



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Paul Joseph

**SUBJECT:** Military Equipment Annual  
Report

**DATE:** October 27, 2025

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Approved

Date:

11/5/25

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**COUNCIL DISTRICT:** Citywide

## **RECOMMENDATION**

- a) Accept the annual report on military equipment for Calendar Year 2024.
- b) Approve the requests for the authorization of the purchase of military equipment for use by the San José Police Department, subject to the appropriation of funds.

## **SUMMARY AND OUTCOME**

Acceptance of this annual report will comply with the requirements of California law and the San José Municipal Code governing the funding, acquisition, use, and reporting of military equipment by the San José Police Department (Department) for Calendar Year (CY) 2024. Additionally, it will authorize the Department to make specific future military equipment purchases, subject to the appropriation of funds.

## **BACKGROUND**

On September 30, 2021, the Governor approved Assembly Bill 481, thereby creating Chapter 12.8 in Title 1, Division 7 of the California Government Code regarding the funding, acquisition, and use of military equipment by law enforcement agencies. Chapter 12.8 requires that law enforcement agencies develop a military equipment use policy and obtain approval of the policy by their applicable governing body. It also requires that the law enforcement agency submit an annual military equipment report to its governing body, based on the preceding calendar year, containing information about the quantity, use, and cost of military equipment maintained by the agency, as well as any complaints received by the agency about the use of such equipment.

At the June 21, 2022 City Council meeting, the City Council approved the Department's Military Equipment Guidelines. These guidelines set out policies and procedures for the funding, approval, acquisition, reporting, and use of military equipment and thus satisfy the requirement for a military equipment use policy per the Government Code. These guidelines can be found on the Military Equipment Program<sup>1</sup> page of the Department's website, as required by law, and are also included with this memorandum as Attachment A. The Military Equipment Program website also contains other useful information to help the public understand this issue, including a detailed inventory of military equipment maintained by the Department.

The Department's policies on the use of specific types of military equipment are found in the Duty Manual sections listed below, which are also available on the Department's website.<sup>2</sup>

- Section L 2305.1 through L 2305.3 pertain to use of chemical agents or projectile impact weapons at first amendment activities or unlawful civil disturbances.
- Sections L 2600 through L 2647 establish the Department's rules related to use of force.
- Section L 2703 establishes rules for the use of long-range acoustical devices.
- Section L 2609 pertains to the use of chemical agents.
- Sections L 2629 and L 2630 pertain to the use of projectile impact weapons.
- Section L 2640 pertains to the deployment of carbines.
- Section L 2701 pertains to the use of mine resistant ambush protected armored vehicles.
- Section L 2702 pertains to Unmanned Aircraft Systems (UAS).

Also at the June 21, 2022 City Council meeting, the City Council amended Chapter 2.04 of Title 2 of the San José Municipal Code to add § 2.04.4030 to comply with Chapter 12.8 of the Government Code. San José Municipal Code § 2.04.4030 Subsection E requires the Department to submit an annual military equipment report to the City Council, containing the information required in the Government Code. This memorandum constitutes the annual military equipment report as required by the San José Municipal Code and the Government Code. The Department presented its CY 2023 annual report to the City Council on August 20, 2024.

## **ANALYSIS**

This report provides summary information on the quantity, cost, and use of military equipment over CY 2024. It also contains information on complaints received by the Department related to the use of military equipment, violations of the law reported, and the source of funds used for military equipment.

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<sup>1</sup>Military Equipment Program website: <https://www.sjpd.org/records/documents-policies/military-equipment-program>  
<sup>2</sup>SJPD Duty Manual Public Version: <https://www.sjpd.org/home/showpublisheddocument/314/638773021014213704>

## **Military Equipment Summary Matrix**

California Government Code § 7070(c) breaks military equipment down into 14 categories. The Military Equipment Summary Matrix, included as Attachment B, provides the following information for each of those 14 categories:

- **Description:** Description of the kind of equipment included in each category.
- **Examples:** Specific examples of equipment items included under each category. Note that these examples are not an exhaustive list of all military equipment maintained by the Department. For a comprehensive list, please see the Military Equipment Program page of the Department's website.
- **Quantity and Cost:** The quantity of equipment maintained by the Department in each category. The annual cost to operate and maintain the equipment in each category. The total annual cost of each type of military equipment in the Department's inventory is dependent on several factors including, but not limited to, its frequency of use, cost and availability of parts or supplies, maintenance costs, storage costs, upgrade costs, and training costs. The total estimated annual cost of possessing existing military equipment is \$470,666 and is funded by the Department's operating budget.
- **Deployments:** The number of times equipment in each category was deployed. Additional information on how deployment is tracked is provided in the next section below. For the majority of the categories, a deployment is defined as an instance in which the equipment was brought to the scene of an incident and/or made ready for use, whether or not it was actually used. For assault rifles only, deployments refer to the number of times a rifle was fired in the line of duty. This distinction is necessary because rifles are regularly carried and made ready for use by operators during critical incidents and this practice is not tracked by the Department.

In addition to the matrix described above, the body of this report includes additional contextual information regarding military equipment maintained by the Department.

## **Tracking of Deployment Data**

As noted above, Attachment B provides information on the number of times military equipment in each category was deployed. This section provides background on how that data was collected and provides additional detail regarding the deployment of Unmanned Aircraft Systems (UASs).

The Department began tracking military equipment use on July 1, 2022. The Department created a quick response code to access the Military Equipment Reporting Log to comply with reporting. A supervisor is directed to access the log to report the use of military equipment after a particular event. To prevent duplication, only one supervisor can access the log per event. The log contains 62 potential entries for any given event, covering all the possible deployments of the Department's approved inventory of military equipment.

During CY 2024, 189 entries were made into the Military Equipment Reporting Log. Of those entries, 132 (or 70%) indicated the use was for police activity, 46 (or 24%) indicated the use was for training (training statistics from the range are shown below), and 11 (or 6%) indicated the use was for a community event.

A separate log was created to track UAS flights for police activity. UAS flights are tracked separately to capture more information about the flight and to comply with additional Department Policy and Federal Aviation Administration requirements. An authorized user, generally the pilot of the UAS, is directed to access the log via the quick response code to record the event.

During CY 2024, the Department logged 671 UAS flights. Of those flights, 505 were for police activity. The remaining 166 were training or qualification flights. UASs fall under Category 1 (out of the 14 categories of military equipment established in the Government Code). As such, deployments of the UASs are included within the total of Category 1 deployments shown in Attachment B.

### **San José Police Department Range Unit CY 2024 Statistics**

Assault rifles (Category 10) and less-lethal projectile launchers (Category 14) account for a large portion of the Department's military equipment expenditures due to the high number of operators of each and the extensive, continuous training required of each handler in order to meet qualification standards. All of the training and qualifications are coordinated through the Department's Range Unit. The Range Unit is also responsible for the purchasing of the rifles and launchers (including accessories) and ammunition. Below is a breakdown of the Range Unit's CY 2024 statistics pertaining to the training and expenditures associated with these two categories.

#### **Rifle Training:**

- Six 20-hour classes were held.
- Total of 75 officers attended the classes.

#### **Rifle Qualifications:**

- Approximately 305 officers qualified twice with their rifles last year.

**Specialist Training:**

- Two 20-hour classes were held.
- Total of 28 officers attended.

**40mm Projectile Launcher Training:**

- 10 officers were issued 40 mm Launchers.
- Training class was approximately one hour long.

**Rifle Purchases:**

- 53 new rifles, with a cost of \$42,400.
- 600k rounds of practice ammunition, with a cost of \$225,840.
- 275k rounds of duty rifle ammunition, with a cost of \$118,470.

**40mm Projectile Launcher Purchases:**

- No new launchers or ammunition were purchased in CY 2024. All the ammunition used was left over from the previous year.

**Acquisition of New Military Equipment During CY 2024**

The Department purchased 14 new UASs in CY 2024, including replacements for UASs that were destroyed in service. Table 1 shows the unit assignment, expiration date, acquisition date, price of each model, and annual maintenance cost:

**Table 1 – New Military Equipment Acquisitions**

<b>UAS IDs</b>	<b>Unit Assignment</b>	<b>Expires</b>	<b>Date Acquired</b>	<b>Price</b>	<b>Annual Maintenance</b>
Autel EVO II Dual 640T	Patrol	01/25/2027	1/25/2024	\$6,000	\$200
Autel EVO II 6K Enterprise	TIU	04/12/2027	4/12/2024	\$4,000	\$200
Autel EVO II Dual 640T	Patrol	06/05/2027	6/5/2024	\$6,000	\$200
Autel EVO II Dual 640T Enterprise	Patrol	06/05/2027	6/5/2024	\$7,000	\$200
Autel EVO II Dual 640T	Bomb Squad	09/04/2026	6/13/2024	\$6,000	\$200
Autel EVO II Dual 640T	MERGE	07/11/2027	7/11/2024	\$6,000	\$200
DJI Avata	ICAC	12/11/2026	7/22/2024	\$1,500	\$100
Autel EVO II Dual 640T Enterprise	CRU	08/27/2027	8/27/2024	\$7,000	\$200
Autel EVO II Dual 640T Enterprise	CRU	08/27/2027	8/27/2024	\$7,000	\$200

<b>UAS IDs</b>	<b>Unit Assignment</b>	<b>Expires</b>	<b>Date Acquired</b>	<b>Price</b>	<b>Annual Maintenance</b>
DJI Avata	MERGE	09/12/2027	9/12/2024	\$1,500	\$100
DJI Avata	MERGE	09/12/2027	9/12/2024	\$1,500	\$100
Autel EVO II Dual 640T	Patrol	09/30/2027	9/30/2024	\$6,000	\$200
Autel EVO Max 4T	ICAC	11/11/2027	11/11/2024	\$9,000	\$400
Autel EVO II 6K Enterprise	TIU	11/18/2027	11/18/2024	\$4,000	\$200
				<b>Total</b> <b>\$72,500</b>	<b>Total</b> <b>\$2,700</b>

In August 2024, the Department purchased 53 new Aero Precision M4E1 assault rifles to continue the systematic replacement of its shotguns. The cost of the rifles was \$800 per unit for a total of \$42,400.

The combined cost of all new military equipment purchased by the Department (UASs and rifles) was \$114,900. There is no ongoing cost associated with the newly acquired rifles. The approximate annual cost of ongoing maintenance for the UASs is \$2,700 as shown above, which is covered by the Police Department’s existing ongoing Non-Personal/Equipment appropriation.

**Anticipated Acquisition of Previously Approved Military Equipment**

It should be noted that in April 2023, the Range Unit placed several orders for items approved by City Council, but the Department is still awaiting shipment. The items listed below were approved by the City Council in previous years. The Department has not paid for them and will not do so until they have been received.

- 19 40mm Less-Lethal Single Launchers. The total cost will be \$26,885.
- 3,000 rounds of the less-lethal shotgun stun bag rounds. The total cost will be \$23,700.
- 1,273 40mm Less-Lethal Rounds. The total cost will be \$37,161.60.
- 900K rounds of practice rifle ammunition. The total cost will be \$163,710.
- 100k rounds of duty rifle ammunition. The total cost will be \$107,700.

In June 2022, City Council approved the request for pre-approval of the acquisition of two new pieces of equipment that meet the Government Code definition of military equipment. They include a medevac vehicle for our Tactical Medical Officer program, classified as Category 3 military equipment, and a tracked armored vehicle, classified as Category 4 military equipment. With the City Council’s approval of the item in June 2022, these two items are now listed as inventory items that may potentially be acquired in the future.

These items have not yet been acquired, and funding for their acquisition is not yet in place. The total anticipated purchase price is approximately \$1,000,000, with ongoing annual costs of approximately \$13,000. The Department is evaluating funding options for this equipment on an ongoing basis, including evaluating opportunities for grant funding as they arise.

**Request for Authorization to Purchase New Equipment**

The Department is tentatively slated to receive \$177,066 for UASs and \$398,303 for robots from the Urban Area Security Initiative (UASI) 2025 Grant, and has been pursuing additional equipment funding for the Super Bowl and FIFA, such as earmarks or other funding from outside parties. The Department is also planning to use \$12,833 of its Non-Personal/Equipment appropriation funding for three DJI Avata UASs, and one Autel EVO Max 4T UAS. Table 2 shows the item/model, military equipment category, funding source, number of units, annual maintenance cost, price of each item, and total price. For a more detailed description of the newly requested items, see Attachment C: Requests for Authorization for New Military Equipment.

**Table 2 – Requests for Authorization for New Military Equipment**

Item/Model	Cat.	Funding Source	No. of Units	Maintenance Cost	Price/ Unit	Total Price
Remotec Spartan Bomb Disposal Robot	1	Partly Funded Pending UASI 2025 Grant*	1	\$1,500 per year	\$351,641	\$351,641
Remotec Andros SR1 Bomb Disposal Robot	1	Not identified	1	\$700 per year	\$93,278	\$93,278
Icor Caliber Flex	1	Not identified	1	\$1,500 per year	\$250,000	\$250,000
Icor MK3 Caliber	1	Pending 2025 UASI Grant	1	\$1,500 per year	\$109,500	\$109,500
Ghost Robotics Vision 60	1	Not identified	1	\$1,500 per year	\$269,100	\$269,100
DJI Avata UAS	1	Identified for 3 of 10	10	\$100 per year	\$1,278	\$12,780
DJI M30 UAS	1	Not identified	6	\$400 per year	\$8,924	\$53,544

Item/Model	Cat.	Funding Source	No. of Units	Maintenance Cost	Price/ Unit	Total Price
Autel EVO Max 4T UAS	1	Identified for 1 of 6	6	\$400 per year	\$8,999	\$53,994
DJI Matrice 3TD UAS	1	Not identified	10	\$400 per year	\$7,460	\$74,600
Autel EVO II Dual	1	Not identified	6	\$200 per year	\$4,799	\$28,794
Autel EVO II 6K	1	Not identified	2	\$200 per year	\$2,099	\$4,198
DJI Mavic	1	Not identified	2	\$200 per year	\$2,199	\$4,398
Skyfront Perimeter 8	2	Identified for 2 Pending UASI 2025 Grant	2	\$500 per year	\$77,000	\$154,000
Pepper Balls and Associated Equipment	14	Not identified	1,500	\$0 per year	NA	\$6,029
<b>TOTAL</b>						<b>\$1,570,958</b>

\*The Department UASI 2025 Grant, which is pending, has \$288,803 set aside for this item. The Department is looking for additional vendors who could provide the item at this price.

### Source of Funds for Military Equipment

The Department funds military equipment through its ongoing allocated operating budget and one-time and ongoing grant programs at the state and federal level. Any new funding request for military equipment made to the City Manager’s Budget Office will be considered as part of the annual budget process, in the context of the City’s overall fiscal condition and other departmental program priorities.

### Complaints, Violations, and Internal Audits

During CY 2024, the Department did not receive a single complaint regarding the use or deployment of military equipment. No violations were noted. No internal audits were conducted.

### Law Enforcement Support Office Program Update

The Department currently participates in the Public Safety Procurement Program, also known as the Law Enforcement Support Office Program, which allows the United States Department of Defense to transfer excess property to other federal, state, and local law enforcement agencies to support law enforcement activities. Equipment available through this program typically costs a fraction of what it would cost to obtain from other vendors. Through the Law Enforcement Support Office Program, the Department has

previously been able to procure much-needed equipment, which would not otherwise have been possible due to budgetary constraints.

On December 12, 2022, the Department was authorized by the City Council to continue participating in the Law Enforcement Support Office Program. The Department did not acquire any equipment through this program during CY 2024.

### **EVALUATION AND FOLLOW-UP**

The Department will continue to collect required information regarding military equipment maintained by the Department and will report on this information to the City Council on an annual basis.

### **COST SUMMARY/IMPLICATIONS**

From the requests for authorization for new military equipment referenced above in Table 2, the Department plans to utilize potential future UASI 2025 grant funds, still subject to award, of \$177,066 to purchase UASs and \$398,303 to purchase robots. The Department will also use \$12,833 from the Police Department's General Fund Non-Personal/Equipment appropriation for UASs. Ongoing costs from the purchase of the new military equipment will be absorbed by the Department's current operating budget in the Non-Personal/Equipment appropriation. Any additional remaining equipment described in this memorandum is anticipated to be purchased with future grant resources, subject to the City Council appropriation of these funds as part of a future budget process once the grant funding is secured. Future eligible grant programs include Bureau of Justice Assistance Grants, State Homeland Security Grant Program, and additional allocations of UASI and Internet Crimes Against Children grant funding.

For reference, Attachment C: Request for Authorization for New Military Equipment shows the quantity and estimated cost associated with each requested item, including any ongoing costs.

### **BUDGET REFERENCE**

The following table identifies the fund and appropriation to support the equipment purchase currently funded in the 2025-2026 Modified Budget.

Fund #	Appn. #	Appropriation Name	Total Appropriation	Amount for Purchase	2025-2026 Proposed Operating Budget Page*	Last Budget Action (Date, Ord. No.)
001	0502	Police Department Non-Personal/Equipment	\$27,777,755	\$12,833**	684	10/21/25 31252

\* The 2025-2026 Adopted Operating Budget was approved on June 10, 2025 and adopted on June 17, 2025 by the City Council.

\*\*Additional USAI 2025 funding of \$398,303 for robots and \$177,066 for the purchase of UASs will be brought forward for City Council approval and appropriation once the grant is approved.

**COORDINATION**

This memorandum has been coordinated with the City Attorney’s Office and the City Manager’s Budget Office.

**PUBLIC OUTREACH**

This memorandum and the attached documents will be posted on the City’s Council Agenda website for the November 18, 2025 City Council meeting. Additionally, within 30 days of submitting and publicly releasing an annual military equipment report, or amendment, pursuant to California Government Code § 7072, the Department will hold at least one well-publicized and conveniently located community meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency’s funding, acquisition, or use of military equipment.

**COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

**CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.



Paul Joseph  
Chief of Police

For questions, please contact Captain Randy Torres, Special Operations, Bureau of Field Operations, Police Department, at [randy.torres@sanjoseca.gov](mailto:randy.torres@sanjoseca.gov).

**ATTACHMENTS:**

- Attachment A: San José Police Department Military Equipment Guidelines
- Attachment B: Military Equipment Summary Matrix
- Attachment C: Request for Authorization for New Military Equipment

# SAN JOSÉ POLICE DEPARTMENT

## Military Equipment Guidelines



**Capt. Steve Lagorio #3258**

**May 6, 2022**

## Purpose

The purpose of these guidelines is to provide policies and procedures for the funding, approval, acquisition, reporting, and use of military equipment per Government Code §§ 7070 - 7073.

## Definitions

Pursuant to California Government Code § 7070, the following definitions are applicable **only** to the Department's current military equipment guidelines, inventory, and potential future military equipment acquisitions for operational needs.

A. "Governing body" means the San José City Council and Mayor.

B. "Military Equipment" (ME) falls under the following categories:<sup>1</sup>

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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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=12.8.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=12.8.&article=)

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.

C. “Military Equipment Use Policy” refers to this Department Military Equipment Guideline and means a publicly released, written document governing the use of military equipment by the Department. The Department Military Equipment Guideline incorporates by reference the Military Equipment Inventory because the Inventory sets out the fiscal impact for each item of military equipment included in the Military Equipment Guideline including initial costs of purchasing the equipment and estimated annual costs of maintaining the equipment as required by California Government Code Section 7070(d)(3).

D. “Law enforcement agency” means any of the following:

1. A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

2. A sheriff's department.
3. A district attorney's office.
4. A county probation department.

E. "The Department" refers to the San José Police Department.

### **Military Equipment Use Considerations**

The ME acquired and authorized by the Department shall be:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
3. Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.

### **Purchasing**

The Department shall seek governing body approval for military equipment, including, but not limited to, grant purchases, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

1. The Department has the authority to apply for grant funding for listed ME prior to obtaining governing body approval. Once a grant application has been approved by the funding source, the item will be brought before the governing body for final approval.
2. The Department has the authority to apply for ME funding prior to obtaining governing body approval in the case of exigent circumstances. The Department shall obtain governing body approval as soon as practicable.

3. For all previously-approved ME, the Department has the authority to purchase replenishment items throughout the year as needed to maintain adequate inventory due to use, breakage, and expiration.

## **Collaborating 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. Other agencies should have their own military equipment use policies in place before use in our jurisdiction.

## **Compliance**

The Assistant Chief of Police is the head of the Military Equipment Program. The Special Operations Division Captain will ensure a quarterly audit is conducted in conjunction with Program Manager reporting. This ME Audit Report will be submitted to the Assistant Chief of Police for review. This ME Audit Report will be available to the IPA at their request.

## **Transparency**

1. The Department will report to the governing body annually on equipment and usage. Reports and inventory will be current as of June 30<sup>th</sup> of each year.
2. The annual report will align with Government Code § 7072 to include the following:
  - a. A summary of how the military equipment was used and the purpose of its use.
  - b. A summary of any complaints or concerns received concerning the military equipment.
  - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
  - d. 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.
  - e. The quantity possessed for each type of military equipment.

- f. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
3. The Department intends to keep the public informed about the agency's ME program through a dedicated page on the Department's website (SJPD.org). The ME webpage will list the policy, provide a copy of the most recent quarterly report, and provide the most recent inventory.
4. The Department will provide a web link on the Military Equipment webpage to The Department Internal Affairs and San José Independent Police Auditor. Any member of the public can register a question or concerns regarding ME use through The Department Internal Affairs or the San José Independent Police Auditor. Outcomes of the complaint process will follow the current practice of publishing employee discipline on the City of San José's webpage.<sup>2</sup>
5. Within 30 days of submitting and publicly releasing an annual military equipment report, or amendment, pursuant to this section, the Department will hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

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<sup>2</sup> <https://www.sanjoseca.gov/your-government/departments/employee-relations/discipline-process/formal-discipline-reports>

## Policy & Procedures

It is the policy of the Department that duly trained and authorized agency personnel may only deploy Military Equipment for legitimate law enforcement purposes as specified herein, including training and demonstrations/exhibitions. All Military Equipment deployments and use shall comply with applicable law and the policy provisions provided herein.

### **1) Unmanned, remotely piloted, powered aerial or ground vehicles.**

#### **a. Unmanned Aircraft Systems (UAS)**

##### **i) Purposes and authorized uses:**

- (1) Post-incident crime scene preservation and documentation.
  - (a) A search warrant will be sought when processing a crime scene where a reasonable expectation of privacy exists (e.g., a residence, a private place of business which is not open to the general public, or a medical facility).
- (2) Explosive Ordinance Disposal missions.
- (3) Incidents involving potentially hazardous materials.
- (4) Search and Rescue operations.
- (5) Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooter incidents, and high-risk search warrants or tactical operations.
- (6) The apprehension of armed, dangerous, and violent fleeing suspects who pose an imminent danger to the public.
- (7) Disaster response and recovery to include natural, technical, or human caused disasters.
- (8) Authorized training missions and/or flight demonstrations.
- (9) Authorized special events.
- (10) In response to specific requests from local, state, or federal fire authorities for fire response and prevention.

(11) When there is probable cause to believe that:

- (a) The UAS will record images of a place, thing, condition, or event; and
- (b) That those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the UAS does not infringe upon the reasonable expectation of privacy.

(12) Remote Pilots in Command should be mindful of the reasonable expectation of privacy in a residence, covered/secluded backyard, or high-rise building, or private place of business that are not open to the general public, or a medical facility and should seek a search warrant prior to conducting a flight without exigent circumstances or consent.

(13) Pursuant to a search warrant.

*(14) The UAS video surveillance equipment shall not be used:*

- (a) For activities that do not have a legitimate public safety purpose.*
- (b) To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.*
- (c) To conduct personal business of any type.*
- (d) The UAS shall not be weaponized.*

(15) UAS activities will be performed in a manner consistent with the United States Constitution and applicable Federal laws and regulations, Executive Orders, and other Presidential directives.

(16) All flights will be authorized by a command officer, unless an exigency situation exists. A command officer will be notified immediately following or during an exigent flight.

ii) Legal and procedural rules:

- (1) All UAS's will only be operated by Department personnel who have been trained in the operation of the system, maintain FAA currency, possess a current FAA Part 107 certificate with a UAS rating, and are authorized by the UAS Program Manager (MERGE/Bomb Commander).
- (2) All agency personnel with UAS responsibilities, including command officers, will be provided training in the rules governing UAS use.

- (3) UAS activities will be performed in a manner consistent with the United States Constitution and applicable Federal laws and regulations, Executive Orders, and other Presidential directives. The San Jose Police Department's UAS Unit Guidelines and SJPD Duty Manual Section L 2702 Unmanned Aircraft System (UAS) govern the use of UAS's by Department personnel.

iii) Training:

- (1) The UAS Program Coordinator (Bomb Sergeant) shall conduct an annual qualification of all Department Part 107 pilots. At a minimum, the test shall be consistent with the National Institute of Standards and Technology (NIST) – Standard Test Methods for Aerial Systems. Pilots who do not participate in the qualification or fail to complete the qualification within the set parameters will not be eligible to pilot a Department UAS.

**b. Remotely powered ground vehicles (bomb disposal robots)**

i) Purpose and authorized uses:

- (1) Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, suspicious packages/potential IEDs, and high-risk search warrants/tactical operations.

ii) Legal and procedural rules:

- (1) The following general procedures shall be utilized at all times while operating a remote control vehicle:

1. Only bomb technicians who have attended and successfully completed Hazardous Devices School (HDS) will operate a remote control vehicle in an operational environment.
2. Prior to all uses, including training sessions, Squad Technicians will verify that all controls and systems on the remote control vehicle are functioning properly using the Andros operations checklist.

- (1) Training sessions with only one Technician present do not require completion of the drive and articulator portion of the checklist as this equipment is not to be used when only one technician is present.

3. On Wednesdays, bi-weekly, the remote control vehicle and support equipment will be checked to make sure they are ready for use and all necessary supplies are present.

4. The Squad Commander will be advised as soon as practical of problems with the operating systems or damage to the remote control vehicle.

5. A copy of the equipment operating instructions will be maintained with the remote control vehicle.
6. In all situations, whether training, demonstration, or actual field events, two technicians will be present if the remote control vehicle is being moved.
7. Only one technician need be present in training situations. However, when only one technician is present, only the arm, and video & audio equipment will be used.
8. All personnel operating the remote control vehicles must be familiar with the safety and operating procedures included in the operation and maintenance manual.
9. Remote control vehicles will be operated only for public safety purposes, training, or demonstrations, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

iii) Training:

- (1) To meet Bomb Squad objectives, personnel will participate in mandatory training prior to using any Squad equipment. This training will consist of:
  - (a) Successful completion of the following, a forty hour (40) Hazardous Materials Technicians Course compliant with OSHA 29 CFR 1910.120 (q)(6)(iii).
  - (b) Successful completion of the two hundred forty (240) hour HDS Basic Course, provided by the Federal Bureau of Investigation (FBI), Hazardous Devices School in Redstone Arsenal, Huntsville, Alabama.
  - (c) Successful completion of the forty (40) hour Re-Certification Course, provided by the FBI, Hazardous Devices School in Redstone Arsenal, Huntsville, Alabama every thirty-six (36) months.

**c. Remotely powered ground vehicles (tactical robots)**

i) Purpose and authorized uses:

- (1) The small remote controlled vehicles maintained by the MERGE Unit represent valuable pieces of equipment that assist in de-escalating critical incidents.
- (2) Public safety and life preservation missions to include but not limited to barricaded suspects, hostage situations, active shooters, suspicious packages/potential IEDs, and high-risk search warrants/tactical operations.

ii) Legal and procedural rules:

(1) The following general procedures will be followed while operating the remote control vehicles:

1. No unauthorized personnel will be allowed to operate the remote control vehicle.
2. Only bomb technicians who have attended and successfully completed HDS will operate the remote control vehicle in an operational environment.
3. Only for public safety purposes or demonstrations, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

iii) Training:

(1) The MERGE Unit is responsible for training officers on the use of its ground robots. Training consists of 10 hours of instruction and practical use during advanced tactics training.

(2) These smaller robots are not specifically governed by federal or state laws for training. They are still restricted by the 4<sup>th</sup> Amendment.

**2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.**

**a. MRAP**

i) Purpose and authorized uses:

(1) The MRAP is a specialized piece of equipment to be deployed in situations where its unique characteristics would be advantageous in protecting life and property or accomplishing the objectives of the Department. Examples of such incidents include events involving suspects deploying explosives, Improvised Explosive Devices and/or Vehicle-Borne Improvised Explosive Device; large scale rescue operations during times of manmade or natural disaster(s); mass casualty incidents; special or high-profile events that may be a target of domestic or international terrorism; and events requiring multiple armored vehicles.

(2) The MRAP should only be deployed in situations where the threat exceeds the capability of our regularly used armored vehicles and or incidents of an unusual occurrence that would demand its use. Examples include events involving suspects deploying explosives, Improvised Explosive Devices and/or Vehicle Borne Improvised Explosive Devices; large scale rescue operations during times of man-made or natural disaster(s); mass casualty incidents; special or high-profile events

that may be a target of domestic or international terrorism; and events requiring multiple armored vehicles.

ii) Legal and procedural rules:

(1) CA DMV Class B license.

(2) The use of the MRAP requires the approval of the Special Operations Captain, BFO Deputy Chief, or Assistant Chief of Police.

iii) Training:

(1) The MRAP is a unique vehicle and has distinctive driving characteristics due to its size, weight, and limited driver visibility. The driver of the MRAP is required to possess a valid Class B California driver's license.

(2) The MERGE unit will be responsible for training and certifying all drivers, maintaining a list of current certified MRAP operators, and providing the list of certified MRAP operators to Central Supply.

**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.**

**a. Bearcat**

i) Purpose and authorized uses:

(1) The BearCat is an armored vehicle built on a heavy-duty commercial truck chassis that is certified to defeat multi-hit attacks from pistol and rifle rounds. The BearCat can be used to transport officers to and from hostile situations, assist with the rescue and protection of officers or civilians, aid officers in active shooter situations, and provide assistance during other armed encounters. The BearCat is assigned to and maintained by the MERGE Unit but is available for patrol use in emergency situations.

ii) Legal and procedural rules:

(1) The use of the BearCat by Patrol under emergency circumstances must be approved by the Watch Commander.

(2) When the BearCat is used by Patrol, the Watch Commander will notify the MERGE Commander of its use within a reasonable time.

- (3) The BearCat may only be checked out by trained specialists and current or former MERGE officers, unless necessary for the immediate rescue of an injured officer or civilian or under similar extreme circumstances.
- (4) Any non-emergency pre-planned use of the BearCat must be approved in advance by the MERGE Commander or their designee. Central Supply personnel will review the list and confirm that the requesting officer is an approved operator prior to issuing the key.

iii) Training:

- (1) MERGE, in conjunction with the Specialist Program, will conduct periodic training and maintain a current list of trained personnel at Central Supply.

**b. HMMWV**

i) Purpose and authorized uses:

- (1) The HMMWV (High Mobility Multipurpose Wheeled Vehicle) is an armored vehicle built on a heavy-duty chassis that is certified to defeat multi-hit attacks from pistol rounds. The HMMWV can be used to transport officers to and from hostile situations, assist with the rescue and protection of officers/civilians, aid officers in active shooter situations and provide assistance during other armed encounters. The HMMWV is assigned to and maintained by the MERGE Unit and primarily assigned to the Tactical EMT Program but is available for use by Patrol in emergency situations.

ii) Legal and procedural rules:

- (1) The HMMWV can only be checked out by trained Tactical EMTs and current or former MERGE officers, unless necessary for the immediate rescue of an injured officer or under similar extreme circumstances.
- (2) Any non-emergency pre-planned use of the HMMWV must be approved in advance by the MERGE Commander or their designee. Central Supply personnel will review the list and confirm that the requesting officer is an approved operator prior to issuing the key.

iii) Training:

- (1) MERGE, in conjunction with the Tactical EMT Program, will conduct periodic training and maintain a current list of trained personnel at Central Supply.

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

i) Purpose and authorized uses:

- (1) To provide a capability for defensive ballistic protection in indoor and outdoor environments, rescue platforms for elevated structure rescue, and rough terrain environments where certain equipment would be limited.
- (2) The tracked vehicle shall be used by MERGE team members in a manner consistent with Department policy and training. Furthermore, only MERGE team members who have completed the appropriate training, will operate the tracked vehicle.

ii) Legal and procedural rules:

- (1) Only for public safety purposes or demonstrations, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

iii) Training:

- (1) The MERGE unit will be responsible for training and certifying all drivers and maintaining a list of current certified tracked vehicle operators.
- (2) Training will be standardized per the manufacturer's requirements (when acquired).

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

**a. Command Vehicles**

i) Purpose and Authorized Uses:

- (1) Mobile command vehicles are specialized pieces of equipment to be deployed in situations where their unique characteristics would be advantageous in providing the Incident Commander with a mobile base of operation, and the ability of enhancing the department's response to an incident. Examples of such incidents include but are not limited to planned; unplanned events; large scale rescue operations during times of man-made or natural disasters; major crime scenes; moments of civil unrest; Mutual Aid, mass casualty incidents, training scenarios, or incidents where the Incident Commander deems the deployment of the Command Vehicle necessary.
- (2) Command vehicles also act as dispatch locations for large-scale events. This is accomplished by sworn personnel or public dispatch officers that are assigned to the command vehicle, the Dispatch Response Team (DRT).
- (3) Command Vehicles should only be deployed in situations where the Designated Program Manager or Incident Commander have deemed the use of a Specified

Command Vehicle necessary to enhance the Department's ability to respond and resolve incidents of greater magnitude.

ii) Legal and procedural rules:

- (1) Valid California Driver's License.
- (2) The use of a Command Vehicle requires the notification to the Designated Program Manager where the vehicle is assigned or the approval of a Patrol Watch Commander.
- (3) In the event the Patrol Watch Commander authorized the use of the Command Vehicle through the chain of command, the Patrol Watch Commander will notify the Designated Program Manager of its use within a reasonable amount of time.

iii) Training:

- (1) Command Vehicles are a unique vehicle that have distinctive driving characteristics due to their size, weight, and limited driver visibility. The driver of the Command Vehicles is required to possess a valid California driver's license. Operators must also complete department authorized training in relation to the vehicle.
- (2) Operation of Command Vehicles is a collateral assignment and Department members will be responsible for training and certifying all drivers, maintaining a list of current certified CMV operators, and providing the list of certified Command Vehicle operators to the designated Program Manager.

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

- a. None possessed

**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.**

**a. Explosive Breaching**

i) Purpose and authorized uses:

- (1) The positive use of explosive materials to create an opening through a wall, door or barrier to allow access by a tactical or rescue team. Explosive breaching is a tactical option and can be employed when a rapid entry is critical to the success of the mission. The option to use an explosive breach shall be at the discretion of the MERGE Commander or designee.

ii) Legal and procedural rules:

- (1) It is the policy of the Department to utilize explosive breaching only for official law enforcement purposes, and pursuant to State and Federal laws for storage and transportation.

iii) Training:

- (1) All Breachers shall attend an accredited 40-hour "Explosive Breaching" course prior to performing operational breaches of any kind. All Breachers shall train on a quarterly basis.

**b. Breaching Shotgun**

i) Purpose and authorized uses:

- (1) The breaching shotgun is a ballistic breaching method utilizing frangible ammunition to breach an opening. Ballistic shotguns are utilized by MERGE personnel during high-risk operations to gain entry into rooms and/or structures. MERGE utilizes a modified Remington 870 which includes a pistol grip, shortened barrel, and a specialized muzzle break. When properly deployed, the breaching shotgun provides officers with a method to rapidly breach an opening and immediately address a deadly threat while minimizing potential injury to other parties inside the structure.
- (2) Only specially trained MERGE personnel are authorized to employ a breaching shotgun. Absent exigent circumstances, the pre-planned use of a breaching shotgun on search warrants must adhere to the following protocol: In the event the use of a breaching shotgun is not pre-approved, the reasonableness of its use will be determined by the MERGE officer utilizing the breaching shotgun based on the totality of circumstances at the time.

ii) Legal and procedural rules: See Duty Manual Section L 2638 below at beginning of category 10.

- a. The use will be noted in the MERGE operations plan.
- b. The use will be reviewed and approved by the Team Leader, Sergeant, and Lieutenant.
- c. The use can be cancelled at any time by any MERGE operator involved in the operation.

iii) Training:

(1) The MERGE Unit is responsible for training officers on the use of the breaching shotgun, as well as maintaining a list of all certified operators. Training consists of 10 hours of instruction and practical use during advanced tactics training.

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

a. None possessed

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

a. None possessed

**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.**

**All items in this category fall under Duty Manual section L 2638: Direct use of a Firearm**

- When discharged in a safe manner at an approved range.
- When used for the humane destruction (euthanasia) of a seriously injured animal, or to dispatch any animal that poses an immediate threat to any person or other animal, and other dispositions are impractical.
- When, based on the totality of the circumstances, deadly force is objectively reasonable and necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person.
- When, based on the totality of the circumstances, deadly force is objectively reasonable and necessary to effect the capture of, or prevent the escape or rescue of, a suspect whom the officer has reasonable cause to believe has committed a felony that threatened or resulted in death or serious bodily injury, and the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

**a. AR-15 style rifles**

i) Purpose and authorized uses:

(1) The rifle caliber carbine provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, 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.

(2) Carbines may be used, based on an articulated need, if the officer reasonably suspects that any of the following conditions exist:

(a) The suspect is armed with a deadly weapon.

(b) The distance necessary to engage an armed suspect is beyond the effective range of the officer's pistol or shotgun.

(c) The suspect is barricaded or protected by materials that may not be penetrated by the officer's pistol or shotgun.

(d) The officer has reasonable cause to believe an armed suspect is wearing body armor.

ii) Legal and procedural rules: See Duty Manual Section L 2638 above at beginning of category 10.

(1) Prior to using a rifle, officers must be certified by POST qualified instructors in the operation of the rifle.

iii) Training:

(1) All department members that operate an AR-15 style rifle are required take a specific 20-hour firearms course and pass a range qualification two times a year.

(2) Officers can obtain an additional 20 hours of training to become a Rifle Specialist. This training includes additional weapons manipulation, training, and tactics.

(3) For Special Operations Units, the AR-15 is the primary weapons system utilized by the teams. Special Operations Officers are required to successfully complete 40-hour MERGE rifle school consisting of extensive firearms training including the AR-15. While assigned to the Special Operations Units, Officers are required to participate in regular rifle training, entry and movement training, and consistent weapons qualifications to maintain proficiency with the AR-15.

(4) Officers qualify bi-annually with this weapon system.

## **b. Precision rifles**

i) Purpose and authorized uses:

(1) Precision rifles provide Special Operations Snipers the ability to engage hostile suspects at great distances and higher accuracy.

ii) Legal and procedural rules: See Duty Manual Section L 2638 above at beginning of category 10.

(1) Precision rifles may be used, based on an articulated need, if the officer reasonably suspects that any of the following conditions exist:

(a) The suspect is armed with a deadly weapon.

(b) The distance necessary to engage an armed suspect is beyond the effective range of the officer's pistol or shotgun.

(c) The suspect is barricaded or protected by materials that may not be penetrated by the officer's pistol or shotgun.

(d) The officer has reasonable cause to believe an armed suspect is wearing body armor.

(e) A hostage situation exists, and the use of a precision rifle is warranted.

iii) Training:

(1) Special Operation Snipers must successfully complete a 40-hour POST approved Basic Sniper School, and regularly train and qualify to maintain proficiency.

(2) Officers qualify bi-annually with this weapon system.

**c. MP5**

i) Purpose and authorized uses:

(1) The MP-5 submachine gun provides the ability to deliver precision gun fire with a shoulder fired weapons system that is accurate, reliable, and safe. Its compact design allows for ease of maneuverability in close quarter combat scenarios.

ii) Legal and procedural rules: See Duty Manual Section L 2638 above at beginning of category 10.

iii) Training:

(1) Officers must regularly train to maintain proficiency.

(2) Officers qualify bi-annually with this weapon system.

**d. Automatic Shotgun**

i) Purpose and authorized uses:

- (1) Automatic shotguns provide Special Operations the ability to engage hostile suspects at great distances and higher accuracy.
  - ii) Legal and procedural rules: See Duty Manual Section L 2638 above at beginning of category 10.
  - iii) Training:
    - (1) Officers must regularly train to maintain proficiency.
    - (2) Officers qualify bi-annually with this weapon system.
- e. PAN Disruptors (PAN – Percussion Actuated Non-electric)**
- i) Purpose and authorized uses:
    - (1) Explosive ordinance disposal disrupters are used by hazardous device technicians as bomb mitigation devices. The primary purpose of a disrupter is to remotely open or render safe a suspect item or improvised explosive device. To “remotely open” is to open a suspect item to expose the contents, while “render safe” means to penetrate, cut, or remove the fusing system components in order to disable an explosive. A secondary purpose for a disrupter is to create a means of access in a window, door, trunk, etc.
  - ii) Legal and procedural rules:
    - (1) No unauthorized personnel will be allowed access to the disrupters.
    - (2) Only properly trained personnel will operate the disrupters.
    - (3) At all times while preparing and carrying a loaded disrupter, the Technician will not point the disrupter at anyone and be cognizant of people accidentally walking or standing in front of the disrupter once loaded.
    - (4) Be aware of possible static electricity hazards and take appropriate precautions.
    - (5) A copy of the equipment operating instructions will be maintained with the disrupter.
    - (6) On Wednesday bi-weekly, the disrupter kits in the Bomb Squad transport truck will be checked to make sure all supplies are present, and the disrupters are ready for use.
    - (7) The disrupter(s) will be cleaned after use, or the Bomb Squad Commander will be advised, so that cleaning will be completed as soon as possible.

- (8) When using a disrupter, be aware of the background. A disrupter shot using water or glass beads can still penetrate walls and break glass after opening a suspect device.
- (9) Extra care should be exercised if firing a metal or wood slug as these items can travel a substantial distance after penetrating a suspect package/item. The disrupter can penetrate walls and floors. Clear the area in front of the muzzle of all persons.
- (10) The verbal warning "DISRUPTER" will be made in a loud clear voice in the direction of the disruption procedure just prior to firing.

iii) Training:

- (1) To meet Bomb Squad objectives, personnel will participate in mandatory training prior to using any Bomb Squad equipment. This training will consist of:
  - (a) Successful completion of the following, a forty hour (40) Hazardous Materials Technicians Course compliant with OSHA 29 CFR 1910.120 (q)(6)(iii).
  - (b) Successful completion of the two hundred forty (240) hour HDS Basic Course, provided by the Federal Bureau of Investigation (FBI), Hazardous Devices School in Redstone Arsenal, Huntsville, Alabama. This course provides basic knowledge and certifies the applicant as a Bomb Technician through the FBI Bomb Data Center.
  - (c) Successful completion of the forty (40) hour Re-Certification Course, provided by the FBI, Hazardous Devices School in Redstone Arsenal, Huntsville, Alabama every thirty-six (36) months.
  - (d) Successful completion of a MERGE approved forty (40) hour Special Entry Technicians/Breachers course.

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

**a. 5 Series Launching Cup**

i) Purpose and authorized uses:

- (1) The 5 Series Launching cup can be attached to a smoothbore shotgun and launch chemical agent canisters from a safe distance. Chemical Agents are substances designed to irritate the eyes and mucous membranes. When properly used, chemical agents are a valuable de-escalation tool. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance. The use of chemical agents must be justified by a suspect's active resistance and/or a credible threat of physical harm.

ii) Legal and procedural rules:

- (1) Chemical agents can be used by officers in self-defense, on suspects resisting a lawful detention or arrest, for the purpose of dispersing an unlawful assembly in accordance with Duty Manual section L 2305.2 Use of Chemical Agents or Projectile Impact Weapons at First Amendment Activities or Unlawful Civil Disturbances, or to encourage a suspect to exit an enclosed structure, vehicle, or open space.

iii) Training:

- (1) Department personnel shall not use chemical agents (including delivery munitions or devices) without first receiving training from a Department approved Chemical Agents Instructor and/or Less Lethal Impact Munitions instructor.

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

**a. Flashbang / NFD**

i) Purpose and authorized uses:

- (1) Noise Flash Devices (NFD’s) are utilized by MERGE during high-risk operations to gain a tactical advantage. When properly deployed they can subdue aggressive suspects and deescalate violent encounters. They are a low explosive device that emit light, heat, pressure, and noise. They have the potential to cause injury or death. These standard operating procedures cover any distraction or pyrotechnic chemical agent device utilized during tactical operations. NFD’s may be used by non-MERGE personnel under the following circumstances:
  - (a) By trained members of the METRO, VCET, and K9 units in conjunction with a MERGE tactical operation or when assisting MERGE on a search warrant.
  - (b) By members of the K9 unit while assisting patrol on a barricade when the deployment is approved by the MERGE Lt., and a single exterior NFD is used as the final action prior to a MERGE callout.
  - (c) By trained personnel under extreme exigent circumstances when necessary for the immediate rescue of an officer or civilian. Exterior use by trained members of CRU in conjunction with an apprehension operation.

ii) Legal and procedural rules:

- (1) Use of NFD’s will be considered a use of force, and their use is governed by the Fourth Amendment. All team members are responsible for ensuring that NFD’s are used properly. Officers are required to look before deployment. Deployment

of NFD's must have an administrative review process prior to deployment absent exigent circumstances.

iii) Training:

- (2) The MERGE unit is responsible for the training, as well as maintaining a list of all certified officers. Certified MERGE officers that have completed a twenty-hour trainer course may instruct. Training requirements for use are 5 hours of classroom instruction and practical.

**b. Tear gas / CS**

i) Purpose and authorized uses:

- (1) Chemical Agents are substances designed to irritate the eyes and mucous membranes. When properly used, chemical agents are a valuable de-escalation tool. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance. The use of chemical agents must be justified by a suspect's active resistance and/or a credible threat of physical harm. Chemical agents can be used by officers in self-defense, on suspects resisting a lawful detention or arrest, for the purpose of dispersing an unlawful assembly in accordance with Duty Manual section L 2305.2 Use of Chemical Agents or Projectile Impact Weapons at First Amendment Activities or Unlawful Civil Disturbances, or to encourage a suspect to exit an enclosed structure, vehicle, or open space. Only Chemical Agents authorized by the Chief of Police will be used. Currently Authorized Chemical Agents include but are not limited to Oleoresin Capsicum (OC) spray, OC powder, Chlorobenzylidene Malononitrile (CS) gas, CS powder, and CS liquid.

ii) Legal and procedural rules:

- (1) The following chemical agent devices may only be deployed by specialized personnel and units that have been authorized to do so by their respective Bureau Chiefs: Aerosolized Chemical Agent Dispersal Device: Aerosolized dispersal devices containing OC, similar "pepper" irritants, or malodorants may be used with approval from a supervisor or an incident commander. Less Lethal Impact Munitions (LLIM): LLIMs containing OC Powder, similar "pepper" irritants, or malodorants may be used with approval from a supervisor or an incident commander. NOTE ON CROWD CONTROL: LLIMs may be used against inanimate objects (e.g., a wall above or behind the crowd) to deploy a chemical agent for the purpose of dispersing an unlawful assembly in accordance with Duty Manual section L 2305.2 Use of Chemical Agents or Projectile Impact Weapons at First Amendment Activities or Unlawful Civil Disturbances. See also the related Duty Manual sections regulating use of Chemical agents or Projectile Impact Weapons at First Amendment Activities or Unlawful Public Disturbances: Duty Manual Sections L 2305.1, L 2305.3, L 2609, and L 2629.

iii) Training:

- (1) Department personnel shall not use chemical agents (including delivery munitions or devices) without first receiving training from a Department approved Chemical Agents Instructor and/or Less Lethal Impact Munitions instructor.

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

**a. LRAD**

i) Purpose and authorized uses:

- (1) The LRAD is a type of loudspeaker device that emits a focused and directed beam of sound.
- (2) The sound levels of this device are controllable and range from a mild public address sound level for providing directions and public safety announcements to the ability to provide a high-pitched tone that can be utilized as a method of crowd control. The LRAD can be used for the following, but are not limited to, Emergency Evacuation orders, Communication during Law Enforcement Operations where direct communications is not possible, or to relay directions to during moments of civil unrest.

ii) Legal and procedural rules:

- (1) The use of the LRAD requires the approval of the designated Commander, when it is determined the LRAD can enhance the department's ability in providing emergency evacuations orders, communicating with a subject during law enforcement operations where direct communication is not possible, or during moments of civil unrest.
- (2) The high-pitched tone may be used for crowd control when deemed necessary by a Command Officer. The use of the high-pitched tone will be documented as a use of force.

iii) Training:

- (1) Sworn Department Members utilizing the LRAD will be trained in the use and deployment of the device by Special Operations Personnel or Department members authorized in its use.

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

**a. 40mm**

i) Purpose and authorized uses:

- (1) 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet. 40mm launchers can deliver 40mm munitions in the form of chemical agents, rubber bullets, sponge baton rounds, or combined use rubber/frangible/sponge OC/CS chemical agent rounds. 40mm launchers utilized with less lethal rubber bullets, frangible and sponge baton rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior.

ii) Legal and procedural rules:

- (1) Only officers who have completed an approved training course taught by a qualified Department member or a representative of the manufacturer supplying the ammunition are authorized to use this type of equipment. Because projectile impact weapons have the potential to cause serious injury or death, this type of weapon will only be used in the following circumstances:
  - (a) To be used when objectively reasonable to incapacitate a suspects armed with a weapon likely to cause serious bodily injury or death until the suspect can be controlled and safely taken into custody.
  - (b) To be used when objectively reasonable in situations where its use is likely to prevent any person from being seriously injured.
  - (c) Any use of these items will be in compliance with the Duty Manual sections applicable to less lethal projectile impact weapons.

iii) Training:

- (1) Range staff trains officers in the use of the 40mm single launcher. Officers undergo thorough classroom and live fire training in its use. Additionally, officers trained in the use of the 40mm single launcher must pass annual PIW qualifications to maintain proficiency.

**b. Stun bag – “bean bag”**

i) Purpose and authorized uses:

- (1) This PIW is a standard Remington Model 870, 12-gauge shotgun that has been modified with an orange stock and fore-end. Stun-bag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

ii) Legal and procedural rules:

(1) Only officers who have completed an approved training course taught by a qualified Department member or a representative of the manufacturer supplying the ammunition are authorized to use this type of equipment. Because projectile impact weapons have the potential to cause serious injury or death, this type of weapon will only be used in the following circumstances:

(a) To be used when objectively reasonable to incapacitate a suspect armed with a weapon likely to cause serious bodily injury or death until the suspect can be controlled and safely taken into custody.

(b) To be used when objectively reasonable in situations where its use is likely to prevent any person from being seriously injured.

(c) Any use of these items will be in compliance with the Duty Manual sections applicable to less lethal projectile impact weapons.

iii) Training:

(1) Range staff trains officers in the use of the stun-bag shotgun. Officers undergo thorough classroom and live fire training in its use. Additionally, officers trained in the use of the stun-bag shotgun must pass annual PIW qualifications to maintain proficiency.

**Attachment B**  
**Military Equipment Summary Matrix**  
**Currently Owned by Department**

Cat.	Description	Examples	Quantity	Estimated Annual Cost to operate and maintain	Number of Deployments
1	Unmanned, remotely piloted, powered aerial or ground vehicles.	Unmanned Aerial Systems (UAS)  Reconnaissance and bomb disposal robots	31 Drones  12 Robots	\$13,200	Drones: 671 Ground Robots: 73  Total: 744
2	Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.	BAE Systems Caiman	1 vehicle	\$6,500	2
3	High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-a-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.	HMMWV	2 vehicles	\$19,500	89
4	Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.	Equipment not currently possessed	0	N/A	N/A
5	Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.	Command Vehicles	6 vehicles	\$18,120	38
6	Weaponized aircraft, vessels, or vehicles of any kind.	Equipment not currently possessed	0	N/A	N/A
7	Battering rams, slugs, and breaching apparatuses that are explosive in nature.	Flexible Sheet Explosive Detonating cords	The Department possesses various dimensions and numbers of this equipment	\$6,262	9
8	Firearms of .50 caliber or greater.	Equipment not currently possessed	0	N/A	N/A
9	Ammunition of .50 caliber or greater.	Equipment not currently possessed	0	N/A	N/A

Cat.	Description	Examples	Quantity	Estimated Annual Cost to operate and maintain	Number of Deployments
10	Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code	Assault Rifles Semi-Automatic Shotguns	439 Firearms	Annual cost for firearms: \$62,450 Annual cost for ammunition: \$282,684 Total for both firearms and ammunition: \$345,134	3 (events during which an Assault rifle was fired).
11	Any firearm or firearm accessory that is designed to launch explosive projectiles.	Shotgun Attachments that can launch items from Category 12	8 firearms with attachments	\$400	1
12	"Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.	Various Types of flashbang, CS gas and OC grenades.	1,336 pieces of equipment	\$31,300	72
13	Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device.	Long Range Acoustic Devices	7 pieces of equipment	\$5,000	16
14	The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.	Less Lethal Munitions Launcher 40mm less lethal munitions	256 launchers 3,356 munitions	\$23,450	16

**Attachment C**  
**Request for Authorization for New Military Equipment**  
**FY 2025-2026**

- 1 – Remotec Spartan Bomb Disposal Robot (Bomb Disposal Robot)
    - Total cost: \$351,641 (\$288,803 identified)
    - Ongoing maintenance: \$1,500 /year
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- 1 – Remotec Andros SR1 Bomb Disposal Robot (Bomb Disposal Robot)
    - Total cost: \$93,278 (Funding not identified)
    - Ongoing maintenance: \$700 /year
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- 1 – Icor Caliber Flex (Bomb Disposal Robot)
    - Total cost: \$250,000 (Funding not identified)
    - Ongoing maintenance: \$1,500 /year
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- 1 – Icor MK3 Caliber (Bomb Disposal Robot)
    - Total cost: \$109,500 (Grant Funded)
    - Ongoing maintenance: \$1,500 /year
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- 1 – Ghost Robotics Vision 60 (Bomb Disposal Robot)
    - Unit cost: \$269,100 (Funding not identified)
    - Ongoing maintenance: \$1,500 /year
- 

- 10 – DJI Avata UAS (Unmanned Aircraft System)
    - Unit cost: \$1,278 x 10 = Total cost: \$12,780 (Funding identified for 3 units of 10)
    - Ongoing maintenance: \$100 /year each
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- 6 – DJI M30 (Unmanned Aircraft System)
    - Unit cost: \$8,924 x 6 = Total cost: \$53,544 (Funding not identified)
    - Ongoing maintenance: \$400 /year each
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- 6 – Autel EVO Max 4T (Unmanned Aircraft System)
    - Unit cost: \$8,999 x 6 = Total cost: \$53,994 (Funding identified for 1 unit of 6)
    - Ongoing maintenance: \$400 /year each
- 

- 10 – DJI Matrice 3TD (Unmanned Aircraft System)
    - Unit cost: \$7,460 x 10 = Total cost: \$74,600 (Funding not identified)
    - Ongoing maintenance: \$400 /year each
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- 6 – Autel EVO II Dual (Unmanned Aircraft System)
    - Unit cost: \$4,799 x 6 = Total cost: \$28,794 (Funding not identified)
    - Ongoing maintenance: \$200 /year each
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- 2 – Autel EVO II 6K (Unmanned Aircraft System)
    - Unit cost: \$2,099 x 2 = Total cost: \$4,198 (Funding not identified)
    - Ongoing maintenance: \$200 /year each
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- 2 – DJI Mavic (Unmanned Aircraft System)
    - Unit cost: \$2,199 x 2 = Total cost: \$4,398 (Funding not identified)
    - Ongoing maintenance: \$200 /year each
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- 2 – Skyfront Perimeter 8 (Unmanned Aircraft System)
    - Unit cost: \$77,000 x 2 = Total cost: \$154,000 (Grant funded)
    - Ongoing maintenance: \$500 /year each
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- 1500 – Pepper Balls and associated equipment (less lethal projectiles, launchers, equipment)
  - Total cost: \$6,029 (Funding not identified)
  - Ongoing maintenance: \$0 /year each