

Military Equipment

704.1 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).

704.1.1 DEFINITIONS

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

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

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

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

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704.2 POLICY

It is the policy of the Los Gatos-Monte Sereno Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

704.3 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 Gatos-Monte Sereno Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

704.4 MILITARY EQUIPMENT INVENTORY

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

[Insert attachment here] [See attachment: Military equipment inventory 2023 reporting.pdf](#)

704.5 APPROVAL

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

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

704.6 COORDINATION WITH OTHER JURISDICTIONS

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

704.7 ANNUAL REPORT

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

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

704.8 COMMUNITY ENGAGEMENT

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

Attachments

Military equipment inventory 2023 reporting.pdf

MILITARY EQUIPMENT INVENTORY

1. Robot (Category 1)

a. **Description, quantity, capabilities, and purchase cost:**

This equipment is a battery powered, remote operated device. Equipped with two cameras and two-way radio capabilities. This equipment is for (potential) use during high-risk incidents. Use is limited to members of the Departments Crisis Response Unit. Incidents that may qualify for its use include, but are not limited to, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if there are other subjects inside that need assistance. The two-way speakers can be used to de-escalate and determine resistance level.

I. Robotex Avatar Tactical Robot, cost: \$12,389.21 quantity: 1.

b. **Purpose:**

To be used to remotely gain visual/audio data, deliver Crisis Negotiation Team (CNT) phone, disrupt packages, and clear buildings.

c. **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the robot. Use is established by the Incident Commander. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 309 – Search and Seizure, LGPD Policy 404 – Crisis Response Unit (CRU) Team.

d. **Expected Lifespan:**

10-15 years

e. **Fiscal Impact:**

No known annual maintenance cost.

2. Unmanned Aerial Vehicles (Category 1)

a. **Description, quantity, capabilities, and purchase cost:**

The Skydio 2 pro is a small non- commercial grade UAV. This UAV is a battery powered, remote operated device. Controller: Apple I pad. The controller allows the operators to control UAV and view live feed from UAV-mounted camera. Camera: Sony IMX577 camera. The camera provides operators ability to switch between standard Flight time of approximately 25-30 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

I. Skydio 2 Pro unmanned aerial vehicle (UAV), cost: \$6,902.35 quantity: 1.

b. **Purpose:**

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- I. major collision investigations.
- II. search for missing persons.
- III. natural disaster management.
- IV. crime scene photography.
- V. CRU, tactical or other public safety and life preservation missions.
- VI. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

c. **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the Skydio 2 pro during approved missions. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 309 – Search and Seizure, LGMSPD Policy 314 – Missing Persons, LGMSPD Policy 608 – Unmanned Aerial System Operations, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. **Expected Lifespan:**

5 years

e. **Fiscal Impact:**

No known annual maintenance cost.

3. Specialized Firearms and Ammunition (Equipment Category 10)

a. **Description, quantity, capabilities, and purchase cost:**

The Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.

I. Colt AR-15/M4, Lewis Machine & Tool AR-15, and Aero Precision AR-15, cost: \$54,635 quantity:49

The Speer .223 Remington, 62 grain, GDSP cartridge is the primary duty ammunition deployed during potential lethal encounters.

II. Speer .223 Remington, 62 grain GDSP cartridge, cost: \$4,182.64, quantity: 7,000.

The Federal .223 Remington, 55 grain cartridge is the primary training ammunition for the Department.

III. Federal .223 Remington, 55 grain cartridge, cost: \$3,913.11, quantity: 9,000.

The Los Gatos-Monte Sereno Police Department Crisis Response Unit (CRU) was formed in 1985, in response to very dangerous or violent tactical encounters. The Sniper element deploys with precision rifles, which enables the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the Rifle fails or breaks. The .308 Winchester cartridge: is a rimless, bottlenecked rifle cartridge. The .308 WIN. cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.

IV. Aero Precision 308 Rifle, cost: \$5,362.80, quantity: 2.

The Federal .308 WIN., 168 grain tactical tip, cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168-grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target.

V. Federal .308 WIN., 168 grain tactical tip, cost: \$1,716.00, quantity: 2,000.

The Federal .308 WIN., 168 grain tactical bonded cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 168-grain Tactical Bonded projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate impact.

VI. Federal .308 WIN., 168 grain tactical bonded cartridge, cost: \$1,520.00, quantity: 1,000.

b. **Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

c. **Authorized Use:**

Only members that are POST certified are authorized to use a particular rifle. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 305 – Firearms Training and Qualifications, LGMSPD Policy 404 – Crisis Response Unit (CRU)

d. **Expected Lifespan:**

- I. Carbine Rifle – No expiration
- II. The Speer .223 Remington, 62 grain, – No expiration
- III. The Federal .223 Remington, 55 grain, – No expiration
- IV. Sniper Rifles – No expiration
- V. The Federal .308 WIN. Tactical Tip, 168 grain – No expiration
- VI. The Federal .308 WIN Tactical Bonded Tip, 168 Grain- No expiration

e. **Fiscal Impact:**

- I. Carbine Rifle – Annual cost between \$0-\$3,000
- II. The Speer .223 Remington, 62 grain- Annual cost between \$0-\$6,000.
- III. The Federal .223 Remington, 55 grain – Annual cost between \$0 -\$9,000.
- IV. Sniper Rifle – Annual cost between \$0-unknown for maintenance.
- V. The Federal .308 WIN. Tactical Tip, 168 grain – Annual cost between \$0 - \$2,000.
- VI. The Federal .308 WIN Tactical Bonded Tip, 168 Grain-Annual cost between \$0-\$2000.

4. Flashbangs (Category 12)

a. **Description, quantity, capabilities, and purchase cost:**

A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations. Def Tech 11 Gr mini NFDD emits a loud “bang” and a flash of light

I. Def Tech 11 Gr mini NFDD, cost: \$2,612.50, quantity: 50

b. **Purpose:**

To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. **Authorized Use:**

Diversionary Devices shall only be used:

I. By CRU officers who have been trained in their proper use.

II. In hostage and barricaded subject situations.

III. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.

IV. During other high-risk situations where their use would enhance officer safety.

V. During training exercises.

All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 404 – Crisis Response Unit.

d. **Expected Lifespan:**

Def Tech 11-gram mini NFDD – 5 years

e. **Fiscal Impact:**

Def Tech 11 Gram mini NFDD – Annual cost between \$0 - \$2,612.50

5. Tear Gas (Category 12)

a. **Description, quantity, capabilities, and purchase cost:**

Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Los Gatos-Monte Sereno Police Department as a non-lethal tool to disperse rioting subjects and on barricaded suspects. The Los Gatos-Monte Sereno Police Department uses chemical agents which are used by law enforcement across the United States: CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5oz or less). OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

I. Def Tech handheld OC/CS canisters, model #1050 Cost: \$ 361.50, quantity: 6

b. **Purpose:**

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:

- I. Self-destructive, dangerous and/or combative individuals.
- II. Riot/crowd control and civil unrest incidents.
- III. Circumstances where a tactical advantage can be obtained.
- IV. Potentially vicious animals.
- V. Training exercises or approved demonstrations.

c. **Authorized Use:**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. **Expected Lifespan:**

Def Tech handheld OC/CS canisters, model #1050 – 5 years

e. **Fiscal Impact:**

Def Tech handheld OC/CS canisters, model #1050 – estimated between \$0 and \$450 annually

6. Projectile Launch platforms and associated munitions (Category 14)

a. **Description, quantity, capabilities, and purchase cost:**

The Lewis Machine & Tool Launcher is not a firearm, but a Less-Lethal systems that uses smokeless powder to deliver 40MM projectiles from a safe distance. The Less-Lethal launcher is capable of launching 40MM munitions at a subject up to 25 yards. The Less-Lethal launcher is a single launcher, which allows the Officer to assess after every spent munition. Less-Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks. The 40MM munition is a Direct Impact Spin Stabilized Smokeless Sponge Munition. The Sponge Baton and Impact OC munition is used as a Less-Lethal weapon designed to de-escalate a potentially violent encounter. Liquid Ferret Barricade munition are a less lethal 40mm round that is used to penetrate barriers such as windows, hollow core doors, wallboard, and thin plywood.

I. Lewis Machine & Tool Launcher, cost: \$4,514.55. quantity: 5

II. Def Tech 40mm Direct Impact Sponge #6325, cost: \$360.00 quantity: 20

III. Def Tech 40mm Direct Impact OC #6320LE, cost: \$315.00, quantity: 15

IV. Def Tech 40mm CS liquid ferret rounds, model #1262, cost: \$72.00, quantity: 3

V. Def Tech 40mm CS powder rounds, model #1292, cost: \$ 120.00, quantity: 5

b. **Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. **Authorized Use:**

Situations for use of the less lethal weapon systems may include, but are not limited to:

I. Self-destructive, dangerous and/or combative individuals.

II. Riot/crowd control and civil unrest incidents.

III. Circumstances where a tactical advantage can be obtained.

IV. Potentially vicious animals.

V. Training exercises or approved demonstrations.

All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force.

d. **Expected Lifespan:**

- I. 40mm Launcher: No expiration
- II. 40mm Sponge Round: 5 years
- III. 40mm OC: 5 years
- IV. 40mm CS liquid ferret rounds: 5 years
- V. 40mm CS powder: 5 years

e. **Fiscal Impact:**

- I. 40mm Launcher: estimated between \$0 and \$5,000.00 annually
- II. 40mm Sponge Round: estimated between \$0 and \$500.00 annually
- III. 40mm Direct Impact OC: estimate between \$0 and \$300.00 annually
- IV. 40mm CS liquid ferret rounds: estimate between \$0 and \$360.00 annually
- V. 40mm CS powder rounds: estimate between \$0 and \$360.00