



## **PUBLIC CORRESPONDENCE**

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Jeanine Valadez](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #12 6/14/2022  
**Date:** Monday, June 13, 2022 12:01:45 PM  
**Attachments:** [2022\\_04\\_22\\_City\\_of\\_Los\\_Altos\\_Policy\\_Military\\_Equipment\\_DRAFT\\_redline\\_V.1.pdf](#)

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City Council, City Staff, Los Altos PD,

I cannot support Policy 709 as written. It is missing key elements of AB481 (most notably the requirement for accountability and consequences) and the vocabulary used doesn't properly constrain authorized uses of ME in our city.

I am available to discuss the rationale behind each and every edit or suggestion.

Please see attached redline,

Jeanine Valadez

Disclosure: I am a PARC commissioner but am writing this as a member of the public.

# Military Equipment

## 709.1 PURPOSE AND SCOPE

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

### 709.1.1 DEFINITIONS

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

**Governing body** – The elected or appointed body that oversees the Department (for Los Altos, this is the City Council).

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- 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 items designed to remove a lock, or 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 and ammunition of less than .50 caliber.
- 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 (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, including lethal and less-lethal implementations.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### **709.2 POLICY**

It is the policy of the Los Altos 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 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 Los Altos 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 any questions about the use of a type of military equipment, including, but not limited to results of past tests conducted to verify efficacy of military equipment owned by Department, and how the Department will respond in a timely manner.

### **709.4 MILITARY EQUIPMENT INVENTORY**

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

1. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. PENN ARMS GL-140-C, 40MM SINGLE SHOT LAUNCHER, cost: \$1,000, quantity: 3. The 40mm Single Launcher is a tactical single shot launcher that features a collapsible stock. It will fire standard 40mm less lethal ammunition, up to 6.0 inches in cartridge length. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
    - ii. SAGE CONTROL ORDINANCES INC K041 STANDARD ENERGY

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IMPACT BATON PROJECTILE, cost: \$21.00, quantity: 14. A less

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lethal 40mm impact baton projectile fired from a single 40mm grenade launcher with a rifled barrel at 51-72 MPS (meters per second). The projectile provides accurate and effective performance when fired from the recommended firing distances of not less than 10 feet and no greater than 75 feet. [Note: many agencies now use K08 SST (Super Soft Tip) projectiles instead of this version]

- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and, in general shall reflect necessary, reasonable, and proportional use of less lethal weapon systems:
  - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
  - ii. The suspect has made credible threats to harm him/herself or others.
  - iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
  - iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- (d) Training: 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 re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (e) Lifespan:
  - i. Penn Arms GL-140-C- No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear
  - ii. K041 Standard Energy Impact Batons-5 years
- (f) Fiscal Impact: Annual maintenance is approximately \$100 for each launcher.
- (g) Legal and Procedural Rules: Use of the 40mm launcher and 40mm baton rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

2. **Less Lethal Shotgun and Rounds:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

- (a) Description, quantity, capabilities, and purchase cost
  - i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$950, quantity: 11. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The

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range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of

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deescalation. The less lethal 12- gauge shotgun is distinguishable by an orange butt stock and fore grip.

- ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND 2581, cost: \$6, quantity: 90. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS (Combined Tactical Systems) Super-Sock rounds are discharged from a dedicated 12- gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. 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. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  - (c) Authorized Use - Situations for use of the less lethal weapon systems may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and , in general shall reflect necessary, reasonable, and proportional use of less-lethal weapon systems:
    - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
    - ii. The suspect has made credible threats to harm him/herself or others.
    - iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
    - iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
  - (d) Lifespan:
    - i. Remington 970 Less Lethal Shotgun-25 years
    - ii. Super Sock Round Model 2581: No listed expiration date
  - (e) Training: 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 re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per shotgun.
  - (g) Legal and Procedural Rules: Use of the less lethal shotgun and Super Sock rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS) It is the policy of



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the Los Altos Police Department to utilize the less lethal shotgun only for official

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law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

3. **5.56mm Semi-Automatic Rifles and Ammunition:** The Colt AR-15/M4 5.56 mm/.223 semiautomatic rifles are used for both patrol and the SWAT Team.

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

- i. COLT AR/M4 RIFLES, cost: \$1200, quantity: 27. These rifles, equipped and locked in each patrol car or police motorcycle, offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol cars or in the Police station and are only deployed on specific incidents where officers believe guns or weapons are involved. [Question: This listing is vague. Do we actually include both AR15 (semi-auto) and M4 (burst and fully auto) rifles in our inventory? Or is the use of the descriptor "AR-15/M4" being used as a generic term and we actually only stock semi-auto rifles? It would be better to itemize what kinds of rifles we actually have because they have different capabilities, barrel lengths (and therefore different targeting-efficacy metrics and close-quarters suitability), and costs. Clarification is needed here.]
- ii. .223 CALIBER or 5.56MM RIFLE AMMUNITION, cost: \$280 per case of 500 rounds, quantity: 10,800 rounds. This rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 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.

- (b) Purpose: To be used as precision weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

- (c) Authorized Use - Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Situations for use of the less this lethal weapon systems may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and, in general, shall reflect necessary, reasonable, and proportional use of lethal weapon systems:

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

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- vi. When authorized or requested by a supervisor.
  - vii. When needed to euthanize an animal.
- (d) Lifespan:
- i. Colt AR/M4 Rifles: Approximately 15-20 years
  - ii. 223 Caliber or 5.56mm rifle ammunition: No expiration

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- (e) Training: Officers must successfully complete a 24-hour patrol rifle course as well as regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-~~approved~~-certified rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course. (POST is the Peace Officer Standards and Training Council; SWAT is Special Weapons and Tactics.)
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per rifle.
  - (g) Legal and Procedural Rules: Use of the patrol rifles and ammunition are subject to the requirements of Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
4. **.308 Caliber Remington 700 and Heckler & Koch HK-91 Sniper Rifles and Ammunition**: The sniper rifles are capable of firing a .308 caliber bullet. This rifle may only be used by a SWAT Officer trained and certified to be a sniper (LAPD currently has two such officers) and may be deployed to assist the SWAT Team in a critical incident or emergency.
- (a) Description, quantity, capabilities, and purchase cost
    - i. .308 CALIBER REMINGTON 700 AND 700 LTR RIFLES, cost: \$1,000, quantity: 2. Remington 700: No cost, surveyed, Remington 700LTR \$1,000.
    - ii. .308 CALIBER HECKLER & KOCH HK-91 RIFLE, cost: No cost, surveyed, quantity: 1.
    - iii. .308 AMMUNITION, cost: \$1.50 per round, quantity: ~~3,040~~-3,040 rounds. These nickel-plated bonded soft-point 308/7.62 cartridges from Speer Gold-Dot are resistant to corrosion, capable of expansion from barrels as short as 10", and retain accuracy from a variety of barrels lengths.
  - (b) Purpose: This rifle may only be used by a SWAT Officer trained and certified to be a sniper and may be deployed to assist the SWAT Team in a critical incident or emergency. The main use of this lethal weapons system is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.
  - (c) Authorized Use: Examples of situations for deploying the sniper rifle may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and, in general, shall reflect necessary, reasonable, and proportional use of lethal weapon systems:
    - i. where the Officer reasonably anticipates an armed encounter;
    - ii. when the Officer is faced with a situation that may require accurate and effective fire at a long distance;
    - iii. where an Officer reasonably expects the need to meet or exceed the

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- firearms and ammunition that a suspect is reported or believed to possess;
- iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;

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- v. when an Officer reasonably believes that a suspect may be wearing body armor.
  - (d) Lifespan:
    - i. .308 Caliber Remington 700/700LTR: Approximately 15 years
    - ii. .308 Caliber Heckler & Koch HK-91: Approximately 15 years
    - iii. .308 Ammunition: No expiration
  - (e) Training: In addition to patrol rifle and standard SWAT operator training, SWAT snipers must successfully complete a California POST-certified sniper course as well as regular SWAT sniper training and qualifications as required by law and policy.
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per Remington rifle. The HK is not used.
  - (g) Legal and Procedural Rules: Use of the sniper rifles and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos, Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), Policy 312 (FIREARMS), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
5. **Benelli M3Super90 12 gauge shotgun and ammunition: This firearm is not currently used by the department and is stored in the armory.** The Benelli M3 is a dual-mode (hybrid pump-action and semi-automatic) shotgun. The ammunition for the shotgun is 00 Buck and slug rounds.
- (a) Description, quantity, capabilities, and purchase cost
    - i. BENELLI M3SUPER90 12 GAUGE SHOTGUN, cost \$500, quantity: 1. The Benelli M3 is a combination Pump-Action and Semi-Automatic Shotgun. The shotgun can be chambered for 12 GA shells with a 20 inch barrel.
    - ii. 00 BUCK AMMUNITION, cost: \$1.80 per round, quantity: 600 rounds. A typical 12-gauge, 2 ¾-inch 00 Buckshot shell holds 8 pellets that are 0.33" in diameter. A 3-inch shell most often contains 12 of these same sized pellets.
    - iii. SLUG AMMUNITION, cost: \$1.40 per round, quantity: 100. The Foster-type shotgun slug features exterior rifled grooves which contact the shotgun's bore to give it spin; and, the slug's hollow-point design initiates expansion to augment stopping power.
  - (b) Purpose: This shotgun is not currently utilized by the department. The only shotguns used by the Department are the less lethal shotguns. The ammunition is purchased solely for recruits in the police academy, where shotgun instruction occurs.

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- (c) Authorized Use: There is currently no authorized use for the shotgun in our policy.
  - (d) Lifespan:
    - i. Benelli M3Super90 12 gauge shotgun: Approximately 15 years
    - ii. OO Buck Ammunition: No expiration
    - iii. Slug ammunition: No expiration
  - (e) Training: Officers receive training in shotgun use in the police academy, and have to pass firearm qualifications. There is no further training with the Benelli shotgun or ammunition.
  - (f) Fiscal Impact: None, the weapon is not utilized.
  - (g) Legal and Procedural Rules: Use of all firearms fall under the following policies: Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize firearms only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
6. **Remington 870 MCS 12 Gauge Breaching shotgun and breaching rounds: This firearm/ammunition is not currently used by the department and is stored in the SWAT armory.**
- (a) Description, quantity, capabilities, and purchase cost
    - i. REMINGTON 870 MCS 12 GAUGE BREACHING SHOTGUN, cost: \$1,400, quantity: 1. Extremely compact breaching model 12 gauge with a ten inch cylinder bore breaching barrel with parkerized finish, a Knox recoil reducing breacher pistol grip stock, and synthetic modular fore-end.
    - ii. 12 GAUGE BREACHING ROUNDS, cost: \$5.00 per round, quantity: 25 rounds. The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The is a widely used method to breach door locks or hinges for entry during tactical operations.
  - (b) Purpose: The breaching shotgun is used to safely gain entry into a structure. When properly deployed, the TKO breaching round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates in to a fine powder eliminating fragmentation. The Explosive Breaching Program, conducted in conjunction with the Mountain View Police Department, was established to provide the joint SWAT Team the ability to quickly create an opening in a wall or window to quickly enter a building for an emergency rescue of hostages. It is reserved for rescue operations only.
  - (c) Authorized Use: This equipment would only be deployed during a SWAT incident, and its use would need specific authorization from the Incident Commander. The equipment may only be used by a "tactical breacher" on the SWAT team. We currently do not have any authorized users at the Department.

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- (d) Lifespan:
  - i. Remington 870 MCS 12 Gauge Breaching shotgun: Approximately 15 years
  - ii. 12-Gauge TKO Breaching Round: Approximately 5 years
- (e) Training: The training consists of an 80-hour course for a member of the SWAT Team specifically designated as the "breacher." At the conclusion of the course, the breacher must pass a test proctored by CAL/OSHA. The OSHA certification is valid for 5 years. Before the expiration of the certification, the breacher must retake and pass the test.
- (f) Fiscal Impact: None, the weapon is not utilized.
- (g) Legal and Procedural Rules: Use of the breaching shotgun and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

7. **Kaiser Precision Vulcan II Munitions Pole: Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices. [This product does not come up in any Google or manufacturer's searches. I think I found its patent, though]. Is it obsolete? Lots of court cases and settlements in favor of complainants who suffered injuries as a result of burns and impact by flash-bang deployment using poles similar to this one.]**

- (a) Description, quantity, capabilities, and purchase cost
  - i. KAISER PRECISION VULCAN II MUNITIONS POLE, cost: \$2,000, quantity: 1. The munitions pole is a multi-purpose breaching tool, constructed of lightweight aluminum square tubing used to deploy distraction devices and chemical munitions in order to gain entrance into a building, structure or even a vehicle.
- (b) Purpose: The munitions pole is used to safely deploy diversionary devices, chemical munitions, or other objects (cell phones, cameras) during SWAT operations.
- (c) Authorized Use: This equipment would be deployed during primarily during a SWAT incident, but could be utilized to gain entry into a residence during other high-risk operations on patrol.
- (d) Lifespan: Approximately 10 years
- (e) Training: Kaiser Precision provided an instructional video for individual and team training.
- (f) Fiscal Impact: None, does not require annual maintenance
- (g) Legal and Procedural Rules: Use of the munitions pole are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414



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(HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to

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utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

8. **CTS Flash-bang Training Kit:** The training flash-bangs are built and weigh exactly the same as its equivalent live Flash-Bang, but have no flash charge.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. CTS FLASH-BANG TRAINING KIT, cost: \$964, Quantity 1 kit (comes with 70 reload Training Fuzes, 1 body), current fuze inventory is 25. The training bodies are painted with a bright blue coating, and can be used an unlimited number of times. The M201FB fuze for this system has 10 times the output of a normal M201 fuze and it is threaded with a left hand thread so it can not be accidentally used in any other munitions. The training devices produce an output of about 120db.
  - (b) Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.
  - (c) Authorized Use: SWAT operators may utilize the training flash-bangs as a training tool to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. Los Altos Police Department does not have any live flash-bangs in the inventory. Our operators use live flash-bangs while on SWAT events or at training with Mountain View Police Department.
  - (d) Lifespan: 5 years
  - (e) Training: These are a training tool. SWAT operators must attend and pass an 80-hour SWAT training class. Flash-bang training is provided by an instructor who has completed an 8-hour noise flash diversionary device course.
  - (f) Legal and Procedural Rules: Use of the **live** flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.
9. **Specialty Impact Munition (SIM) weapons and ammunition:** Simunition® is the pioneer and world leader in providing military, law enforcement and approved range members with the most realistic and non-lethal force-on-force, short range, simulation training system.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. SIMUNITION GLOCK 17T, cost: \$500 each, quantity: 8. The GLOCK Training Pistols were developed with the purpose of enabling reality-based tactical operations training using color marking or plastic projectile

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ammunition. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

- ii. SIM CONVERTED BERETTA 92, cost: \$500 each, quantity: 4. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.
  - iii. HK MP5 CONVERSION KITS, cost: \$500 each, quantity 2. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.
  - iv. SIMUNITION COLT AR-15 CARBINE RIFLE UPPERS, cost: \$1,000 each, quantity: 3. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.
  - v. FX MARKING CARTRIDGES, cost: \$350 for 500 rounds, quantity: 3,500 rounds. The reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. They feature tactical accuracy up to 25 feet (7.6 meters).
- (b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.
  - (c) Authorized Use: Simunition weapons and marking rounds are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force-on-force training scenarios. These items are used for training purposes for all sworn staff members.
  - (d) Lifespan:
    - i. Simunition Glock 17T: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
    - ii. Sim Converted Beretta: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

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- iii. HK MP5 Conversion Kits: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - iv. Simunition Colt AR-15 Rifle Uppers: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - v. FX Marking Cartridges: Shelf life five (5) years.
- (e) Training: These are a training tool. Simunition Instructors attend an informative, three-day (24-hour) course designed to provide students with substantial hands-on experience with Simunition® FX® training ammunition technology, weapons conversion kits, and the Simunition® line of protective equipment. The course provides in-depth, hands-on instruction in scenario-based training program development and training methodology, and gives critical practical experience to students on the best use of Simunition® training products in a highly effective, realistic, extremely safe training program. Sworn staff members are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.
- (f) Legal and Procedural Rules: Use of the Simunition firearms and marking rounds are subject to the requirements of Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS) while training. It is the policy of the Los Altos Police Department to utilize Simunition equipment only for official law enforcement training purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

### 709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body ~~prior to~~before the Department engages 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) Acquiresing military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaboratesing with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

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- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (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.

The governing body shall approve the military equipment use policy in accordance with the scope of assessment described in AB 481: Subsection 7071 (1), Sec 2, Para 2, subpara A-D. Should the governing body at any review cycle fail to approve the military equipment use policy within 180 days of the commencement of said review cycle, the use of military equipment shall cease by the Department until that time that the governing body approves a military equipment policy.

### **709.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction shall comply with their respective military equipment policies in rendering mutual aid.

### **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.

Pursuant to California Government Code 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of listed equipment in this policy by any of the following means:

- (a) Via email to: [policefeedback@losaltosca.gov](mailto:policefeedback@losaltosca.gov)
- (b) Via phone call to: 650-947-2672
- (c) Via mail sent to:

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Attention Operations Captain

1 North San Antonio Rd

Los Altos CA 94022

[COMPLIANCE AND ACCOUNTABILITY: Need to add section that fulfills AB 481's requirement to detail "the mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy."]