

**From:** [Angel Rodriguez](#)  
**To:** [Adelina Del Real](#)  
**Subject:** FW: PUBLIC COMMENT AGENDA ITEM #TBD (MilEquipUse 709) 7/12/2022  
**Date:** Monday, September 19, 2022 11:29:31 AM  
**Attachments:** [2022\\_06\\_30 LAPD ME Use Policy key issues overview mtg with Katie Krauss.pdf](#)  
[2022\\_07\\_12 City of Los Altos Policy 709 Military Equipment DRAFT redline V.5.pdf](#)

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[REDACTED]

[REDACTED]

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**From:** Gabriel Engeland <[gengeland@losaltosca.gov](mailto:gengeland@losaltosca.gov)>  
**Sent:** Monday, September 19, 2022 8:31 AM  
**To:** Angel Rodriguez <[arodriguez@losaltosca.gov](mailto:arodriguez@losaltosca.gov)>  
**Subject:** Fw: PUBLIC COMMENT AGENDA ITEM #TBD (MilEquipUse 709) 7/12/2022

Angel,

Please see the below and attached. Can we make sure this is uploaded for public comment.

Thanks,

Gabe

Gabriel Engeland

City Manager

City of Los Altos

(650) 947-2740 | [www.losaltosca.gov](http://www.losaltosca.gov)

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**From:** Jeanine Valadez [REDACTED]  
**Sent:** Monday, September 19, 2022 12:31 AM  
**To:** Gabriel Engeland <[gengeland@losaltosca.gov](mailto:gengeland@losaltosca.gov)>  
**Subject:** Fwd: PUBLIC COMMENT AGENDA ITEM #TBD (MilEquipUse 709) 7/12/2022

Gabe, here is the Public Comment email referenced in the other email I just sent. I sent the email below June 30 but it was somehow not read by the city. The PDFs I submitted with that Public Comment are hereby attached as well. Please advise as to anything I need to do to effect a corrected Public Comment posting for me to this 9/20 Council packet.

Thank you,

Jeanine Valadez

=====

>Date: Sun, 18 Sep 2022 22:50:48 -0700  
>To: Angel Rodriguez <[arodriguez@losaltosca.gov](mailto:arodriguez@losaltosca.gov)>  
>From: Jeanine Valadez <>  
>Subject: Fwd: PUBLIC COMMENT AGENDA ITEM #TBD (MilEquipUse 709) 7/12/2022

>

>Angel, here is the Public Comment I sent June 30. Please note that  
>the attached v5 redline filename is titled with date 2022\_07\_12  
>because that was when I thought the agenda would discuss the topic -  
>it was actually saved on June 30 (you can confirm this by checking  
>the file's meta data). I also did not have an agenda item number  
>for that 7/12 agenda so my subject line says "#TBD" -- perhaps  
>that's why it got lost??

>

>Jeanine

>=====

>>Date: Thurs, 30 Jun 2022 10:32:20 -0700  
>>To: [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)  
>>From: Jeanine Valadez <[j9valadez@earthlink.net](mailto:j9valadez@earthlink.net)>  
>>Subject: PUBLIC COMMENT AGENDA ITEM #TBD (MilEquipUse 709) 7/12/2022

>>

>>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,  
>>consequences, and independent oversight -- and the vocabulary used  
>>doesn't properly constrain authorized uses of ME in our city. I  
>>have shared all my work with Captain Katie Krauss prior to this  
>>comment. I thank her for the time she has shared with me to review  
>>the attached content.

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

>>Please see attached redline of the MEUP 709 policy Version 5 (V5),  
>>and the attached Key Issues Summary that justifies and explains the  
>>edits comprising V5.

>>

>>Jeanine Valadez

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

## Military Equipment (PUBLIC COMMENT V.5 JAV)

### 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the Los Altos Police Department (Department) guidelines for conforming to. 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; and Government Code § 7072).

This policy fulfills the obligations set forth in Assembly Bill No. 481 (c.2021), enacting the foregoing statutes' Code sections. These obligations include, but are not limited to, seeking approval for the use and acquisition of specific items deemed to be military equipment, and requirements related to training, compliance, annual reporting, cataloging, community engagement, independent oversight, and complaints regarding these items. This policy also includes requirements and assessment criteria to achieve annual approval from the Department's governing body, the Los Altos City Council, as herein described.

The philosophy behind this policy recognizes that military equipment in our community may impact the public's safety and welfare, so this policy makes sure that safeguards exist, including transparency, governing body oversight, independent oversight, and accountability measures. These safeguards serve to ensure the public's right to know that the acquisition and use of military equipment by the Department is consistent with the provisions set forth by the City Council and as outlined in AB481.

This policy will also provide the public with a transparent view of the military equipment owned, used, and in some cases, not used, by the Department.

[Sources: amalgamations of Los Alamitos PD, Hayward PD, Long Beach PD, San Diego County Sheriff, Sacramento PD, and Culver City PD ME Use Policies, Purpose, Scope, and Philosophy sections (variously numbered), plus AB481 itself]

#### 709.1.1 DEFINITIONS

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

**Governing body** – ~~The elected or appointed body that oversees the Department~~ The Los Altos 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 non-explosive 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, but not limited to, lethal and less-lethal implementations of 40mm projectile (baton) launchers, pellet bag- and rubber bullet-firing weapons, and specialty impact munition (SIM) weapons.
- 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 Codes § 7070, 7071, and 7072 with respect to military equipment.

(a) All approved inventory and uses pursuant to this policy shall be used in accordance with all applicable Department policies and laws.

(b) Compliance: The Chief of Police shall ensure that all Department members comply with this policy.

(c) Independent Oversight: Suspected or alleged violations of this policy or of any other applicable laws or policies governing the use of military equipment shall be referred to an independent oversight entity established for investigation (GC §7070 Subdiv (d) para (6)) in accordance with law and all applicable conduct policies within the Department.

(d) Consequences (sanctions) for violating policy will be in accordance with Department rules and regulations and escalated as necessary up to and including in consultation with the Office of the District Attorney. All confirmed violations shall be included in the annual report to the governing body.

(e) The Department acknowledges the historical use of certain police equipment to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, cultural affiliation, income level, sexual orientation, gender identity/expression, disability, mental health condition, or political perspective. As such, this policy expressly prohibits the use of military equipment on individuals or groups solely based on such actual or perceived characteristics. [Sources: case law and case studies: [https://www.dhs.gov/sites/default/files/publications/use-of-race-policy\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf) , Source of text: Hayward PD Policy 706 ME Use, abridged.]

### **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.

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- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit 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. [Source for redline: several LE members I know (all management) with whom I spoke; their experience was that such data are or should be gathered and archived regularly, especially in smaller agencies where use of ME, both weapons and munitions, is rare. The worst thing that can happen is malfunction of equipment due to age.]

### **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 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.

- (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, these and 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 range of the weapon system helps to maintain space between officers and

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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, these and 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. [PROBLEM: 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 by name/model 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-lethal~~ lethal weapon systems may include, but are not limited to the following; however, these and 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. 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

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armor.

- vi. When authorized or requested by a supervisor.
- vii. When needed to euthanize an animal (there will be situations where distance is required from an animal for safety or accessibility reasons, demanding the use of this equipment).

(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 weapon 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, these and 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. 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 firearms and ammunition that a suspect is reported or believed to possess;

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- 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. The Department's SWAT snipers achieve team operational efficacy by training fully with Mountain View SWAT and are integrated with that team.
  - (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 3/4-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~~ This 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 (explodes) 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; however, these and 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.
  - (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

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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

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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~~ provides military, law enforcement and approved range members with ~~a 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~~ enable 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~~, a three-day (24-hour) course designed to provide students with substantial to obtain 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 (Government Code §7071(a)(1)). 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 GC-§ 7071(b)). The military equipment policy must be approved by the governing body prior to the Department engaging in any of the following (Government Code GC-§ 7071(a)(1)(A)-(G)):

- (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.

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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 only approve the military equipment use policy if all of the following are true (§7071 Subdiv (d) para (1) subpara (A)-(D)):

- (a) Each military equipment is necessary for lack of a reasonable alternative.
- (b) The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) The military equipment is reasonably cost effective.
- (d) All current or prior non-confirming uses have been remedied to assure future compliance with policy
- (e) All required components of the military equipment use policy are included in the policy presented for approval, including at least the following for each item of equipment (GC §7070 Subdiv (d) para (1)-(7)):
  - a. Description
  - b. Purpose(s) and authorized use(s)
  - c. Fiscal impact, initial costs and maintenance costs
  - d. Legal and procedural rules that govern authorized use(s)
  - e. Training required
  - f. Mechanisms to ensure compliance, independent oversight, and legal consequences (sanctions) for violation of policy
  - g. Methods by which public engagement is achieved (complaints, concerns, questions, suggestions)

#### **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.

The Department's policy in this regard best serves the public because it allows the providers of mutual aid to rely on the training and operational protocols with which they are familiar to achieve situational objectives. Requiring providers of mutual aid to change their operational parameters would introduce risk into the service of mutual aid. [Source: this is my opinion, but my LE associates agree.]

#### **709.7 ANNUAL REPORT AND ANNUAL REVIEW**

Upon approval of a military equipment policy, the Chief of Police ~~or the authorized designee should submit~~shall be responsible for the issuance of an annual 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~~shall also make each annual military

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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.

The governing body shall review the ordinance it has adopted approving the military equipment use policy at least annually in combination with a review of the annual report generated by the Department. Should the governing body at any review cycle fail to approve any component(s) of military equipment (GC §7071 Subdiv (e) para (1)-(2) abridged) or the military equipment use policy or any element of the policy within 180 days of the commencement of said review cycle, the use of military equipment, or specific component(s) of military equipment, shall cease by the Department until that time that the governing body approves the military equipment policy (GC §7071 Subdiv (a) para (2) abridged).

### **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:

#### To Department:

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

Los Altos Police Department

Attention Operations Captain

1 North San Antonio Rd

Los Altos CA 94022

#### To Independent Oversight (IO):

- a) IO email
- b) IO phone
- c) IO mail address

2022\_06\_30 Los Altos PD – Policy 709 Military Equipment Use

Key Issues Summary – refers to REDLINE of 709 generated by Jeanine Valadez, Version V.5

Prior publication: Public Comment to 6/14/2022 City Council Meeting – V.1

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Background: I conducted an extensive search through ME Use Policies and some contact with many other LE agencies and personnel throughout Calif. All agencies I accessed used Lexipol template as basis, though there was quite a bit of variance as to content, which sections of the template they chose to deploy, the decisions they made to expand upon or abridge template sections, etc. Anecdotally, I found that as many agencies were more expansive in their policy statements as those that were “bare-minimum” agencies. I would put our policy more towards the end of the spectrum of bare minimum with some actual missing elements of AB481. In the end, my recommendations constitute what I consider to be a best practices suggestion that balances PD’s need for accuracy, justifiable use of the equipment, and necessity of ME to effect public safety, with the public’s interest in transparency, explicitly abiding by the law (AB481), compliance and accountability, protection of civil rights, and empathy for those historically negatively affected by such equipment.

Key Issues (Not in order of Policy Outline)

- 1) Our current Policy 709 is missing a comprehensive introduction. It does not inform the public of the philosophy behind why the document exists, nor “what’s in it for the public.” **SOLUTION:** Expand Purpose and Scope chapter 709.1 as redlined.
- 2) The definitions section 709.1.1 is abridged excessively. **SOLUTION:** expand military equipment definitions using AB481 wording.
- 3) 709 does not recognize the overarching desire to protect people in classes of difference from harm simply because they are different; i.e., there is no anti-discrimination statement of any kind. Even AB481’s preamble and Sec 1 intro both recognize the negative impact on people of color. **SOLUTION:** I added historical discriminatory use statement under the Policy chapter, 709.2 (e). It complies with the guidelines put out by the DOJ. Additionally, Constitutional Law (Whren v. United States, 517 U.S. 806, 813 (1996) assures this protection (see Dept of Justice website: [https://www.dhs.gov/sites/default/files/publications/use-of-race-policy\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf)). I sourced the wording from Hayward PD after checking that it conformed to DOJ guidelines.
- 4) 709 does not show the assessment criteria AB481 requires (see citations in redline for 709.5). The general public does not typically read state bills, laws, or case law. Yet they read local policies. AB481 is deeply replicated in most agencies’ ME policies. This informs the public what to expect and amplifies the purpose of the policy as well as the governing bodies’ responsibilities therein. The most important duty of the governing body is to make sure they follow the assessment criteria set out by AB481. Those criteria are missing from here. This not only keeps the governing body in the dark, but keeps the public in the dark. **SOLUTION:** Include the full list of assessment criteria for the governing body in the Approval section 709.5.
- 5) The document insufficiently binds authorized uses throughout 709.4 because it uses the phrase, “included but not limited to” in an unconstrained fashion. This is the NUMBER ONE concern



from the public. While it is true that section (g) in each ME inventory item cites various Department policies that guide and/or constrain authorized use, leaving the phrase above alone continues to rile the public. It looks and smells like a loophole. Some agencies have ameliorated this concern in one of two ways:

- a. By adding a few Prohibited Uses
  - b. By adding a few components of ME that will NOT be sought for funding, acquisition, or use. The most common here are launchers with explosive munitions (grenade launchers or munitions poles) and water cannons (the latter likely because they for so long have been used against protestors and historically against Black and Brown people.
  - c. **SOLUTION:** I am NOT proposing either mechanism above because I do not believe prohibited uses and prohibited equipment are within the scope of AB481. It is true that AB481 allows agencies to go beyond the min requirements of the bill (see AB481 preamble, end of 3<sup>rd</sup> paragraph), but I think doing so in the specific case leads us into murky waters. Therefore, my solution is to add **obvious redundancy** to this clause by adding the text in my redlines in 709.4 for each applicable item of ME in paragraphs under Section 709.4, understanding that section (g) of each item of ME, by listing applicable policy codes does the same, in effect. These *redundant* additions quell the public's concerns and do not dispute in any way the existing policies of the Department. My LE friends (again, all but one is a managerial officer or Asst chief or Chief) recommended to additionally use the phrase, "necessity, reasonableness, and proportional use" for each item of ME in the inventory as they have found this phrase calming to the public while still being consistent with any continuum of force, or use of force, or rubric of force policies that any agency in their experience has ever deployed operationally.
- 6) The document has typos and many acronyms. **SOLUTION:** correct them and spell out acronyms at least first time used. I hope my redlines have captured them all.
- 7) The semi-automatic rifle section 709.4 (3) (a) (i) 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? **SOLUTION:** It would be better to itemize by name/model, as has been done in all other sections, 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
- 8) The review mechanisms included in 709.7 do not meet the requirements of AB481. **SOLUTION:** Add the fact that the policy itself must be annually reviewed by law. The current policy 709 only states that an annual report must be issued. Expanded 709.7 to cover ANNUAL REPORT AND ANNUAL REVIEW. Redline was created by extracting cited clauses from AB481.
- 9) The Community Engagement section 709.8 lacks Independent Oversight contact information. **SOLUTION:** Add placeholders as shown in my redlines.

10) The policy does not take full advantage of what the law (AB481) allows. Specifically, AB481 allows agencies to add requirements and standards to their ME Use Policy that go beyond the minimum requirements of AB481: “The bill would specify these provisions [the specified standards in AB481] do not preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.” **SOLUTIONS:** I have added the following as valuable to obtaining the public’s buy-in to approval of the policy:

- a. add the explicit statement holding the Chief of Police accountable for members compliance with the policy in the spirit of part of the “accountability” and “compliance” requirements (added in 709.2)
- b. expand the Purpose and Scope section to give legislative background to policy and to elaborate the considerations given the public in creating the policy (in 709.1)
- c. spell out first use of all acronyms
- d. expand any statement of an individual authorized use case if doing so helps the public understand it better (example I have chosen: 709.4 (3) (c) (vii), added wording justifying use of semi-auto rifle to euthanize an animal)
- e. augment the description of training of authorized sniper rifle users in the Department with a statement that they undergo the same training with Mountain View SWAT team and are fully integrated therein. You have mentioned the MV team analogously in section 709.4. (6) with the breaching shotgun.
- f. clarify whether or not the flashbang munitions pole seems to be obsolete. I have added my commentary in the redline, 709.4 (7)
- g. delete marketing-oriented text from description of SIM weapons, 709.4 (9) for obvious reasons. See redline.
- h. add to 709.5 the assessment criteria the governing body must use to approve policy 709. Doing this more precisely clarifies PD’s commitment to fulfill the criteria in the law, even though elements may not be completely implemented right now (for example, current Policy 709 does not have an independent oversight mechanism in the policy; yet, by committing to have one, the governing body could approve it pending the establishment of said mechanism to a date certain after which, if not implemented, the policy would be disapproved until that time the mechanism is implemented. In simple words, adding this section from AB481 to section 709.5 engenders the public’s patience with the fact that certain elements are not completely implemented. (This redline was created by me by extracting wording from AB481 Sec 7071 Subdiv (d) para (1) subpara A-D, and wording from Sec 7070 Subdiv (d) para 1-7.
- i. Add rationale to 709.6 as to why our 709 policy allows agencies provide us mutual aid to conform to their ME use policies and NOT conform to ours. I found several agencies that require local conformance. **SOLUTION:** I do NOT believe in asking mutual aid providers to conform to our policies and support the policy as written in 709.6.

**However**, I know it will calm members of the public if a rationale is offered. I have included my rationale in the redline. I checked this text with several LE members I know and they all supported it.

=====END OF REDLINE OVERVIEW

The table below comprises a current collection of concerns or questions from many members of the public. I have gathered these without regard to source or frequency, though I have already said above that the #1 concern is the “included but not limited to” clause under authorized uses and the #2 concern was the non-compliance with AB481’s requirements for accountability, independent oversight, and consequences. Many of these concerns have been addressed in my redlines IF you accept them. I have highlighted these in *italicized* text. I have lightened the concerns my redlines have not addressed. I believe these latter questions and concerns all require answers and the ones involving Independent Oversight and use of the Complaint Form need to be done soon. Please be aware that more concerns may arise as more people learn of policy 709.

<i>lacks the independent oversight required in AB481</i>
<i>lacks statements about what happens when a member of LAPD violates the policy</i>
<i>the policy does not identify where the buck stops in PD</i>
<i>there are lots of typos in the document</i>
<i>the “included, but not limited to” opens the door to all kinds of corner cases and loopholes</i>
AB481 requires mechanisms for accountability and this policy has none
some cities commit to not use certain types of ME, like water cannons or weapons that launch explosive materials. Why don’t we do this? If you are saying nothing is off the table, I cannot endorse this, even with your changes!
<i>We all know Black and Brown individuals, People of Color, people with disabilities, and those who are experiencing a mental crisis are more likely to be subject to lethal and less lethal weapons as has been shown throughout history and continues today. This policy says nothing about protecting these populations from use of this equipment based on perceived or unperceived biases; a statement should be added acknowledging this discrepancy and implicit bias training must be implemented.</i>
<i>some listings in the inventory list are vague or seem incomplete, for example, AR15s are NOT the same rifle as an M4 rifle; why are they combined?</i>
<i>AB481 explicitly requires the City Council to make sure that the ME Use Policy meets certain requirements for content, transparency, oversight, accountability, and complaint submission, yet this policy is missing whole sections. You cannot approve this!</i>
Why can’t we use the Independent Intake Official (IIO) for complaints like we do with other Police Complaints?
Why doesn’t this policy refer complainants to the online Complaint Form?
<i>We need prohibited uses in this policy; aren’t there certain things we just won’t do?</i>
<i>the Purpose Statement seems incomplete. There is no overview of what this policy is supposed to do. This policy is more than an inventory list. It’s supposed to provide transparency to the public and agency to the city council to give a hoot about the equipment our PD uses. That opening statement needs improvement.</i>

this policy says nothing about who is liable when an officer damages property, injures a person, or kills a person unjustly (as proven by an investigation). Who is liable, the officer, the PD, the City, the taxpayers? This policy needs more detail in this regard.

*I read the list of what's considered military equipment at AB481. The list in this 709 ME use policy is highly abridged. For example, I thought a tracked vehicle was a vehicle with embedded GPS and visual tracking technology, but reading AB481, a tracked vehicle is a tank! This whole list needs to be put in compliance with AB481.*

*AB481 specifically says that while the bill specifies the minimum provisions for our ME Use policy, this (and I quote) "does not preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies." Why are we doing the bare minimum to protect our residents?*

*I was looking at other cities' ME policies and some require mutual aid providers or contractors to conform to the city's ME policy (invoking 7071 (f)), and some allow collaborators to use their own policies for use of ME when they come onto our turf. Our policy cites the latter. WHY do we do this?*