Team (SRT). Incidents that may qualify for its use include, but are not limited to, a highrisk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and also if there are other subjects inside that need assistance. The two-way speakers can be used to de-escalate and determine resistance level.~~

b. ~~Purpose:~~

To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.

c. Authorized Use:

Only assigned operators who have completed the required training shall be permitted to operate the robot. Use is established by the Incident Commander. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311—Search and Seizure, SCPD Policy 703—Vehicle Use, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

10-15 years

e. Fiscal Impact:

No known annual maintenance cost.

2. Unmanned Aerial Vehicles (Category 1)

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

Yuneec H520 unmanned aerial vehicle (UAV), cost: Included with purchase of Transcend Tactical Robot, Quantity: 1. The H520 is a commercial-grade UAV. Commonly used by construction and utility companies for the inspection of buildings, powerlines, windmills and other infrastructure. This UAV is a battery powered, remote operated device. Controller: ST16 All-in-one controller with 7-inch integrated screen. Controller allows operators to control UAV and view live feed from UAV-mounted cameras. Camera: CGOET camera with dual RGB and FLIR capabilities. Camera provides operators ability to switch between standard RGB camera and views based on heat of objects within frame. Flight time of approximately 25-30 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

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. search for missing persons.
- iii. natural disaster management.
- iv. crime scene photography.
- v. SWAT, tactical or other public safety and life preservation missions.
- vi. 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 the Yuneec H520 during approved missions. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311—Search and Seizure, SCPD Policy 316—Missing Persons, SCPD Policy 606—Unmanned Aerial System Operations, SCPD Policy 703—Vehicle Use, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

10 years

e. Fiscal Impact:

No known annual maintenance cost.

3. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2 & 3)

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

Lenco Armored Rescue Vehicle, cost: \$309,000, quantity: 1. The ARV is designed to provide ballistic protection during tactical events (designed to withstand multiple bullet strikes from small arms fire as well as low level explosions). Equipped with nuclear/radiological detection devices, self-contained breathing apparatus, explosive gas detection devices, and thermal imaging camera. Equipped with emergency lights/siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations, and the deployment of officers and chemical agents. The ARV is currently deployed at every large event in the city of Santa Clara including stadium events, parades, and festivals. The ARV is a regional mutual aid asset that has been requested and deployed to allied agencies in Santa Clara, San Benito, Monterey, Santa Cruz, Alameda, and San Mateo Counties. The ARV responded high profile events including: The Gilroy Garlic Festival shooting, Super Bowl 50, an armed barricade at Main Jail, the VTA active shooter and several incidents where local officers were killed in the line of duty

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 armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703 — Vehicle Use, SCPD Policy 404 — Special Response Team.

d. Expected Lifespan:

20 years

e. Fiscal Impact:

Annual maintenance cost of approximately \$2,500.

4. Command and Control Vehicles (Category 5)

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

1993 Int. Model 3800, cost: \$13,291, quantity: 1. The vehicle is a two-axel bus style vehicle with a front door and a rear door. It is painted black with police graphics affixed to the front, sides, and the rear of the vehicle. The vehicle has been partitioned into (2) separate workspace areas. The equipment housed in the vehicle includes, but is not limited to, a negotiations control console and accessories, communications throw phone and cables, miscellaneous office supplies, tabletops, chairs, storage space, coffee maker, and refrigerator. The vehicle is capable of being used as a mobile operation and dispatch center. The vehicle is also capable of transporting personnel and equipment. The Mobile Communications Vehicle was placed into service in 2006 after its acquisition from the City of Santa Clara Library (formerly the bookmobile). The Mobile Command Vehicle is used as an auxiliary command vehicle during major incidents. The vehicle is separated into two areas by a walled partition and door. One area is used as a negotiation / communication center by the Crisis Negotiations Team. The second area can be used as a mobile command center aiding in the command, control, and deployment of personnel at a critical incident.

b. Purpose:

To be utilized for critical incident callouts.

c. Authorized Use:

The CNT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703—Vehicle Use, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

25 years (Expired)

e. Fiscal Impact:

Annual maintenance cost of approximately \$5,589

5. Command and Control Vehicles (Category 5)

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

2001 Freightliner MT45—custom upfit by Mattman, cost: \$162,181, quantity: 1. The SRT van is a command vehicle and an equipment storage and transportation vehicle. Computerized screen used for tracking operations on the exterior. Desk with radios for dispatch on the interior. Several storage areas for the different equipment used by SRT. Manual breaching tools / Energetic breaching materials, Water, Generator, Ammunition, Robot / UAV, 40mm launchers and projectiles

b. Purpose:

To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

c. Authorized Use:

The SRT Van shall be used by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703—Vehicle Use, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

20 years (expires in March 2022)

e. Fiscal Impact:

Annual maintenance cost of approximately \$2,500

6. Command and Control Vehicles (Category 5)

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

2018 Ford E450 Super Duty cutaway/stripped chassis with a large built-out cargo box mounted on the chassis. It looks like a typical box style cargo van/truck painted black with police graphics. The CSI van is not used in an enforcement capacity. This vehicle is used for the transportation of investigative equipment including a Total Station laser surveyor and accessories, computer equipment and software, evidence collection materials, and storage space for transporting items to the Santa Clara Police Department. There is a large computer monitor/TV mounted on an interior wall to view photos, diagrams, and to aid in crime scene diagramming. The CSI van is used to transport evidence and investigative tools, and a limited number of personnel, to a major crime scene or a crime scene requiring a vehicle larger than a traditional police vehicle for the purposes of transporting evidence collection materials or crime scene evidence. Once on scene, the van is used as shelter, supply storage, and evidence storage

b. Purpose:

To be utilized for critical incident callouts.

c. Authorized Use:

The CSI vehicle is used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703—Vehicle Use, SCPD Policy 802—Property and Evidence.

d. Expected Lifespan:

20 years

e. Fiscal Impact:

Annual maintenance cost of approximately \$5,770.

7. Breaching Apparatus: Slugs (Category 7)

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

Royal Arms Tesar-2, cost: \$1,880, quantity: 470. Shotgun breaching rounds are specialty shotgun shells utilized for door breaching. The Royal Arms Tesar-2 rounds contain compressed copper powder and are fired through a specialized breaching shotgun barrel. The copper powder is designed to strike and destroy the lock throw inside of the door, allowing entry into the room or structure. The powder is designed to dissipate after striking the lock throw in order to minimize entry into the target space for the safety of occupants and operators. Designed to breach heavy locks, dead bolts, and hinges mounted inside of solid oak or steel doors. Royal Arms Tesar-2 rounds are good until expended if stored properly. Shotgun breaching rounds are used to gain rapid access to a room or structure when an emergent law enforcement need exists

b. Purpose:

To safely gain entry into a structure.

c. Authorized Use:

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311—Search and Seizure, SCPD Policy 404 Special Response Team.

d. Expected Lifespan:

Until expended

e. Fiscal Impact:

Individual unit price of approximately \$4 each. Estimated between \$0 and \$1,880 annually

8. Breaching Apparatus: Energetic Breaching Program (Category 7)

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

Energetic breaching is used to gain rapid access to a room or structure when an emergent law enforcement need exists. All efforts are made to minimize the amount of energetics applied to a target, while still achieving a positive breach. Energetic breaching materials are used to make breaching charges of various shapes and strength which are specifically designed for the target. The materials release gasses, heat, and light when initiated. The pressure from the gasses released presses against mediums and/or the target to cause the structure of the target to fail for a successful breach.

Breaching charges are specially designed to cause structural failure of the desired target. The breaching charges in stock were built in house by the SRT breaching cadre. Various types, configurations, and energetic weights are maintained for use as needed. Older charges are cycled out of stock during monthly training.

i. 25 grain detonation cord, cost: \$349, quantity 2.4lbs. 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. 50-grain detonation cord, cost \$1,915.49, quantity 1 roll. 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.

iii. Nonel starters, cost: included with 50-grain det cord, quantity: 88. 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

iv. C2 Prima sheet, cost: \$1,183.50, quantity: 10 lbs. A PETN based sheet explosive

b. Purpose:

To safely gain entry into a structure.

c. Authorized Use:

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises. All Breachers shall be licensed as a Blaster by Cal/OSHA. All Breachers will attend an approved "Tactical Energetic Breaching" course. Master Breacher designation upon: Attend an accredited "advanced" Energetic Breaching course or equivalent. Participate in a minimum of 50 documented training breaches, of which at least ten (10) were considered "research and development" shots. Participate in at least 1 operational energetic breach. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311 — Search and Seizure, SCPD Policy 404 Special Response Team.

d. Expected Lifespan:

25-grain detonation cord—5 years

50-grain detonation cord—5 years

C2 Prima Sheet—Until expended

Nonel Starters—until expended

e. Fiscal Impact:

25-grain detonation cord—estimated between \$0 and \$349 annually.

50-grain detonation cord—estimated between \$0 and \$1,915.49 annually

C2 Prima Sheet—estimated between \$0 and \$1,183.50 annually

Nonel Starters—\$0

9. Specialized Firearms and Ammunition (Equipment Category 10)

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

i. The Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas-operated, magazine-fed, shoulder-fired weapon, designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be

serviced or replaced when the Rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. Colt AR-15/M4, cost: \$119,850, quantity: 102, FN-15, cost: \$46,371, quantity: 29

II. The Hornady .223 Remington, 75 grain, BTHP Tap Precision cartridge is the primary duty ammunition deployed during potential lethal encounters. Cost: \$19,980, quantity: 25,000

III. The Hornady .223 Remington, 62 grain, Tap Barrier cartridge is the secondary ammunition deployed during potential lethal encounters, when shooting through barriers. Cost: \$3,996, quantity: 5,000

IV. The Hornady .223 Remington, 55 grain cartridge is the primary training ammunition for the Department. Cost: \$40,176, quantity: 100,000

V. The Santa Clara Police Department Special Response Team (SRT) was formed in 1975, in response to very dangerous or violent tactical encounters. The Sniper element deploys with precision rifles, which enables the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the Rifle fails or breaks. The .308 Winchester cartridge: is a rimless, bottlenecked rifle cartridge. The .308 WIN. cartridge is used as a Lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. JP LRP-07 Rifle cost: \$14,276, quantity: 4, TacOps 700, cost: \$3,999, quantity: 1, DT SRS-A1 rifle, cost: \$7,698, quantity: 2, Spartan rifle, cost: \$8,800, quantity: 2.

VI. The Hornady .308 WIN., 110 grain, Tap Urban cartridge is ammunition deployed during potential lethal encounters, in high collateral risk environments. The 110 grain, Tap Urban offers a unique projectile that allows rapid expansion, fragmentation & low retained weight. It also offers the least penetration, but with substantially more temporary & permanent cavity & fragmentation. Cost: \$6,303, quantity: 5,000

VII. The Hornady .308 WIN., 168 grain, ELD Match Tap Precision cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168 grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target. Cost: \$18,909, quantity: 15,000.

VIII. The RUAG .308 WIN., 164 grain, Tactical cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 164 grain projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate hit. Cost: \$1,512, quantity: 500

IX. The RUAG .308 WIN., 196 grain, Armor Piercing cartridge is ammunition deployed during potential lethal encounters, when shooting through heavy barriers. The 196 grain projectile is

capable of accurately striking targets behind armor, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating armor, which does not allow an accurate hit. Cost: \$385, quantity: 80

X. The RUAG .338 Lapua Magnum, 247 grain, Styx Action cartridge is ammunition deployed during potential lethal encounters, in high collateral risk environments. The 247 grain Styx Action cartridge offers a unique projectile that allows rapid expansion, fragmentation & low retained weight. It also offers the least penetration, but with substantially more temporary & permanent cavity & fragmentation. Cost: \$1,618, quantity: 500

XI. The Hornady .338 Lapua Magnum, 285 grain, ELD Match cartridge, is ammunition deployed during potential lethal encounters at longer distances. The 285-grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target. Cost: \$17,766, quantity: 3,840

XII. The RUAG .338 Lapua Magnum, 250 grain, Tactical cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 250-grain projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate hit. Cost: \$953, quantity: 350

XIII. The RUAG .338 Lapua Magnum, 260 grain, Armor Piercing cartridge is ammunition deployed during potential lethal encounters, when shooting through heavy barriers. The 260-grain projectile is capable of accurately striking targets behind armor, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating armor, which does not allow an accurate hit. Cost: \$3,240, quantity: 500

XIV. Selections of which of the above ammunition to use is dependent on the threat and the environment (to include barriers, weather conditions, uninvolved parties, etc.)

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. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300—Use of Force, SCPD Policy 306.5—Firearms Training and Qualifications, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

I. Carbine Rifle—No expiration

II. The Hornady .223 Remington, 75 grain—No expiration

III. The Hornady .223 Remington, 62 grain, Tap Barrier—No expiration

IV. The Hornady .223 Remington, 55 grain,—No expiration

V. Sniper Rifles—No expiration

VI. The Hornady .308 WIN., 110 grain—No expiration

VII. The Hornady .308 WIN., 168 grain—No expiration

VIII. The RUAG .308 WIN., 164 grain—No expiration

- IX. The RUAG .308 WIN., 196 grain—No expiration
- X. The RUAG .338 Lapua Magnum, 247 grain—No expiration
- XI. The Hornady .338 Lapua Magnum, 285 grain—No expiration
- XII. The RUAG .338 Lapua Magnum, 250 grain—No expiration
- XIII. The RUAG .338 Lapua Magnum, 260 grain—No expiration

e. Fiscal Impact:

- I. Carbine Rifle—Annual cost between \$19,999 –\$166,221
- II. The Hornady .223 Remington, 75 grain—Annual cost between \$0 –\$19,980
- III. The Hornady .223 Remington, 62 grain, Tap Barrier—Annual cost between \$0 –\$3,996
- IV. The Hornady .223 Remington, 55 grain—Annual cost between \$0 –\$40,176
- V. Sniper Rifle—Annual cost between \$900 –\$34,773
- VI. The Hornady .308 WIN., 110 grain—Annual cost between \$0 –\$6,303
- VII. The Hornady .308 WIN., 168 grain—Annual cost between \$0 –\$18,909
- VIII. The RUAG .308 WIN., 164 grain—Annual cost between \$0 –\$1,512
- IX. The RUAG .308 WIN., 196 grain—Annual cost between \$0 –\$385
- X. The RUAG .338 Lapua Magnum, 247 grain—Annual cost between \$0 –\$1,618
- XI. The Hornady .338 Lapua Magnum, 285 grain—Annual cost between \$0 –\$17,766
- XII. The RUAG .338 Lapua Magnum, 250 grain—Annual cost between \$0 –\$953
- XIII. The RUAG .338 Lapua Magnum, 260 grain—Annual cost between \$0 –\$3,240

10. Flashbangs (Category 12)

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 high-risk situations.

- I. NFDD 7290M emits a loud “bang” and a flash of light, cost: \$4,345.97, quantity: 96
- II. NFDD 7290-5 emits a loud “bang” and a flash of light (5) times, cost: \$1,070.13, quantity: 10
- III. NFDD 9593 Multi-effect grenades with a loud blast, bright flash and dispersion of stinging .31 caliber pellets. Can also be configured to dispense an instantaneous cloud of irritant powder. Cost: \$443.30, quantity: 11

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 SRT 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.

All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300—Use of Force, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

I. NFDD 7290M—5 years

II. NFDD 7290-5—5 years

III. NFDD 9593—5 years

e. Fiscal Impact:

I. NFDD 7290M—Annual cost between \$0 – \$4,345.97

II. NFDD 7290-5—Annual cost between \$0 – \$1,070.13

III. NFDD 9593—Annual cost between \$0 – \$1,070.13

11. Tear Gas (Category 12)

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

Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Santa Clara Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects.

The Santa Clara Police Department uses chemical agents which are used by law enforcement across the United States: CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum)

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 in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

I. 5230B—Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. Cost: \$2,412, quantity: 67

II. 6230—Pyrotechnic canister grenade emitting smoke through multiple emission ports for 30 to 40 seconds. May be launched or hand thrown. Cost: \$450, quantity: 15

III. 8230—The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. Cost: \$504, quantity: 21

IV. 9230—The 9230 CS Jet-Lite Rubber Ball Grenade is one of the smaller diameter burning grenades that discharges a high volume of chemical agents through multiple emission ports. Specifically for outdoor use and should not be deployed from rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. Cost: \$725, quantity: 25.

V. 3330—Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. Cost: \$735, quantity: 35

VI. 6340—This unique grenade delivers an invisible OC vapor and renders an intense respiratory effect to a non-compliant subject. Cost: \$360, quantity 10

VII. 4330—Liquid CS filled projectile penetrates intermediate barriers and

delivers irritant agents into an adjacent room. Cost: \$1,950, quantity: 75
VIII. The Spede-Heat™ 40mm Short Range CS Round incorporates an aluminum shell and utilizes black powder as the propellant. The Spede-Heat™ 40mm Short Range Round is designed to deliver one dual-ported chemical canister from a 40mm launcher 75 yards to the intended target zone. Cost: \$420, quantity: 15

IX. The 6 oz. OC Aerosol Grenade will delivery its payload of 1.3% MC% OC in 20-25 seconds. This is a atomized mist which enhances the pungent 1.3% OC formulation. Cost: \$180, quantity: 10

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 chemical agents are authorized to use chemical agents. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300—Use of Force, SCPD Policy 404—Special Response Team.

d. Expected Lifespan:

- I. 5230B—5 years
- II. 6230—5 years
- III. 8230—5 years
- IV. 9230—5 years
- V. 3330—5 years
- VI. 6340—5 years
- VII. 4330—5 years
- VIII. The Spede-Heat™ 40mm Short Range CS Round - 5 years
- IX. The 6 oz. OC Aerosol Grenade—5 years

e. Fiscal Impact:

- I. 5230B—estimated between \$0 and \$2,412 annually
- II. 6230—estimated between \$0 and \$450 annually
- III. 8230—estimated between \$0 and \$504 annually
- IV. 9230—estimated between \$0 and \$725 annually
- V. 3330—estimated between \$0 and \$735 annually
- VI. 6340—estimated between \$0 and \$360 annually
- VII. 4330—estimated between \$0 and \$1,950 annually
- VIII. The Spede-Heat™ 40mm Short Range CS Round
- IX. The 6 oz. OC Aerosol Grenade

12. PepperBall Launcher (Category 12)

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

System that uses high pressure air to deliver PAVA powder projectiles (similar to a paint ball delivery system). System capable of launching projectiles at a subject up to 60'. System capable of area saturation up to 160'. Non-lethal option to offer law enforcement officers to deliver chemical agents and kinetic energy impacts to subjects in a potentially violent encounter. De-Escalation tool used to avoid further injuries or lethal options on a subject. Cost: \$7,500, quantity:

I. ~~PepperBall LIVE PROJECTILE~~, The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.8230. Cost: \$3,412 quantity: 1500

II. ~~PepperBall VXR LIVE-X PROJECTILE~~: The VXR Live-X Projectile is a non-lethal round. The projectile contains approximately 10x the PAVA of the VXR LIVE projectile. This projectile is best for direct impact or area saturation. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-425 FPS. The projectile has a direct impact of 150ft and an area of saturation of 390+ft. The projectile contains 2.5% PAVA powder. Cost: \$8,984 quantity: 3000

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 those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300—Use of Force.

d. Expected Lifespan:

- I. PepperBall Launcher: No expiration
- II. Live Projectile: 1 year
- III. Live-X Projectile: 1 year

e. Fiscal Impact:

- I. PepperBall Launcher: estimated between \$0 and \$7,500 annually
- II. Live Projectile: estimated between \$0 and \$3,412 annually
- III. Live-X Projectile: estimated between \$0 and \$9,000 annually
13. Projectile Launch platforms and associated munitions (Category 14)

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

~~Penn Arms Launcher: Cost: \$23,650, quantity: 22.~~The Penn Arms Launcher is not a firearm, but a Less-Lethal systems that uses smokeless powder to deliver 40MM projectiles from a safe distance. The Less-Lethal launcher is capable of launching 40MM munitions at a subject up to 25 yards. The Less-Lethal launcher is a single launcher, which allows the Officer to assess after every spent munition. Less-Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks. The 40MM munition is a Direct Impact Spin Stabilized Smokeless Sponge Munition. The Sponge Baton munition is used as a Less-Lethal weapon designed to de-escalate a potentially violent encounter. Cost: \$11,454, quantity: 600

b. Purpose:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use:

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.

All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300—Use of Force.

d. Expected Lifespan:

- I. 40mm Launcher: No expiration
- II. 40mm Sponge Round: 5 years

e. Fiscal Impact:

- I. 40mm Launcher: estimated between \$0 and \$23,650 annually
- II. 40mm Sponge Round: estimated between \$0 and \$12,000 annually

RESOLUTION NO. 23-9231

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
APPROVING THE ANNUAL MILITARY EQUIPMENT REPORT
AND APPROVING RENEWAL OF SANTA CLARA CITY CODE
SECTION 2.80.080 [“MILITARY EQUIPMENT POLICY”]
PURSUANT TO AB 481**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Santa Clara City Code Section 2.80.080 (“Military equipment policy”) was adopted in March 2022, approving the Military Equipment Policy, with the requisite findings and process, in accordance with AB 481;

WHEREAS, AB 481 requires the City Council to review its adopted military equipment ordinance annually and to vote on whether to renew the ordinance;

WHEREAS, AB 481 requires, further, that in order to renew the Ordinance, the City Council must make a finding that, based on the information contained in the annual military equipment report (attached), each type of military equipment identified in that report has complied with specific standards for approval; and,

WHEREAS, the City Council of the City of Santa Clara, having received the information required by AB 481, deems it to be in the best interest of the City to approve the annual military equipment report and to renew the military equipment policy ordinance SCCC 2.80.080, as set forth below.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the annual military equipment report submitted to the City Council by the Santa Clara Police Department contains all information required by AB 481 and is hereby approved.

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3. That, based on the annual military equipment report submitted by the Santa Clara Police Department, each type of military equipment identified in that report has complied with the following standards for approval:

- a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- b. The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- c. The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- d. 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. That the procedural requirements of AB 481 have been satisfied.

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5. That Santa Clara City Code Section 2.80.080 is hereby renewed.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 23RD DAY OF MAY, 2023, BY THE FOLLOWING VOTE:

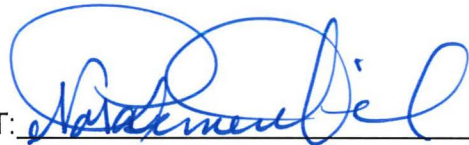
AYES: COUNCILORS: Hardy, Jain, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: Becker, Chahal, and Park

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Annual Military Equipment Report – RTC #23-249



Agenda Report

23-249

Agenda Date: 5/23/2023

REPORT TO COUNCIL

SUBJECT

Approve the Annual Military Equipment Report, and Adopt a Resolution Making Required Findings and Renewing Santa Clara City Code Section 2.80.080, Allowing for the Continued Use of the Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

On September 30, 2021, Governor Newsom signed a series of policing reform bills aimed at increasing transparency of peace officer misconduct records, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creating a public forum for the approval of the purchase of military equipment. Assembly Bill (AB) 481 (Assembly Member David Chiu, Democrat, San Francisco) (Attachment 1) codified law enforcement's acquisition, use, and funding of military equipment.

In enacting AB 481, the Legislature stated that the public has a right to know about any funding, acquisition, or use of military equipment by State or local government officials in an effort to increase transparency, accountability and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment. Furthermore, the State legislature stated that local agency decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, civil liberties, and public input.

The bill required law enforcement agencies seeking to continue use of military equipment acquired prior to January 1, 2022 to accomplish the following by May 1, 2022:

- Draft a Military Equipment Use Policy that describes each piece of military equipment and the authorized uses for each piece of equipment;
- Seek approval of the Policy from their governing body by Ordinance before acquiring new military equipment or seeking funds for equipment purchases; and,
- Make publicly available on the agency's website any proposed or final military equipment use policy for as long as the military equipment is available for use.

The Santa Clara Police Department (SCPD) fulfilled each requirement and exceeded the community engagement efforts required of AB 481 by involving advisory groups and/or the community at large. The City Council approved the proposed policy and adopted the required ordinance (SCCC 2.80.080) on March 8, 2022.

The law also requires the SCPD provide the City Council and the public with an annual report detailing equipment inventory, uses, complaints, etc. The City Council is then required to review the annual report for approval and review the ordinance for renewal. Such renewal is required in order for the department to continue to use its existing (and to acquire new) qualifying equipment.

DISCUSSION

At least annually after the adoption of a Military Equipment Use Policy, each law enforcement agency is required to prepare a yearly military equipment report to include the following categories of information, and to submit that report to the governing body (City Council) for approval, and to publish that annual report on the City's website:

- A summary of how the military equipment was used and the purpose of its use;
- A summary of any complaints or concerns received concerning the military equipment;
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
- 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;
- The quantity possessed for each type of military equipment; and
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Within 30-days of submitting the annual military equipment report, and publicly releasing the report on the website, a law enforcement agency must hold at least one "well-publicized and conveniently located community engagement meeting," to allow for public discussion of the report. The submission to the governing body shall be on May 23, 2023. The publication of the report on the City's website began on April 21, 2023. It is important to ensure that the community engagement meeting receives a high degree of transparency, convenience, and publicity (and also to ensure that the meeting occurs in such a manner that the City Council can most directly benefit from community input in its decision-making). Holding the meeting concurrently with the City Council meeting would most directly fulfill this requirement. Advertising for the public meeting included messaging via GovDelivery, as well as on the Police Department's social media platforms (e.g. Facebook, Instagram, Nextdoor and Twitter) encouraging public participation in the City Council meeting on this topic.

In addition, SCPD utilizes the Chief's Advisory Committee as a local civilian sounding board on issues, matters and public policies which influence or impact the ongoing relationship between law enforcement and the community we serve. SCPD has also sought their feedback related with equipment purchases (e.g., unmanned aircraft systems). The Annual Report was presented to the Chief's Advisory Committee on April 24, 2023; the CAC's recommendation - to state more clearly that there were no unauthorized uses or complaints this year, and that the majority of the equipment had been utilized by the department for decades - has been incorporated into the Annual Report.

Summary of SCPD's Equipment

Many of the items designated by AB 481 as military equipment have been in our Police Department's equipment inventory for decades. Use of this equipment is built into SCPD operating procedures and provides a snapshot of their respective functionality.

A summary of the types of equipment in SCPD's possession, examples of how this equipment has (and can) be utilized as well as the source for original funding is below. It should be noted, maintenance and/or repair costs as necessary are paid from the General Fund unless otherwise documented.

Equipment	Purpose	Authorized Use	Example of Types of Law Enforcement Uses	Purchase Funding Source	In Use by SCPD Since

<p>Robot and Unmanned Aircraft (Equipment Category 1)</p>	<p>To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings. Could be utilized in major collision investigations, search for missing persons, natural disaster management, crime scene photography, SWAT, tactical or other public safety and life preservation missions, in response to specific requests from local, state or federal fire authorities for fire response and/or prevention</p>	<p>Only assigned operators who have completed the required training shall be permitted to operate either piece of equipment. Use is established by the Incident Commander</p>	<p>Robot • Highly mobile way to conduct sophisticated, live audio and video surveillance to prevent, investigate or fight crime • Deliver item(s) to a suspect Unmanned Aircraft • Disaster response and damage assessment • Locate missing persons and rescue events • Identify, locate and apprehend non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers • Suspected explosive device • Dangers that would benefit from situational intelligence exposed from an aerial perspective • Video / photographic documentation of crime</p>	<p>Robot Grant Unmanned Aircraft Grant *</p>	<p>2005</p>
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<p>Armored Rescue Vehicle (Equipment Category 2)</p>	<p>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</p>	<p>The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training</p>	<p>• Evacuation of innocent individual(s) • Functions as a rolling shield to allow law enforcement personnel to safely get closer to a location and/or gain access to a location • Send message or warning tone over significant distance • Hail a suspect from being barricaded</p>	<p>Grant **</p>	<p>2010</p>
<p>Command and Control Vehicles (Equipment Category 5)</p>	<p>To be utilized for critical incident callouts</p>	<p>The CNT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license</p>	<p>• Serve as a safe, secure workspace for staff on scene of a crime scene or critical incident • Tool to carry equipment associated with work</p>	<p>Grant, General Fund and City's disposal/reuse program</p>	<p>2002</p>

Breaching equipment (Equipment Category 7)	To safely gain entry into a structure	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises	<ul style="list-style-type: none"> • Force open closed and/or locked doors • Diversionary tactic when trying to take a dangerous suspect into custody 	Grant, General Fund and Asset Forfeiture Program	2007
Specialized Firearms and Ammunition (Equipment Category 10, 12 and 14)	To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible	Only members that are POST certified are authorized to use a rifle	<ul style="list-style-type: none"> • Non-lethal tool to stop an armed subject at various distances • Device to create a temporary diversionary tactic when trying to take a dangerous suspect into custody 	Grant, General Fund and Asset Forfeiture Program	1975 - 2000 depending on the item

**Purchase and corresponding policy approved however item not yet acquired.*

***This item was purchased with UASI funds and therefore is a regional law enforcement asset.*

As a reminder, nothing in this bill prohibits law enforcement from obtaining any of the items deemed as military equipment, but rather AB 481 creates a public process for getting approval on the type of equipment that is authorized and the uses for that equipment. SCPD possesses equipment in 7 of the 15 established categories.

Funding and Purchases

While the department is the recipient of a variety of federal grants, *the department has not applied for or received designated military equipment through the United States Department of Defense 1028 or 1033 excess equipment transfer programs.*

Prior to the implementation of AB 481, decisions surrounding the acquisition of equipment were presented to the City Council at a high-level during consideration of the standard budget process or in a more detailed manner through a Report to City Council, and procurement of such equipment adheres to the City’s purchasing processes. The use of such equipment is governed by the Police Department’s Use of Force Policy #300. In addition, the California Peace Officer Standards and Training (POST) requirements for operation and deployment of this equipment is managed by SCPD’s Training Unit. In many cases, POST, vendor provided trainings or cross-training among surrounding law enforcement agencies are implemented as new legislation and tools are deployed.

All SCPD policies and procedures that govern safe-handling, storage, and qualification on specified equipment remain in effect. This includes but is not limited to California Occupational Safety and Health Agency (OSHA) certification of energetic breaching operators, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) oversight of energetic breaching materials, SCPD weapons storage procedures, and ATF oversight of Noise Flash Diversionary Devices.

The way in which SCPD procures equipment has not changed as a result of AB 481, nor are there any significant new purchases planned over the next reporting period. During the reporting period, the only significant equipment purchased that falls within this category are unmanned aircraft equipment (Category 1). Other qualifying equipment, such as ammunition, was also purchased, as set forth in the Annual Report.

Annual Report & Ordinance Renewal

AB 481 requires law enforcement agencies to prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of SCPD Lexipol Policy 706 (Attachment 3), the cost of such use, and other similar information. The 2022 Annual Report is attached (Attachment 5).

As is noted in the Executive Summary, SCPD did not have any unauthorized uses during the reporting period, nor did it receive any complaints associated with the use of AB 481 equipment.

A governing body that has adopted a Military Equipment Use Policy by ordinance pursuant to AB 481, as the City of Santa Clara has done, is required to annually review that ordinance and, based upon the information provided in the Annual Report, make the following findings to support a renewal of the ordinance:

- a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- b. The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- c. The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and,
- d. 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.

The proposed Resolution (Attachment 4) incorporates the Annual Report, reflects the required findings, and approves renewal of SCCC 2.80.080 for an additional year.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The staff time to prepare the 2022 Annual Report and corresponding Report to Council is significant.

However, the equipment referenced in the Annual Report have already been funded.

COORDINATION

This report has been coordinated with the Finance Department, Police Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the Annual Military Equipment Report, and Adopt a Resolution Making Required Findings and Renewing Santa Clara City Code Section 2.80.080, Allowing for the Continued Use of the Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481

Reviewed by: Pat Nikolai, Chief of Police

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Assembly Bill 481
2. RTC 22-1582
3. Draft Policy #706
4. AB 481 Annual Resolution
5. 2022 AB 481 Annual Report



Agenda Report

22-1582

Agenda Date: 3/8/2022

REPORT TO COUNCIL

SUBJECT

Action to Waive First Reading and Introduce an Ordinance Approving a Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481; and Note and File Recommendation Submitted by the Task Force on Diversity, Equity and Inclusion to Adopt AB481 Policy and Ordinance

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

On September 30, 2021, Governor Newsom signed a series of policing reform bills aimed at increasing transparency of peace officer misconduct records, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creating a public forum for the purchase of military equipment. Assembly Bill (AB) 481 codified law enforcement's acquisition, use, and funding of military equipment. The information presented in this report and its attachments fulfills the requirements of AB 481.

DISCUSSION

The City of Santa Clara is in the heart of Silicon Valley and home to Fortune 500 company headquarters, California's Great America theme park, Santa Clara University, Silicon Valley Power and Levi's Stadium. In turn, it serves as a destination for corporate board meetings, dignitary visits, major events, and visitors from around the globe. The community assets county-wide and throughout the region are even more significant. As a result, the risk of domestic terrorism or a high-level terrorist incident in the area is real.

In enacting AB 481, the Legislature stated that the public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials in an effort to increase transparency, accountability and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment. Furthermore, the state legislature stated that local agency decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, civil liberties, and public input.

The bill requires law enforcement agencies that seek to continue use of military equipment acquired prior to January 1, 2022, accomplish the following by May 1, 2022:

- Draft a Military Equipment Use Policy that describes each piece of military equipment and the authorized uses for each piece of equipment to include:
 - 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;

- The purposes and authorized uses for which the law enforcement agency proposes to use each type of military equipment;
 - 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;
 - The legal and procedural rules that govern each authorized use;
 - The training, including any course required by the Commission on Peace Officer Standards and Training (“POST”), that must be completed before any officer, agent, or employee of the law enforcement agency’s 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;
 - 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; and,
 - 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.
- Seek approval of the Policy from their governing body by Ordinance before acquiring new military equipment or seeking funds for equipment purchases; and,
 - Make publicly available on the agency’s website any proposed or final military equipment use policy for as long as the military equipment is available for use.

At least annually after the adoption of a Military Equipment Use Policy, the law enforcement agency shall prepare an annual military equipment report to include:

- A summary of how the military equipment was used and the purpose of its use;
- A summary of any complaints or concerns received concerning the military equipment;
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
- 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;
- The quantity possessed for each type of military equipment;
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment; and,
- Within 30-days of submitting the annual military equipment report, a law enforcement agency must hold at least one “well-publicized and conveniently located community engagement meeting,” to allow for public discussion of the report.

The governing body shall annually review the Military Equipment Purchase and Use Ordinance and vote on whether to renew the ordinance at a regular meeting. During its review, the governing body shall consider the annual report and determine whether each type of military equipment has complied with specified standards for approval.

If the City Council does not approve the continuing use of military equipment within 180-days of

submission of the proposed Military Equipment Purchase and Use Policy, the Police Department shall cease its use of the military equipment until it receives the approval of the City Council in accordance with AB 481 effective April 30, 2022.

Historical Perspective on Types of Equipment Acquired by Law Enforcement

The Columbine High School massacre in Colorado was a school shooting and failed bombing that occurred on April 20, 1999, murdering 12 students and one teacher. Twenty-one (21) additional people were injured by gunshots, and gunfire was also exchanged between the perpetrators and police. Another three (3) people were injured trying to escape.

At that time, law enforcement followed a traditional strategy of waiting for multiple highly trained tactical teams to arrive, formulate a structured and deliberate plan that may include surrounding the building, setting up a perimeter, containing the damage and slowly and methodically conduct room by room sweeps of the facility to locate and stop the threat. In this case, the results of the traditional strategy were catastrophic.

The Columbine incident became one of the most studied active-shooter massacres, resulting in the introduction of the Immediate Action Rapid Deployment tactic (IARD). Rapid deployment is defined as, "the swift and immediate deployment of law enforcement resources, singular or in teams, to on-going, life threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons." IARD expects the first arriving officer on scene to take charge and neutralize the threat; this places regular officers in situations of increased risk. To achieve this goal, additional training and specialized equipment are required. Through case studies, law enforcement agencies have learned IARD generally results in a suspect suicide once confronted by armed responders. Secondary measures are put in place to limit access to potential victims and rescue injured persons once the threat is mitigated.

It should be noted, IARD tactics are not a substitute nor the same as conventional response tactics to situations, such as a barricaded subject.

Since Columbine, the United States has experienced a multitude of active shooter and deadly terrorist attacks at sporting events (e.g. Boston Marathon bomber), places of worship (Wisconsin Sikh temple, Pittsburgh synagogue, Overland Park Jewish Community Center), entertainment venues (Orlando nightclub, Las Vegas concert, San Bernardino attack), mitigate vehicle borne attacks (Charlottesville, New York City, University of Oklahoma), retail outlets (El Paso Walmart), attacks of military bases (Fort Hood, Pensacola Naval Air Station) and aircraft hijackings (World Trade Center, Pentagon and Shanksville on September 11).

After significant research, testing and practical application, law enforcement agencies have been trained and equipped with the tools to combat terrorism and high-risk criminal behavior at the local level. Responding to situations in which one or more people are engaged in on-going aggressive, deadly behavior, requires swift contact to mitigate the public safety threat and vast resources.

Locally, we are not immune from critical incidents. Santa Clara County has experienced critical incidents, and those that could have become such. Our Police Department has been involved in responding to the following situations in recent years:

Date	Incident	Brief Summary of Incident
July 4, 2019	California's Great America theme park	Large fight resulting in a shooting at the front gate
July 28, 2019	Gilroy Garlic Festival Shooting	Gunman killed three people and wounded 17
August 5, 2020	Santa Clara County Main Jail	Gunman restrained in handcuffs fired several rounds at officers in Main Jail sallyport. Containment took four hours *
August 9, 2020	Santa Clara County Main Jail	Driver slammed through Main Jail security gate and refused to surrender *
May 26, 2021	VTA Railyard Shooting	Nine people killed

**At the times of these incidents, the Santa Clara Police Department had officers in the jail booking area with their own arrestees and assisted in the peaceful resolution of the situation at hand.*

In each instance, the corresponding agency's inventory of safety equipment and weaponry allowed the law enforcement agency to confront the situation with multiple tools according to the need to bring a safe, peaceful resolution for the involved parties, the public and officers. In each case, responding officers evaluated the actions, capabilities, and intentions of the suspects. The equipment available created an opportunity to influence sound decisions by providing time, distance, and cover. In none of the above cases, did police use deadly force.

On a routine frequent basis, the Police Department is faced with situations that can potentially be resolved with less lethal tactics as a result of having the appropriate training and resources available, such as welfare checks, warrant service, uncooperative individuals subject to arrest, high risk car stops, barricaded subjects, etc.

Many of the tools the Police Department utilizes to address critical incidents and high-risk criminal behavior at the local level have become industry standards among law enforcement agencies throughout the country. Without these tools and current technology, the Police Department would have to completely re-think operations and tactics to safely resolve situations and protect personnel.

AB 481 Definition of Military Equipment

AB 481 defines "Military equipment" as follows and differentiates the equipment by category:

(Category 1) Unmanned, remotely piloted, powered aerial or ground vehicles;

(Category 2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision;

(Category 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;

(Category 4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a

tracked system instead of wheels for forward motion;

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

(Category 6) Weaponized aircraft, vessels, or vehicles of any kind;

(Category 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;

(Category 8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision;

(Category 9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision;

(Category 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;

(Category 11) Any firearm or firearm accessory that is designed to launch explosive projectiles;

(Category 12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray;

(Category 13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD);

(Category 14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons; and,

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

For added clarity, nothing in this bill prohibits law enforcement from obtaining any of the above equipment, but rather AB 481 creates a public process for getting approval on the type of equipment that is authorized and the uses for that equipment. Please note, as described further below, SCPD possesses equipment in only 7 of the 15 categories listed.

Current Santa Clara Police Department Equipment Meeting Military Equipment Designation

For decades, the Federal government has provided billions of dollars in equipment to state and local law enforcement agencies through unused excess equipment transfers (1033 Program), asset forfeiture programs and Federal grants. Our Department has been the benefactor of Asset Forfeiture Funds and Federal grants (e.g. Bullet Proof Vest Grant, Edward Byrne Justice Assistance Grant, Citizens' Option for Public Safety Grant, State Homeland Security Grant, Urban Areas Security Initiative Grant, etc.); however, our Department has not applied for or received designated military equipment through the 1033 Program.

Each Federal funding source designates what equipment is eligible for purchase utilizing the designated funds. Additionally, grant funding must be utilized toward front line law enforcement

equipment and cannot supplant other funding sources.

The equipment purchased by the Police Department is intended for use to save civilian lives, protect law enforcement personnel, reduce risk for the City and enhance public safety. Secondly, the equipment also creates cover, distance, and time to slow the decision-making process. Doing so, allows responding officers to take in and evaluate the totality of the circumstances, resulting in increased safety and reduced risk for everyone involved.

Many of the items designated by AB 481 as military equipment have been in our Police Department's equipment inventory for decades.

Use of this equipment is built into the Police Department's operating procedures and provide a snapshot of their respective functionality. A summary of the types of equipment in the Police Department's possession, examples of how this equipment has (and, can) be utilized as well as the source for original funding is below.

Equipment	Purpose	Authorized Use	Example of Types of Law Enforcement Uses	Purchase Funding Source	In Use by SCPD Since
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<p>Robot and Unmanned Aircraft (Equipment Category 1)</p>	<p>To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings. Could be utilized in major collision investigations, search for missing persons, natural disaster management, crime scene photography, SWAT, tactical or other public safety and life preservation missions, in response to specific requests from local, state or federal fire authorities for fire response and/or prevention</p>	<p>Only assigned operators who have completed the required training shall be permitted to operate either piece of equipment. Use is established by the Incident Commander</p>	<p>Robot • Highly mobile way to conduct sophisticated, live audio and video surveillance to prevent, investigate or fight crime • Deliver item(s) to a suspect Unmanned Aircraft • Disaster response and damage assessment • Locate missing persons and rescue events • Identify, locate and apprehend non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers • Suspected explosive device • Dangers that would benefit from situational intelligence exposed from an aerial perspective • Video / photographic documentation of crime</p>	<p>Robot Grant Unmanned Aircraft Grant *</p>	<p>2005</p>
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<p>Armored Rescue Vehicle (Equipment Category 2)</p>	<p>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</p>	<p>The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training</p>	<p>• Evacuation of innocent individual(s) • Functions as a rolling shield to allow law enforcement personnel to safely get closer to a location and/or gain access to a location • Send message or warning tone over significant distance • Hail a suspect from being barricaded</p>	<p>Grant **</p>	<p>2010</p>
<p>Command and Control Vehicles (Equipment Category 5)</p>	<p>To be utilized for critical incident callouts</p>	<p>The CNT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license</p>	<p>• Serve as a safe, secure workspace for staff on scene of a crime scene or critical incident • Tool to carry equipment associated with work</p>	<p>Grant, General Fund and City's disposal/reuse program</p>	<p>2002</p>

Breaching equipment (Equipment Category 7)	To safely gain entry into a structure	Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises	• Force open closed and/or locked doors • Diversionary tactic when trying to take a dangerous suspect into custody	Grant, General Fund and Asset Forfeiture Program	2007
Specialized Firearms and Ammunition (Equipment Category 10, 12 and 14)	To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible	Only members that are POST certified are authorized to use a rifle	• Non-lethal tool to stop an armed subject at various distances • Device to create a temporary diversionary tactic when trying to take a dangerous suspect into custody	Grant, General Fund and Asset Forfeiture Program	1975 - 2000 depending on the item

**Purchase and corresponding policy approved however item not yet acquired.*

***This item was purchased with UASI funds and therefore is a regional law enforcement asset.*

The current decisions surrounding the acquisition of equipment are presented to the City Council at a high-level during consideration of the standard budget process or in a more detailed manner through a Report to City Council, and procurement of such equipment adheres to the City’s purchasing processes. The use of such equipment is governed by the Police Department’s Use of Force Policy #300.

In addition, the California Peace Officer Standards and Training (POST) requirements for operation and deployment of this equipment is managed by the Police Department’s Training Unit. In many cases, POST, vendor provided trainings or cross-training among surrounding law enforcement agencies are implemented as new legislation and tools are deployed.

All Santa Clara Police Department policies and procedures that govern safe-handling, storage, and qualification on specified equipment remain in effect. This includes but is not limited to California Occupational Safety and Health Agency (OSHA) certification of energetic breaching operators, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) oversight of energetic breaching materials, Police Department weapons storage procedures, and ATF oversight of Noise Flash Diversionary Devices.

Draft Santa Clara Police Department Military Equipment Purchase and Use Policy

The Police Department's existing procedure manual, many of which have been incorporated into Lexipol, address appropriate use and deployment of controlled equipment addressing the protection of civil rights and civil liberties.

AB 481 requires law enforcement to publicly release a written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, the topics described above. The Policy must be approved by the City Council via Ordinance, with findings of the following:

- The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- 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; and,
- 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.

Annually, the Police Department will prepare and present to the City Council annual report, and distribute it on the City's website 30 days prior to the City Council meeting where the following items are reviewed:

- The quantity possessed for each type of military equipment as of the date of the annual report;
- Summary of how the military equipment was used and the purpose of its use;
- Summary of any concerns or complaints received involving the use of military equipment;
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
- Total annual cost of each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade and other ongoing costs; and,
- Acquisition plans (including source of funds) for the coming year, type and quantity.

SCPD's draft Lexipol Policy #706 addresses each aspect required per AB 481 and includes an inventory of military equipment in our Department's possession effective January 1, 2022. It should be noted, the Department has received prior City Council approval to acquire equipment through Asset Forfeiture Funds (RTC #21-629) and Federal Grants (RTC #22-1559). As these and any future purchases are made, equipment which meets the military equipment designation will be added to the Department's inventory and included in the annual report.

In our Department's case, the proposed Military Equipment Purchase and Use Policy provides for a secondary level of oversight. The Chief's Advisory Committee will be utilized as a local civilian sounding board prior to a recommendation to City Council to request or acquire controlled equipment. While the Chief's Advisory Committee is advisory to the Chief of Police and not

authorized to have power or authority to investigate, review or otherwise participate in matters involving specific personnel or play a role in civil or criminal litigation, as appropriate the committee may be utilized for after-action analysis reports for significant incidents involving federally provided or federally funded equipment.

More recently, the City of Santa Clara also established a Task Force on Diversity, Equity, and Inclusion. This group serves as another sounding board on recommendations to policies that help the City achieve equal treatment under the law.

Additionally, developing a complete Department-wide equipment inventory, with amortization details (e.g. expiration date or anticipated life, estimated cost to replace, etc.), has long been a goal of the Police Department. In recent years, staffing levels have prohibited this project from becoming a reality.

Community Engagement

SCPD exceeded the requirements of AB 481 and conducted the following community engagement:

January 10, 2022 - The Police Department distributed information on its website and social media (e.g. GovDelivery, Facebook, Instagram, Nextdoor, Nixle, Twitter) about a virtual Community Meeting on February 10, 2022 from 6:30 p.m. - 8:00 p.m. The following topics were included in the announcement:

- Purpose of the new legislation, AB 481
- Definition of military equipment
- SCPD's military equipment inventory
- SCPD's proposed equipment funding, acquisition and use policy
- Pending annual report requirement
- Community engagement and public access to materials

At the same time, the following content was uploaded on the Police Department's website:

- Full text of AB 481
- SCPD's summary of AB 481
- AB 481 Defined list of military equipment currently in SCPD's possession
- Draft Lexipol Policy 706

January 24, 2022 - The Police Department facilitated a virtual discussion among the Chief's Advisory Committee (CAC). Overall, CAC members were very supportive of the continued use of the Police Department's existing equipment, particularly among the seasoned CAC members that have participated in hands-on use of force exercises over the last three years. New CAC members were pleased to learn about the Department's existing training requirements, Department policies, ways in which the community can share concerns and commendations, how long the Department has had the equipment and stories about the application of its use. Although the new members haven't had the same opportunities for experiential learning, this topic garnered quite a bit of interest in some of the Police Department's pending plans for the CAC.

The CAC also raised inquiries about the safe and proper storage this equipment and the practicality of tracking its use.

February 2, 2022 - The Police Department facilitated an in-person discussion among the Policing Community Engagement/Relations Subcommittee of the Task Force on Diversity, Equity and Inclusion (DEI) Task Force. DEI focused its conversation with the Police Department on the importance of the messaging to the community, emphasizing the importance of de-escalation and having safe and effective tools in place to create time, distance and cover. Since DEI has recently conducted a review of Police Department policies and participated in use of force scenarios, it had a solid foundation on the guidelines currently in place for addressing critical incidents.

February 7 and 10, 2022 - The Police Department distributed a reminder on its' website and social media about the pending meeting.

February 10, 2022 - The Police Department conducted a virtual Community Meeting. At any given time, there were approximately 32-34 individuals logged into the meeting. Of those, nine (9) were City of Santa Clara employees and another handful represented other law enforcement agencies that are also engaged in the AB 481 implementation process, at varying stages. While it is unknown how many of the remaining participants live in the City of Santa Clara, their interests were varied, including: clarification of the legislation and role of the governing body, semantics between equipment and weaponry, comment about the perception that police equipment funding diverts dollars from other needs throughout the City at-large, interest in the costs of maintaining equipment and time spent training, inquiry about why certain pieces of equipment utilized by the Police Department (e.g. conducted electronical weapon) are not included in equipment inventory, question about whether Lexipol was consulted on the policy and a request for information about who was invited to participate in the public meeting.

In two cases, meeting participants shared concerns about police militarization. In each case, an alternate means for reaching a safe, peaceful resolution was not offered by the speaker.

In one case, a meeting participant expressed concern about the Police Department providing this level of detail publicly for fear that someone with ill intentions (e.g. critical incident, theft, etc.) now has significant information about the availability of local resources. Law enforcement agencies share this concern.

February 28, 2022 - The Task Force on Diversity, Equity and Inclusion (DEI) held a special meeting (RTC 22-330) to discuss the recommendation from the Policing Community Engagement/Relations Subcommittee regarding the Department's proposed Policy #706 to address the requirements of AB 481.

Task Force members inquired about the lifespan of the equipment, the collaboration of regional assets in mutual aid situations and discussed the potential for adding minority owned small businesses as a preference in the City's procurement process. In turn, DEI took the following actions:

- Noted and filed a verbal report from the Policing and Community Engagement/ Relations Subcommittee on their efforts to analyze the proposed AB481 Policy and Ordinance; and,
- Accepted the recommendation from the Policing and Community Engagement/Relations Subcommittee to craft a letter expressing the support of the full Task Force to be sent to the City Council on behalf of the entire Task Force.

March 4, 2022 - The Police Department distributed information on its' website and social media regarding the pending City Council meeting on March 8, 2022, including a link to RTC #22-1582. The information also included ways to view and/or offer feedback in the meeting.

This degree of community engagement exceeds the requirements of AB 481.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The Police Department secures approximately \$175,000 in asset forfeiture funds and \$500,000 in local, State and Federal grants for education programs, enforcement operations, equipment and training annually.

AB 481 requires law enforcement agencies that seek to continue use of military equipment acquired prior to January 1, 2022, to approve an annual Military Purchase and Equipment Use Policy by May 1, 2022. Without such, the Police Department will be required to cease the use of approximately \$1,093,178 in the Department's operating equipment.

Without City Council approval, the Police Department's ability to respond to a critical incident, and provide mutual aid when called upon, would be detrimental to the safety of the public, involved parties in the incident and increase the City's risk exposure.

COORDINATION

This report was coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Waive First Reading and Introduce an Ordinance Approving a Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481; and Note and File Recommendation submitted by the Task Force on Diversity, Equity and Inclusion to Adopt AB481 Policy and Ordinance.

Reviewed by: Pat Nikolai, Chief of Police

Approved by: City Manager's Office

ATTACHMENTS

1. Assembly Bill 481

2. Draft Police Department Policy #706, including AB 481 Defined List of Military Equipment in SCPD's possession
3. Ordinance
4. Recommendation to Adopt AB481 Policy and Ordinance from the Task Force on Diversity, Equity and Inclusion

ANNUAL MILITARY EQUIPMENT USE REPORT 2022



Chief Patrick Nikolai

SANTA CLARA POLICE DEPARTMENT 601 El Camino Real, Santa Clara, CA



Executive Summary

On September 30, 2021, California Governor Gavin Newsom approved Assembly Bill 481, requiring law enforcement agencies to obtain approval from the applicable governing body, by adopting a military equipment use policy. The Santa Clara Police Department sought City Council approval of the Military Equipment Use Policy and introduced an Ordinance approving military equipment funding, acquisition, and use on March 8, 2022, at a regular open meeting and in doing so, met the Use Policy pursuant to Assembly Bill 481 and allowed the Police Department to fund, acquire, and use military equipment per the new policy.

Assembly Bill 481 allows the governing body to approve the funding, acquisition, and use of military equipment within its jurisdiction, only if it determines that the military equipment meets specified standards. The Military Equipment Use Policy is subject to City Council review to determine whether the standards set forth in Assembly Bill 481 have been met, based upon an Annual Military Equipment Use Report.

Assembly Bill 481 requires the publication of the Military Equipment Use Policy and the Annual Military Equipment Use Report on the Department's website.

In summary, the annual report documents the possession of equipment that the department owns, in some cases for several decades, and was approved for use in May of 2022 by the Santa Clara City Council. Furthermore, it will show that there were no unauthorized uses of the military equipment in 2022, and there were no complaints of unauthorized uses of military equipment either. The Santa Clara Police Department will continue to use the designated military equipment with appropriate consideration to our legal authority as well as civil rights.

Assembly Bill 481 California Government Code section 7072 states the following:

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency 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. 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:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.





- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) 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.
- (5) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency 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.

In addition to maintaining the highest levels of public safety, the Santa Clara Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following Annual Military Equipment Use Report in accordance with annual reporting requirements set forth in California Government Code section 7072.

The Santa Clara Police Department possesses and deploys a wide variety of military equipment to assist in safely achieving the furtherance of its mission statement to "work in partnership with the Community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City." While the inventory of military equipment varies, the mere possession of the equipment does not warrant its use for every incident.

The Santa Clara Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of equipment options can greatly assist incident commanders, officers, and specialized units in bringing those incidents to a swift resolution, in a safe manner. The use of military equipment is restricted to certain instances and in some cases only by certain units based on training. The use of the Department's military equipment is continuously evaluated and the use of such equipment by Department personnel is influenced by the totality of the circumstances, public safety, officer safety, civil rights, State law, and information available at the time.

It is incumbent upon incident commanders, supervisors, individual officers, and specialized units to recognize the particular circumstances wherein military equipment should be deployed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.





This Annual Military Equipment Use Report outlines a summary of military equipment usage guidelines, inventory, fiscal impact, complaints, and reported concerns from March 8, 2022, through December 31, 2022, and in some cases from January 1, 2022, for the purpose of transparency with available information.

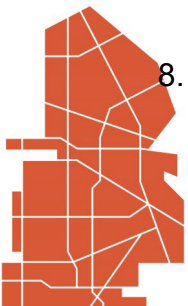
Definitions

Pursuant to California Assembly Bill 481, the following definitions are applicable only to the Santa Clara Police Department's current military equipment inventory and potential military equipment acquisitions for operational needs. For a more detailed list of "military equipment" definitions, refer to California Government Code sections 7070(c)(1) through (16).

In our City, the "Governing body" refers to our Mayor-Council government.

"Military equipment" means any wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16) to include:

1. Unmanned Aircraft System (UAS): An unmanned aircraft (e.g., drone) along with the associated equipment to control it remotely to serve as a set of eyes in the sky for law enforcement.
2. Robots: A remotely controlled unmanned machine that operates on the ground, which is utilized to gain situational awareness.
3. Armored Rescue Vehicles: Commercially produced wheeled armored rescue vehicle utilized to safely evacuate innocent people from a dangerous situation and/or to provide law enforcement personnel with ballistic protection to get safely closer to the situation at hand
4. Mobile Incident Command Vehicle (MIC): A vehicle used as a mobile office that provides shelter, access to Department computer systems, and restroom facilities during extended events.
5. Crisis Negotiation Team (CNT) Vehicle: A vehicle used as a mobile office that provides shelter, access to Department computer systems, and restroom facilities extended events.
6. 40mm Launchers and Munitions: 40mm Launchers are utilized by Department personnel as a less lethal tool to launch impact rounds.
7. Diversionary Devices: A light or sound device used to distract dangerous persons while providing law enforcement with a few seconds of advantage to take an individual(s) into custody.
8. Rifles and Munitions: Guns that are fired from shoulder level, which have greater accuracy over a long distance.





9. Chemical Agent and Smoke Canisters: Canisters that contain non-burning chemical agents that are released when deployed.
10. Explosive Breaching Tools: Equipment used to provide an explosive charge to quickly and safely gain entry into structures during high-risk operations.
11. PepperBall Launchers and Projectiles: A device that discharges nonivamide powder (PAVA) projectiles.
12. "Military equipment" does not include general equipment not designated as prohibited or controlled by the Federal Defense Logistics Agency.

"Military Equipment Use Policy" refers to Santa Clara Police Department General Order 706 and means a publicly released, written document governing the use of military equipment by the Department that addresses, at a minimum, all 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 Department 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 (POST), that must be completed before any sworn member 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. 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 Department will ensure that each complaint, concern, or question receives a response in a timely manner.





Introduction

The City of Santa Clara has an estimated population of 128,189 with approximately 44,198 households, among its 19.3 square mile footprint in the heart of Silicon Valley. Approximately 12,000 businesses call Santa Clara home, including high-tech corporate giants which makes Santa Clara a destination for business travelers from across the globe. In addition, Santa Clara is asset rich, with Santa Clara Convention Center, California's Great America Theme Park, Mission College, Santa Clara University, Triton Museum of Art, world-class shopping, and Levi's Stadium, which also makes it a destination for enjoyment.

The volume of calls for service to which the Department responds to on an annual basis reflects a population of that size. In 2022, the Department responded to 44,596 calls requiring an officer response, plus an additional 12,711 self-initiated police calls for service.

Among the 57,307 calls for service, force was used 128 times. Of the force options utilized, military equipment in the form of projectiles were only used during eight (8) of those contacts. These statistics illustrate the relatively few instances (less than 0.22%) of force used by Santa Clara police officers in relation to overall contacts. Moreover, force involving the use of military equipment is a small portion of the overall force used during this time span (6%), and (0.01%) when compared to total contacts.

While the Department's inventory of military equipment is varied, the mere possession of the equipment does not warrant its use for every incident. The Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted for use only in certain instances and in some cases only by certain units.

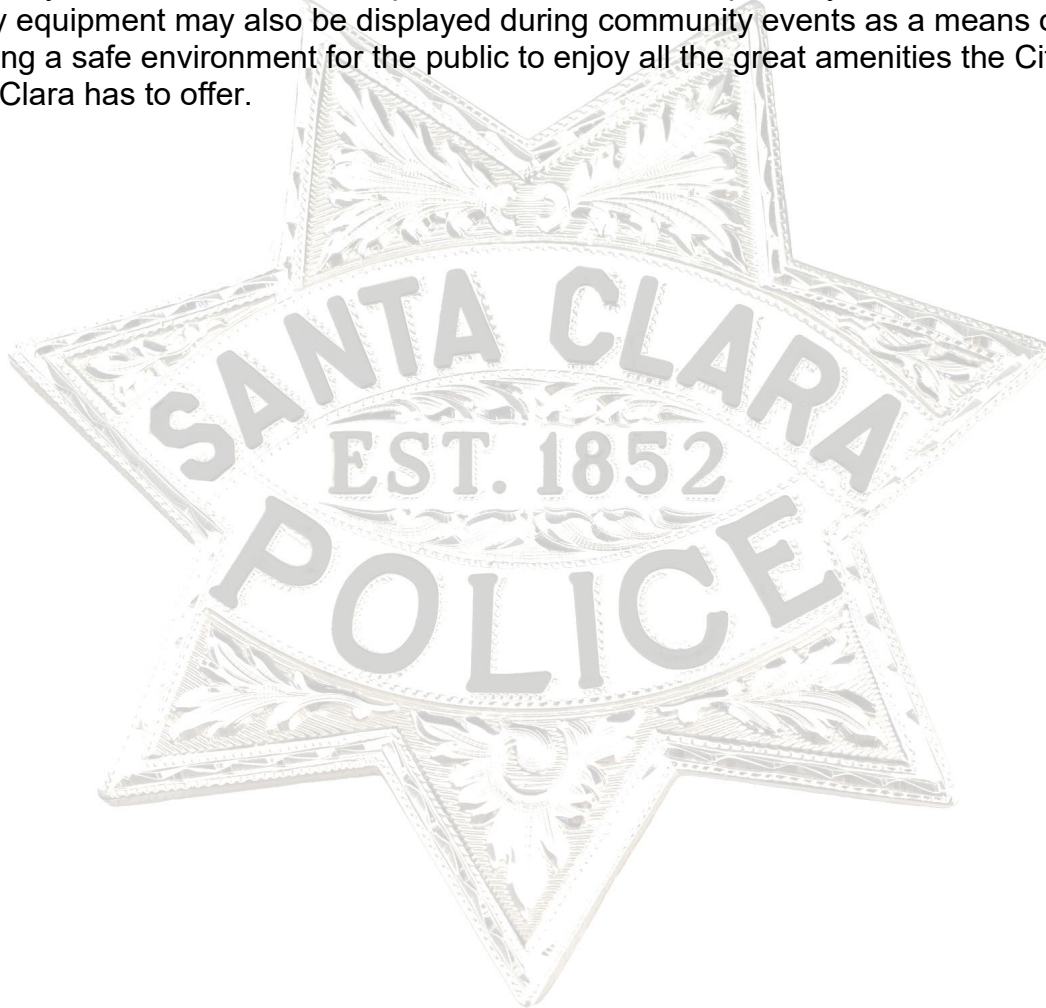
This section outlines the military equipment usage from March 8, 2022, to December 31, 2022, unless otherwise noted. Certain items of military equipment, particularly consumables (i.e., ammunition, diversionary devices, pepper balls, chemical agents, etc.) are used throughout the year on a regular basis for training to maintain proficiency; training usage is not captured in this section. This section only provides data for the operational use of military equipment listed within this Annual Military Equipment Use Report.





Outreach and Community Engagement

The Department is committed to continuing to build trust and confidence between the Department and the community we serve. As the Department strives to enhance community relationships and continues to be a progressive leader amongst law enforcement agencies nationwide, we want to ensure the public has access to the way its Police Department operates and engages with the public. The Department regularly utilizes select military equipment, including UAS, Armored Rescue Vehicles, the Mobile Incident Command and Crisis Negotiation Team Vehicles, during outreach and community events, as a means of public awareness, transparency, and education. Military equipment may also be displayed during community events as a means of providing a safe environment for the public to enjoy all the great amenities the City of Santa Clara has to offer.





Unmanned Aircraft Systems (UAS)

Unmanned Aircraft Systems were utilized a total of three (3) times from March 8, 2022, to December 31, 2022.

Authorized usages:

- Collection of evidence in the form of aerial photography/video in support of an investigation (i.e., shooting scenes, homicide scenes).
- Support of Special Response Team and Patrol during high risk, tactical or other public safety life-preservation missions (i.e., interior visual assessments of structures or outdoor areas to gain intelligence prior to officers entering a dwelling, contacting a potentially armed, resistive subject that may be hiding, etc.).
- Delivery of items (i.e., Crisis Negotiation Team phone) during critical incidents to engage in de-escalation and/or crisis intervention techniques to resolve incidents peacefully.
- Conduct aerial searches for missing persons.
- Provide aerial observation to assist in managing natural disasters (i.e., fires, floods, storms).

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from March 8, 2022, to December 31, 2022.

Robots

Robots were utilized a total of two (2) time from January 1, 2022, to December 31, 2022

- Robots utilized by Explosive Ordinance Disposal – utilized zero (0) times
- Robots utilized by Special Response Team – utilized two (2) times

Authorized usages:

- Support of Special Response Team and Patrol during high risk, tactical, or other public safety life preservation missions to include:
- Opening doors to clear buildings for public safety and life preservation missions.





- Provide interior visual assessments of structures or outdoor areas to gain intelligence prior to officers entering a dwelling or contacting a potentially armed, or resistive subject that may be hiding).
- Delivery of items (i.e., Crisis Intervention Team phone) during critical incidents to engage in de-escalation and/or crisis intervention techniques in attempt to resolve incidents peacefully.
- Support of Explosive Ordinance Disposal unit during tactical and life preservation missions by disrupting suspicious packages that pose a potential risk for the public.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from March 8, 2022, to December 31, 2022.

Armored Rescue Vehicle

The Armored Rescue Vehicle was utilized a total of thirty-eight (38) times from March 8, 2022, to December 31, 2022. Of these deployments, eight (8) were to assist an outside agency.

Authorized usages:

- Support of Special Response Team and Patrol (to include outside agencies) during critical incidents by providing greater safety to community members and officers beyond the protection level of a shield and/or personal body armor.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from March 8, 2022, to December 31, 2022.

Mobile Incident Command Vehicle, Crisis Negotiation Team Vehicle, and Crime Scene Investigation Vehicle

The Mobile Incident Vehicle (18), Crisis Negotiation Team Vehicle (2), and Crime Scene Investigation Vehicle (38) were utilized fifty-eight (58) times from January 1, 2022, to December 31, 2022.





Authorized usages:

- Utilized as command post for critical incidents during complex events.
- Natural disasters (i.e., mutual aid for large scale fires or flooding).
- Other large-scale events to provide high visibility and public safety.

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, to December 31, 2022.

40mm Launcher

The 40mm Launcher was utilized during two (2) calls for service between January 1, 2022, through December 31, 2022.

- 40mm Impact related rounds – utilized during two (2) calls for service
- 40mm OC related rounds – utilized during zero (0) calls for service
- 40mm related CS related rounds – utilized zero (0) times

Authorized usages:

- Safely address an individual who displays self-destructive, dangerous, or combative behavior.
- Safely address an armed, or potentially armed, or violent individual.
- Protection during freedom of speech and assembly should an incident develop with the need for riot/crowd control or containment of civil unrest incidents. The Department response can range from observation and crowd management strategies, to crowd intervention and control strategies. The 40mm is one of many tools available to law enforcement should officers be required to physically engage in uncooperative or violent behavior, control violent individuals, or effect an arrest. (in compliance with Assembly Bill 48).
- Circumstances to gain a tactical advantage during critical incidents or high-risk entries where public safety and/or officer safety is at risk. (i.e., breaking out a vehicle window to get an unobstructed view of an armed barricaded individual).
- Potentially vicious animal (i.e., an aggressive animal trying to harm member(s) of the community or an officer).





Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Rifles and Munitions

Rifles were utilized zero (0) times between January 1, 2022, through December 31, 2022.

Authorized usages:

- In accordance with California Penal Code section 835a and SCPD General Order 300 (Use of Force)

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Diversionsary Devices

Diversionsary Devices were utilized a total of nine (9) times between January 1, 2022, through December 31, 2022.

Authorized usages:

- Support Special Response Team during call outs and high-risk warrant services
- Distract dangerous suspects during assaults
- Hostage rescue incidents
- High-risk room entries

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.





Chemical Agents and Smoke Canisters

Chemical Agents and Smoke Canisters were utilized zero (0) times between January 1, 2022, through December 31, 2022.

- CS Canister/Grenade – utilized zero (0) times
- OC Canister/Grenade - utilized zero (0) times
- Smoke Canister/Grenade - utilized zero (0) times
- OC Fogger - utilized zero (0) times
- OC Stream - utilized zero (0) times

Authorized usages:

- Safely address an individual who displays self-destructive, dangerous, or combative behavior.
- During riot/crowd control and civil unrest incidents, chemical agents may be utilized to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (in compliance with Assembly Bill 48)
- Circumstances to gain a tactical advantage during critical incidents or high-risk entries where public safety and/or officer safety is at risk.
- Potentially vicious animal (i.e., an aggressive animal trying to harm member(s) of the community or an officer).

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

Explosive Breaching Tools

Explosive Breaching Tools were utilized zero (0) times between January 1, 2022, through December 31, 2022.





Authorized usages:

- Safely enter a structure for public safety and life preservation missions (i.e., an explosive breach may be utilized to breach the front door of a residence in which a suspect armed with a handgun is or has been threatening another person).

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.

PepperBall Launchers and Projectiles

PepperBall Launchers were utilized during six (6) calls for service between January 1, 2022, through December 31, 2022.

Authorized usages:

- Safely address an individual who displays self-destructive, dangerous, or combative behavior.
- Safely address an armed, or potentially armed, or violent individual.
- Protection during freedom of speech and assembly should an incident develop with the need for riot/crowd control or containment of civil unrest incidents. The Department response can range from observation and crowd management strategies, to crowd intervention and control strategies. The 40mm is one of many tools available to law enforcement should officers be required to physically engage in uncooperative or violent behavior, control violent individuals, or effect an arrest. (in compliance with Assembly Bill 48).
- Circumstances to gain a tactical advantage during critical incidents or high-risk entries where public safety and/or officer safety is at risk (i.e., deploying into a structure/vehicle where a barricaded subject is with the result being a peaceful surrender).
- Potentially vicious animal (i.e., an aggressive animal trying to harm member(s) of the community or an officer).

Unauthorized usages:

- There have been zero (0) reported violations of the military equipment use policy from January 1, 2022, through December 31, 2022.





Inventory

Note: The inventory of certain items of consumable military equipment (i.e., ammunition, diversionary devices, chemical agents, etc.) frequently fluctuates throughout the year due to operational usage, training usage, operational wear, and/or manufacturer recommended replacement guidelines. While the Department strives to provide accuracy in its inventory reporting, this report reflects approximations of certain consumable items of military equipment during the Annual Report timeframe.

Unmanned Aircraft System	
Equipment Name and Model / Manufacturer	Quantity
Matrice 30T / DJI	1
Loki Mk2 / Sky Hero	4
H520 / Yuneec	1
Mavic 2 Enterprise Advanced / DJI	4

Robot	
Equipment Name and Model / Manufacturer	Quantity
Tactical Robot / Transcend	1





Armored Rescue Vehicle	
Equipment Name and Model / Manufacturer	Quantity
Bearcat / Lenco	1

Mobile Incident Command (Special Response Team Van) Vehicle	
Equipment Name and Model / Manufacturer	Quantity
MT-45, Custom Built / Freightliner	1

Crisis Negotiation Team (Crisis Negotiation Team) Vehicle	
Equipment Name and Model / Manufacturer	Quantity
International 3800/ Navistar	1

40mm Launchers and Munitions	
Equipment Name and Model / Manufacturer	Quantity
40mm Single Shot Launcher GL 1-40-C / Penn Arms	22
40mm Foam Baton / CTS	539

Breaching Munitions	
Equipment Name and Model / Manufacturer	Quantity
Tesar-2 / Royal Arms	470





Diversionsary Devices	
Equipment Name and Model / Manufacturer	Quantity
NFDD 7290M / CTS	79
NFDD 7290-5 / CTS	9
Sting-ball grenade 9593 / CTS	11

Rifles and Munitions	
Equipment Name and Model / Manufacturer	Quantity
Rifles	
AR-15 / M4 / Colt	105
FN-15 / FN	29
Remington 700 / Remington	1
LRP-07 / JP	4
SRS-A1 / Desert Tech	2
Deviant / Spartan	2
Munitions	
.223 Remington, 75 grain / Hornady	24,000
.223 Remington, 55 grain / Hornady	105,000
5.56x45MM, 62 grain, green tip / Federal Lake City	1,200
.308 WIN, 168 grain / Hornady	14,000
.308 WIN, 110 grain / Hornady	4,800





Rifles and Munitions (Continued)	
Equipment Name and Model / Manufacturer	Quantity
Munitions	
.308 WIN, 164 grain / Ruag	500
.308 WIN, 196 grain / Ruag	80
.338 Lapua Magnum, 285 grain / Hornady	3,000
.338 Lapua Magnum, 247 grain / Ruag	500
.338 Lapua Magnum, 250 grain / Ruag	300
.338 Lapua Magnum, 260 grain / Ruag	400

Chemical Agents	
Equipment Name and Model / Manufacturer	Quantity
5230B (CS) / CTS	64
6230B (CS) / CTS	13
8230 (CS) / CTS	21
9230 (CS) / CTS	25
Spede-Heat (CS) / Deftech	14
4330 40mm (CS) / CTS	75
6340 (OC) / CTS	10
Fogger Aerosol (OC) / Deftech	10
Launching Cup / CTS	4
1210 Launching Cartridges / CTS	140





Explosive Breaching Tools	
Equipment Name and Model / Manufacturer	Quantity
25 grain Detonating Cord Primacord / EBAD	2.5 lbs.
50 grain Detonating Cord Primacord / EBAD	3 rolls
C2 Primasheet / EBAD	9.6 lbs.
Starters / Nonel	168
Charges / SCPD	16

PepperBall Launchers and Projectiles	
Equipment Name and Model / Manufacturer	Quantity
Launcher / PepperBall	15
Inert munitions / PepperBall	4,875
LIVE munitions / PepperBall	1,500
LIVE-X munitions / PepperBall	4,125
LIVE-MAXX munitions / PepperBall	90

Fiscal Year (FY) 2022
July 2021 – June 2022

In Fiscal Year 2021/22, the Department was initially allocated 221 full-time equivalent employees. The City faced a COVID-19-induced General Fund shortfall of \$29 million, which resulted in budget reductions in every department to bring the budget into balance. While the adopted budget was \$80,454,471, there were ebbs and flows to this amount throughout this Fiscal Year as a result of City Council priorities.

The department's adopted budget for FY 2021/22 was approximately \$80,556,421, approximately 85% of which is allocated for personnel expenses. The portion of the budget allocated for military equipment expenditures represents only a small fraction of the Department's operating costs. However, the funds spent on military equipment are an integral part of providing the essential resources and material needed to keep the community and officers safe. The significance and enhanced capability that the current

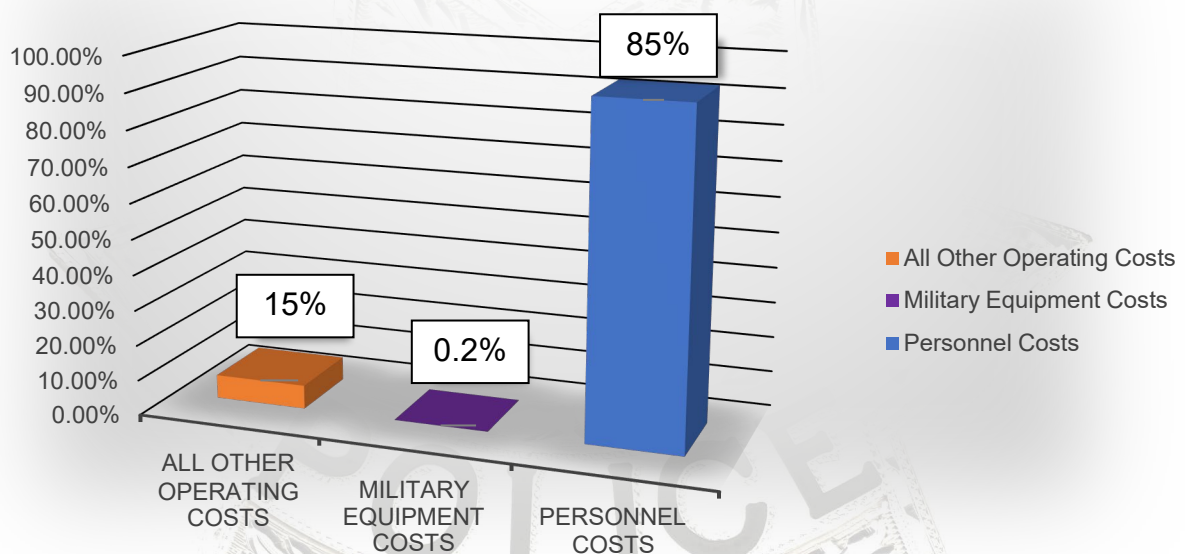




military equipment inventory provides is immense and cannot be understated from a public safety perspective.

The following outlines the fiscal impact of military equipment on the annual budget. As evidenced by the chart below and subsequent data tables, military equipment and related costs are nominal as compared to the overall Department budget. Cost breakdowns showcase the individual equipment prices per unit, combined with costs related to training, maintenance, upgrades, other ongoing costs, and source funding:

Santa Clara Police Department Amended Budget FY 2021/22



Operating Budget Allocations

Category	FY 2021/22 Amended Budget	Budget Percentage
Personnel Costs	\$68,769,722	85%
Military Equipment Costs	\$128,950	0.2%
All Other Operating Costs	\$11,657,749	15%
TOTAL	\$80,556,421	100.0%





Military Equipment Expenditures by Category and Projected Cost Fiscal Year 2023

Category	Ongoing Annual Cost/Maintenance FY 2021/22 (approximate)	Projected Annual Cost/Maintenance FY 2022/23 (approximate)
Unmanned Aircraft System (UAS) Maintenance	\$0	\$15,000
Robot Maintenance	\$250	\$250
Armored Vehicles Maintenance	\$2,500	\$2,500
Special Use Vehicles (SRT, CNT, CSI)	\$13,900	\$13,900
40mm Launchers and Munitions	\$19,000	\$19,000
Diversionsary Devices	\$1,000	\$1,000
Rifles and Munitions Maintenance	\$68,000	\$68,000
Explosive Breaching Tools Maintenance	\$5,000	\$5,000
PepperBall Launchers and Projectiles Maintenance	\$4,300	\$4,300
TOTAL	\$113,700	\$128,950





CONSUMABLE MILITARY EQUIPMENT ACQUISITIONS FY 2023

Projected consumable military equipment acquisitions for FY23 (July 2022 – June 2023) are anticipated to be consistent with current replenishment schedules and quantities for consumables. A variety of commercial factors (i.e. supply and demand, inflation, supply chain issues, etc.) may influence the fiscal impact of future military equipment acquisitions and ongoing military equipment consumables can vary according to inventory levels that fluctuate as a result of training, operational usage, or manufacturer recommended replacement guidelines.

Categories of consumable military equipment are listed below:

Ammunition – all calibers

Explosive Breaching Tools

Chemical Agent and Smoke Canisters

Specialty Munitions (40mm Munitions and Less Lethal Munitions)

Diversionsary Devices

PepperBall Projectiles

Funding for the majority of the consumable military equipment for FY23 is anticipated to be sourced from the existing police budget.

NON-CONSUMABLE MILITARY EQUIPMENT ACQUISITIONS FY 2023

Projected non-consumable military acquisitions for FY23 (July 2022-June 2023) are anticipated to be limited at this time. Any unanticipated replacements of existing non-consumable military equipment for FY23 will be initiated on a case-by-case basis that is dependent on operational need, operational wear, or end-of-serviceable lifespan and will be consistent with the Council-approved policy for acquisitions of military equipment. Categories of non-consumable military equipment are listed below:

Unmanned Aircraft System (UAS)

40mm Launchers

Robots

Combined Systems LC5 Launching Cup

Armored Vehicles

Rifles

Mobile Incident Command Vehicle (MIC)

PepperBall Launchers

Crisis Negotiation Team (CNT) Vehicle





Projected Acquisitions

The Department has no current projected acquisitions of non-consumable military equipment for Fiscal Year 2023:

The remainder of non-consumable military equipment will consist of ongoing maintenance costs. Funding for the majority of non-consumable military equipment is anticipated to be sourced from the existing police budget.

Training Costs

Calendar Year 2022 – Military Equipment Use Training Costs

The use of certain items of military equipment and related special tactics are perishable skills that require ongoing training to maintain proficiency. While the Department conducts constant training within its Training Division and within certain Specialized units (i.e. CNT, SWAT, Less-Lethal Cadre, etc.) there is significant tactical insight and an enhanced skillset to be gained by participating in external training courses. These courses provide officers a curriculum and exercises designed to impart knowledge, skills, and enhanced capability. The courses attended by officers can vary year to year depending on operational need. Funding sources for training are sourced from the existing police budget or grants unless otherwise indicated.

The following are external training classes attended by Department members in 2022 and associated costs related to military equipment covered in the annual equipment report:

Command and Control of Multi-Jurisdictional Incidents

Course Presenter: Savage Training Group

Course Content: A special seminar designed to prepare law enforcement supervisors for dealing with large-scale incidents that necessitate mutual aid.

Cost: \$198.00/officer (9 students - existing police budget)

Sniper Unit Overview

Course Presenter: Advanced Combat Evolutions

Course Content: This 16-hour course provides training to Rangemaster regarding oversight of a sniper team's training, equipment, documentation, qualification, personnel, and planning.

Cost: \$399.00/officer (1 student - existing police budget)





Basic SWAT School

Course Presenter: Los Angeles Sheriff's Department

Course Content: A 40-hour course designed to teach the experienced police sniper how to provide proactive over-watch protection to any public venue where large amounts of people attend, and that could possibly be a target of a domestic or international attack.

Cost: \$485.00/officer (2 Officers – existing police budget)

High Risk Warrant Service

Course Presenter: National Tactical Officers Association

Course Content: A special seminar to train SWAT personnel in the elements of a high-risk warrant service. Concepts involving warrant planning, intelligence gathering, target site scouting, uses of diversion and breaching, and methods of executing the warrant are taught.

Cost: \$539.00/officer (1 student - existing police budget)

Less Lethal Weapons Instructor Course

Course Presenter: San Jose Police Department

Course Content: This 16-hour CA P.O.S.T. Certified Course provides training in the operation, application, maintenance, and use of the projectile impact weapon.

Cost: No Cost (6 students – existing police budget)

Rangemaster Development

Course Presenter: Gilroy Police Department

Course Content: This 3-day / 24-hour development course is designed to educate lead firearms instructors or supervisors, who are assigned as the Rangemaster, on a variety of topics to ensure their firearms training programs and range facility are operating safely, reducing liability, and defensible in court.

Cost: \$600.00/officer (1 student - existing police budget)

Unmanned Aircraft Systems Basic Pilots Course

Course Presenter: Alameda County Sheriff's Office

Course Content: This 40-hour course provides introductory training to our Unmanned Aircraft Systems. This course provides the necessary certification from the FAA.





Cost: \$510.00/officer (8 students - existing police budget)

Police Response to Active Shooter Instructor Certificate

Course Presenter: National Tactical Officers Association

Course Content: This 40-hour course is a train-the-trainer course on immediate deployment/rapid intervention of an active shooter incident.

Cost: \$699.00/officer (1 student - existing police budget)

Department Transparency

Community Complaints/Concerns/Comments

In some instances, the application and use of military equipment may cause questions and/or concerns for members of the community. It is vitally important that the Department address questions from community members regarding the application and use of military equipment.

The Santa Clara Police Department is committed to full and fair investigations of community member complaints. As such, the Department has sound internal procedures for thorough and impartial investigations of community complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistently high level of integrity and efficiency maintained by the Santa Clara Police Department.

The following is a summary of formal investigations, including officer-involved shootings and the use of military equipment from January 1, 2022, through December 31, 2022.

Complaints or Concerns:

The Santa Clara Police Department's Professional Standards Unit conducted an inspection of all reported complaints and concerns from January 1, 2022, through December 31, 2022. The results of the inspection found zero (0) complaints or concerns related to the use of military equipment.





Officer-Involved Shootings (OIS):

There were zero (0) OIS incidents that occurred involving the use of military equipment from January 1, 2022, through December 31, 2022.

Response to Procedure Violations

California Assembly Bill 481, enacted California Government Code section 7072(a)(3), requires local law enforcement agencies to provide information regarding military equipment use procedure violations and responses to those violations. In accordance with the new law, the Santa Clara Police Department has actively tracked this information. From January 1, 2022, through December 31, 2022, there have been **zero (0)** reported violations of the military equipment use policy.

Responses:

Not applicable.

Internal Audits

California Assembly Bill 481 requires local law enforcement agencies to include the results of any internal audits or inspections conducted and any responsive actions in its annual military equipment use report. When an audit is conducted, inspectors shall refer to the department's military equipment use policy for established guidelines regarding funding, acquisition, or use of military equipment.

The duty of auditing the Santa Clara Police Department's military equipment use has been assigned to the Department's Special Operations Division. This unit has developed a tracking and auditing process to ensure compliance, consistency, accountability, and transparency as outlined in SCPD General Order 706 (Military Equipment) which states the following:

SCPD General Order 706.3 Military Equipment Coordinator states: Compliance

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: Acting as liaison to the governing body for matters related to the requirements of this policy. 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. Conducting an inventory of all military equipment at least annually. Collaborating with any allied agency that may use military equipment within the jurisdiction of Santa Clara Police Department (Government Code § 7071). Preparing for, scheduling, and coordinating the annual community engagement meeting to include: Publicizing the details of the meeting. Preparing for public questions regarding the department's funding, acquisition, and use of equipment. Preparing the annual military equipment report for submission to





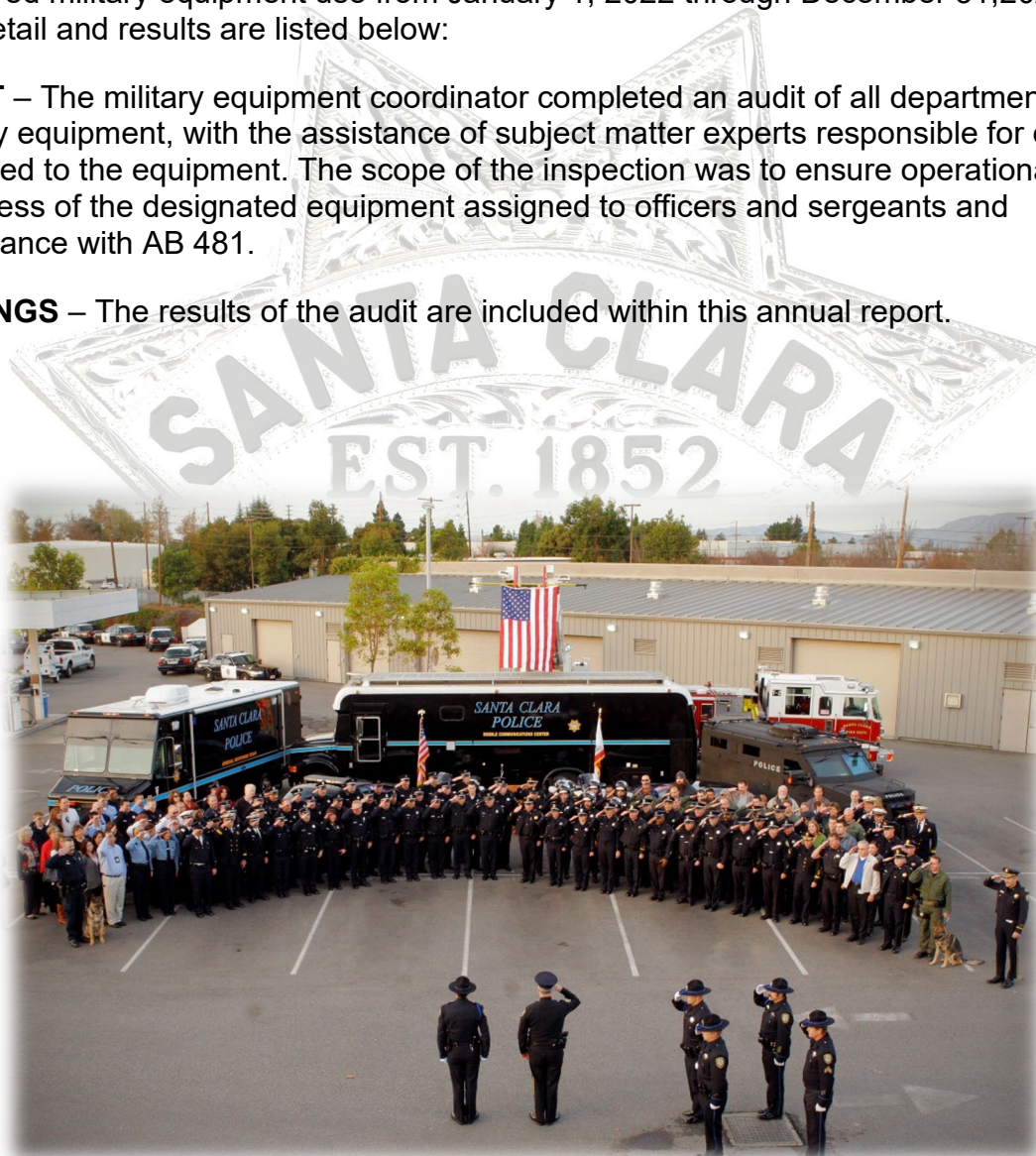
the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072). Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

Internal Audit Results

The Military Equipment Coordinator conducted one audit related to department approved military equipment use from January 1, 2022 through December 31, 2022. The detail and results are listed below:

AUDIT – The military equipment coordinator completed an audit of all departmental military equipment, with the assistance of subject matter experts responsible for or assigned to the equipment. The scope of the inspection was to ensure operational readiness of the designated equipment assigned to officers and sergeants and compliance with AB 481.

FINDINGS – The results of the audit are included within this annual report.





Summary of Military Equipment

The inventory of military equipment, particularly consumable material (diversionary devices, various munitions, explosive breaching tools, chemical agent, and smoke canisters, etc.) fluctuates regularly. Fluctuation is based on a variety of factors, including but not limited to operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines. The Santa Clara Police Department is committed to transparency in disclosing its military equipment inventory and related information to our community and elected officials in compliance with the law.

The following are the various types, descriptions, and guidelines for usage of military equipment currently employed by the Santa Clara Police Department.

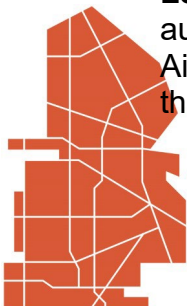
(NOTE: The manufacturer descriptions and source photos contained within are referenced via publicly accessible website source citations unless otherwise stated. The website source citations utilized in this report are for equipment descriptive purposes only and are not an endorsement of a particular product or vendor by The City of Santa Clara or The Santa Clara Police Department. Additionally, the language used by the manufacturer to describe such equipment use is included in this report as required by California Government Code section 7070(d)(1), however, the descriptions may not align with the actual methods of use in accordance with Santa Clara Police Department Policy, as well as local, state, and federal law.)

Unmanned Aircraft Systems (UAS): An unmanned aircraft system of any type that can sustain direct flight, whether remotely controlled or via pre-programming, and all the attached systems designed for gathering information via photography, recording, or any other means.

Capability: The Santa Clara Police Department uses Unmanned Aircraft Systems (UAS) of varying sizes and capabilities to enhance public safety. The UAS can be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to major collision investigations, search for missing persons, natural disaster management, crime scene photography, SWAT, tactical or other public safety and life-preservation missions, and in response to specific requests from local, state, or federal fire authorities for fire response and/or prevention. The UAS are used in compliance with all federal, state, and local laws.

Usage: It is the policy of the Santa Clara Police Department to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to state and federal law. Additionally, only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 606 (Unmanned Aircraft Systems), FAA Regulation [14 CFR Part 107 Small Unmanned Aircraft Systems](#), the City of Santa Clara UAS policy, and Penal Code section 13652, initiated by






[California Assembly Bill 48](#). More information about the rules for public safety agencies can be found on the FAA website at https://www.faa.gov/uas/public_safety_gov/. The use of UAS is governed by federal, state, and local laws and regulations. The Federal Aviation Administration (FAA) governs all aircraft rules and regulations, including those applicable to UAS, for flight within the US National Airspace.

Training Requirements: All department UAS operators are licensed by the Federal Aviation Administration for UAS operation after the completion of an 80-hour training course. In addition, each UAS operator must attend 40 hours of department training prior to the operational use of the UAS, followed by quarterly department UAS training.

DJI Matrice 30T


QUANTITY	1	
LIFESPAN	10 years	
INITIAL COST	\$13,999/unit	

Manufacturer: DJI

Manufacturer Description: The DJI Matrice 30T Combo w/ Care Enterprise is the DJI Enterprise flagship, weatherproof drone that fits in a backpack. It integrates multiple high-performance sensors into one single camera payload, is controlled with the DJI RC Plus Remote, and runs on upgraded DJI Pilot 2 software, which significantly improves the flight experience. The powerful M30T offers the endurance and capability necessary for rugged professional use cases. Additionally, its size makes it ideal for easy transportation and fast setup. The UAS also includes a 40mm 640x512 30fps thermal imaging camera with measurement accuracy of $\pm 2^{\circ}\text{C}$ or $\pm 2\%$.




DJI Mavic 2 Enterprise Advanced

QUANTITY	4	
LIFESPAN	10 years	
INITIAL COST	\$6,500/unit	

Manufacturer: DJI

Manufacturer Description: Designed to capture accurate details, the Mavic 2 Enterprise Advanced is a highly versatile yet compact tool that features; high-resolution visual & thermalcamera, 32x digital zoom, centimeter-level positioning, and RTK omnidirectional obstacle sensing.

Sky Hero Loki Mk2

QUANTITY	4	
LIFESPAN	3-5 years	
INITIAL COST	\$9,500/per pair	


Manufacturer: Sky Hero

Manufacturer Description: The Loki Mk2 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.





Yuneec H520

QUANTITY	1	
LIFESPAN	3-5 years	
INITIAL COST	No cost, included with robot	

Manufacturer: Yuneec

Manufacturer Description: The H520E/520 is designed with the inspection industry in mind with six-rotor systems that allow for stable, precise flight, long focal-length lenses that allow the UAS to fly at greater distance from an object and data storage that may be shared instantly from the ST16S/E Ground Station or delivered directly in 4K/2K/HD video or 20 Mp still images.

Robots: A machine that operates on the ground that is capable of being controlled remotely as well as all the supporting or attached systems designed for gathering information through photographs, recordings, or by other means.

Capability: Robots can be used to provide protection from suspected and known explosive hazards. They are also used in tactical support of special operations and can be used to gain visual/audio data, deliver a Crisis Negotiation Team phone, open doors, and clear buildings.

Usage: Only assigned operators who have completed the required training shall be authorized to operate the Transcend Tactical Robot. Use is established by the Special Response Team Commander and or Incident Commander.


Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 404 (Special Response Team). It is the policy of the Santa Clara Police Department to utilize a robot only for official law enforcement purposes pursuant to state and federal law including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: Robot operators of the Transcend Tactical Robot shall receive department training in the safe handling of the robots and show competence in the operation of the equipment.



The Department currently possesses the following robot:

Transcend Tactical Robot

QUANTITY	1	
LIFESPAN	10-15 years	
INITIAL COST	\$12,276/unit	

Manufacturer: Transcend Robotics

Manufacturer Description: Double Patented Automatic Stair and Obstacle Climbing Chassis. No frustrating flipper controls: just move forward to climb stairs and obstacles. Cameras: Drive Camera (Night Vision), Pan Tilt Zoom (25x zoom, 90/15 degree up/down tilt, auto infrared night vision), FLIR Thermal. ~ 3 hours constant driving. ~ 12 hours monitoring / intermittent driving. ~ 2,500 ft. LOS / ~500 ft. NLOS. 100+ lb. payload. Zero degree turning radius. Turns on carpet. Drives over clothes. Two Way Audio (Push to Talk). Key Ignition. Easy Battery Swapping (Robot & Controller).

(Description Source: <https://www.transcendrobotics.com/>)

Armored Vehicle: Commercially produced, wheeled, armored personnel vehicle utilized for lawenforcement purposes.

Capability: Armored vehicles are utilized in response to critical incidents to enhance officer andcommunity safety, improve scene contamination and stabilization, and assist in resolving criticalincidents.

Usage: The use of armored vehicles shall only be authorized by a watch commander or SWATcommander, based on the specific circumstances of a given critical incident. Armored vehiclesshall only be used by officers trained in their deployment and in a manner consistent with Department policy and training.


Legal Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 703 (Vehicle Use). It is the policy of the Santa Clara Police Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to state and federal law including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).





Training Requirements: All drivers/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

Bearcat

QUANTITY	1	
LIFESPAN	20 years	
INITIAL COST	\$309,000/unit	

Manufacturer: Lenco

Manufacturer Description: The Lenco BearCat is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. The G2 has excellent on-road driving characteristics and maneuverability in tight urban settings. The large floor plan seats 10 – 12 fully equipped officers with a long list of tactical features only found on the Lenco BearCat line of armored SWAT vehicles for Police and Government. (Description Source: <https://www.lencoarmor.com/model/bearcat-g2-police-government/>)

Mobile Incident Command Vehicle (MIC)

Mobile Incident Command Vehicle: A completely self-contained command post designed to provide shelter, access to department computers, and restroom facilities for extended events. This vehicle can also be used to facilitate pre-planned or significant events, which require on-site planning and incident command personnel.

Capability: As a mobile base of operation, this vehicle contains specialized command, control and communications equipment which can be used during a critical incident, large events, natural disasters, and community events.

Usage: The MIC is to be utilized for planned or unplanned events. Only officers trained in the deployment and operations of the MIC, in a manner consistent with Department policy and training, are authorized to operate it.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 703 (Vehicle Use). It is the policy of the Santa Clara Police Department to use the MIC only for official law






enforcement purposes, and in accordance with California state law regarding the operation of motor vehicles as well as the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing.

The Department currently possesses the following Mobile Incident Command Vehicle:

Mobile Incident Command Vehicle (MIC)

QUANTITY	1	
LIFESPAN	20 years (Currently expired)	
INITIAL COST	\$162,000/unit	

Manufacturer: Freightliner M2

Manufacturer Description: The MIC is a Freightliner MT 45 vehicle with a custom-built chassis. Due to the vehicle's custom features, an exact manufacturer's description is unavailable. The company that custom-built the Freightliner went bankrupt in 2006.

(Description Source unavailable due to customization)

Crisis Negotiation Team (CNT) Vehicle

Crisis Negotiation Team Vehicle: A completely self-contained command post designed to provide shelter, access to Department computers, and restroom facilities for extended events.

Capability: As a mobile base of operation, this vehicle contains specialized command and communications equipment which can be used during critical incident callouts where SWAT/CNT have been called.

Usage: The CNT vehicle may be used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver's license.





Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 703 (Vehicle Use) and shall be in accordance with California state law regarding the operation of motor vehicles as well as the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

The Department currently possesses the following Crisis Negotiation Team vehicle(s):

Crisis Negotiation Team (CNT) Vehicle

QUANTITY	1
LIFESPAN	20 years (Currently expired)
INITIAL COST	\$165,013/unit

Manufacturer: 1993 International Model 3800

Manufacturer Description: Purchased by the City of Santa Clara for the Library Department for use as a Bookmobile in 1993 for \$165013. The vehicle was reassigned to the SCPD in 2006 and retrofitted with an HNT package for a cost of \$13291. The CNT Vehicle was custom built for the SCPD from an International Model 3800 chassis.

(Description Source unavailable due to customization)





Crime Scene Investigation Team (CSI) Vehicle

Crime Scene Investigation Team Vehicle: A completely self-contained command post designed to provide shelter and access to Department computers for extended events.

Capability: As a mobile base of operation, this vehicle contains specialized command and communications equipment which can be used during critical incident callouts or major investigations.

Usage: The CSI vehicle may be used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver's license.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 703 (Vehicle Use) and shall be in accordance with California state law regarding the operation of motor vehicles as well as the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

The Department currently possesses the following CSI Team vehicle(s):

Crime Scene Investigation Team (CSI) Vehicle

QUANTITY	1
LIFESPAN	20 years
INITIAL COST	\$186,714/unit

Manufacturer: 2018 Ford E450 Cutaway Custom

Manufacturer Description: The CSI Vehicle was custom-built for the SCPD from a Ford E450 chassis.

(Description Source unavailable due to customization)





40mm Launchers and Munitions

40mm Launchers: A single-shot weapon launcher capable of firing an array of 40mm rounds.

Capability: 40mm launchers can fire a variety of ammunition with a maximum effective range of one hundred thirty-one feet (131 feet).

Usage: The use of the 40mm may be deployed to limit the escalation of conflict where employment of lethal force is prohibited or undesirable. The range of the weapon system helps to maintain space between officers and a suspect and reduce the immediacy of the threat, which is a principle of de-escalation. This system has additional uses which include but are not limited to self-destructive, dangerous, and/or combative individuals, riot/crowd control and in civil unrest incidents, circumstances where a tactical advantage can be obtained, against potentially-vicious animals, and in training exercises or displayed during community events.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Orders 300 (Use of Force) and 303 (Control Devices and Techniques). It is the policy of the Santa Clara Police Department to utilize 40mm munitions only for official law enforcement purposes, and pursuant to state and federal law, including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: Sworn members utilizing 40mm less lethal chemical agent or impact rounds are trained in their use by P.O.S.T.-certified less lethal and chemical agent instructors.

Chemical Agent and Smoke Canisters

Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed

Capability: Chemical agent and smoke canisters have a vast variety of individual capabilities and applications. Chemical agent and smoke canisters carry the agent into the environment in a variety of methods, including but not limited to a micro-pulverized solid (powder), a liquid mist (fogger), a liquid or foam stream, burning pellets (smoke), pyrotechnic devices, and vapor aerosols. Exposure to chemical agents normally causes no lasting effects. This equipment has various indoor and outdoor capabilities and uses. Chemical agents shall be used with caution and only by trained personnel.

Usage: Chemical agent and smoke canisters are used 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, self-destructive individuals, dangerous and/or combative individuals, riot/crowd control and civil unrest






incidents, circumstances where a tactical advantage can be obtained, potentially vicious animals, and in training exercises or displayed during community events.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 303.6 (Tear Gas Guidelines). It is the policy of the Santa Clara Police Department to utilize chemical agents only for official law enforcement purposes, in accordance with the department's Use of Force Policy, and pursuant to state and federal law, including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: SCPD Officers utilizing chemical agent and smoke canisters are recertified by California POST less lethal and chemical agent instructors.

The Department currently possesses the following 40mm launchers:

Penn Arms 40mm Launcher (GL 1-40-C)

QUANTITY	22	
LIFESPAN	Unknown	
INITIAL COST	1,050/n	


Manufacturer: Penn Arms

Manufacturer Description: A Cerakoted 40mm single-shot break-open frame launcher with a rifled barrel, collapsible stock, and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.

(Description Source: <https://www.combinedsystems.com/product/l140-3cer-cerakoted-single-launcher-collapsible-stock-combo-rail/>)



Combined Tactical Systems 4557 - 40mm Foam Baton


QUANTITY	539	
LIFESPAN	5 years	
INITIAL COST	\$19/unit	

Manufacturer: Combined Systems, Inc.

Manufacturer Description: The Model 4557 Sponge Baton is a spin-stabilized projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts. CAUTION: Shots to the head, neck, thorax, heart, or spine can result in fatal or serious injury.

(Description Source: <https://www.combinedsystems.com/product/4557-40mm-sponge-smokeless-spin-stabilized-4-long/>)

Combined Tactical Systems 5230B (CS) Baffled Canister Grenade

QUANTITY	64	
LIFESPAN	5 years	
INITIAL COST	\$36/unit	


Manufacturer: Combined Systems, Inc.



Manufacturer Description: Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.

(Description Source: <https://www.combinedsystems.com/product/5230b-cs-baffled-canister-grenade-pyro-low-flame-potential-2/>)

Combined Tactical Systems 6230 (CS) Canister Grenade


QUANTITY	13	
LIFESPAN	5 years	
INITIAL COST	\$18/unit	

Manufacturer: Combined Systems, Inc.

Manufacturer Description: Pyrotechnic canister grenade emitting smoke through multiple emission ports for 30 to 40 seconds. May be launched or hand thrown.

(Description Source: <https://www.combinedsystems.com/product/6230-cs-canister-grenade>)

Combined Tactical Systems 8230 (CS) - Outdoor Tactical Grenade, Pyro

QUANTITY	21	
LIFESPAN	5 years	
INITIAL COST	\$24/unit	

Manufacturer: Combined Systems, Inc.






Manufacturer Description: The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically, for outdoor use and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched.

(Description Source: <https://www.combinedsystems.com/product/8230-outdoor-tactical-grenade-cs/>)

Combined Tactical Systems 9230-CS Jet-Lite Rubber Ball Grenade, Pyro

QUANTITY	25	
LIFESPAN	5 years	
INITIAL COST	\$29/unit	


Manufacturer: Combined Systems, Inc.

Manufacturer Description: The 9230 CS Jet-Lite Rubber Ball Grenade is one of the smaller diameter burning grenades that discharges a high volume of chemical agents through multiple emission ports. Specifically, for outdoor use and should not be deployed from rooftops, in crawl spaces or indoors due to fire producing capability.

(Description Source <https://www.cmcgov.com/product/cts-outdoor-jet-lite-rubber-ball-cs/>)



Defense Technology Spede-Heat 40mm


QUANTITY	14	
LIFESPAN	5 years	
INITIAL COST	\$28/unit	

Manufacturer: Defense Technology

Manufacturer Description: The Spede-Heat™ CS Long-Range Munitions delivers one chemical canister of CS agent from a 40 mm launcher down range up to 150 yards. The Spede-Heat™ is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

(Description Source: <https://www.defense-technology.com/>)

Combined Tactical Systems 4330 - CS Liquid Barricade

QUANTITY	75	
LIFESPAN	5 years	
INITIAL COST	\$26/unit	

Manufacturer: Combined Systems, Inc.






Manufacturer Description: Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.

(Description Source: <https://www.combinedsystems.com/product/40mm-cs-liquid-barricade-spin-stabilized-4-8-long/>)

Combined Tactical Systems 6340 (OC) - Vapor Grenade

QUANTITY	10	
LIFESPAN	5 years	
INITIAL COST	\$36/unit	

Manufacturer: Combined Systems, Inc.

Manufacturer Description: CTS 6340 – This unique grenade delivers an invisible OC vapor and renders an intense respiratory effect to a non-compliant subject.

(Description Source: <https://www.combinedsystems.com/product/6340-oc-vapor-grenade/>)

Defense Technology Fogger Aerosol (OC)

QUANTITY	10
LIFESPAN	5 years
INITIAL COST	\$18/unit





Manufacturer: Defense Technology

Manufacturer Description: The 6 oz. OC Aerosol Grenade will deliver a payload of 1.3% MC%OC in 20-25 seconds. This is an atomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. The canister may also be handheld to direct the spray pattern. This product is designed to provide room clearing ability with minimum clear up requirements.

(Description Source: <https://www.defense-technology.com/product/first-defense-7-mk-9-fogger-oc-aerosol/>)

Combined Tactical Systems LC5 Launching Cup

Combined Tactical Systems LC5 Launching Cup: A cup that attaches to the department's Remington 870 12-gauge shotguns, which allows officers to launch canisters of chemical agents or smoke.

Capability: The Combined Tactical Systems LC5 Launching Cup is capable of being attached to the almost any 12-gauge shotgun.

Usage: The use of the Combined Tactical Systems LC5 Launching Cup may be deployed to limit the escalation of conflict where employment of lethal force is prohibited or undesirable. The range of the weapon system helps to maintain space between officers and a suspect and reduce the immediacy of the threat, which is the principle of de-escalation. This system has additional uses which include but are not limited to self-destructive, dangerous, and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, potentially vicious animals, and training exercises or approved demonstrations.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 300 (Use of Force). It is the policy of the Santa Clara Police Department to utilize this equipment only for official law enforcement purposes, and pursuant to state and federal law, including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: Officers utilizing the launching cups are trained by California P.O.S.T.-certified chemical agent instructors.





The Department currently possesses the following Launching Cup(s):

Combined Tactical Systems LC5 Launching Cup

QUANTITY	4
LIFESPAN	No expiration
INITIAL COST	\$302/unit

Manufacturer: Combined Systems, Inc.

Manufacturer Description: The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun, and the munition launched through our model 2600 launching cartridge. These can be fired from most 12ga smooth bore shotguns.

(Description Source: <https://www.combinedsystems.com/product/lc5-and-lc6-launching-cups/>)

CTS 2600 and Safariland 1210 Launching Cartridges

QUANTITY	140
LIFESPAN	No expiration
INITIAL COST	\$5/unit

Manufacturer: Combines Systems, Inc / Safariland





Manufacturer Description: These non-projectile 12GA “blank” launching cartridges allow SRT officers to safely launch chemical agent canisters with a launching cup-equipped, dedicated Remington 870 shotgun.

(Description Source: <https://www.combinedsystems.com/product/lc5-and-lc6-launching-cups/>)





Diversionsary Devices

Diversionsary Devices: Canisters that emit a loud noise and bright light that is used to distract dangerous persons.

Capability: A Diversionsary device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over- pressure and brilliant white light and, as a result, a diversionsary device can cause short-term (6- 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

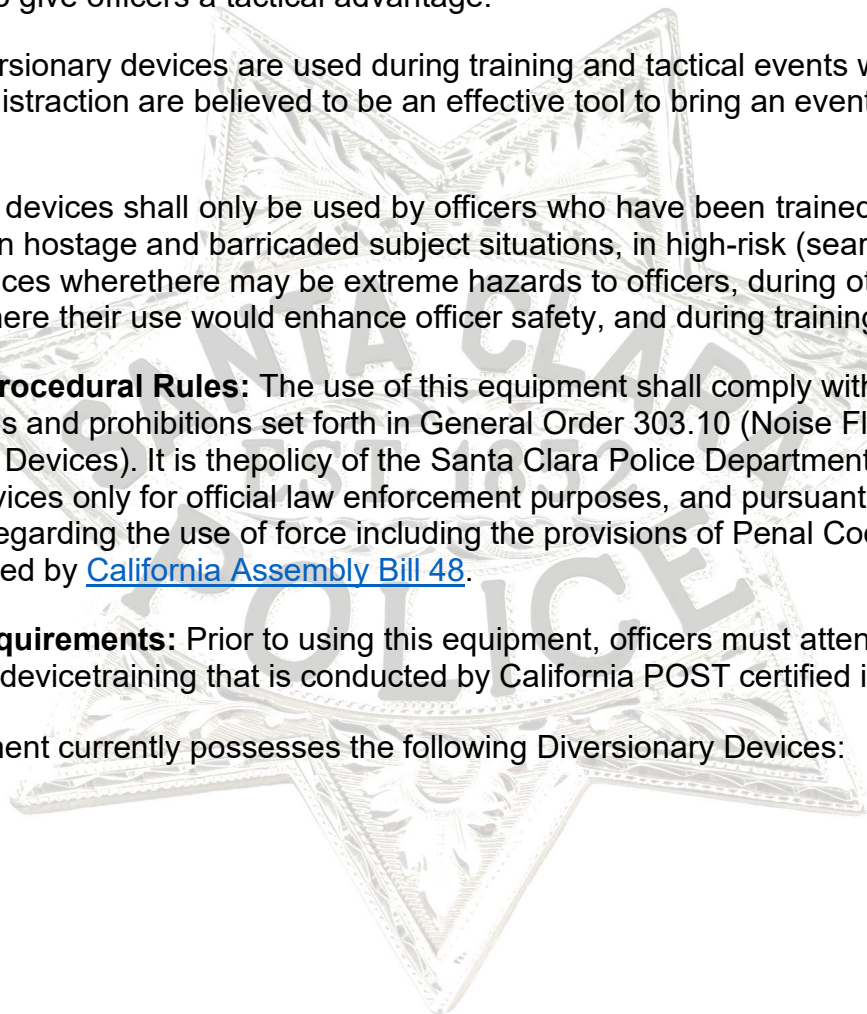
Usage: Diversionsary devices are used during training and tactical events when a diversion or distraction are believed to be an effective tool to bring an event to a safe resolution.

Diversionsary devices shall only be used by officers who have been trained in their proper use, in hostage and barricaded subject situations, in high-risk (search/arrest) warrant services where there may be extreme hazards to officers, during other high-risk situations where their use would enhance officer safety, and during training exercises.


Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in General Order 303.10 (Noise Flash Diversionsary Devices). It is the policy of the Santa Clara Police Department to utilize diversion devices only for official law enforcement purposes, and pursuant to state and federal law regarding the use of force including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: Prior to using this equipment, officers must attend diversionsary device training that is conducted by California POST certified instructors.

The Department currently possesses the following Diversionsary Devices:



Combined Tactical Systems, 7290-5 Flash-Bang


QUANTITY	9	
LIFESPAN	N/A	
INITIAL COST	\$107/unit	

Manufacturer: Combined Systems, Inc.

Manufacturer Description: 7290-5 – The patented multi-bangs feature top and bottom non-fragmenting, minimal movement devices that perform with high reliability incorporating CTS Superior fuze components with the patented and US Army adopted Confidence Clip and pin shroud.

(Description Source: <https://www.combinedsystems.com/product/7290-5-flash-bang-aluminum-body-5-bang/>)

Combined Tactical Systems, 7290M Mini Flash-Bang

QUANTITY	9	
LIFESPAN	N/A	
INITIAL COST	\$38/unit	

Manufacture: Combined Systems, Inc.

Manufacture Description: 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 180db 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.

(Description Source: <https://www.combinedsystems.com/product/7290m-mini-bang-steel-body-priced-individually-must-order-in-quantities-of-12/>)

Combined Tactical Systems, CS 9593 Sting Ball Grenade

QUANTITY	11	
LIFESPAN	N/A	
INITIAL COST	\$40/unit	

Manufacturer: Combined Systems, Inc.

Manufacturer Description: 9593 – Multi-effect grenades with a loud blast, bright flash, and dispersion of stinging .31 caliber pellets. Can also be configured to dispense an instantaneous cloud of irritant powder.

(Description Source: <https://www.combinedsystems.com/product/9593-cs-sting-ball-grenade-approx-105-rubber-balls/>)

Rifles and Munitions

Rifles: The rifle is a gun that is fired from shoulder level, having a longer, grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

Capability: The rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat softbody armor. However, rifles are not appropriate for every situation.

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






Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in General Order 300 (Use of Force) and XXX (Firearms). It is the policy of the Santa Clara Police Department to utilize rifles only for official law enforcement purposes, and pursuant to state and federal law regarding the use of force, including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification four times per year.

The Department currently possesses the following rifles:

Colt (AR-15 / M4) Rifle .223/5.56 caliber

QUANTITY	105	
LIFESPAN	N/A	
INITIAL COST	\$1,175/unit	

Manufacturer: Colt


Manufacturer Description: Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission.

Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4. (Description Source: <https://www.colt.com/detail-page/colt-le6920-carbine-223556-161-301-pmag-mbus-4-pos-stk-blk>)





FN (FN-15) Rifle .223/5.56 caliber

QUANTITY	29	
LIFESPAN	N/A	
INITIAL COST	\$1,599/unit	

Manufacturer: **FN**

Manufacturer Description: The FN 15® Patrol Carbine M-LOK features a two-piece handguard and a fixed front sight post MIL-SPEC configuration created to meet and exceed agency needs. The family of carbines specifically developed with law enforcement officers' needs in mind offer the reliability and durability required for professional use. Chambered in the battle-proven 5.56x45mm, these carbines offer high capacity and accuracy in every mission

(Description Source: <https://fnamerica.com/products/fn-15-series/fn-15-patrol-carbine-mlok-16/>)

JP (LRP-07 Rifle) .308 caliber

QUANTITY	4	
LIFESPAN	N/A	
INITIAL COST	\$3,569/unit	

Manufacturer: **JP**



Manufacturer Description: JP Enterprises proudly introduces the JP LRP-07H—a platform designed to fill every need of today’s hunter, even ones you didn’t realize you had. For years we’ve established our reputation by delivering the finest competition-proven products to shooting professionals, elite military units and knowledgeable recreational shooters around the world. But the JP rifle is no newcomer to the hunting field, and other than a wood stock, the LRP-07H retains all the attributes you look for in any fine quality hunting rifle. Here’s a rifle that offers a new and exciting hunting experience with no sacrifice to the form and function you demand.
(https://www.jp Rifles.com/1.2.5_LRP07H.php#)

Spartan (Defiance Ruckus) Rifle .338 caliber


QUANTITY	1	
LIFESPAN	N/A	
INITIAL COST	\$4,400/unit	

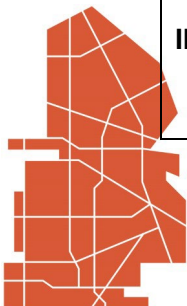
Manufacturer: Spartan

Manufacturer Description: No specific manufacturer description is available due to the custom nature of the rifle. A description of the gunsmithing process is available at the link below.

(Description Source: <https://spartanrifles.com/pages/gunsmithing-services>)

Remington 700 .308 caliber

QUANTITY	1	
LIFESPAN	N/A	
INITIAL COST	\$3,999/unit	



Manufacturer: **Remington**

Manufacturer Description: Remington engineers are taking the strength and precision of the Model 700 action to new levels of hair-splitting accuracy with the latest additions to our tactical lineup. Introducing the Remington Model 700 Magpul Enhanced. Its Magpul Hunter stock with Magpul M-Lok mount serves as a rock-solid base for your best long-range performance yet. It's 20" heavy barrel with 5R rifling, delivers added stability and precision, and comes with a threaded muzzle and protector for ease in adding a suppressor.

(Description Source: <https://www.remarms.com/rifles/bolt-action/model-700/>)

Desert Tech (SRS-A1) .338

QUANTITY	2	
LIFESPAN	N/A	
INITIAL COST	\$3,849/unit	

Manufacturer: Desert Tech

Manufacturer Description: The Desert Tech SRS-A1 is the pinnacle of a long-range precision in a compact design, using aircraft grade materials to minimize its size and weight. The A1 brought some much need enhancements to its predecessor, the SRS (Stealth Recon Scout). Namely, a user configurable picatinny rail sections in the forearm, an adjustable cheek rest, and a more durable and reliable bolt. It also uses a new type of polymer that increases its strength by more than 150% while maintaining the same weight. The Desert Tech SRS-A1 maintains a ½ MOA accuracy or better with its use of a match grade barrels and triggers. The Barrels are 100% free-floating, meticulous machining of chambers and crowns, and rock-solid return-to-zero barrel mounting system. The SRS-A1 is the shortest sniper rifle in the world because it uses a telescoping bolt and bullpup configuration. This combination makes it nearly a foot shorter than other conventional sniper rifles. (Description Source: <https://www.bisontactical.com/desert-tech-srs-a1/>)





The Department currently possesses the following rifle munitions:

Hornady .223 Remington, 75 grain, Tap Ammunition

QUANTITY	24,000	
LIFESPAN	N/A	
INITIAL COST	\$160/case of 200	

Manufacturer: Hornady


Manufacturer Description: This match accurate load is our heavy TAP® offering in 223 Rem. This load is suitable for a short-barreled rifle that has either a 223 Rem or 5.56 NATO chamber. The 75 gr. bullet offers deeper penetration than the 55 gr. and 60 gr. TAP Urban® bullets. The 75 gr. BTHP penetrates with minimal deflection and provides rapid fragmentation, thus delivering more energy to the target. This bullet generates very large and consistent wound cavities, serving as an ideal choice for 223 Rem precision rifle applications.

(Description Source: <https://www.hornadyle.com/rifle-ammunition/75-gr-bthp-tap#!/>)





Hornady .223 Remington, 55 grain, Full Metal Jacket Tap Ammunition


QUANTITY	103,000	
LIFESPAN	N/A	
INITIAL COST	\$200/case of 500	

Manufacturer: Hornady

Manufacturer Description: Hornady® 223 Rem Training™ ammunition compliments the current TAP® duty rounds by delivering comparable, yet economical ammunition for law enforcement training. Utilizing efficient production processes and quality brass or steel cases, Hornady® Training™ ammunition delivers reliable functioning, accuracy, and point of aim / point of impact consistency when compared to comparable duty rounds.

(Description Source: <https://www.hornadyle.com/rifle-ammunition/55-gr-fmj-bt-training#!>)

Federal Lake City, 5.56x45MM Green Tip, 62 grain

QUANTITY	1,200	
LIFESPAN	N/A	
INITIAL COST	\$195/case of 600	

Manufacturer: Federal






Manufacturer Description: The 62 grain Green tip Penetrator 5.56mm ammo features a 62-grain steel core full metal jacket bullet, brand new never fired virgin brass casing that is annealed for lower expansion purposes and has a non-corrosive primer. Currently used by the United States military, this is the best 5.56mm ammunition on the market. Federal Lake City XM855 ammo can be used for target & practice shooting, sport shooting, small-game hunting, law enforcement etc. This Federal 5.56mm ammo load is packaged in a new production ammo can of 800 rounds perfect for long term shelf life. Federal Lake City 5.56mm Green Tip ammo offers a muzzle velocity of 3104 feet per second and a muzzle energy of 1326 ft lbs. Federal XM855 5.56mm NATO ammunition is loaded to Military specification at the Lake City facility. This particular load uses the XM855 bullet which is a 62 grain Green Tip Steel Penetrator. The finished rounds consist of sealed primers which is ideal for long term storage and moisture protection.

(Description Source: <https://federalammunitionsusa.com/federal-lake-city-5-56x45mm-nato-xm855-ammo-62-grain-fmj-green-tip-800-rounds/>)

Hornady .308 WIN, 168 grain, ELD Match Tap Precision cartridge

QUANTITY	15,000	
LIFESPAN	N/A	
INITIAL COST	\$252/case of 200	


Manufacturer: Hornady

Manufacturer Description: We carefully select every component to ensure uniformity, then load to exacting specifications to provide pinpoint accuracy. Each cartridge is loaded with either Hornady® A-MAX® bullets, our high-performance boat-tail hollow points, or the new, radically superior ELD® Match bullets. Stringent quality control ensures proper bullet seating, consistent charges and pressures, optimal velocity, consistent overall length, and repeatable accuracy. (Description Source: <https://www.hornady.com/ammunition/rifle/308-win-168-gr-bthp-match#!/>)





Hornady .308 WIN, 110 grain, Tap Urban cartridge


QUANTITY	5,000	
LIFESPAN	N/A	
INITIAL COST	\$252/case of 600	

Manufacturer: Hornady

Manufacturer Description: This cartridge provides the police marksman a unique bullet that demonstrates rapid expansion, fragmentation, and low retained weight. The 110 gr. TAP Urban® bullet offers the least penetration in ballistic gelatin and lower felt recoil as compared to heavier TAP® loads. The 110-gr. bullet demonstrates similar penetration to the 223 Rem 75 gr. BTHP bullet, but with substantially more temporary and permanent cavity and fragmentation, proving itself an excellent choice for high collateral risk environments.

(Description Source: <https://www.hornadyle.com/rifle-ammunition/110-gr-tap-urban#!/>)

Ruag .308 WIN, 164 grain, Tactical cartridge

QUANTITY	500	
LIFESPAN	N/A	
INITIAL COST	\$907/case of 300	

Manufacturer: Ruag






Manufacturer Description: The RUAG .308 WIN., 164 grain, Tactical cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 164-grain projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate hit.

(Description Source: SCPD Range Master)

Ruag .308 WIN, 196 grain, Armor Piercing cartridge

QUANTITY	80	
LIFESPAN	N/A	
INITIAL COST	\$962/case of 200	


Manufacturer: Ruag

Manufacturer Description: The RUAG .308 WIN., 196 grain, Armor Piercing cartridge is ammunition deployed during potential lethal encounters, when shooting through heavy barriers. The 196-grain projectile is capable of accurately striking targets behind armor, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating armor, which does not allow an accurate hit.

(Description Source: SCPD Range Master)



Hornady .338 Lapua Magnum, 285 grain, ELD Match cartridge


QUANTITY	3,840	
LIFESPAN	N/A	
INITIAL COST	\$555/case of 120	

Manufacturer: Hornady

Manufacturer Description: The Hornady .338 Lapua Magnum, 285 grain, ELD Match cartridge, is ammunition deployed during potential lethal encounters at longer distances. The 285 grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target.

(Description Source: SCPD Range Master)

Ruag .338 Lapua Magnum, 247 grain, Styx Action cartridge

QUANTITY	500	
LIFESPAN	N/A	
INITIAL COST	\$647/case of 200	

Manufacturer: Ruag

Manufacturer Description: The RUAG .338 Lapua Magnum, 247 grain, Styx Action cartridge is ammunition deployed during potential lethal encounters, in high collateral risk environments. The 247 grain Styx Action cartridge offers a unique projectile that





allows rapid expansion, fragmentation & low retained weight. It also offers the least penetration, but with substantially more temporary & permanent cavity & fragmentation.

(Description Source: SCPD Range Master)

Ruag .338 Lapua Magnum, 250 grain, Tactical cartridge

QUANTITY	350	
LIFESPAN	N/A	
INITIAL COST	\$818/case of 300	

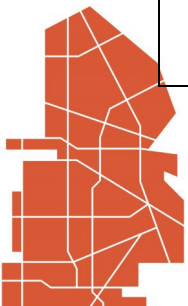
Manufacturer: Ruag

Manufacturer Description: The RUAG .338 Lapua Magnum, 250 grain, Tactical cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 250-grain projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate hit.

(Description Source: SCPD Range Master)

Ruag .338 Lapua Magnum, 260 grain, Armor Piercing cartridge

QUANTITY	500	
LIFESPAN	N/A	
INITIAL COST	\$1,296/case of 200	





Manufacturer: Ruag

Manufacturer Description: The RUAG .338 Lapua Magnum, 260 grain, Armor Piercing cartridge is ammunition deployed during potential lethal encounters, when shooting through heavy barriers. The 260 grain projectile is capable of accurately striking targets behind armor, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating armor, which does not allow an accurate hit.

(Description Source: SCPD Range Master)

Chemical Agent and Smoke Canisters

Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed

Capability: Chemical agent and smoke canisters have a vast variety of individual capabilities and applications. Chemical agent and smoke canisters carry the agent into the environment in a variety of methods, including but not limited to a micro-pulverized solid (powder), a liquid mist (fogger), a liquid or foam stream, burning pellets (smoke), pyrotechnic devices, and vapor aerosols. Exposure to chemical agents normally causes no lasting effects. This equipment has various indoor and outdoor capabilities and uses. Chemical agents shall be used with caution and only by trained personnel.

Usage: Chemical agent and smoke canisters are used 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, self-destructive individuals, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, potentially vicious animals, and in training exercises or displayed during community events.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Order 303.6 (Tear Gas Guidelines). It is the policy of the Santa Clara Police Department to utilize chemical agents only for official law enforcement purposes, in accordance with the department's Use of Force Policy, and pursuant to state and federal law, including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: SCPD Officers utilizing chemical agent and smoke canisters are recertified by California POST less lethal and chemical agent instructors.

Explosive Breaching Tools

Explosive Breaching Tools: Tools that are used to conduct an explosive breach.

Capability: Explosive breaching tools have a variety of individual capabilities. The listed tools are utilized by SWAT operators and are capable of breaching glass, metal doors, wood doors, deadbolts, locks, and hinges.






Usage: The listed equipment is used by SWAT operators to safely gain entry into a structure during high-risk operations.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Orders 300 (Use of Force), and 404 (Special Response Team). It is the policy of the SCPD to utilize breaching tools only for official law enforcement purposes, and pursuant to state and federal law including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: All officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must receive quarterly training for explosive operations.

The Department currently possesses the following explosive breaching tools:

Detonating Cord – Primacord 25 grain

QUANTITY	2.4 lbs.	
LIFESPAN	5 years	
INITIAL COST	\$350	

Manufacturer: Dyno Nobel Inc.


Manufacturer Description: PRIMACORD detonating cords are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. PRIMACORD detonating cords are designed for use as trunklines and/or downlines in various mining, quarrying and construction applications.

(Description Source:

<https://www.dynonobel.com/~media/Files/Dyno/ResourceHub/Technical%20Information/North%20America/Initiation%20Systems/Detonating%20Cord/Primacord.pdf>)




Nonel Starters

QUANTITY	168	
LIFESPAN	10 years	
INITIAL COST	Included with det. cord	

Manufacturer: Dyno Nobel Inc.

Manufacturer Description: NONEL STARTER is a nonelectric detonator consisting of a spooled length of yellow shock tube with a Standard (#8) detonator attached to one end and the other end sealed. The detonator is housed in a plastic bunch block which facilitates easy connection to both shock tube and detonating cord. NONEL STARTER is designed to provide controlled, nonelectric initiation of surface and underground blast rounds.

Detonating Cord – Primacord 50 grain

QUANTITY	3 rolls	
LIFESPAN	5 years	
INITIAL COST	\$5,168	

Manufacturer: Dyno Nobel Inc.


Manufacturer Description: PRIMACORD detonating cords are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. PRIMACORD detonating cords are designed for use as trunklines and/or downlines in various mining, quarrying and construction applications.





(Description Source:
<https://www.dynonobel.com/~media/Files/Dyno/ResourceHub/Technical%20Information/North%20America/Initiation%20Systems/Detonating%20Cord/Primacord.pdf>)

C2 Primasheet

QUANTITY	9.6 lbs.	
LIFESPAN	5 years	
INITIAL COST	\$1,183	


Manufacturer: Ensign-Bickford Aerospace & Defense

Manufacturer Description: PRIMASHEET® Flexible Sheet Explosive has been developed to meet your breaching and demolition needs. We manufacture PRIMASHEET® 1000 (DETASHEET® Flexible Explosive), a PETN based sheet explosive, and Primasheet® 2000, an RDX based sheet explosive. PRIMASHEET® 2000 is equally as powerful as a C-4 explosive but, because of its consistent performance and properties, blast damage can be minimized by exact cutting of the sheet.

(Description Source: <https://www.ebad.com/primasheet-sheet-explosive/>)



Explosive Charges

QUANTITY	16	
LIFESPAN	5 years	
INITIAL COST	Included above	

Manufacturer: SCPD Breaching Cadre

Manufacturer Description: Breaching charges are specially designed to cause structural failure of the desired target. The breaching charges in stock were built in house by the SRT breaching cadre. Various types, configurations, and energetic weights are maintained for use as needed. Older charges are cycled out of stock during monthly training.

(Description Source: SCPD Lead Breacher)

PepperBall Launcher and Munitions

PepperBall Launcher: A device that discharges PAVA powder projectiles.

Capability: A PepperBall Launcher can quickly and accurately deploy small, non-lethal projectiles (“Pepper Balls”) from an effective distance of 150 feet, that produce a chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure.

Usage: PepperBall equipment is used 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 self-destructive individuals, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, potentially vicious animals, and in training exercises or displayed during community events.

Legal and Procedural Rules: The use of this equipment shall comply with the authorizations and prohibitions set forth in SCPD General Orders 300 (Use of Force) and 303.7.2 (Pepperball Projectile Systems). It is the policy of the SCPD to utilize PepperBall Launchers only for official law enforcement purposes, and pursuant to state





and federal law, including the provisions of Penal Code section 13652, initiated by [California Assembly Bill 48](#).

Training Requirements: SCPD officers utilizing PepperBall launchers and projectiles are trained in their use by California POST certified less lethal and chemical agent instructors.

PepperBall Launcher

QUANTITY	16	
LIFESPAN	20 years	
INITIAL COST	\$499/unit	


Manufacturer: PepperBall

Manufacturer Description: The heart of the PepperBall system is the projectile and the UTS team of engineers, designers, scientists, and craftsmen have spent decades developing the precision PepperBall launchers, proprietary powder formulas, shells, and automation manufacturing equipment. This work continues today to ensure that officers can control crowds, disable assailants, and accomplish their missions while minimizing the risk of death or serious injury to the public and law enforcement officers.

(Description Source: <https://pepperball.com/about/>)



PepperBall Munitions (INERT)


QUANTITY	3,000	
LIFESPAN	3 years	
INITIAL COST	\$2,400	

Manufacturer: PepperBall

Manufacturer Description: Containing a harmless, scented powder, the VXR INERT projectile offers greater distance and accuracy when compared to a standard round ball projectile. Best suited for training and direct impact when chemical exposure is not desired.

(Description Source: <https://pepperball.com/projectiles/vxr-inert/>)

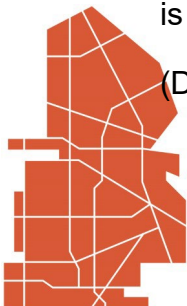
PepperBall Munitions (LIVE)

QUANTITY	1,500	
LIFESPAN	3 years	
INITIAL COST	\$3,412	

Manufacturer: PepperBall

Manufacturer Description: The classic PepperBall projectile. Contains 2% PAVA, and is excellent for direct impact and area saturation, especially in confined, interior spaces.

(Description Source: <https://pepperball.com/projectiles/pepperball-live/>)





PepperBall Munitions (LIVE-X)

QUANTITY	1,500	
LIFESPAN	3 years	
INITIAL COST	\$4,492	

Manufacturer: PepperBall

Manufacturer Description: A powerful concentration of 5% PAVA pepper powder. One round of PepperBall® LIVE-X™ contains the equivalent PAVA irritant organic agent in 2.5 classic PepperBall LIVE™ rounds. Excellent for direct impact, area saturation and crowd control.

(Description Source: <https://pepperball.com/projectiles/pepperball-live-x/>)

PepperBall Munitions (LIVE-MAXX)

QUANTITY	90	
LIFESPAN	3 years	
INITIAL COST	\$648	

Manufacturer: PepperBall





Manufacturer Description: Our most potent and powerful projectile, PepperBall® LIVE-MAXX™ is formulated with MAXSAICIN™, a new proprietary process that produces powder with more airborne PAVA. PepperBall LIVE-MAXX has 50% more bioavailability than our standard PAVA powders. (Description Source: <https://pepperball.com/projectiles/live-maxx/>)





Conclusion

The acquisition and use of military equipment in our communities may impact the public's safety and welfare. 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 the local government's decision to fund, acquire, or use such equipment. When making decisions regarding how military equipment is funded, acquired, or used, the Santa Clara Police Department considers the public's welfare, safety, civil rights, and civil liberties.

In a continued effort for greater transparency, the Santa Clara Police Department places high regard to meaningful public input in the use of military equipment in our community, in an effort to increase the safety of the public. Further details regarding AB 481 can be found on the police department website:

<https://www.santaclaraca.gov/our-city/departments-g-z/police-department/community/assembly-bill-481-military-equipment-funding-acquisition-and-use-policy>

Any member of the public can submit a complaint to any member of the Department and in any form (i.e., in person, telephone, email, etc.). Once the complaint is received, it will be handled in accordance with Santa Clara Police Department General Order 1010 (Personnel Complaint

