

Military Equipment

710.1 PURPOSE AND SCOPE

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

710.1.1 DEFINITIONS

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

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

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

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

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710.2 POLICY

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

710.3 MILITARY EQUIPMENT COORDINATOR

The Investigations Commander shall act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

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

710.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department: [See attachment: Military Equipment List Staff Report 2023.pdf](#)

710.5 APPROVAL

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

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- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

710.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

710.7 ANNUAL REPORT

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

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

710.8 COMMUNITY ENGAGEMENT

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

Attachments

Military Equipment List Staff Report 2023.pdf

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

Arcata Police Department

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

Attachment “A” Date 04/01/2022

PURPOSE

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

BACKGROUND

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

Command and Control Vehicles

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

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

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

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

The Department currently possesses (1) Mobile Command Vehicle. The vehicle is a regional asset that can be deployed anywhere in Humboldt County at the request of any public safety agency.

Manufacture: MBF Industries

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

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

Purchase Cost: \$245,408

Expected Life Span: 25 Years

Fiscal Impact: The annual fiscal impact for the Mobile Command Vehicle is calculated as annual maintenance costs at \$2700 and \$6288 for storage for a total annual fiscal impact of \$8988.

Beanbag Shotguns

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

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

Usage: Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in Department Policy 308, Control Devices and Techniques.

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

- a. Circumstances appropriate for deployment include, but are not limited to, situations in which:
The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- b. The suspect has made credible threats to harm him/herself or others.
- c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Before discharging projectiles, the officer should consider such factors as:

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- a. Distance and angle to target.
- b. Type of munitions employed.
- c. Type and thickness of subject's clothing.
- d. The subject's proximity to others.
- e. The location of the subject.
- f. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

The department currently possesses (12) beanbag shotguns.

Manufacture: Remington Arms LLC

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

Purchase Cost: \$379.00 each.

Expected Lifespan: Beanbag shotguns have an expected life span of 25 years.

Fiscal Impact: No annual cost.

12 Gauge Beanbag Munition

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

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

Beanbag shotguns combined with beanbag munitions are authorized to be used by any officer that has been trained in their use and maintains current qualifications.

Usage: Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in Department Policy 308, Control Devices and Techniques.

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

- a. Circumstances appropriate for deployment include, but are not limited to, situations in which:
The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- b. The suspect has made credible threats to harm him/herself or others.
- c. The suspect is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers.
- d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Before discharging projectiles, the officer should consider such factors as:

- a. Distance and angle to target.
- b. Type of munitions employed.
- c. Type and thickness of subject's clothing.
- d. The subject's proximity to others.
- e. The location of the subject.
- f. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

Manufacturer: CTS

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

Expected Lifespan: CTS Super-Sock® Beanbag munition has an expected life span of 5 years.

Purchase Cost: \$35.50 per 5 rounds.

Fiscal Impact: CTS Super-Sock® Beanbag munition – approximately \$950 annually.

Patrol Rifle

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

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

Usage: Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.

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- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

Training Requirements: All members who carry a firearm while on duty are required to successfully complete training quarterly with their duty firearms, including the patrol rifle. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course. At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

The Department currently possesses (13) Patrol Rifles.

Purchase Cost: \$1750.00 each.

Expected Lifespan: Patrol Rifles have an expected life span of 25 years.

Fiscal Impact: No annual cost.

.223 Caliber or 5.56mm Rifle Ammunition

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

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

Usage: Members may deploy the patrol rifle utilizing .223 caliber/5.56 mm rifle munitions in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

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- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

Training Requirements: All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms, including the patrol rifle. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course. At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Manufacturer: Winchester 55 grain full metal jacket rifle ammunition.

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

Purchase Cost: \$12.99 per 20 rounds

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

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

Pepper Ball Launchers

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

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

Usage: Only department-approved kinetic energy devices shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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- a. Circumstances appropriate for deployment include, but are not limited to, situations in which:
The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- b. The suspect has made credible threats to harm him/herself or others.
- c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Before discharging projectiles, the officer should consider such factors as:

- a. Distance and angle to target.
- b. Type of munitions employed.
- c. Type and thickness of subject's clothing.
- d. The subject's proximity to others.
- e. The location of the subject.
- f. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Training Requirements: Officers that have been trained in the use of the pepper ball launcher undergo a 4-hour classroom and live fire training course. Additionally, officers trained in the use of the pepper ball launcher must pass annual qualification to maintain proficiency.

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

(4) Pepper Ball VKS pepper ball launcher:

Manufacturer: Pepper Ball USA

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

Purchase Cost: \$1350 each.

Expected Lifespan: Pepper ball VKS pepper ball launchers have an expected life span of 15 years.

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Fiscal Impact: Pepper ball VKS pepper ball launchers have no annual cost.

Pepper Ball Munitions

Pepper Ball Live-X – Projectile Pepper Ball Munition

Pepper Ball Munition: Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

Usage: Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

- a. Circumstances appropriate for deployment include, but are not limited to, situations in which:
The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- b. The suspect has made credible threats to harm him/herself or others.
- c. The suspect is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers.
- d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Before discharging projectiles, the officer should consider such factors as:

- a. Distance and angle to target.
- b. Type of munitions employed.
- c. Type and thickness of subject's clothing.
- d. The subject's proximity to others.
- e. The location of the subject.

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- f. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Training Requirements: Officers that have been trained in the use of the pepper ball launcher and pepper ball munitions undergo a 4-hour classroom and live fire training course. Additionally, officers trained in the use of the pepper ball launcher must pass annual qualification to maintain proficiency.

The Department currently possesses the following types of pepper munitions:

Pepper Ball Live-X Pepper Ball Munition

Manufacturer: PepperBall USA

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

Purchase Cost: \$44.95 per 10 rounds

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

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

Pepper Ball Inert – Projectile Pepper Ball Munition

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

Manufacturer: Pepper Ball USA

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

Purchase Cost: \$79.95 per 90 rounds

Expected Lifespan: Pepper ball Inert Projectile Pepper Ball Munition have an expected life span of 5 years.

Fiscal Impact: Pepper ball Inert Projectile Pepper Ball Munition have an approximate annual cost of

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\$240.