



AB 481 Annual Report 2022

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Military Equipment Use AB 481 Compliance Requirements:

- Approval of the Military Use Policy (Completed 2022, Policy 709)
- Publishing the Policy (Completed 2022)
- Annual Report (see below)

Annual Report Description:

Assembly Bill 481 requires the police department report annually on the inventory, procurement, use and misuse of covered military equipment items. The annual report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding.

Per AB 481, the annual report must include the following:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

LAMC 7.30.010. Military equipment policy (Reviewed 9/20/22)

As required by AB 481, the City Council reviewed this section as an ordinance to approve a military equipment use policy. The City Council's approval shall remain effective for a period of one year, which approval may be revoked, extended, renewed, modified or amended by resolution of the City Council. Within a year of the initial approval, and at least annually thereafter, the City Council will review this section and related resolutions. The City Council may, by resolution, make amendments, modifications or revisions to the military equipment use policy adopted by the Los Altos Police Department. The ordinance must be reviewed and renewed annually.

A. The City Council has made the following determinations:

1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties (said Policy is attached hereto as Exhibit “A” and incorporated by this reference).
3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Equipment Usage for 2022:

None of the equipment in the attached military equipment inventory was utilized in 2022, except in training situations including range and SWAT.

Summary of Complaints for 2022:

The Department did not receive any complaints concerning military equipment in 2022.

Violations of Policy 709:

An internal review revealed no violations of Policy 709, as none of the equipment was utilized in 2022 except in training situations.

Total Annual Cost for Military Equipment:

The estimated annual cost for the maintenance of the military equipment in the current inventory is \$4,800. This includes the cost of replacement parts, cleaning supplies, and the staff time to conduct inspections on the equipment.

Replacement Military Equipment Inventory List:

1. 40mm Launchers (Item #1 on current inventory list)

DESCRIPTION: PENN ARMS 40mm single shot 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 maximum effective range of one hundred twenty (120) feet.

TOTAL PURCHASE COST: \$19,751.08, or \$1,975.11 each, Quantity 10. The proposal would be to purchase these additional launchers to replace the less lethal shotguns for patrol. We would remove the less lethal shotguns for patrol and use that credit from the shotguns to help purchase the additional 40mm launchers. We currently have three 40mm launchers in our approved inventory.

Increase our munition rounds from 14 to 150 rounds. These rounds will be divided up for each launcher for patrol and remaining rounds for the regional SWAT team with Mountain View Police Department.

2. Rifles for SWAT (Item #3 on Current Inventory List)

Proposed Weapon system to replace current rifles for SWAT: Daniel Defense V7s AR-15/M4, 5.56mm/.223 semiautomatic rifle. Quantity: 5

Currently six Colt AR15/M4 rifles are assigned to the SWAT team which have a fully automatic capability. These rifles are 18 to 20 years old and need to be replaced based on lifespan. (See section 3(d) under Inventory). We would like to turn in these rifles as credit and replace them with the rifle listed above, which are semi-automatic.

DESCRIPTION: Daniel Defense V7s rifles. These rifles will be assigned to a SWAT team member to be utilize for SWAT operations, training, and patrol. They offer a higher degree of accuracy at long 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 vehicles, SWAT multi-use truck, or in the Police station and are only deployed on specific incidents where Officers believe guns or weapons are involved.

TOTAL REPLACEMENT COST: is \$15,832.24 for 5 rifles, or \$3,166.45 each rifle (based on current quote but could vary depending on time of purchase). We would apply any credit we would receive to this purchase for the rifles we are replacing.

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.

AUTHORIZED USE: Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed subjective to the Legal and Procedural Rules found below. Situations for the use of these weapon systems may include, but are not limited to the following:

- Situations where the member reasonably anticipates an armed encounter
- When a member is faced with a situation that may require accurate and effective fire at long range
- Situations where a member reasonably believes that there may be need to meet or exceed a suspect's fire power
- When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage
- When a member reasonably believes that a suspect may be wearing body armor
- When authorized or requested by a supervisor
- When needed to euthanize an animal
- When an Officer is training at an approved range or other approved facility
- 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.

LIFESPAN:

- Daniel Defense V7s AR-15/M4: Approximately 15-20 years
- 223 Caliber or 5.56mm rifle ammunition: No expiration

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.

FISCAL IMPACT: Annual Maintenance is approximately \$100 per rifle

LEGAL AND PROCEDURAL RULES: Use of 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 use of force.

3. Sniper Rifles for SWAT (Item #4 on Current Inventory List)

Proposed Weapon system to replace current sniper rifles for SWAT: Make/Model - LWRC REPR MKII 7.62 NATO, .308 caliber sniper rifle. Quantity: 2

Currently we have two Remington 700 and one surveyed Heckler and Koch HK-91 sniper rifles (.308 caliber). These rifles are 15 years old and need to be replaced. Lifespan is 16 years as specified (4(d)).

DESCRIPTION: The sniper rifles can fire 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.

TOTAL REPLACEMENT COST: is \$13,621.94, or \$6,810.70 each (based on current quote but could vary depending on time of purchase). We would apply any credit we would receive to this purchase for the two Remington rifles. The HK-91 is a surveyed weapon and will be sent to be destroyed with approval of its replacement.

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 is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.

AUTHORIZED USE: Subject to Legal and Procedural Rules listed below, examples of situations for deploying the sniper rifle may include, but are not limited to the following:

- Where the Officer reasonably anticipates an armed encounter
- When the Officer is faced with a situation that may require accurate and effective fire at a long distance
- Where an Officer reasonably believes that there may be a need to fire on a barricaded person or person with a hostage
- When an Officer reasonably believes that a suspect may be wearing body armor
- When an Officer is training at an approved range or other approved facility
- 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.

LIFESPAN: .308 Caliber, LWRC REPR MKII 7.62 NATO: Approximately 15 years

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.

FISCAL IMPACT: Annual maintenance is approximately \$100 per LWRC REPR MKII 7.62 NATO.

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.

New Proposed Items for the Military Equipment Inventory List

1. Flashbangs: Noise Flash Diversionary Device (NFDD)

EQUIPMENT CAPABILITES: An NFDD, or flashbang, is a device that creates a bright flash or loud sound to temporarily divert the attention of subjects in the immediate area.

PURPOSE/AUTHORIZED USES: Flashbangs 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. SWAT Operators that have received authorized training shall use Diversionary Devices only under the following:

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

FISCAL IMPACT: No known annual maintenance cost

LEGAL PROCEDURAL RULES: All applicable State, Federal, and local laws governing police use of force. Various LAPD policies on use of force and firearms.

TRAINING REQUIRED: 8-hour flash diversionary devices instructor school

PROPOSED ITEMS:

- Flashbangs (Purchase Cost \$55.45 each, Quantity 36) Single Bang
- Flashbangs (Purchase Cost \$168.65 each, Quantity 12) 9 Bang

2. **CHEMICAL AGENTS:** Chemical agent munitions can be used as a nonlethal tool to deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect.

PURPOSE/AUTHORIZED USES: Compel an individual to cease their actions when such munitions present a reasonable option; deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect. Only officers who have received training from POST certified instructors in the use chemical agents are authorized to use chemical agents. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- a. Self-destructive, dangerous and/or combative individuals.
- b. Circumstances where a tactical advantage can be obtained.
- c. Potentially vicious animals.
- d. Training exercises or approved demonstrations.

FISCAL IMPACT: No known annual maintenance cost

LEGAL/PROCEDURAL RULES: All applicable State, Federal, and local laws governing police use of force. Various LAPD Policies on use of force and firearms.

TRAINING REQUIRED: 40-hour chemical agent instructor course

PROPOSED ITEMS:

- OC Grenades (Purchase Cost \$52.10 each, quantity 5): The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor-use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic, yet requires minimal decontamination. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.
- CTS 5230B Baffled CS chemical agent canister munition (purchase cost \$52.25 each, quantity 15): Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.
- CTS 5230 CS Chemical agent canister munition (Purchase price \$39.70 each, quantity 10): Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched

PROJECTILE LAUNCHER AND MUNITIONS:

3. **12 gauge Shotgun Chemical Mmunition Launcher:** (Purchase Cost \$400, Quantity 1) to convert already existing shotgun to Chemical Mmunition Launcher.

DESCRIPTION: Used to deploy chemical munition (Baffled CS chemical munition) to be used to deny a designated area to a suspect, force a suspect to move to desired area, and to disable or disorient a suspect.

EQUIPMENT CAPABILITIES: Less Lethal systems that use smokeless powder to deliver projectiles from a safe distance

PURPOSE/AUTHORIZED USE: To help deescalate and limit the escalation of conflict where effective without the need for lethal force. Situations for use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals
- Circumstances where a tactical advantage can be obtained
- Potentially vicious animals
- Training exercises or approved demonstrations

FISCAL IMPACT: No known annual maintenance cost.

LEGAL/PROCEDURAL RULES GOVERNING USE: Use is established under LAPD Policy 308, It is the policy of the LAPD to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal Law, including those regarding the use of force.

TRAINING REQUIRED: 24-hour less lethal instructor course and/or 40-hour chemical instructor course.