

MAY 04 2022

3:30pm

City of South Gate

CITY COUNCIL

AGENDA BILL

For the Regular Meeting of: May 10, 2022Originating Department: PoliceDepartment Director: Darren Arakawa Interim City Manager: _____
Darren ArakawaChris Jeffers
Chris Jeffers

SUBJECT: ORDINANCE CREATING A NEW CHAPTER 1.39 (MILITARY EQUIPMENT POLICY) TO TITLE 1 (ADMINISTRATION AND PERSONNEL), OF THE SOUTH GATE MUNICIPAL CODE TO MAKE NECESSARY DETERMINATIONS REQUIRED BY ASSEMBLY BILL 481

PURPOSE: To introduce an Ordinance to approve the South Gate Police Department Military Equipment Policy (Policy 709) in compliance with Assembly Bill 481.

RECOMMENDED ACTION: The City Council will conduct a public hearing to consider waiving the reading in full and introducing an Ordinance creating Chapter 1.39 (Military Equipment Policy) to Title 1 (Administration and Personnel), of the South Gate Municipal Code to make necessary determinations required by Assembly Bill 481

FISCAL IMPACT: There is no fiscal impact to the General Fund since the military equipment policy references equipment already possessed by the South Gate Police Department.

ANALYSIS: On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies. AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used. The South Gate Police Department is in possession of certain items of equipment that qualify as "military equipment" under AB 481. AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment.

Per Government Code 7071, the South Gate Police Department shall obtain approval of the City Council, by an ordinance adopting a military equipment use policy at a regular City Council meeting.

BACKGROUND: The South Gate Police Department has a positive and meaningful relationship with the community and strives to continue this relationship with the implementation of its military

equipment policy. It is the goal of the South Gate Police Department to safeguard the public's welfare, safety, civil rights, and civil liberties. The military equipment selected to be used by the South Gate Police Department is necessary, since there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The policy and practices of the South Gate Police Department are to use its "military equipment" only in circumstances where there is a high risk and/or high possibility of injuries to community members or officers, including the proficient training in the use of the equipment.

The equipment categories covered by SGPD Policy # 709 have been in operation by the South Gate Police Department for several years and in some cases nearly two decades. The inclusion of these pieces of equipment are commonly used in public safety operations across the nation. Such examples would be using the 40MM Exact Impact Sponge, which discharges lightweight plastic and foam projectiles as an alternative to other more lethal weapon equipment in order to safeguard civilians and officers in certain situational circumstances. Another is the use of robots to potentially scout out situational conditions; investigate suspicious packages; and communicate with barricaded individuals.

All equipment requires training in order to be used by personnel and, in some circumstances, additional layers of approval by supervisors before being deployed in the field.

Without the equipment covered in Policy #709, there would be a possibility of increased unintended interactions and potential increased harm to civilian and officer safety.

Per Government 7071, the proposed South Gate Police Department Military Equipment Policy 709, has been posted on the South Gate Police Department's website.

ATTACHMENTS: A. Proposed Ordinance
B. South Gate Police Department Policy No. 709, Military Equipment

ORDINANCE NO. _____

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, CREATING A NEW CHAPTER 1.39 (MILITARY
EQUIPMENT POLICY) TO TITLE 1 (ADMINISTRATION AND
PERSONNEL), OF THE SOUTH GATE MUNICIPAL CODE TO MAKE
NECESSARY DETERMINATIONS REQUIRED BY ASSEMBLY BILL 481**

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies;

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used;

WHEREAS, the South Gate Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481;

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department’s use of such equipment;

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance, and reviewed annually; and

WHEREAS, the City Council of the City of South Gate, having received the information required under AB 481 regarding the South Gate Police Department’s use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Policy as set forth herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. That a new Section 1.39.00 is added to Chapter 1 (“Military Equipment Policy”) of Title 1 (“Administration and Personnel”) of “The Code of the City of South Gate, California” to read as follows:

Equipment Policy.

(a) The City Council has made the following determinations:

(1) The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(2) The proposed military equipment use policy ("Policy") will safeguard the public's welfare, safety, civil rights, and civil liberties.

(3) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).

(4) Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(b) The Police Department has submitted a proposed Policy to the City Council and has made those documents available on the Police Department website for at least 30 days prior to the public hearing concerning the military equipment at issue.

(c) The Policy was considered by the City Council as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

(d) The Policy shall be made publicly available on the Police Department's website for as long as the military equipment is available for use.

(e) The Police Department shall submit an annual military equipment report to the City Council, containing the information required in Government Code Section 7072, and the City Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.

(f) The City Council shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2).

(g) The City Council approves the use of the Policy and finds that it satisfies the requirements of Government Code Section 7070(d)."

SECTION 2. The City Council does hereby declare that the above recitals are true and current and incorporated herein by reference. Based on these findings, the City Council determines the public health, safety, and general welfare of the City and residents can benefit by amending

the South Gate Municipal Code creating the new chapter 1.39 Military Equipment Policy to Title 1 of the South Gate Municipal Code.

SECTION 3. City Council approval of and adoption of this Ordinance are not subject to the California Environmental Quality Act (CEQA) pursuant to the Section 15060 (c)(2), constituting an activity that will not result in a directly reasonably foreseeable or indirect physical change in the environment, and pursuant to Section 15060 (c)(3) constituting an activity that is not a project as defined in Section 15378.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, or phrase thereof, not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be declared invalid or unconstitutional.

SECTION 5. To the extent the provisions of the South Gate Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 6. This Ordinance shall be in full force and take effect on the thirty-first (31st) day after its adoption.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

PASSED, APPROVED and ADOPTED this ____ day of ____ **2022.**

CITY OF SOUTH GATE:

By: _____
Al Rios, Mayor

ATTESTED:

By: _____
Chris Jeffers, Deputy City Clerk
(SEAL)

APPROVED AS TO FORM:

By: Raul F. Salinas (DS)
Raul F. Salinas, City Attorney

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). With the adoption of this policy by the South Gate City Council, it has been determined that no other reasonable alternative exists that can achieve same objective of officer and civilian safety; It is most cost-effective method to achieve officer and civilian safety; and it is will safe guard the public's welfare, civil rights, safety and civil liberties.

709.1.1 DEFINITIONS

Definitions along with descriptions contained within this policy are consistent with those stated in Government Code § 7070.

709.2 POLICY

It is the policy of the South Gate Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police will 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 South Gate City Council.
- (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 South Gate 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.

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709.4 MILITARY EQUIPMENT INVENTORY

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

Armored Vehicles (MRAP, Mine-resistant ambush-protected): Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.

- Quantity: 1 MRAP Armored Vehicle (International Chassis)
- Expected Life Span: 10 years. Dependent on operational usage and wear.
- Fiscal Impact:
 - Initial cost: \$0, obtained from the 1033 Program
 - Annual maintenance cost: Approximately \$3,000 per year.
- Purpose: To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.
- Authorized Use and Training: The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training. All operators must have a California Class B driver's license, including attending a commercial driver license training course. Operators will periodically train with the MRAP in departmental SWAT training exercises.
- Manufacture Description: There is no public manufacture description for this vehicle.

Robots: Unmanned machine operating on the ground utilized to enhance the safety to the community and officers.

- Quantity: 1 iRobot Sam Gripper
- Expected Life Span: 5 years. Dependent on operational usage and wear.
- Fiscal Impact:
 - Initial cost: \$0, obtained from the 1033 Program.
 - Annual maintenance cost: As needed depending on use and wear.
- Purpose: To be used to remotely gain visual data, deliver phone, open doors, disrupt packages, and clear buildings
- Authorized Use and Training: Only assigned SWAT operators who have completed the required in-house training shall be permitted to operate the robots. Use is established by the SWAT Commander and or Incident Commander. Operators will periodically train with the iRobot in departmental SWAT training exercises.
- Manufacture Description: There is no public manufacture description for this robot.

40 mm Launchers and Rounds: 40 mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds or to deploy chemical agents.

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Defense Technology 40MM Single Shot Launcher, is a tactical single shot launcher which will launch a 40MM less lethal round or deliver chemical agents.

- Quantity: 8
- Expected Life Span: Life span varies on operational usage and wear.
- Fiscal Impact:
 - Initial cost: \$900 each
 - Annual maintenance cost: As needed based on operational usage and wear.
- Manufacture Description: The Defense Technology 40LMTS is a tactical 40mm single shot launcher that features an expandable stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. This weapon is NOT designed to fire 40mm High Velocity HE ammunition. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.

Defense Technology 40MM Exact Impact Sponge, is a less lethal 40mm lightweight plastic and foam projectile fired from a 40mm launcher.

- Quantity: 95
- Expected Life Span: Single use, with the ability to be reloaded. 10 plus years shelf life.
- Fiscal Impact:
 - Initial cost: \$18 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- Manufacture Description: The 40mm eXact iMpact™ Sponge Round has evolved from the design of the 40mm XM1006 projectile, developed by the US Army Research Laboratory. This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent. The 40mm eXact iMpact™ Sponge Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject. In many municipalities, these are being selected for both tactical call outs and as an available option for patrol. The 40mm eXact iMpact™ Sponge Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40mm eXact iMpact™ Sponge Round will prove most successful for incapacitation when used within its optimal energy range of approximately 5 – 40 meters, although it may be used in situations from 1.5 – 50 meters. The optimal zone offers the necessary energy and accuracy to target the large muscle groups of the buttocks, thigh, and

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even the knees of the subject. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries. The 40mm eXact iImpact™ Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or targeting specific agitators and organizers of the crowd. When used in this fashion, it is primarily both a psychological deterrent and physiological distraction serving as a pain compliance device to either get the crowd or subject moving or keeping them at a designated distance.

Defense Technology 40MM Direct Impact OC is a less lethal 40mm lightweight plastic and crushable foam projectile fired from a single 40mm launcher. It delivers OC irritant upon impact.

- Quantity: 25
- Expected Life Span: Single use. 5-year shelf life.
- Fiscal Impact:
 - Initial cost: \$30 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- Manufacture Description: The 40mm Direct Impact® Round has evolved from Defense Technology® design of the eXact iImpact™. This lightweight, high-speed projectile consists of a plastic body and a crushable foam nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The rounds utilize smokeless powder as the propellant and have velocities that are extremely consistent. The 40mm Direct Impact® Round consists of a plastic body and a crushable foam nose that contains a powder payload. This payload area can hold inert, marking, OC or CS powder. The crushable foam nose dissipates energy upon impact while releasing the powder payload. The 40mm Direct Impact® Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject at longer distances. The 40mm Direct Impact® Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40mm Direct Impact® Round will prove most successful for incapacitation when used within their optimal energy range of approximately 5–40 meters, although it may be used in situations from 2–50 meters. Extensive testing was done on the Direct Impact® Round to ensure that the round is less-lethal when fired within the optimal energy range and at the large muscle groups of the buttocks, thigh, and knees. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries.

Defense Technology 40MM Direct Impact CS is a less lethal 40mm lightweight plastic and crushable foam projectile fired from a single 40mm launcher. It delivers CS irritant upon impact.

- Quantity: 25
- Expected Life Span: Single use. 5-year shelf life.

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- Fiscal Impact:
 - Initial cost: \$30 each.
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- Manufacture Description: The 40mm Direct Impact® Round has evolved from Defense Technology® design of the eXact iImpact™. This lightweight, high-speed projectile consists of a plastic body and a crushable foam nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The rounds utilize smokeless powder as the propellant and have velocities that are extremely consistent. The 40mm Direct Impact® Round consists of a plastic body and a crushable foam nose that contains a powder payload. This payload area can hold inert, marking, OC or CS powder. The crushable foam nose dissipates energy upon impact while releasing the powder payload. The 40mm Direct Impact® Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject at longer distances. The 40mm Direct Impact® Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40mm Direct Impact® Round will prove most successful for incapacitation when used within their optimal energy range of approximately 5–40 meters, although it may be used in situations from 2–50 meters. Extensive testing was done on the Direct Impact® Round to ensure that the round is less-lethal when fired within the optimal energy range and at the large muscle groups of the buttocks, thigh, and knees. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries.

Defense Technology 40MM CS Ferret Round is a less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.

- Quantity: 69
- Expected Life Span: Single use. 5-year shelf life.
- Fiscal Impact:
 - Initial cost; \$25 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- Manufacture Description: The Ferret® 40mm Round is a frangible projectile filled with chemical agent. It is designed to deliver chemical agents in barricade situations from a 40mm launcher. Spin stabilization from barrel rifling affords maximum stand-off distance and accuracy for safety. The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood.

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Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the Ferret® 40mm is primarily used to dislodge barricaded subjects from very small, confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. The Ferret® 40mm Round is available with either liquid or powder carriers for the agent. Once delivered, powder carriers tend to keep the agent airborne longer than liquid carriers and may have more effect. Liquid carriers contain red dye to aid in shot placement. Shot placement and trajectory considerations should be based on hardness of the barrier. However, accuracy is dependent on the operator and the condition of the launcher. Velocity and barricade penetration results will vary between launchers, temperature conditioning and impact angle.

- Purpose: The purpose of the 40mm launcher and its munitions is 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:
 - Self-destructive, dangerous and/or combative individuals.
 - Riot control and civil unrest incidents.
 - Circumstances where a tactical advantage can be obtained.
 - Potentially vicious animals.
 - Training exercises or approved demonstrations.
- Authorized Use and Training: Only assigned operators who have completed the required POST training shall be permitted to deploy the 40mm or the chemical agents. Officers will train and qualify with the use of the 40mm with kinetic energy munitions at least once yearly. Only SWAT operators will be allowed to deploy chemical agents with the 40mm launcher after attending a POST approved chemical agent training. SWAT officers will train with chemical agents at least once yearly. The usage of the chemical agents is governed by South Gate Police Department Policy 307.6. The use of kinetic energy weapons is governed by the South Gate Police Department Policy 307.10.

Less Lethal Shotgun: The less lethal shotgun is a 12-gauge shotgun that has been designated by an orange stock to be used to deploy the less lethal 12-gauge drag stabilized bean bag round.

Remington 870 Less Lethal Shotgun is a 12-gauge shotgun used to deploy the Defense Technology drag stabilized 12-gauge bean bag round.

- Quantity: 30 Remington 870 Less Lethal Shotguns
- Expected Life Span: 25 years.
- Fiscal Impact:
 - Initial cost: \$946 each
 - Annual maintenance cost: \$50 per shotgun

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- **Manufacture Description:** An ideal 12-gauge utility gun featuring an 18 1/2" fixed Cylinder choke barrel, single front bead sight or fixed rifle sight, non-glare matte finish, and choice of 5-shot or 7-shot capacities. The Model 870 Synthetic Tactical is an excellent choice as a permanent camp shotgun or as the foundation for your own personalized design. America's best-selling shotgun for over 50 years, the Model 870's dependability is legendary. The receiver is milled from a solid billet of steel for strength and durability, and the twin action bars ensure smooth, reliable non-binding action. Its solid, dependable action makes it America's favorite, and our continual upgrades make it the most advanced, well-rounded family of pump shotguns around. Along with continually evolving designs, this shotgun's superiority is a matter of rugged dependability, great pointing characteristics and versatility. In fact, the Model 870™ has been the standard for slide-action performance for more than 60 years.
 - 12 gauge, 18 1/2" barrel with bead-sight or fixed rifle sights
 - Standard finish on barrel and receiver
 - Shoots both 2 3/4 and 3" shells

Defense Technology drag stabilized 12-gauge bean bag round is a less lethal round which is effective in the 20 to 50 feet range.

- **Quantity:** 500
- **Expected Life Span:** 5 years
- **Fiscal Impact:**
 - **Initial cost:** \$5 each
 - **Annual maintenance cost:** As needed to replenish rounds used for incidents or training.
- **Manufacture Description:** The 12-Gauge Drag Stabilized™ Round is comprised of a translucent 12-Gauge shell loaded with a 40-gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four (4) stabilizing tails. The 12-Gauge Drag Stabilized™ Round utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized™ Round has secured its place as the Law Enforcement Communities' number one choice for Specialty Impact Munitions to be used as a dynamic, high energy, single target round for incapacitation or the distraction of a non-compliant, aggressive subject. It has been successfully used against a broad range of individuals from fleeing subjects to "suicide by cop" situations. The 12-Gauge Drag Stabilized™ Round is intended to be direct fired. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size, and clothing. It is recommended that these rounds should only be used in a cylinder bore shotgun with no choke. The 12-Gauge Drag Stabilized™ Round proves most successful in incapacitation when used within its effective range of approximately 20 to 50 feet. These ranges offer the necessary energy and accuracy to target the large muscle groups of the buttocks, thigh and even the knees of the subject. These areas provide sufficient pain stimulus and affect the mobility of the subject while significantly minimizing serious or life-

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threatening injuries. Statistics show that subjects are rarely incapacitated after only one deployment. Most encounters require two to three shots placed on the subject. It is extremely critical to deploy an accurate round, such as the 12-Gauge DS, in order to place these multiple shots in areas where pain might be maximized, while serious injuries are minimized. It is the need for accuracy that led to the deployment of the drag stabilized design. The 12-Gauge Drag Stabilized™ Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or target specific agitators and organizers of the crowd. When used in this fashion, it is primarily both a psychological deterrent and physiological distraction serving as a pain compliance device to either get the crowd (or subject) moving or keeping them at a designated distance.

- 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:
 - Self-destructive, dangerous and/or combative individuals.
 - Riot/crowd control and civil unrest incidents.
 - Circumstances where a tactical advantage can be obtained.
 - Potentially vicious animals.
 - Training exercises or approved demonstrations.
- Authorized use and Training: All officers have been trained by POST certified Instructors in the use of 12 gauge less lethal shotgun as a less lethal option by in-service training. Officers will train and qualify with the use of the 40mm with kinetic energy munitions at least once yearly. The use of kinetic energy weapons is governed by the South Gate Police Department Policy 307.10.

Noise-Light Diversionary Device: A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

- Quantity; 9 Defense Technology bodies, 58 reloads
- Expected Life Span: Single use with the ability to be reloaded. 5-year shelf life.
- Fiscal Impact:
 - Initial cost; \$52
 - Annual maintenance cost: As needed to replenish devices used for incidents and training.
- Manufacture Description: The 12-Gram Low Roll™ Reloadable Distraction Device® utilizes an M201A1 type fuze with Hex design steel body. This Low Roll Distraction Device Body is designed to reduce rolling, fit in tactical pockets easily and deliver the safest and most effective stimuli in the industry. The Distraction Device unit should only be deployed in areas that have been visually observed to be clear of potential hazards. It is recommended that the immediate area for deployment be visually affirmed to be

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clear of personnel and that the device is delivered so that the ports are free from obstruction. If the bottom port is obstructed by an object or wall, the device body may move. The cleared area for deployment should be 5 - 6 feet around which the device is expected to come to rest.

- 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. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
- Authorized Use and Training: Diversionary Devices shall only be used by officers who have been trained in their proper use by POST certified instructors. This training is conducted in the 80-hour POST approved SWAT Operator School. SWAT officers will train in the deployment of the device in in-house SWAT training exercises.

Specialized Firearms and Ammunition:

Patrol Rifle : A rifle that fires a 5.56 mm or .223 caliber cartridge. The South Gate Police Department utilizes two-barrel lengths, an approximate 14-inch barrel and an approximate 10-inch barrel. The 10-inch short-barreled rifle allows a trained officer better control inside of structures. Both weapons allow the officer to have greater accuracy than a handgun.

- Quantity: 54 Heckler and Koch 416 patrol rifles
- Expected Life Span: 10 year. Dependent on operational usage and wear.
- Fiscal Impact;
 - Initial cost: \$1,800 each
 - Annual maintenance cost: \$50 per rifle
- Manufacture Description: The HK416 is a 5.56x45mm magazine fed lightweight auto rifle available in multiple barrel lengths that is gas operated via short stroke gas piston system for enhanced reliability built on the common M4/M16/AR15 s M4/M16/AR15 style platform. Often discussed as the multi-role style platform.
- Quantity: 10 Sig Sauer MCX
- Expected Life Span: 10 years. Dependent on operational usage and wear.
- Fiscal Impact:
 - Initial cost: \$1,600 each
 - Annual maintenance cost: \$50 per rifle
- Manufacturer Description: The SIG MCX is a magazine fed, gas operated rifle in 5.56x45mm NATO caliber. The SIG MCX fires from a rotating locking closed bolt. The SIG MCX is available in semi-automatic and select fire rifle variants, as well as a pistol version. The operating system is a short stroke piston system enabling optimum function under adverse conditions. The MCX is fitted with an aluminum handguard which provides MIL-STD 1913 rail at the 12-clock position. There are multiple M-LOK™ mounting interfaces for accessories at the 3, 6 and 9 clock positions. There

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are several sling attachment points provided. SIG offers the MCX with a variety of stock configurations making the MCX adaptable to any shooter. Stock variants include folding, folding telescopic, collapsible, and a light weight folding option. The SIG MCX Pistol is fitted with the SIG SAUER Pistol Stabilizing Brace.

Patrol Rifle Suppressor: A patrol rifle suppressor is designed to reduce the decibel level of the rifle to protect the hearing of the user and anyone near the use of the rifle

- Quantity: 10 Sig Sauer suppressors
- Expected Life Span: 10 years. Dependent on operational usage and wear.
- Fiscal Impact:
 - Initial cost: \$800 each
 - Annual maintenance cost: Accounted for in the rifle maintenance cost.
- Manufacture Description: The next generation of suppressor technology has arrived. The SLX series of rifle suppressors from SIG SAUER was born out of today's military requirements and is designed to deliver cutting edge performance. The new Clutch-LOK QD mounting system is easy to use, repeatable, and extremely durable. The crossflow baffle design delivers an entirely new shooting experience while reducing harmful toxic gases to the user, allowing gases to expand and cool at a faster rate than the traditional baffle design, while minimizing increase in bolt speed.

9MM Submachinegun: A 9MM submachinegun, which is compact in size, allows a trained officer better control inside of structures with greater accuracy than a handgun.

- Quantity: 8 Heckler and Koch MP5
- Expected Life Span: 10 Years. Dependent on operational usage and wear.
- Fiscal Impact:
 - Initial cost: \$1,000 each
 - Annual maintenance cost: \$50 per submachinegun
- Manufacture Description: Developed by Heckler & Koch in the mid-1960s, the 9 mm MP5 submachine gun uses the same delayed blowback operating system found on the famous HK G3 automatic rifle. Reliability, accuracy, ease of handling, simple maintenance, and safety — all the elements of HK excellence are highlighted on the MP5. Firing from the closed-bolt position in all modes of fire make MP5 submachine guns extremely accurate and controllable. All HK MP5 models are manufactured using time-tested Heckler & Koch technological invocation and superior materials. Barrels are made using cold hammer forging, a process pioneered and perfected by HK. Machined and stamped high strength steel and modern polymers make up the rest of the MP5. Continual product improvements over more than 50 years of production have kept the MP5 up-to-date and technologically current; it is firmly established as the world's pre-eminent submachine gun among military and law enforcement users.

Ammunition :.223 Caliber/5.56mm rifle rounds, 9mm Luger,.40 Smith and Wesson,.45 Automatic,.357 Magnum, and.38 Special, handgun rounds: The South Gate Police Department

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utilizes only new, commercially produced ammunition. Full Metal Jacket bullets are used specifically for range practice which also reduces fouling in the firearm. Duty ammunition is a specially designed hollow-point tip to have controlled expansion to limit over penetration. The South Gate Police Department's authorized duty ammo is as follows:

223 Caliber/5.56

- Quantity: 6,000 to 15,000 Winchester Ranger T-Series 64 gr.
- Expected Life Span: Single use. No expiration.
- Fiscal Impact: \$545 per 1,000 rounds

9mm Luger

- Quantity: 7,000 to 15,000 Winchester Ranger T-Series 147 gr.
- Expected Life Span: Single use. No expiration.
- Fiscal Impact: \$324 per 1,000 rounds

.40 Smith and Wesson

- Quantity: 4,000 to 10,000 Winchester Ranger T-Series 180gr.
- Expected Life Span: Single use. No expiration.
- Fiscal Impact: \$342 per 1,000 rounds

.45 Automatic

- Quantity: 3,000 to 8,000
- Expected Life Span: Single use. No expiration.
- Fiscal Impact: \$486 per 1,000 rounds
- Manufacture Description for all Winchester Ranger T-Series duty ammunition: Threat stopping performance. It's what makes Ranger® T-Series™ the trusted duty load of departments and agencies across America. The bullet's patented, segment engineered design enhances expansion, penetration, and weight retention through a variety of intervening barriers. It has superior stopping power. Outstanding penetration, expansion, and weight retention. Excellent Accuracy. Wider and stronger upset. The hollow point provides consistent expansion with Winchester's exclusive bonding technology to deliver outstanding performance through the toughest barriers. The copper alloy jacket patent reverse taper design helps lock lead core on impact. The thick jacket at the nose for improved integrity against hard barriers and increased weight retention. Thin jacket at heel for improved accuracy. The lead alloy core is for superior accuracy and improved upset performance. Segment expansion with enhanced strength and frontal area for improved stopping area.
- Authorized Used and Training: Only members that are POST certified are authorized to use a patrol rifle or a submachinegun. Prior to using a patrol rifle or a submachinegun, officers must be certified by POST instructors in the operation of the firearm. Additionally, all members that operate any patrol rifle or submachinegun are

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required to pass a range qualification quarterly. Officers will only use departmental approved duty ammunition. The use of patrol rifles is governed by the South Gate Police Department Policy 322.3.3. The use of department issued ammunition is governed by South Gate Police Department Policy 311.3.5.

Chemical Agent Canisters: Canisters that contain chemical agents that are released when deployed.

Defense Technology Spede-heat CS grenade is a high volume, continuous burn canister. It expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. The Spede-heat CS grenade is designed to be used in riot control/ civil unrest as well as tactical deployment situations by properly trained officers. The grenade is designed primarily for outdoor tactical situations and can be used only in specific indoor applications. Precautions need to be put in place to minimize or negate the chance of fire to the structure, if deployed inside.

- Quantity: 26
- Expected Life Span: Single Use. 5-year shelf life.
- Fiscal Impact:
 - Initial cost: \$25-\$50 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- Manufacture Description: The Spede-Heat™ Grenade is a high volume, continuous discharge grenade available in OC, CN or CS. In the OC, CN and CS configurations, pelletized chemical agent is discharged through four (4) gas ports located on top of the canister, three (3) on the side, and one (1) on the bottom. Designed specifically for outdoor use in crowd control situations, the Spede-Heat™ Grenade is built on the old-style larger canister. It is a high-volume continuous burn device that expels its payload in approximately 20 - 40 seconds from a single source. The longer burn time may allow for throwback by individuals wearing burn protection such as a welder's mitt. The canisters may be protected from advancing individuals with the use of less lethal impact munitions. The device should be deployed utilizing wind advantage. It should NOT be deployed onto rooftops, in crawl spaces, or indoors due to its fire-producing capability. Hand throw or launch. Launching of grenades will provide deploying officers additional stand-off distances. Affords very good coverage for large outdoor areas.

Defense Technology Flameless Tri-Chamber CS Grenade allows the contents to burn within an internal can and disperse the CS agent safely with reduced risk of fire. This grenade will deliver its payload during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by properly trained officers. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic

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chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.

- Quantity: 14
- Expected Life Span: Single use. 5-year shelf life.
- Fiscal Impact:
 - Initial cost: \$25-\$50 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- Manufacture Description: The Tri-Chamber Flameless Grenade is designed for indoor use. This grenade's pyrotechnic contents are burned within an internal can that is one of three in this design. The internal combustion allows the chemical-laden smoke to be released through three (3) ports on the outer canister side while safely containing any of the fire-producing properties within the two internal canisters. The fuze is shrouded to further protect surrounding materials from the possibility of fire. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The actual smoke and chemical content is minimal enough that oxygen displacement concerns and LCT is rarely reached. It is a viable option when chemical-laden powders or liquids are ineffective or inappropriate for the situation. As with all pyrotechnic carriers, contamination will be greater than that experienced with powders or liquids.

Defense Technology Flameless Tri-Chamber OC grenade allows the contents to burn within an internal can and disperse the Oleoresin Capsicum (OC) agent safely with reduced risk of fire. This grenade will deliver its payload during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in riot control/ civil unrest as well as tactical deployment situations by properly trained officers. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.

- Quantity: 10
- Expected Life Span: Single use. 5-year shelf life.

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- **Fiscal Impact:**
 - Initial cost: \$25-\$50 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- **Manufacture Description:** The Tri-Chamber Flameless Grenade is designed for indoor use. This grenade's pyrotechnic contents are burned within an internal can that is one of three in this design. The internal combustion allows the chemical-laden smoke to be released through three (3) ports on the outer canister side while safely containing any of the fire-producing properties within the two internal canisters. The fuze is shrouded to further protect surrounding materials from the possibility of fire. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The actual smoke and chemical content is minimal enough that oxygen displacement concerns and LCT is rarely reached. It is a viable option when chemical-laden powders or liquids are ineffective or inappropriate for the situation. As with all pyrotechnic carriers, contamination will be greater than that experienced with powders or liquids.

Defense Technology OC Vapor Aerosol Grenade is designed to deliver a high concentration of in a powerful mist. The grenade is designed for indoor use in confined areas and once deployed, it inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade subjects.

- **Quantity:** 19
- **Expected Life Span:** Single use. 5-year shelf life.
- **Fiscal Impact:**
 - Initial cost: \$25-\$50 each
 - Annual maintenance cost: As needed to replenish rounds used for incidents or training.
- **Manufacture Description:** The Defense Technology® OC Vapor Aerosol Grenade delivers a very high concentration of Oleoresin Capsicum (OC) in a powerful mist. This inflames the mucous membranes and exposed skin, resulting in an intense burning sensation. Inhalation of the OC Vapor produces an immediate respiratory effect, which resolves within minutes when the subject is removed from the affected area to fresh air. Minimal decontamination of personnel or material is required after deployment.

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The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.

- 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:
 - Self-destructive, dangerous and/or combative individuals.
 - Riot/crowd control and civil unrest incidents.
 - Circumstances where a tactical advantage can be obtained.
 - Potentially vicious animals.
 - Training exercises or approved demonstrations.
- Authorized Use and Training: Only SWAT officers who have received POST certification in the use of chemical agents are authorized to use chemical agents. SWAT officers will train with chemical agents at least once yearly. The use of chemical agents and OC spray is governed by South Gate Police Department Policy 307.6 and 307.7.

709.4.1 MILITARY EQUIPMENT INVENTORY REPLENISHMENT

When stocks of military equipment have reached low levels, been exhausted, or deemed unrepairable, the Department may replenish these items to maintain essential availability for the Department's needs and public safety. Replenishing of military equipment shall not exceed the prior amount approved by the governing body. If replenishment of military equipment occurs, the Department shall document any items replenished in the annual military equipment report. The Department shall go through the approval process for obtaining military equipment and obtain authorization from the governing body if it wishes to exceed the prior amount of military equipment approved by the governing body.

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the South Gate City Council by way of an ordinance adopting the military equipment use policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment use 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 equipment at issue (Government Code § 7071). The military equipment use policy must be approved by the South Gate City Council prior to engaging in any of the following (Government Code § 7071):

- (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.

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- (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 listed under Government Code § 7070, through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment listed under Government Code § 7070 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.

709.7 ANNUAL REPORT

Upon approval of the military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the South Gate City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the equipment is available for use (Government Code § 7072). This applies to military equipment listed under Government Code § 7070.

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.

709.8 COMMUNITY ENGAGEMENT

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