

Military Equipment

DRAFT

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). Government Code 7070(d)(7) requires that this policy define procedures by which members of the public may register complaints or concerns or submit questions about the use of military equipment by the Fortuna Police Department. This information can be found on the department website or by calling and scheduling a telephone appointment with the department's Military Equipment Coordinator.

Department website link:

AB 481 Military Equipment Transparency

Department telephone number:

1-707-725-7550

Department Military Equipment Coordinator Email:

fpdmilitarycoordinator@ci.fortuna.ca.us

709.1.1 DEFINITIONS

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

Governing body – The City Council of the City of Fortuna.

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

- 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.

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- 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 Oleoresin Capsicum, 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.

709.2 POLICY

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

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The Chief of Police may appoint himself/herself to serve in the role. 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. As used in this policy, the governing body refers to the Fortuna City Council.
- (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 Fortuna 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 insuring 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 given type of military equipment, and how the Department will respond in a timely manner.

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709.4 MILITARY EQUIPMENT INVENTORY

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

(a) Unmanned Aerial Vehicles (Category 1)

(a) **Description, quantity, capabilities, and purchase cost:**

Mavic Pro Fly More Combo Platinum (UAV), cost \$1,500.00. Quantity 1. This equipment is a battery powered UAV remote operated device. Controller: Mavic Part 37 Remote Controller allows the operator to control UAV with an onboard LCD Screen and Smartphone holder. Camera is 4K capable. Flight time is 25-30 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

Mavic 2 Enterprise Advanced (UAV), cost \$6,989.57. Quantity 1. This equipment is a battery powered UAV remote operated device. Controller: Mavic DJI Smart Controller allows the operator to control UAV with long range transmission technology an onboard High-Brightness Screen. Camera is 4K capable with infrared capabilities. UAV is capable of carrying a spotlight, sound amplifier, or emergency supplies such as fresh water. Flight time is 30 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

(a) 2. **Purpose:**

To 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.
- In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.
- **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the Mavic Pro Platinum (UAV) or Mavic 2 Enterprise (UAV) during approved missions. All other applicable FOPD policies remain in effect, including but not limited to FOPD Policy 613- Unmanned Aerial System (UAS) Operations.

(a) 4. **Expected Lifespan:**

10 years

(a) 5. **Fiscal Impact:**

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No annual maintenance cost.

(b) Breaching Apparatus: Slugs (Category 7)

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

Royal Arms T.E.S.C #3 Green Cap, cost \$5.00 each, quantity 15 rounds. DEF Tech TKO Breaching rounds, cost \$9.00 each, quantity 10 rounds. Shotgun breaching rounds are specialty shotgun shells utilized for door breaching. The rounds are designed to be shot out of a 12 gauge shotgun barrel. The rounds contain compressed powder that 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 and/or over penetration 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. Shotgun breaching rounds are used to gain rapid access to a room or structure when an emergent law enforcement need exists.

(a) 2. **Purpose:**

To safely gain entry into a structure.

(a) 3. **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 FOPD policies remain in effect, including but not limited to, FOPD Policy 322 Search and Seizure, and FOPD Policy 424 Rapid Response and Deployment.

(a) 4. **Expected Lifespan:**

Until expended.

(a) 5. **Fiscal Impact:**

Individual unit price between \$5.00 and \$9.00 each.

(c) Specialized Firearms and Ammunition (Category 9)

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

- 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 or 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 worn by armed subjects. Rock River Arms LAR-15, Cost \$11,050, quantity 13. Daniel Defense DDMK18, cost \$11,193, quantity 7. LWRC IC-PDW, cost \$2,500.00 quantity 1.
- The Winchester 5.56mm 55 grain full metal jacket is the primary duty cartridge deployed during a potentially lethal encounter. Cost: \$6,427.00 (spent in 2021) quantity: Current inventory 3,000

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- Hornady 5.56mm 55 grain FMJ is used both as a duty round and in training by the department. Cost: \$2,917.00, quantity: 5,000.

2. **Purpose:**

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

3. **Authorized Use:**

- Only members who are POST certified and authorized to use a rifle. All other applicable FOPD policies remain in effect including but not limited to, FOPD Policy 300 Use of Force, and FOPD Policy 312 Firearms.

4. **Expected Lifespan:**

- Carbine Rifle- No expiration
- Winchester 5.56mm 55 grain FMJ- No Expiration
- Hornady 5.56mm 55 grain FMJ- No Expiration

5. **Fiscal Impact:**

- Carbine Rifle- Annual cost \$2,500 and \$5,000.
- Winchester 5.56mm 55 grain FMJ- Annual cost- \$0-\$4,000.
- Hornady 5.56mm 55 grain FMJ- Annual cost-\$0-4,000.

(d) Flashbangs (Category 11)

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

A Noise Flash Diversionary Device (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 provides officers an opportunity to take control of high-risk situations during moments of distraction.

- ◦ ■ NFDD Def Tech steel body reloadable body cost: \$121.68 quantity: 3.
- ◦ ■ NFDD Def Tech Distraction device reloads cost: \$264.05 quantity: 7.

◦ **Purpose:**

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

(a) 3. **Authorized Use:**

Diversionary Devices shall only be used:

- ◦ ■ By officers who have been trained in their proper use.
- ◦ ■ In hostage and barricaded subject situations.

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- In high risk warrant (Search/Arrest) services where there may be extreme hazards to officers.
- During other high-risk situations where their use would enhance officer safety.
- During training exercises.

All other FOPD policies remain in effect, to include, but not limited to, FOPD Policy 300- Use of Force, FOPD Policy 415- Flash/Sound Diversionary Devices

(a) 4. **Expected Lifespan:**

- NFDD Def Tech Steel body reloadable body- 40 uses
- NFDD Def Tech Distraction device reloads- 5 years

5. **Fiscal Impact:**

- NFDD Def Tech Steel body reloadable body- Annual cost between \$0-\$150.00
- NFDD Def Tech Distraction device reloads- Annual cost between \$0-\$300.00

(e) Tear Gas (Category 12)

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

Chemical agent munitions, which are commonly referred to as "tear gas", are a non-lethal force option used by the Fortuna Police Department to disperse rioting subjects and on barricaded suspects.

The Fortuna 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).

PAVA is an incapacitant similar to pepper spray. It contains pelargonic acid vanillylamide, a synthetic capsaicinoid in a solvent of aqueous ethanol. PAVA is used because this is the minimum concentration which will fulfill the purpose of the equipment; namely to minimize a person's capacity for resistance, without unnecessarily prolonging their discomfort.

- (a) Def tech 40 mm Powder Ferret Round is a barricade penetration round uses a Powder OC chemical agent to primarily dislodge barricaded subject and to deny areas of refuge. The round ruptures upon impact and instantaneously delivers its payload. It is designed to penetrate barriers such as windows, particleboard doors, and interior walls. Cost: \$285.00, quantity: 12

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- (b) Def Tech No. 19 CS 37 mm Irritant Round- The Skat Shell 37 mm CS Round is widely used as a crowd management tool for the rapid and broad deployment of chemical agents. The Skat Shell contains separate sub-munitions that function individually once the round is discharged. The shell is 5.5 in. by 1.5 in. and delivers approximately 1.2 oz. of active agent out to 100 yards. This round may be fired in the air at an angle of approximately 25-30 degrees to achieve maximum stand-off distance, or it may be skip fired into the target area from lesser distances. Cost: 106.95, quantity: 3.
- (c) Def Tech No. T-21CS 37 mm Tear Gas Blast Dispersion Round- The 37 mm Muzzle Blast CN Round is a tool that delivers a chemical agent laden powder directly to the target. Delivering approximately, 70 oz. of active agent, this 5.5 in. by 1.5 in. shell delivers active agent right from the muzzle. The Muzzle Blast has been used in operations such as barricaded subjects, space denial, room clearing, and a means of contaminating crawl spaces and attics. Cost: \$119.25, quantity: 5.
- (d) Def Tech No. 17CS 37 mm CS Irritant Round- The Spede-Heat™ 37 mm CS Short-Range Round is designed to deliver down range 75 yards. This 37 mm shell casing is 4.75 in. by 1.5 in. and delivers approximately, 94 oz. of active agent during its 20-40 second of burn time. These chemical and smoke projectiles are designed for outdoor use and have fire-producing capability. This round is designed specifically for outdoor use in crowd control situations with a high volume continuous burn. Regardless, the volume of smoke and agent is vast and obtrusive. Cost: \$116.25, quantity: 5.
- (e) Def Tech No. 14OC 37 mm OC Barricade Projectile Round- The Ferret® 37 mm OC Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone portion of the round ruptures and instantaneously delivers the 16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650 fps within an effective range of 50 yards. Cost: \$240.00, quantity: 5.
- (f) Def Tech No. 2 CS Irritant Smoke Grenade- The Spede-Heat™ CS Grenade is a high volume, continuous burn; it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. Cost: \$33.50, quantity: 1
- (g) Def Tech No. 98CS Irritant smoke Grenade- The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade. Cost: \$27.75, quantity: 1.
- (h) Def Tech No. T-16OC OC expulsion grenade- The OC Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately 02 oz. of active agent during its 3-second discharge time. Cost:\$150.45, quantity: 3.

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- (i) Def Tech 12 gauge OC Powder Ferret Rounds-The Ferret® 12-Gauge Powder OC non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret® round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .002 oz. of active agent. Cost: \$166.00, quantity: 20
- (j) Def Tech No. 23CS 12 gauge Barricade Projectile CS Liquid-The Ferret® 12-Gauge Liquid CS non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .025 oz. of active agent. Cost: \$170.30, quantity: 26.
- (k) Def Tech No F16 CS Expulsion Grenade-The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time. Cost:\$146.25, quantity: 3.

(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:

- (a) Self-destructive, dangerous, and/or combative individuals.
- (b) Riot/Crowd control and civil unrest incidents.
- (c) Circumstances where a tactical advantage can be obtained.
- (d) Potentially vicious animals.
- (e) Training exercises or approved demonstrations.

(a) 3. **Authorized User:**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents. All other applicable FOPD policies remain in effect, including but not limited to FOPD Policy 300- Use of Force, FOPD Policy 308- Control Devices and Techniques.

(a) 4. **Expected Lifespan:**

- Def Tech 40 mm Powder Ferret rounds- 5 years
- Def Tech No. 19CS 37 mm Irritant round- 5 years
- Def Tech No. T-21CS 37 mm Tear Gas dispersion round- 5 years
- Def Tech No. 17CS 37 mm CS Irritant Round- 5 years
- Def Tech No. 14OC 37 mm OC Barricade Projectile round- 5 years
- Def Tech No. 2CS Irritant smoke grenade- 5 years
- Def Tech No. 98CS Irritant smoke grenade- 5 years

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- Def Tech No. T-16OC OC expulsion grenade- 5 years
- Def Tech 12 gauge OC powder ferret rounds- 5 years
- Def Tech 23CS 12 gauge Barricade projectile CS liquid round- 5 years
- Def Tech F16CS Expulsion grenade- 5 years

5. **Fiscal Impact**

- 40 mm Powder Ferret rounds- estimated between \$0 - \$300 annually
- Def Tech No. 19CS- estimated between \$0 - \$160 annually
- Def Tech No. T-21CS estimated between \$0 - \$120 annually
- Def Tech No. 17CS estimated between \$0 - \$150 annually
- Def Tech No. 14OC estimated between \$0 - \$250 annually
- Def Tech No. 2CS estimated between \$0 - \$120 annually
- Def Tech No. 98CS estimated between \$0 - \$100 annually
- Def Tech No. T-16OC estimated between \$0 - \$150 annually
- Def Tech 12 gauge OC powder ferret estimated between \$0 - \$160 annually
- Def Tech 23CS Barricade CS liquid estimated between \$0 - \$180 annually
- Def Tech F16CS estimated between \$0 - \$150 annually

(f) PepperBall Launcher (Category 12/14)

1. **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 to a subject. Cost \$2,350.00, quantity:2

- (a) 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 P4 VKS launcher, the projectile has a velocity of 280-425 FPS. The projectile has a direct impact of 150ft and an area saturation of 350+ft. The projectile contains 2.5% PAVA powder. Cost: \$466.66, quantity: 140
- (b) Pepperball VXR LIVE-MAXX projectile: The VXR LIVE-MAXX projectile is a non-lethal round. The projectile produces powder with 50% more airborne PAVA. This projectile is best for direct impact or area saturation. Discharged from a PepperBall P4 VKS launcher, the projectile has a velocity of 280-425 FPS. The projectile has a direct impact of 150ft and an area saturation of 350+ft. The projectile contains 5% PAVA powder. Cost: \$648.00, quantity: 90

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- (c) **Pepperball VXR Glass Breaker projectile:** The VXR Glass Breaker Projectile is a solid polymer projectile used for breaking out residential windows and side-glass of automobiles. Not for use on humans or animals unless authorized in the below listed policies pertaining to UOF. Cost: \$135.00, Quantity: 50

(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:

- (a) Self-destructive, dangerous and/or combative individuals.
- (b) Riot/Crowd control and civil unrest incidents.
- (c) Circumstances where a tactical advantage can be obtained.
- (d) Potentially vicious animals.
- (e) Training exercises or approved demonstrations.

3. **Authorized Use:**

Only those officers who have been trained in the use of the PepperBall launchers are authorized to use the PepperBall launchers. All other applicable FOPD policies remain in effect, including but not limited to FOPD Policy 300- Use of Force, FOPD Policy 308- Control Devices and Techniques, FOPD Policy 301- PepperBall Non-Lethal Weapon Systems.

(a) 4. **Expected Lifespan:**

- PepperBall Launcher: No Expiration
- LIVE-X Projectile: 3 years
- LIVE-MAXX projectile: 3 years
- Glass Breaker projectile: 3 years

5. **Fiscal Impact:**

- PepperBall P4 VKS Launcher: No fiscal impact or recurring cost
- LIVE-X Projectile: Approximately \$0 - \$340.00 annually
- LIVE-MAXX projectile: Approximately \$0-\$648.00 annually
- Glass Breaker projectile: Approximately \$0 - \$135.00 annually

(b) **Projectile Launch Platforms and Associated munitions (Category 14)**

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

Def Tech 40 mm Launcher: Cost \$985.70, quantity: 1. Def Tech 37 mm Launcher: Cost \$884.50, quantity: 1. Remington 870 12 gauge Less-Lethal Shotgun: Cost \$500, quantity 2. The Def Tech Launcher is not a firearm, but rather a less-lethal system that uses smokeless powder to deliver 40 mm projectiles from a safe distance. 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.

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- (a) The 40 mm 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 \$875.00, quantity: 25.
- (b) Def Tech No. 27A 37 mm Stinger rounds- Cost \$153.00, quantity: 3
- (c) Def Tech 37 mm low impact flex baton rounds- Cost \$73.50, quantity 3
- (d) Def Tech 37 mm Standard impact flex baton rounds- Cost \$73.50, quantity 3
- (e) Def Tech No. 23FS 12gauge Fin Stabilized projectile round- Cost\$ 29.00, quantity 5
- (f) CTS Model 2581 Super Sock Bean Bag 12 gauge round- Cost \$177.50, quantity 25
- (g) FX 9 mm Marking rounds- Cost \$111.22, quantity 167.
- (h) FC .38/.357 Marking rounds- Cost \$66.00, quantity 100.

(a) 2. **Purpose:**

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

(a) 3. **Authorized Use:**

Situations for use of the less lethal weapon system may include but are not limited to:

- (a) Self-destructive, dangerous, and/or combative individuals.
- (b) Riot/Crowd control and civil unrest incidents.
- (c) Circumstances where a tactical advantage can be obtained.
- (d) Potentially vicious animals.
- (e) Training exercised or approved demonstrations.

All other applicable FOPD policies remain in effect, to include, but not limited to, FOPD Policy 300- Use of Force, FOPD Policy 308- Control Devices and Techniques.

0 (d) **Expected Lifespan:**

- 40 mm Launcher- No expiration
 - 37 mm Launcher – No expiration
 - Remington 870 Bean Bag Less Lethal shotgun- No expiration
- (a) 40 mm Direct Impact Sponge round- 5 years
 - (b) Def Tech 37 mm "Stinger" round- 5years
 - (c) Def Tech 37 mm Low Impact Flex baton- 5 years
 - (d) Def Tech 37 mm Standard Flex baton- 5 years
 - (e) Def Tech 12 gauge Fin stabilized round-5 years
 - (f) CTS Model 2581 Super Sock- 5 years
 - (g) FX 9mm marking rounds- 5 years
 - (h) FX.38/.357 marking rounds- 1 year

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5. **Fiscal Impact:**

- 40 mm Launcher, estimated between \$0 - \$1000 annually
 - 37 mm Launcher, estimated between \$0 - \$1000 annually
 - Remington 870 less lethal shotgun, estimated between \$0 - \$1000 annually.
- (a) 40 mm sponge round, estimated between \$0 - \$1000 annually
 - (b) Def Tech 37 mm "Stinger" round, estimated between \$0 - \$150 annually
 - (c) Def Tech 37 mm Low Impact Baton, estimated between \$0 and?? annually
 - (d) Def Tech 37 mm Standard baton, estimated between \$0 - \$75 annually
 - (e) Def Tech 12 gauge Fin Stabilized round, estimated between \$0 - \$29 annually
 - (f) CTS Model 2581, estimated between \$0 - \$180 annually
 - (g) FX 9mm Marking, estimated between \$0 - \$150 annually
 - (h) FX.38/.357 marking, estimated between \$0 - 475 annually

709.5 APPROVAL

The Chief of Police or the authorized designee (Military Equipment Sergeant) shall obtain approval from the governing body (Fortuna City Council) 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 insure 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.

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709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment being used in this jurisdiction by members of the Fortuna Police Department shall comply with the City of Fortuna's approved Military Equipment Policy. During times of mutual aid or when utilizing the Humboldt County Regional SWAT Team, allied agencies and their personnel should only use military equipment which is approved for use in the allied agencies' own military equipment policy. This shall not prevent Fortuna Police Officers who are members of the Humboldt County Regional SWAT Team from deploying military equipment approved by the Humboldt County Sheriff's Department for use by Fortuna Police Officers who are assigned to the SWAT Team. Nothing in this policy shall prohibit the use of unapproved military equipment by members of the Fortuna Police Department or its allied agencies during times of exigent circumstances.

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 website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.8 COMMUNITY ENGAGEMENT

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

Military Equipment

ORIGINAL

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). Government Code 7070(d)(7) requires that this policy define procedures by which members of the public may register complaints or concerns or submit questions about the use of military equipment by the Fortuna Police Department. This information can be found on the department website or by calling and scheduling a telephone appointment with the department's Military Equipment Coordinator.

Department website link:

[AB 481 Military Equipment Transparency](#)

Department telephone number:

1-707-725-7550

Department Military Equipment Coordinator Email:

fpdmilitarycoordinator@ci.fortuna.ca.us

709.1.1 DEFINITIONS

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

Governing body – The City Council of the City of Fortuna.

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.

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- 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 Oleoresin Capsicum, 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.

709.2 POLICY

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

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The Chief of Police may appoint himself/herself to serve in the role. 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. As used in this policy, the governing body refers to the Fortuna City Council.
- (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 Fortuna 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 insuring 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 given type of military equipment, and how the Department will respond in a timely manner.

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709.4 MILITARY EQUIPMENT INVENTORY

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

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(a) Unmanned Aerial Vehicles (Category 1)

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

Mavic Pro Fly More Combo Platinum (UAV), cost \$1,500.00. Quantity 1. This equipment is a battery powered UAV remote operated device. Controller: Mavic Part 37 Remote Controller allows the operator to control UAV with an onboard LCD Screen and Smartphone holder. Camera is 4K capable. Flight time is 25-30 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

(a) 2. **Purpose:**

To 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.
- In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.
- ° **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the Mavic Pro Platinum (UAV) during approved missions. All other applicable FOPD policies remain in effect, including but not limited to FOPD Policy 613- Unmanned Aerial System (UAS) Operations.

(a) 4. **Expected Lifespan:**

10 years

(a) 5. **Fiscal Impact:**

No annual maintenance cost.

(b) Breaching Apparatus: Slugs (Category 7)

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

Royal Arms T.E.S.C #3 Green Cap, cost \$5.00 each, quantity 15 rounds. DEF Tech TKO Breaching rounds, cost \$9.00 each, quantity 10 rounds. Shotgun breaching rounds are specialty shotgun shells utilized for door breaching. The rounds are designed to be shot out of a 12 gauge shotgun barrel. The rounds contain compressed powder that is designed to strike and

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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 and/or over penetration 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. Shotgun breaching rounds are used to gain rapid access to a room or structure when an emergent law enforcement need exists.

(a) 2. **Purpose:**

To safely gain entry into a structure.

(a) 3. **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 FOPD policies remain in effect, including but not limited to, FOPD Policy 322 Search and Seizure, and FOPD Policy 424 Rapid Response and Deployment.

(a) 4. **Expected Lifespan:**

Until expended.

(a) 5. **Fiscal Impact:**

Individual unit price between \$5.00 and \$9.00 each.

(c) Specialized Firearms and Ammunition (Category 10)

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

- 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 or 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 worn by armed subjects. Rock River Arms LAR-15, Cost \$11,050, quantity 13. Daniel Defense DDM4, cost \$11,193, quantity 7. LWRC IC-PDW, cost \$2,500.00 quantity 1.
- The Winchester 5.56mm 55 grain full metal jacket is the primary duty cartridge deployed during a potentially lethal encounter. Cost: \$3,510.00 quantity: 6000
- Wolf Gold small arms cartridge 55 grain is a training cartridge used by the Department. Cost \$1,291.98. quantity: 2000

2. **Purpose:**

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

3. **Authorized Use:**

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- Only members who are POST certified and authorized to use a rifle. All other applicable FOPD policies remain in effect including but not limited to, FOPD Policy 300 Use of Force, and FOPD Policy 312 Firearms.

4. **Expected Lifespan:**

- Carbine Rifle- No expiration
- Winchester 5.56mm 55 grain FMJ- No expiration
- Wolf gold small arms 55grain FMJ- no Expiration

5. **Fiscal Impact:**

- Carbine Rifle- Annual cost \$2,500 and \$5,000.
- Winchester 5.56mm 55 grain FMJ- Annual cost- \$0-\$4,000.
- Wolf gold small arms 55 grain FMJ- Annual cost- \$0-\$4,000

(d) Flashbangs (Category 12)

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

A Noise Flash Diversionary Device (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 provides officers an opportunity to take control of high-risk situations during moments of distraction.

- ◦
 - NFDD Def Tech steel body reloadable body cost: \$121.68 quantity: 3.
 - NFDD Def Tech Distraction device reloads cost: \$264.05 quantity: 7.

◦ **Purpose:**

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

(a) 3. **Authorized Use:**

Diversionary Devices shall only be used:

- ◦
 - By officers who have been trained in their proper use.
 - In hostage and barricaded subject situations.
 - In high risk warrant (Search/Arrest) services where there may be extreme hazards to officers.
 - During other high-risk situations where their use would enhance officer safety.
 - During training exercises.

All other FOPD policies remain in effect, to include, but not limited to, FOPD Policy 300- Use of Force, FOPD Policy 415- Flash/Sound Diversionary Devices

(a) 4. **Expected Lifespan:**

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- NFDD Def Tech Steel body reloadable body- 40 uses
- NFDD Def Tech Distraction device reloads- 5 years

5. **Fiscal Impact:**

- NFDD Def Tech Steel body reloadable body- Annual cost between \$0-\$150.00
- NFDD Def Tech Distraction device reloads- Annual cost between \$0-\$300.00

(e) Tear Gas (Category 12)

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

Chemical agent munitions, which are commonly referred to as "tear gas", are a non-lethal force option used by the Fortuna Police Department to disperse rioting subjects and on barricaded suspects.

The Fortuna 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).

PAVA is an incapacitant similar to pepper spray. It contains pelargonic acid vanillylamide, a synthetic capsaicinoid in a solvent of aqueous ethanol. PAVA is used because this is the minimum concentration which will fulfill the purpose of the equipment; namely to minimize a person's capacity for resistance, without unnecessarily prolonging their discomfort.

- (a) Def tech 40 mm Powder Ferret Round is a barricade penetration round uses a Powder OC chemical agent to primarily dislodge barricaded subject and to deny areas of refuge. The round ruptures upon impact and instantaneously delivers its payload. It is designed to penetrate barriers such as windows, particleboard doors, and interior walls. Cost: \$285.00, quantity: 12
- (b) Def Tech No. 19 CS 37 mm Irritant Round- The Skat Shell 37 mm CS Round is widely used as a crowd management tool for the rapid and broad deployment of chemical agents. The Skat Shell contains separate sub-munitions that function individually once the round is discharged. The shell is 5.5 in. by 1.5 in. and delivers approximately 1.2 oz. of active agent out to 100 yards. This round may be fired in the air at an angle of approximately 25-30 degrees to achieve maximum stand-off distance, or it may be skip fired into the target area from lesser distances. Cost: 106.95, quantity: 3.
- (c) Def Tech No. T-21CS 37 mm Tear Gas Blast Dispersion Round- The 37 mm Muzzle Blast CN Round is a tool that delivers a chemical agent laden powder directly to

the target. Delivering approximately, 70 oz. of active agent, this 5.5 in. by 1.5 in. shell delivers active agent right from the muzzle. The Muzzle Blast has been used in operations such as barricaded subjects, space denial, room clearing, and a means of contaminating crawl spaces and attics. Cost: \$119.25, quantity: 5.

- (d) Def Tech No. 17CS 37 mm CS Irritant Round- The Spede-Heat™ 37 mm CS Short-Range Round is designed to deliver down range 75 yards. This 37 mm shell casing is 4.75 in. by 1.5 in. and delivers approximately, 94 oz. of active agent during its 20-40 second of burn time. These chemical and smoke projectiles are designed for outdoor use and have fire-producing capability. This round is designed specifically for outdoor use in crowd control situations with a high volume continuous burn. Regardless, the volume of smoke and agent is vast and obtrusive. Cost: \$116.25, quantity: 5.
- (e) Def Tech No. 14OC 37 mm OC Barricade Projectile Round- The Ferret® 37 mm OC Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone portion of the round ruptures and instantaneously delivers the 16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650 fps within an effective range of 50 yards. Cost: \$240.00, quantity: 5.
- (f) Def Tech No. 2 CS Irritant Smoke Grenade- The Spede-Heat™ CS Grenade is a high volume, continuous burn; it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. Cost: \$33.50, quantity: 1
- (g) Def Tech No. 98CS Irritant smoke Grenade- The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade. Cost: \$27.75, quantity: 1.
- (h) Def Tech No. T-16OC OC expulsion grenade- The OC Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately 02 oz. of active agent during its 3-second discharge time. Cost:\$150.45, quantity: 3.
- (i) Def Tech 12 gauge OC Powder Ferret Rounds-The Ferret® 12-Gauge Powder OC non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret® round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .002 oz. of active agent. Cost: \$166.00, quantity: 20
- (j) Def Tech No. 23CS 12 gauge Barricade Projectile CS Liquid-The Ferret® 12-Gauge Liquid CS non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for

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the agent. These munitions are a 2.5 in. 12-Gauge round deploying .025 oz. of active agent. Cost: \$170.30, quantity: 26.

- (k) Def Tech No F16 CS Expulsion Grenade-The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time. Cost:\$146.25, quantity: 3.

(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:

- (a) Self-destructive, dangerous, and/or combative individuals.
- (b) Riot/Crowd control and civil unrest incidents.
- (c) Circumstances where a tactical advantage can be obtained.
- (d) Potentially vicious animals.
- (e) Training exercises or approved demonstrations.

(a) 3. **Authorized User:**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents. All other applicable FOPD policies remain in effect, including but not limited to FOPD Policy 300- Use of Force, FOPD Policy 308- Control Devices and Techniques.

(a) 4. **Expected Lifespan:**

- Def Tech 40 mm Powder Ferret rounds- 5 years
- Def Tech No. 19CS 37 mm Irritant round- 5 years
- Def Tech No. T-21CS 37 mm Tear Gas dispersion round- 5 years
- Def Tech No. 17CS 37 mm CS Irritant Round- 5 years
- Def Tech No. 14OC 37 mm OC Barricade Projectile round- 5 years
- Def Tech No. 2CS Irritant smoke grenade- 5 years
- Def Tech No. 98CS Irritant smoke grenade- 5 years
- Def Tech No. T-16OC OC expulsion grenade- 5 years
- Def Tech 12 gauge OC powder ferret rounds- 5 years
- Def Tech 23CS 12 gauge Barricade projectile CS liquid round- 5 years
- Def Tech F16CS Expulsion grenade- 5 years

5. **Fiscal Impact**

- 40 mm Powder Ferret rounds- estimated between \$0 - \$300 annually

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- Def Tech No. 19CS- estimated between \$0 - \$160 annually
- Def Tech No. T-21CS estimated between \$0 - \$120 annually
- Def Tech No. 17CS estimated between \$0 - \$150 annually
- Def Tech No. 14OC estimated between \$0 - \$250 annually
- Def Tech No. 2CS estimated between \$0 - \$120 annually
- Def Tech No. 98CS estimated between \$0 - \$100 annually
- Def Tech No. T-16OC estimated between \$0 - \$150 annually
- Def Tech 12 gauge OC powder ferret estimated between \$0 - \$160 annually
- Def Tech 23CS Barricade CS liquid estimated between \$0 - \$180 annually
- Def Tech F16CS estimated between \$0 - \$150 annually

(f) PepperBall Launcher (Category 12)

1. **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 to a subject. Cost \$2,350.00, quantity:2

- (a) 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 P4 VKS launcher, the projectile has a velocity of 280-425 FPS. The projectile has a direct impact of 150ft and an area saturation of 350+ft. The projectile contains 2.5% PAVA powder. Cost: \$466.66, quantity: 140

2. **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:

- (a) Self-destructive, dangerous and/or combative individuals.
- (b) Riot/Crowd control and civil unrest incidents.
- (c) Circumstances where a tactical advantage can be obtained.
- (d) Potentially vicious animals.
- (e) Training exercises or approved demonstrations.

3. **Authorized Use:**

Only those officers who have been trained in the use of the PepperBall launchers are authorized to use the PepperBall launchers. All other applicable FOPD policies remain in effect, including but

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not limited to FOPD Policy 300- Use of Force, FOPD Policy 308- Control Devices and Techniques, FOPD Policy 301- PepperBall Non-Lethal Weapon Systems.

(a) 4. **Expected Lifespan:**

- PepperBall Launcher: No Expiration
- LIVE-X Projectile: 1 year

5. **Fiscal Impact:**

- PepperBall P4 VKS Launcher: No fiscal impact or recurring cost
- LIVE-X Projectile: Approximately \$0 - \$340.00 annually

(g) Projectile Launch Platforms and Associated munitions (Category 14)

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

Def Tech 40 mm Launcher: Cost \$985.70, quantity: 1. Def Tech 37 mm Launcher: Cost \$884.50, quantity: 1. Remington 870 12 gauge Less-Lethal Shotgun: Cost \$500, quantity 2. The Def Tech Launcher is not a firearm, but rather a less-lethal system that uses smokeless powder to deliver 40 mm projectiles from a safe distance. 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.

- (a) The 40 mm 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 \$875.00, quantity: 25.
- (b) Def Tech No. 27A 37 mm Stinger rounds- Cost \$153.00, quantity: 3
- (c) Def Tech 37 mm low impact flex baton rounds- Cost \$73.50, quantity 3
- (d) Def Tech 37 mm Standard impact flex baton rounds- Cost \$73.50, quantity 3
- (e) Def Tech No. 23FS 12gauge Fin Stabilized projectile round- Cost\$ 29.00, quantity 5
- (f) CTS Model 2581 Super Sock Bean Bag 12 gauge round- Cost \$177.50, quantity 25
- (g) FX 9 mm Marking rounds- Cost \$111.22, quantity 167.
- (h) FC .38/.357 Marking rounds- Cost \$66.00, quantity 100.

(a) 2. **Purpose:**

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

(a) 3. **Authorized Use:**

Situations for use of the less lethal weapon system may include but are not limited to:

- (a) Self-destructive, dangerous, and/or combative individuals.
- (b) Riot/Crowd control and civil unrest incidents.
- (c) Circumstances where a tactical advantage can be obtained.
- (d) Potentially vicious animals.

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- (e) Training exercised or approved demonstrations.

All other applicable FOPD policies remain in effect, to include, but not limited to, FOPD Policy 300- Use of Force, FOPD Policy 308- Control Devices and Techniques.

0 (d) **Expected Lifespan:**

- 40 mm Launcher- No expiration
- 37 mm Launcher – No expiration
- Remington 870 Bean Bag Less Lethal shotgun- No expiration

- (a) 40 mm Direct Impact Sponge round- 5 years
- (b) Def Tech 37 mm "Stinger" round- 5years
- (c) Def Tech 37 mm Low Impact Flex baton- 5 years
- (d) Def Tech 37 mm Standard Flex baton- 5 years
- (e) Def Tech 12 gauge Fin stabilized round-5 years
- (f) CTS Model 2581 Super Sock- 5 years
- (g) FX 9mm marking rounds- 5 years
- (h) FX.38/.357 marking rounds- 1 year

5. **Fiscal Impact:**

- 40 mm Launcher, estimated between \$0 - \$1000 annually
 - 37 mm Launcher, estimated between \$0 - \$1000 annually
 - Remington 870 less lethal shotgun, estimated between \$0 - \$1000 annually.
- (a) 40 mm sponge round, estimated between \$0 - \$1000 annually
 - (b) Def Tech 37 mm "Stinger" round, estimated between \$0 - \$150 annually
 - (c) Def Tech 37 mm Low Impact Baton, estimated between \$0 and?? annually
 - (d) Def Tech 37 mm Standard baton, estimated between \$0 - \$75 annually
 - (e) Def Tech 12 gauge Fin Stabilized round, estimated between \$0 - \$29 annually
 - (f) CTS Model 2581, estimated between \$0 - \$180 annually
 - (g) FX 9mm Marking, estimated between \$0 - \$150 annually
 - (h) FX.38/.357 marking, estimated between \$0 - 475 annually

709.5 APPROVAL

The Chief of Police or the authorized designee (Military Equipment Sergeant) shall obtain approval from the governing body (Fortuna City Council) by way of an ordinance adopting the Military Equipment Policy. As part of the approval process, the Chief of Police or the authorized designee

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shall insure 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.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment being used in this jurisdiction by members of the Fortuna Police Department shall comply with the City of Fortuna's approved Military Equipment Policy. During times of mutual aid or when utilizing the Humboldt County Regional SWAT Team, allied agencies and their personnel should only use military equipment which is approved for use in the allied agencies' own military equipment policy. This shall not prevent Fortuna Police Officers who are members of the Humboldt County Regional SWAT Team from deploying military equipment approved by the Humboldt County Sheriff's Department for use by Fortuna Police Officers who are assigned to the SWAT Team. Nothing in this policy shall prohibit the use of unapproved military equipment by members of the Fortuna Police Department or its allied agencies during times of exigent circumstances.

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 website for as long as the military equipment is

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available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.8 COMMUNITY ENGAGEMENT

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