



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

From: [Los Altos Racial Equity](#)
To: [Angela Averiett](#); [Kathryn Krauss](#); [Jolie Houston](#); [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM #11 - 9/20/22
Date: Tuesday, September 20, 2022 12:37:56 PM

To Mayor Enander, Vice-Mayor Meadows, Councilmembers, Attorney Jolie, Chief Averiett & Capt. Krauss

Los Altos for Racial Equity (LARE) has taken a look at the new draft of the Los Altos Military Equipment Use Policy (MEUP). We want to thank City Council for allowing additional time to work on this important document. We also want to thank and recognize Chief Averiett & the PD (especially Capt. Krauss) for spending many hours taking our feedback into account and

- Adding City Council as the governing body
- Correcting and expanding definitions
- Citing appropriate code and providing further explanations
- Adding the phrase “necessary, reasonable, and proportional use” for authorized use cases to further guide the usage of military equipment
- Adding a section on compliance

We feel that these additions will greatly improve transparency for this policy.

However, there is one significant deviation in our policy from what is required by AB 481, which states:

§7070(d)(6): 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.

As we understand it, our draft policy in 709.8 gives oversight authority - meaning the authority to conduct an investigation into misuse/misconduct - to the Chief of Police, which clearly is not an independent person or entity. Without an interpretation from Counsel, it seems that our policy as drafted could be in danger of being out-of-compliance with the law. While we do not doubt Chief Averiett’s character or integrity, assigning oversight to the Police Chief leads to an obvious conflict-of-interest that undermines accountability and transparency.

We are instead pushing for independent oversight, which we do not currently have (the Independent Intake Official has no oversight role, merely intake). However, we want to ensure accountability, transparency, and compliance with state law, and we feel that the time is right to come up with a solution that can provide this important function. We did see the inclusion of “Formal complaints regarding alleged violations of this policy will be handled by an independent investigator” in 709.8. If this is truly the method in which investigations will be conducted, we applaud this inclusion, but then this statement needs to be followed with more detail on who this person or entity would be, how & when the investigation would be launched, conducted and concluded, and who would have ultimate authority on handing consequences. We look forward to further clarification.

Thank you for your thoughtful attention to this matter,

Renee Rashid, Toni Moos & Tanya Maluf
On behalf of Los Altos for Racial Equity

From: [Jeanine Valadez](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM #11 9/20/2022
Date: Tuesday, September 20, 2022 2:00:07 PM
Attachments: [2022_09_07 Military Equipment Use Policy 709 Los Altos PD bluelines JAV EDITS V1.pdf](#)

Honorable City Council, City Manager, City Attorney, and Asst. City Clerk,

Please see attached for my public comment on the most recent draft of MEUP 709.

Jeanine Valadez

I am a PARC commissioner but am speaking 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). Assembly Bill 481 (AB 481), signed into law on September 30, 2021, requires law enforcement agencies to create a policy establishing guidelines and requirements for the funding, acquisition, and use of "military equipment" (Government Code § 7070, 7071, and 7072), including requirements to host informational meetings with the public, generate annual "military equipment" use reports, and seek annual approval from their respective governing bodies. The purpose of this policy is to make sure that safeguards exist, including transparency, governing body and independent oversight, and accountability measures, to ensure the funding, acquisition, and use of "military equipment" is consistent with the provisions set forth by the governing body and as outlined in AB 481. This policy will also provide the public with a transparent view of the "military equipment" utilized by the Los Altos Police Department, as well as the criteria by which the governing body will assess and approve the funding, acquisition, and use of "military equipment" in this Department.

[Ed. note: In this edition, you removed my suggestion to include, within the scope of this policy, the assessment criteria the governing body (City Council) will use to approve the policy. By including these criteria in this policy, you not only enable enrichment of section 709.5 ("Approval"), but you inform the public of said criteria so that they may form their own assessment of whether or not the policy protects the public welfare as they observe their City Council render approval. In this light, I request incorporation of the above words and seek an explanation as to why Staff opposes their inclusion.]

709.1.1 DEFINITIONS

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

Governing body – The Los Altos City Council, who will annually review this policy and approve, by ordinance, for the adoption of this ordinance and the approval of the annual report. ~~elected or appointed body that oversees the~~ .

POST - Peace Officer Standards and Training

SWAT - Special Weapons and Tactics

Military equipment – Per AB 481, military equipment means the following: ~~includes but is not limited to the following:~~

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry

apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

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(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

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

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

~~Unmanned, remotely piloted, powered aerial or ground vehicles:~~

- ~~• Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.~~
- ~~• High mobility multipurpose wheeled vehicles (HMMWV), two and one half ton trucks, five ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.~~
- ~~• Tracked armored vehicles that provide ballistic protection to their occupants.~~
- ~~• Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.~~
- ~~• Weaponized aircraft, vessels, or vehicles of any kind.~~
- ~~• Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one person ram.~~
- ~~• Firearms and ammunition of = .50 caliber or greater, excluding standard issue shotguns and standard issue shotgun ammunition.~~

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- ~~Specialized firearms and ammunition of less than $_$.50 caliber, including firearms and accessories identified as assault weapons in Penal Code $_$ 30510 and Penal Code $_$ 30515, with the exception of standard issue firearms.~~
- ~~Any firearm or firearm accessory that is designed to launch explosive projectiles.~~
- ~~Noise flash diversionary devices and explosive breaching tools.~~
- ~~Munitions containing tear gas or OC, excluding standard, service issued handheld pepper spray.~~
- ~~TASER[®] Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).~~
- ~~Kinetic energy weapons and munitions.~~
- ~~Any other equipment as determined by a governing body or a state agency to require additional oversight.~~

709.2 POLICY

It is the policy of the Los Altos Police Department that members of the department comply with the provisions of Government Code $_$ 7071 with respect to qualifying "military equipment". "Military equipment" shall be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST). See the Military Equipment Inventory List (section 709.4) for associated "military equipment" training requirements.

"Military equipment", which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- ~~• Los Altos Police Department Policy 300 (Use of Force)~~
- Los Altos Police Department Policy 308 (Control Devices and Techniques) ~~It is the policy of the - that members of this - comply with the provisions of Government Code $_$ 7071 with respect to military equipment.~~
- Los Altos Police Department Policy 312 (Firearms)
- Los Altos Police Department Policy 414 (Hostage and Barricade Incidents)
- California Assembly Bill No. 48 (Use of Kinetic Energy Projectiles and Chemical Agents-Assemblies, Protests, and Demonstrations)
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

This policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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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, 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:

[Ed. Note: why did you change the itemization of equipment items from numerical to alphabetical? This creates a confusing hierarchy where letters are directly subordinate to letters. For example, 709.4(a)(a) points to "Description, quantity...". Instead, either revert to using numerical assignments for each item of equipment, as in the original 709.4.1(a), or retain the alpha, but change the subordinate insets to numbers, for example, 709.4(a)(1) points to "Description, quantity..."]

- (a) **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 lethal 40mm impact baton projectile fired from a single 40mm grenade launcher

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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.

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- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- (c) Authorized Use: ~~Subject to subsection (g) below, s~~ 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 ad 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.
 - v. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.
- (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.
- (b) **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

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and a suspect reducing the immediacy of the threat which is a principle of 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 - [Subject to subsection \(g\) below.](#) ~~s~~Situations for use of the less lethal weapon systems may include, but are not limited to [the following](#):
 - 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.
 - v. [Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.](#)
 - (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.

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- (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 the Los Altos Police Department to utilize the less lethal shotgun only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
- (c) **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 RIFLES -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.
 - 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. Subject to subsection (g) below, s-Situations for use of these e-less lethal-weapon systems may include, but are not limited to, the following:-:
- 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.
 - vi. When authorized or requested by a supervisor.
 - vii. When needed to euthanize an animal at safe distance.

[Ed note: without the prepositional phrase, this use seems unnecessarily excessive.]

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- viii. When an officer is training at an approved range or other approved facility
 - ix. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (d) Lifespan:
- i. Colt AR/M4 Rifles: Approximately 15-20 years
 - ii. 223 Caliber or 5.56mm rifle ammunition: No expiration
- (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 rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.
- (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.
- (d) **.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 RIFLE, 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 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 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: Subject to subsection (g) below, e-Examples of situations for deploying the sniper rifle may include, but are not limited to the following: :

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- 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;
 - iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;
 - v. when an Officer reasonably believes that a suspect may be wearing body armor.
 - vi. When an officer is training at an approved range or other approved facility
 - vii. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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.
- (e) **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.

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- 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.
- (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. 00 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.
- (f) **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.

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- (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: [Subject to subsection \(g\) below](#). ~~t~~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.
- (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.[Question: Even if the weapon is not utilized, doesn't the department have to ensure the weapon's efficacy for use through maintenance? If so, then there must eb a fiscal impact. If not, then why has this piece of equipment not been decommissioned and eliminated?]
- (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.
- (g) **Kaiser Precision Vulcan II Munitions Pole: Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices.**
 - (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

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operations.

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- (c) Authorized Use: Subject to subsection (g) below, ~~t~~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.

~~(e)~~i. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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 (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.
- (h) **CTS Flash-bang Training Kit:** The training flash-bangs are built and weigh exactly the same as it's 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: Subject to subsection (g) below, 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.

~~(e)~~i. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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

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who has completed an 8-hour noise flash diversionary device course.

~~(e)~~(f) Fiscal Impact: MISSING SECTION, need to fill.

~~(f)~~(g) 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

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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.

(i) **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 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).

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- (b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.
- (c) Authorized Use: Subject to subsection (g) below, ~~s~~-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.
- ~~(e)~~i. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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.
 - 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.
- ~~(e)~~(f) Fiscal Impact: section MISSING, need to fill out or state None.
- ~~(f)~~(g) 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

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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

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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 before the Department engages in any of the following ~~prior to engaging in any of the following~~ (Government Code § 7071):

- (a) Requests ~~ing~~ military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeks ~~ng~~ 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) Acquires ~~ing~~ military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborates ~~ing~~ with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Uses ~~ng~~ any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Solicits ~~ing~~ or responds ~~ing~~ to a proposal for, or enters ~~ing~~ 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) Acquires ~~ng~~ military equipment through any means not provided above.

[Ed. Note: You did not include the assessment criteria for the governing body (see my note under 709.1). An alternative is to add a new section here called Policy Review and Approval (you would change all the number ordering below) and include the criteria there. I include these words here again for your consideration and, as stated before want to understand what legal barriers exist to including them.]

[SECTION TBD] 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

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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.

709.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee ~~should~~ shall 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~~ shall 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.

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709.8 POLICY COMPLIANCE AND SUBMITTING COMPLAINTS

The Chief of Police or the authorized designee will ensure that all Los Altos Police Department employees comply with this policy. Suspected violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", shall be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct). Additionally, violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", will be reported to the governing body via the annual Military Equipment Report.

Any member of the community can submit a complaint regarding the use of "military equipment" to any Los Altos Police Department employee or the Independent Intake Official. Complaints can be submitted in any form (e.g., in person, online, telephone, email, etc.). Once a complaint is received, it will be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct) and LAPD Policy 1020 (Personnel Complaints). Formal complaints regarding alleged violations of this policy will be handled by an independent investigator.

[Ed. Note: while I applaud the addition of an independent investigator, I remain incredulous that this is the first time this term has been shown in this policy, located at the end of two substantial paragraphs.. This statement insufficiently describes the scope and authority of this role, where they sit in the Department or outside it, to whom they are accountable, if they will render consequences, and how the public will be informed of their work. This, coupled with the fact the IIO has no role other than intake, I remain unsatisfied that independent oversight has been manifested in this policy.

Complaints may be made directly to the Los Altos Police Department in one of the following ways (for online options, please visit <https://www.losaltosca.gov/police/page/how-are-we-doing-0>):

In Person:

Los Altos Police Department
1 N. San Antonio Road, Los Altos, CA 94022

Online Submission:
Complaint PD WEBFORM

By Email:

Fill out the appropriate Civilian Complaint Submission form (online), save it to your computer and email as an attachment to PoliceFeedback@losaltosca.gov

By Phone:

(650) 947-2770

Complaints may be made directly to the Independent Intake Official (IIO) Stephanie Atigh in one of the following ways:

Online Submission:
Complaint IIO WEBFORM (online)

By Email:

Fill out the appropriate Civilian Complaint Submission form (located online), save it to your

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computer and email as an attachment to stephatigh@sbcglobal.net

By Phone:

(831) 915-4643

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709.9 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:~~

~~Los Altos Police Department~~

~~Attention Operations Captain~~

~~1 North San Antonio Rd~~

~~Los Altos CA 94022~~

From: [Jeanine Valadez](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM #11 9/20/2022
Date: Tuesday, September 20, 2022 2:50:15 PM
Attachments: [2022_09_07 Military Equipment Use Policy 709 Los Altos PD bluelines JAV EDITS V1.pdf](#)

Honorable City Council, City Manager, City Attorney, and Asst. City Clerk,

I want to personally thank Captain Krauss for considering and including most of my previous suggested edits to this Military Equipment Use Policy (MEUP)

Whether these edits were incorporated directly, or were incorporated in spirit using other words or paragraph structure, the effect was the same: excellent!

I also loved some of the edits Capt. Krauss and/or staff took on themselves to ameliorate many ambiguities and inconsistencies with AB481; for example, the Definitions section is top-notch now. Overall, the policy has been improved by a very large extent. THANK YOU.

However, and I do not intend to sound ungrateful, concerns remain such that I still cannot endorse the draft as written.

The green-lined PDF that I submitted separately captures almost all of my concerns. This letter completes the inventory and I hope that Capt. Krauss will continue to work with me to resolve these issues:

- 1) Reasons I was given for not including some of my suggestions were cited as relating to liability or legality. Given that virtually every change I suggested came from the MEUPs of other LE agencies in the state, I would have thought they would pass risk and legal muster. I would like an itemized rationale as to what legal/liability barriers exist to inclusion.
- 2) While not stanching the functionality of the MEUP, it is very disappointing and notable that Staff has steered clear of any recognition of the underlying historical reckoning embodied in AB 481. It's as though this omission is by intention. Concerns that acknowledging history somehow reflects poorly on our current Department members are nonsense. It is exactly the lack of this acknowledgment that engenders mistrust.
- 3) In a similar vein, the current draft continues to sidestep the use of the term "independent oversight," despite the reality that this concept is literally all over the text of the law and is very clearly an underpinning of the goals the law sets out to achieve. While we appreciate that the IIO has been invoked, that role has no oversight authority, as currently defined. And a brief mention of an independent investigator leaves more questions than it answers. My colleagues at LARE will expand this topic further to express what is needed.
- 4) I remember being very concerned about how our 2 sniper-trained officers could ever be effective in their job because everything I read and heard from LE personnel told me nothing about how they would be trained to be part of a cohesive SWAT team. Everything I had read about operational efficacy in SWAT had to do with a cohesive, seamless, properly scaled operational team. Two officers were, in my

mind, stranded, and that introduced great risk. Yet, at the small scale of our city, having a full SWAT team would be senseless. It was only after meeting with Capt. Krauss and asking her to answer this question, that I learned how integrated our SWAT officers are with the Mountain View PD SWAT team. Quickly, my fears and concerns were ameliorated. It seemed so simple to add a mention of this integration in the Training paragraph for Sniper weapons and munitions. In fact, under the Breaching programs paragraph, such a mention exists in paragraph 709.4(f)(b), albeit in the Purpose statement. And yet, this edit suggestion was removed for sniper weapons. I would like an explanation as to why its inclusion would in any way injure the viability of this policy.

5) There are some missing Fiscal Impact paragraphs for some ME items. They must be present for every item, even if no financial impact exists. However, I contend that, even if an item is not used, if it is in our armory, it MIGHT be used, and, therefore, there must be some fiscal impact in terms of testing and maintenance. If there is absolutely no possibility of use and the item will sit in idle storage, then, in my opinion, it becomes a possible risk due to lack of maintenance. It should be decommissioned and eliminated from the armory.

6) I failed to include in my submitted greenlines an edit concerning the 1033 program. I did not include it because I had not heard back from Capt. Krauss on my questions surrounding this program as it relates to our ME. Having just heard back from her, I can now itemize my request: In the spirit of transparency, many other agencies include the citation below in their MEUPs. Including this statement does two things: a) it stalls any claims that our city is getting equipment directly from the Military, and, b) it alerts the public to the fact that should our agency every wish to acquire ME from the Military, they will have to educate themselves on what that means and how it impacts public safety and welfare, including requiring that any such acquisitions be thoroughly documented for public review. The requested addition belongs in the Policy section:

"The Department has not obtained, nor does it utilize, any equipment procured from the United States Department of Defense through the Law Enforcement Support Program, authorized under the National Defense Authorization Act, also known as the 1208 (pre-1997) or 1033 (1997 and later) program."

I look forward to continuing discussion with staff and Council on this topic. The goal here is to get a rock-solid, best-of-class MEUP for our city.

Thanks,

Jeanine Valadez

Pardon typos. I am a PARC commissioner but am speaking 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). Assembly Bill 481 (AB 481), signed into law on September 30, 2021, requires law enforcement agencies to create a policy establishing guidelines and requirements for the funding, acquisition, and use of "military equipment" (Government Code § 7070, 7071, and 7072), including requirements to host informational meetings with the public, generate annual "military equipment" use reports, and seek annual approval from their respective governing bodies. The purpose of this policy is to make sure that safeguards exist, including transparency, governing body and independent oversight, and accountability measures, to ensure the funding, acquisition, and use of "military equipment" is consistent with the provisions set forth by the governing body and as outlined in AB 481. This policy will also provide the public with a transparent view of the "military equipment" utilized by the Los Altos Police Department, as well as the criteria by which the governing body will assess and approve the funding, acquisition, and use of "military equipment" in this Department.

[Ed. note: In this edition, you removed my suggestion to include, within the scope of this policy, the assessment criteria the governing body (City Council) will use to approve the policy. By including these criteria in this policy, you not only enable enrichment of section 709.5 ("Approval"), but you inform the public of said criteria so that they may form their own assessment of whether or not the policy protects the public welfare as they observe their City Council render approval. In this light, I request incorporation of the above words and seek an explanation as to why Staff opposes their inclusion.]

709.1.1 DEFINITIONS

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

Governing body – The Los Altos City Council, who will annually review this policy and approve, by ordinance, for the adoption of this ordinance and the approval of the annual report. ~~elected or appointed body that oversees the~~ .

POST - Peace Officer Standards and Training

SWAT - Special Weapons and Tactics

Military equipment – Per AB 481, military equipment means the following: ~~includes but is not limited to the following:~~

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry

apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

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(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

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

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

~~Unmanned, remotely piloted, powered aerial or ground vehicles:~~

- ~~• Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.~~
- ~~• High-mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.~~
- ~~• Tracked armored vehicles that provide ballistic protection to their occupants.~~
- ~~• Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.~~
- ~~• Weaponized aircraft, vessels, or vehicles of any kind.~~
- ~~• Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.~~
- ~~• Firearms and ammunition of = .50-caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.~~

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- ~~Specialized firearms and ammunition of less than $\frac{1}{2}$.50 caliber, including firearms and accessories identified as assault weapons in Penal Code \S 30510 and Penal Code \S 30515, with the exception of standard issue firearms.~~
- ~~Any firearm or firearm accessory that is designed to launch explosive projectiles.~~
- ~~Noise flash diversionary devices and explosive breaching tools.~~
- ~~Munitions containing tear gas or OC, excluding standard, service issued handheld pepper spray.~~
- ~~TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).~~
- ~~Kinetic energy weapons and munitions.~~
- ~~Any other equipment as determined by a governing body or a state agency to require additional oversight.~~

709.2 POLICY

It is the policy of the Los Altos Police Department that members of the department comply with the provisions of Government Code \S 7071 with respect to qualifying "military equipment". "Military equipment" shall be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST). See the Military Equipment Inventory List (section 709.4) for associated "military equipment" training requirements.

"Military equipment", which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- ~~Los Altos Police Department Policy 300 (Use of Force)~~
- Los Altos Police Department Policy 308 (Control Devices and Techniques) ~~It is the policy of the -that members of this- comply with the provisions of Government Code \S 7071 with respect to military equipment.~~
- Los Altos Police Department Policy 312 (Firearms)
- Los Altos Police Department Policy 414 (Hostage and Barricade Incidents)
- California Assembly Bill No. 48 (Use of Kinetic Energy Projectiles and Chemical Agents-Assemblies, Protests, and Demonstrations)
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

This policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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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, 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:

[Ed. Note: why did you change the itemization of equipment items from numerical to alphabetical? This creates a confusing hierarchy where letters are directly subordinate to letters. For example, 709.4(a)(a) points to "Description, quantity...". Instead, either revert to using numerical assignments for each item of equipment, as in the original 709.4.1(a), or retain the alpha, but change the subordinate insets to numbers, for example, 709.4(a)(1) points to "Description, quantity..."]

- (a) **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 lethal 40mm impact baton projectile fired from a single 40mm grenade launcher

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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.

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- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- (c) Authorized Use: ~~Subject to subsection (g) below, s~~ 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 ad 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.
 - v. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.
- (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.
- (b) **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

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and a suspect reducing the immediacy of the threat which is a principle of 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 - [Subject to subsection \(g\) below.](#) ~~s-~~Situations for use of the less lethal weapon systems may include, but are not limited to [the following:](#) ÷
 - 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.
 - v. [Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.](#)
 - (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.

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- (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 the Los Altos Police Department to utilize the less lethal shotgun only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
- (c) **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 RIFLES -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.
 - 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. Subject to subsection (g) below, s-Situations for use of these e-less lethal-weapon systems may include, but are not limited to, the following:-:
- 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.
 - vi. When authorized or requested by a supervisor.
 - vii. When needed to euthanize an animal at safe distance.

[Ed note: without the prepositional phrase, this use seems unnecessarily excessive.]

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- viii. When an officer is training at an approved range or other approved facility
 - ix. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (d) Lifespan:
- i. Colt AR/M4 Rifles: Approximately 15-20 years
 - ii. 223 Caliber or 5.56mm rifle ammunition: No expiration
- (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 rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.
- (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.
- (d) **.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 RIFLE, 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 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 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: Subject to subsection (g) below, e-Examples of situations for deploying the sniper rifle may include, but are not limited to the following: :

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- 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;
 - iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;
 - v. when an Officer reasonably believes that a suspect may be wearing body armor.
 - vi. When an officer is training at an approved range or other approved facility
 - vii. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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.
- (e) **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.

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- 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.
- (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. 00 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.
- (f) **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.

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- (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: [Subject to subsection \(g\) below](#). ~~t~~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.
- (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.[Question: Even if the weapon is not utilized, doesn't the department have to ensure the weapon's efficacy for use through maintenance? If so, then there must eb a fiscal impact. If not, then why has this piece of equipment not been decommissioned and eliminated?]
- (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.
- (g) **Kaiser Precision Vulcan II Munitions Pole: Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices.**
- (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

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operations.

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- (c) Authorized Use: Subject to subsection (g) below, ~~t~~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.

~~(e)~~i. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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 (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.
- (h) **CTS Flash-bang Training Kit:** The training flash-bangs are built and weigh exactly the same as it's 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: Subject to subsection (g) below, 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.

~~(e)~~i. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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

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who has completed an 8-hour noise flash diversionary device course.

~~(e)~~(f) Fiscal Impact: MISSING SECTION, need to fill.

~~(f)~~(g) 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

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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.

(i) **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 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).

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- (b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.
- (c) Authorized Use: Subject to subsection (g) below, ~~s~~-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.
- ~~(e)~~i. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.
- (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.
 - 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.
- ~~(e)~~(f) Fiscal Impact: section MISSING, need to fill out or state None.
- ~~(f)~~(g) 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

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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

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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 before the Department engages in any of the following ~~prior to engaging in any of the following~~ (Government Code § 7071):

- (a) Requests ~~ing~~ military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeks ~~ng~~ 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) Acquires ~~ing~~ military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborates ~~ing~~ with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Uses ~~ng~~ any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Solicits ~~ing~~ or responds ~~ing~~ to a proposal for, or enters ~~ing~~ 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) Acquires ~~ng~~ military equipment through any means not provided above.

[Ed. Note: You did not include the assessment criteria for the governing body (see my note under 709.1). An alternative is to add a new section here called Policy Review and Approval (you would change all the number ordering below) and include the criteria there. I include these words here again for your consideration and, as stated before want to understand what legal barriers exist to including them.]

[SECTION TBD] 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

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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.

709.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee ~~should~~ shall 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~~ shall 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.

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709.8 POLICY COMPLIANCE AND SUBMITTING COMPLAINTS

The Chief of Police or the authorized designee will ensure that all Los Altos Police Department employees comply with this policy. Suspected violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", shall be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct). Additionally, violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", will be reported to the governing body via the annual Military Equipment Report.

Any member of the community can submit a complaint regarding the use of "military equipment" to any Los Altos Police Department employee or the Independent Intake Official. Complaints can be submitted in any form (e.g., in person, online, telephone, email, etc.). Once a complaint is received, it will be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct) and LAPD Policy 1020 (Personnel Complaints). Formal complaints regarding alleged violations of this policy will be handled by an independent investigator.

[Ed. Note: while I applaud the addition of an independent investigator, I remain incredulous that this is the first time this term has been shown in this policy, located at the end of two substantial paragraphs.. This statement insufficiently describes the scope and authority of this role, where they sit in the Department or outside it, to whom they are accountable, if they will render consequences, and how the public will be informed of their work. This, coupled with the fact the IIO has no role other than intake, I remain unsatisfied that independent oversight has been manifested in this policy.

Complaints may be made directly to the Los Altos Police Department in one of the following ways (for online options, please visit <https://www.losaltosca.gov/police/page/how-are-we-doing-0>):

In Person:

Los Altos Police Department
1 N. San Antonio Road, Los Altos, CA 94022

Online Submission:
Complaint PD WEBFORM

By Email:

Fill out the appropriate Civilian Complaint Submission form (online), save it to your computer and email as an attachment to PoliceFeedback@losaltosca.gov

By Phone:

(650) 947-2770

Complaints may be made directly to the Independent Intake Official (IIO) Stephanie Atigh in one of the following ways:

Online Submission:
Complaint IIO WEBFORM (online)

By Email:

Fill out the appropriate Civilian Complaint Submission form (located online), save it to your

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[computer and email as an attachment to](#) [REDACTED]

[By Phone:](#)

[REDACTED]

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709.9 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:~~

~~Los Altos Police Department~~

~~Attention Operations Captain~~

~~1 North San Antonio Rd~~

~~Los Altos CA 94022~~