

ORDINANCE NO. 714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA ESTABLISHING A MILITARY EQUIPMENT USE POLICY AND DECLARING THE ORDINANCE TO BE AN URGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.

WHEREAS, Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or continued use of military equipment. The term "military equipment" is defined in California Government Code section 7070.

WHEREAS, Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or continued use of military equipment within its jurisdiction only if it makes specified determinations.

WHEREAS, the proposed Military Equipment Use Policy is found within the attached Exhibit "A" to this ordinance and is incorporated by reference as if set out in full.

WHEREAS, this ordinance and the Arroyo Grande Police Department's Military Equipment Use Policy meets the requirements of California Government Code sections 7070, subdivision (d) and 7071 subdivision (a) (1).

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AS FOLLOWS:

PART 1. RECITALS INCORPORATION. The above recitals are hereby incorporated into this ordinance as if set out in full.

PART 2. DETERMINATIONS

In accordance with Government Code Section 7071, and in addition to information provided to the City Council at the meeting of March 22, 2022, the City Council determines as follows:

1. The military equipment identified in the Arroyo Grande Police Department's Military Equipment Use Policy is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

2. The proposed military equipment use policy will safeguard the public's

welfare, safety, civil rights, and civil liberties.

3. The military equipment identified in Exhibit "A" as currently owned or to be purchased and is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

4. The City did not previously have a prior military equipment use policy but as to any prior uses that do not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

5. The City Council therefore, hereby approves and adopts the attached Exhibit "A" as the City's Military Equipment Use Policy.

PART 3. URGENCY DECLARATION

The City Council declares this ordinance to be an urgency measure, to take effect immediately upon its adoption pursuant to California Government Code Section 36937 (b). The facts constituting the urgency are as follows:

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of "military equipment" by law enforcement agencies. Assembly Bill 481 requires a law enforcement agency to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy by ordinance, prior to the agency funding, acquiring, or using military equipment.

The Arroyo Grande Police Department has been preparing the "military equipment" use policy since AB 481 was signed. Nevertheless, given the extensive requirements and notice provisions in the law, which includes mandatory posting of the proposed policy on the City's website 30 days prior to the hearing at which adoption will be considered, consistent with Government Code Section 7071 (b), and requirements and need to purchase additional equipment as enumerated in Exhibit "A" the policy and Ordinance could not be made ready for the standard ordinance adoption process, which include two readings and a 30-day delay in the effectiveness of the ordinance.

If this ordinance does not become effective immediately upon adoption by the City Council, the City may be prohibited from using "military equipment," as the term is defined in California Government Code section 7070, until the ordinance becomes effective. Such a delay would curtail the Arroyo Grande Police Department's ability to acquire and use less lethal tools and hinder the effectiveness of the Arroyo Grande Police Department in preventing and addressing crime in the City, which in turn, would put the health, safety, and welfare of citizens at increased risk.

PART 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City

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Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PART 5. All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

PART 6. EFFECTIVE DATE. This Ordinance will become effective immediately as an urgency ordinance upon approval by the City Council consistent with Government Code Section 36937 (b) and substantiated by the declaration contained with Part 3.

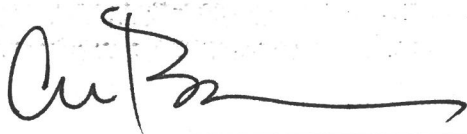
On motion by Council Member Paulding, seconded by Council Member Storton, and by the following roll call vote to wit:

AYES: Council Members Paulding, Storton, Barneich, George, and Mayor Ray Russom

NOES: None

ABSENT: None

The foregoing Ordinance was adopted this 12th day of April, 2022.



CAREN RAY RUSSOM, MAYOR

ATTEST:



JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:



WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:



TIMOTHY J. CARMEL, CITY ATTORNEY

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of "military equipment" (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy is provided to fulfill the obligations set for in Assembly Bill no. 481. These obligations include but are not limited to seeking approval on specific items deemed to be "military equipment" and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

709.1.1 DEFINITIONS

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

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.

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

709.2 PHILOSOPHY

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has the right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's safety and welfare, civil rights, and civil liberties, and should be based on meaningful public input.

709.3 POLICY

It is the policy of the Arroyo Grande Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment and that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before "military equipment" is funded, acquired, or used.

709.4 PROCEDURE

DEFINITIONS

1. Governing Body - The elected or appointed entity that oversees the Arroyo Grande Police Department.
2. Military Equipment - Any of a wide variety of items as defined by California Government Code section 7070 subsections (c)(1) through (c)(16).

709.5 GENERAL

1. The Department shall obtain approval of the governing body annually prior to engaging in any of the following activities:
 - a. Requesting military equipment available pursuant to Section 2576a of Title 10 of the United States Government 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.

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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 policy.

f. Soliciting or responding to a proposal for 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.

2. In seeking the approval of the governing body, the Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's website at least 30 days prior to any public hearing concerning military equipment use.

A. MILITARY EQUIPMENT USE CONSIDERATIONS

1. The military equipment acquired and authorized by the Department is:

a. Necessary because there is no reasonable alternative that can achieve the same objective civilian and officer safety.

b. Reasonably cost effective compared to available alternatives that can achieve the same objective or civilian and officer safety.

2. Military equipment shall only be used by an Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (P.O.S.T.), has been completed, unless exigent circumstances arise.

709.6 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 Arroyo Grande 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.

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

709.7 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's 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 inventory.

The annual military equipment report shall, at minimum, include the following information:

- a. A summary of how the military equipment was used and the purpose of use.
- b. A summary of complaints or concerns received regarding the use of military equipment.
- c. The results of any internal audits, any information about violations on military equipment use policy, and any actions taken in response.
- d. The total annual cost for each type of military equipment, including acquisition, personnel training, transportation, maintenance, storage, upgrades, 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.
- e. The quantity possessed for each type of military equipment.
- f. Projected purchases of military equipment in the next year and the quantity sought for each type of military equipment.

709.8 MILITARY EQUIPMENT INVENTORY

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

MILITARY EQUIPMENT USE PDF.pdf

709.9 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

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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.

709.10 COORDINATION WITH OTHER JURISDICTIONS

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing, combined, or regional operations, occasional planned operations, or in exigent circumstances. Where applicable to the provisions of Government Code § 7070 through 7075, such assisting agencies should comply with their respective military equipment use policies when rendering assistance.

709.11 EXIGENT CIRCUMSTANCES

The Arroyo Grande Police Department participates in the San Luis Obispo Regional S.W.A.T. Team who is responsible for high risk operations within the City of Arroyo Grande. The police department also works closely with local, county, state, and federal law enforcement agencies. In exigent circumstances such as, but not limited to, an active shooter, rapidly evolving incident, high risk operations, civil unrest, natural disaster, or officer needs help incident, with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote safety and security of community members. If the police department acquires, borrows, or uses military equipment in exigent circumstances, it will provide written notification of acquisition or use of to the City Council within 30 days following commencement of such exigent circumstances, unless such information is confidential or privileged under local, state, or federal law.

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709.12 CATALOGING OF MILITARY EQUIPMENT

All military equipment use equipment kept and maintained by the Arroyo Grande Police Department shall be cataloged in such way to address the following requirements:

- a. The manufacturer's description of the equipment.
- b. The capabilities of the equipment.
- c. The purpose and authorized uses for which the Department proposes to use the equipment.
- d. The expected lifespan of the equipment.
- e. The fiscal impacts, both for initial purchase and continued maintained.
- f. The quantity of the equipment whether maintained or intend to acquire.

709.13 COMPLIANCE

The department operations commander will establish that all department members comply with this policy. The commander, along with the range master lead officer will conduct an annual audit and will report directly to the Chief of Police. for direction.

709.14 COMMUNITY ENGAGEMENT

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

Attachments

MILITARY EQUIPMENT USE PDF.pdf



ARROYO GRANDE POLICE DEPARTMENT



MILITARY EQUIPMENT USE & INVENTORY

01/01/2022

PURPOSE

This policy establishes guidelines for the acquisition, funding, use and reporting of "military equipment", as the term is defined in Government Code section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include, but are not limited to, seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

POLICY

It is the policy of the Arroyo Grande Police Department that there are legally enforceable safeguards including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

PHILOSOPHY

The acquisition of military equipment and its deployment 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 any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

PROCEDURE

A. DEFINITIONS

1. Governing Body – The elected entity that oversees the Arroyo Grande Police Department.
2. Military Equipment – Any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

B. GENERAL

- 1) The Department shall obtain approval of the governing body annually prior to engaging in any of the following activities:
 - 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.



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- 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 general order.
 - 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.
- 2) In seeking the approval of the governing body, the Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

C. MILITARY EQUIPMENT USE CONSIDERATIONS

- 1) The military equipment acquired and authorized by the Department is:
 - a. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - b. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- 2) Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST), has been completed, unless exigent circumstances arise.

D. MILITARY EQUIPMENT REPORTING CONSIDERATIONS

- 1) The Department shall submit an annual military equipment report to City Council that addresses each type of military equipment possessed by the Department.
- 2) The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
- 3) The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - d. 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.
 - e. The quantity possessed for each type of military equipment.
 - f. If AGPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
 - i. Within 30 days of submitting and publicly releasing an annual military equipment report, AGPD shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may



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discuss and ask questions regarding the annual military equipment report and AGPD's funding, acquisition, or use of military equipment.

E. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Arroyo Grande Police Department shall be cataloged in a way which addresses each of the following requirements:

1. The manufacturers description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.
7. Required Training to meet CA - POST standard of use.

F. COMPLIANCE

1. The Department Operations Commander will ensure that all Department members comply with this policy. The Arroyo Grande Police Department Command staff will conduct an annual audit. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the overseeing Division Commander and handled in accordance with AGPD Policy 1018.6 (ADMINISTRATIVE INVESTIGATIONS). All instances of non-compliance will be reported to City Council via the annual military equipment report.
2. Any member of the public can register a question or concern regarding military use equipment by contacting the Arroyo Grande Police Department on duty Watch Commander at 805-473-5110. A response to the question or concern shall be completed by the Department in a timely manner.
3. 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 should be routed to the Internal Affairs Division in accordance with AGPD Policy 1018 (Personnel Complaints).

G. FUNDING

The Department shall seek council approval 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.

1. The Department has authority to apply for funding prior to obtaining council approval in the case of exigent circumstances. The Department shall obtain council approval as soon as practicable.



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H. MILITARY USE EQUIPMENT

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely
 - a) Description, quantity, capabilities, and purchase cost of current UAS:
 - i. DJI MAVIC ENTERPRISE Advanced, cost: \$6,900 each, quantity: 2. UAS that has a color and inferred camera as well as audible speaker and light. Capable of video recording, weighs 909 grams, and has approx. 30 minutes of flight time.
 - 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 DJI Mavic during approved missions.
 - d) Expected Life Span

All UAS equipment, 3-5 years.
 - e) Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$200.
 - f) Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a department training and ongoing quarterly training.
 - g) Legal and Procedural Rules

Use is established under FAA Regulation 14 CFR Part 107, and the City of Arroyo Grande UAS policy. It is the policy of the AGPD 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.



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2. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

a) Description, quantity, capabilities, and purchase cost

- 1) DEFENSE (LMT) TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, cost: \$1000, quantity: 9. The 40MM Single Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet. This less lethal platform replaced the Bean Bag shotgun and is authorized to be used by patrol personnel. The launcher is orange in color and has a holographic red dot sighting system.
- 2) BYRNA SDI. The 40mm BIP is a blunt impact kinetic energy round. Cost: \$22 per round, quantity: 50. The patented technology involves an internal energy absorption system, as well as a collapsible gel head. BIPs have an effective minimal optimal range of 6.6 feet (2m), though are operational at point blank. In independent party Blunt Trauma Testing of several 40mm Impact rounds, the BIP round had the lowest impact force response. The Viscous criterion (VC) was used as an indicator of injury severity, the higher (VC) value the higher the risk of injury. The BIP Peaked at (0.10) while the other rounds peaked at (.012-.097) The BIP has been designed utilizing ballistic technologies, which allow for consistent in-flight stability throughout an almost flat trajectory. These rounds have repeatedly shown effectiveness and reliability at ranges up to 150 feet (45m)
- 3) DEFENSE TECHNOLOGY, FERRETT 40MM LIQUID BARRICADE PENETRATOR ROUND, cost: \$23, quantity: 15. A 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. This is for use by SWAT team members only.

b) Purpose

To limit the escalation of conflict and preserve life where the 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:



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- 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.

d) Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

e) Lifespan

- Defense Technology LMT- 25 years.
- BYRNA SDI. The 40mm BIP- 5 years.
- Model 2262 Liquid Barricade Penetrator round- 5 years.

f) Fiscal Impact

Annual maintenance is approximately \$25 for each launcher.

g) Legal and Procedural Rules

Use is established under AGPD policy 308.8. It is the policy of the AGPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

3. **Distraction Devices:** A distract device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

a) Description, quantity, capabilities, and purchase cost

- 1) Defense Technology #8901, Cost \$50 Quantity: 6. The Distraction Device® Reload utilizes a standard military-style M201A1 type fuze and produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds. This reload is for use in the Distraction Device low roll body.

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.



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c) Authorized Use

- i. Diversionary Devices shall only be used:
- ii. By officers who have been trained in their proper use.
- iii. In hostage and barricaded subject situations.
- iv. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- v. During other high-risk situations where their use would enhance officer safety.
- vi. During training exercises.

d) Lifespan

Until used.

e) Fiscal Impact

No annual maintenance.

f) Training

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors.

g) Legal and Procedural Rules

Use is established under AGPD policy 408. It is the policy of the AGPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

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

a) Description, quantity, capabilities, and purchase cost

- 1) Sig Sauer, MCX Virtus Patrol Semi-Automatic Rifle. Cost \$2000, quantity 16, officially designated Rifle, Caliber 5.56 NATO. Standard issued service weapon.
- 2) Remington .223 CALIBER 55 GRAIN RIFLE ROUND, cost: \$349 per case of 1000, quantity: 10 cases. Remington ammo made by PMC. This full metal jacket rounds is used for training and CA POST required qualification.
- 3) Hornady Black 5.56 Nato 75 GRAIN HD SBR RIFLE ROUND. Cost \$ 365 per case of 1000, quantity 4 cases. 5.56 Nato 75 gr InterLock HD SBR Hornady Black is designed specifically for 10.5"-11.5" SBR's by using proprietary propellant technology and a bullet designed with technology from industry leading Critical Duty FlexLock bullets. This round provides exceptional ammunition performance in SBR's suppressed or unsuppressed, with virtually no flash or residue, dramatically reduced sound signature, will not foul or



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MILITARY EQUIPMENT USE & INVENTORY

overheat suppressors, uniform velocity and accuracy, and provides controllable rate of fire in automatic platforms. Designed to meet the requirements of the FBI protocol, this round is the optimum choice for 10.5"-11.5" barreled 5.56 rifles. This is the Duty round for standard issue patrol rifles.

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.

d) Lifespan

- 1) Sig Sauer, MCX Virtus Patrol Semi-Automatic Rifle - no expiration.
- 2) Remington .223 CALIBER 55 GRAIN RIFLE ROUND - no expiration.
- 3) Hornady Black 5.56 Nato 75 GRAIN HD SBR RIFLE ROUND - no expiration.

e) Fiscal Impact

Annual maintenance is approximately \$50 for each rifle. Annual Ammunition cost is accounted for in current department budget. Rifle ammunition accounts for approximately \$3000 annually.

f) Training

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 4 times a year.

g) Legal and Procedural Rules

Use is established under AGPD policy 312 and 432. It is the policy of the AGPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force. All Rifles deployed by Arroyo Grande Police Department are owned by the Police Department.

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

a) Description, quantity, capabilities, and purchase cost

- 1) DEFENSE TECHNOLOGY, Han-Ball CS GRENADE, #519, cost: \$48, quantity: 10. The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall, including the fuse head, and 3.1 in. diameter. This devise is for use by members of the SWAT team in a tactical environment.



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- 2) DEFENSE TECHNOLOGY Rubber Ball Blast Grenade, Inert. Cost \$ 50, quantity 2. The Inert Rubber Blast Ball Grenade can be used effectively in both training and crowd management situations. It simulates the dispersion of Riot Control Agents from a CS, CN, or OC Blast Ball in a training environment, but without the actual chemical exposure. Deployed in crowd management /custodial situations to deliver light/sound stimuli from a rubber ball style grenade without chemical agent exposure. This devise is for use by members of the SWAT team in a tactical environment.
- 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.
 - vi. Authorized Use
 - vii. Only officers who have received POST certification in the use of chemical agents are authorized to use these agents.
- c) Training
Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.
- d) Lifespan
5 years from manufacturing date.
- e) Fiscal Impact
No annual maintenance.
- f) Legal and Procedural Rules
Use is established under the AGPD use of force policy 300. It is the policy of the AGPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

6. **PepperBall Launcher:** A device that discharges irritant projectiles.

- a) Description, quantity, capabilities, and purchase cost
- 1) PepperBall FTC CARBINE, cost: \$590, quantity 4. The FTC is a high-capacity, semi-automatic launcher that is reliable and accurate, it features a hopper that can hold up to 180 rounds and a flexible air source configuration. PepperBall® is the most versatile non-lethal system available, allowing officers to deploy it in a wide range of situations. PepperBall's many uses include:



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MILITARY EQUIPMENT USE & INVENTORY

1. Anti-riot
2. Combative suspects
3. Vehicle interdiction
4. Non-compliant individuals

- 2) PepperBall LIVE-X PROJECTILE, cost: \$3 per projectile, quantity 500. The Live Projectile contains a concentrated amount of PAVA pepper powder. 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 5% PAVA Powder.
- 3) PepperBall Glass Breaker Cost \$2.50 per Projectile, Quantity 60. A solid polymer projectile used for breaking out residential windows and side-glass of automobiles. Not for use on humans or animals.
- 4) PepperBall INERT round. Cost \$1 per projectile. Quantity 200. Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.

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.

d) Training

Sworn members utilizing PepperBall launchers and projectiles are trained in their use by PepperBall certified less lethal and chemical agent instructors.

e) Lifespan

- i. PepperBall FTC Carbine- 20 years
- ii. PepperBall Live-X Projectile- 3 years
- iii. PepperBall Glass Breaker- 20 years
- iv. PepperBall INERT Projectile- 3 years



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f) Fiscal impact

Annual maintenance is approximately \$25 for each PepperBall launcher.

g) Legal and Procedural Rules

Use is established under AGPD policy 308.6.1. It is the policy of the AGPD to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

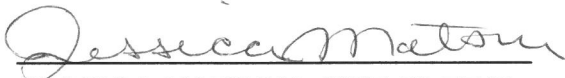
MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When munitions stock for "military equipment" have reached significantly low levels, or have been exhausted, the Department may order replacement stock based upon current approved city operational budget in a calendar year without city council approval to maintain essential availability for the Department's needs. The purchase of this would be included in the annual report.

OFFICIAL CERTIFICATION

I, **JESSICA MATSON**, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Urgency Ordinance No. 714 was passed and adopted at a regular meeting of the City Council on the 12th day of April 2022; and was duly published in accordance with State law (G.C. 40806).

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 14th day of April 2022.


JESSICA MATSON, CITY CLERK