

ORDINANCE NO. 1037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING BRENTWOOD POLICE DEPARTMENT POLICY 708, MILITARY EQUIPMENT FUNDING, ACQUISITION, AND USE

WHEREAS, Assembly Bill 481, approved September 30, 2021, effective January 1, 2022, and codified as Chapter 12.8 of the California Government Code (commencing with Section 7070, *et seq.*), requires a local law enforcement agency, such as the Brentwood Police Department, to have a military equipment use policy approved by the City Council prior to requesting, seeking funding, acquiring, collaborating with other jurisdictions about the deployment of military equipment, or using military equipment; and

WHEREAS, in order to fulfill the above requirement, Brentwood Police Department Policy 708, "Military Equipment Funding, Acquisition and Use Policy ("Policy") is attached as Exhibit A and is hereby incorporated into this Ordinance; and

WHEREAS, AB 481 defines military equipment in Government Code Section 7070(c) to include a wide range of equipment as described in the Policy; and

WHEREAS, in order to promote public safety, civil rights, and officer safety, the Brentwood Police Department desires to continue using, seeking funding for, acquiring, and collaborating, when necessary, with other law enforcement agencies, in the use of the military equipment described in the Policy; and

WHEREAS, California Government Code Section 7071(a)(2) requires a law enforcement agency to commence a city council approval process for the Policy no later than May 1, 2022; and

WHEREAS, in compliance with Government Code Section 7071(b), the proposed military equipment use policy was made available on the Brentwood Police Department website on March 25, 2022, which is more than 30 days before the April 26, 2022, meeting of the City Council; and

WHEREAS, on April 26, 2022, the City Council conducted a public hearing on this matter during a regularly-scheduled City Council meeting, and considered all written and verbal comments, as well as the report and presentation from staff; and

WHEREAS, on May 10, 2022, the City Council waived the second reading of this Ordinance

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRENTWOOD does ordain as follows:

Section 1. Recitals. The recitals set forth above are adopted as true and correct and as if restated here in full.

Section 2. Findings. The City Council of the City of Brentwood makes the following findings:

- A. The City Council has examined the Policy and finds that the Police Department has submitted all information described in Government Code Section 7070(d), enabling the Council to make the following findings:

1. *The military equipment identified in the policy is necessary because there is no*

reasonable alternative that can achieve the same objective of officer and civilian safety.

The equipment identified in Policy 708 is necessary for the Brentwood Police Department, as there are no reasonable alternative tools that law enforcement can use to achieve the same goal of both officer and civilian safety. Though the Department does not use every item of military equipment identified in Policy 708, those tools it does use are indispensable to the police work that keeps Brentwood safe and have no practical substitutes.

2. *The proposed policy will safeguard the public's welfare, safety, civil rights, and civil liberties.*

The Policy, attached as Exhibit A to this Ordinance and identified as Brentwood Police Department Policy 708, will safeguard the public's welfare, safety, civil rights, and civil liberties in that it will create publically-known and adopted usage guidelines and standards, which will be reviewed annually.

3. *If purchasing the equipment identified in the policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.*

The Department is not purchasing additional equipment identified in the policy.

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

The City had no previous military equipment policy; this finding therefore does not apply.

Section 3. Approval of the Policy. The City Council of the City of Brentwood approves the Brentwood Police Department Policy 708, "Military Equipment Funding, Acquisition and Use Policy, attached and incorporated as Exhibit A into this Ordinance. In doing so, the City Council directs that:

- A. Staff is authorized to request, seek funding, acquire, collaborate with other jurisdictions, and use military equipment consistent with this Policy.
- B. Staff shall maintain the Policy on the Police Department's website page.
- C. The Police Department shall annually hold a publicized community engagement meeting regarding the Department's Policy and use of military equipment, pursuant to Government Code Section 7072(b).
- D. The City Council shall annually review this Ordinance, the Policy, and the annual military equipment report prepared by the Police Department pursuant to Government Code Section 7072 and determine by resolution whether to continue the Ordinance and Policy or to modify such Policy or initiate the repeal of the Ordinance; and whether the use of the military

equipment in the past year has complied with the Policy, pursuant to Government Code Section 7071.

Section 4. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this Ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this Ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 5. CEQA. This Ordinance is not a "project" under the California Environmental Quality Act ("CEQA," as codified at Public Resources Code Sections 21000, et seq., and as further governed by the State CEQA Guidelines, found at 14 CCR Sections 15000, et seq.) pursuant to State CEQA Guidelines Section 15378(b)(5), as it constitutes an organizational or administrative governmental activity that will not result in direct or indirect physical changes in the environment. If determined to be a "project" under CEQA, then the Ordinance is exempt from CEQA per State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

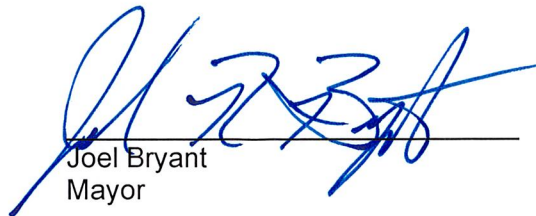
Section 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 7. Publication. The City Clerk's Office shall publish and post the Ordinance in accordance with Government Code Section 36933.

Section 8. Codification. The Ordinance shall not be codified in the Brentwood Municipal Code.

THE FOREGOING ORDINANCE was adopted following the second reading at a regular meeting of the Brentwood City Council on the 10th day of May 2022, by the following vote:

- AYES:** Council Members Mendoza, Meyer, Rarey, Rodriguez, and Mayor Bryant
- NOES:** None
- ABSENT:** None
- RECUSE:** None



Joel Bryant
Mayor

ATTEST:

 Margaret Wimberly, MMC
 City Clerk

Exhibit A

**BRENTWOOD POLICE DEPARTMENT POLICY 708
MILITARY EQUIPMENT FUNDING, ACQUISITION, AND USE**

Military Equipment

708.1 PURPOSE AND SCOPE

State

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).

708.1.1 DEFINITIONS

State

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

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

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

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

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708.2 POLICY

State

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

708.3 MILITARY EQUIPMENT COORDINATOR

Best Practice

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Brentwood 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.

708.4 MILITARY EQUIPMENT INVENTORY

State

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

See attachment A

708.5 APPROVAL

State

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior

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to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

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

708.6 COORDINATION WITH OTHER JURISDICTIONS

State

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.

708.7 ANNUAL REPORT

State

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

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

708.8 COMMUNITY ENGAGEMENT

State

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.

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Attachment A

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Military Equipment

Equipment Type: Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 8 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Colt A1/A2 rifles converted to fire less-lethal paint marking Simunition rounds.	
Manufacturer Product Description: The Colt A1/A2 semiautomatic rifle converted to fire less-lethal paint marking Simunition rounds.	
Purpose/Authorized Uses: To train officers how to deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed.	
Fiscal Impacts: The initial cost of equipment was approximately \$4000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: Officers use the rifles to train, but due to the fact they still fire less-lethal projectiles (paint marking Simunition rounds) the officers are still required to adhere to requirements set forth by law and policy.	
Other Notes: These rifles are converted standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c) (10). They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 31 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Colt A-2 semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
Manufacturer Product Description: The Colt A-2 semiautomatic rifle features a carrying handle. Iron sights, and a 16" Barrel.	
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the officer reasonably anticipates an armed encounter. 2. When an officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$25,200. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete a CA POST certified 20-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: These rifles are standard issue service weapons for our officers and therefor exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 20 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Colt M4 semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
Manufacturer Product Description: The Colt M4 semiautomatic rifle features a magpul foregrip, magpul rear sights, and a 16" Barrel.	
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the officer reasonably anticipates an armed encounter. 2. When an officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$26,400. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete a CA POST certified 20-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 4 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The LWRC semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
Manufacturer Product Description: The LWRC semiautomatic rifle features a railed forend, self-regulating short-stroke gas piston system, dual control fully ambidextrous lower receiver, and a 8.5" cold hammer forged barrel.	
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the officer reasonably anticipates an armed encounter. 2. When an officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$10,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete a CA POST certified 20-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: These rifles are standard issue service weapons for our traffic officers and therefor exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Automatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 15 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The COLT M4 Commando automatic rifle is capable of firing 5.56mm projectile bullet.	
Manufacturer Product Description: The COLT M4 Commando automatic rifle features a 11.5" Cold Hammer Forged Barrel.	
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the officer reasonably anticipates an armed encounter. 2. When an officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$21,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete a CA POST certified 20-hour patrol rifle course, attend a select fire training course, as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: These rifles are standard issue service weapons for our SWAT officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Automatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 4 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The LMT MARS-LA automatic rifle is capable of firing 5.56mm projectile bullet.	
Manufacturer Product Description: The LMT MARS-LA automatic rifle features the railed forend, MLC Upper Receiver, Ambidextrous Charging Handle, S-A Piston Bolt Carrier Group, and a 14.5" Cold Hammer Forged Barrel.	
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 7. Situations where the officer reasonably anticipates an armed encounter. 8. When an officer is faced with a situation that may require accurate and effective fire at long range. 9. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 10. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 11. When an officer reasonably believes that a suspect may be wearing body armor. 12. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$8,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: Officers must successfully complete a CA POST certified 20-hour patrol rifle course, attend a select fire training course, as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: These rifles are standard issue service weapons for our SWAT officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Semiautomatic Rifle and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 2 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Accuracy International AE MkII Sniper Rifle is capable of firing a 7.62mm projectile bullet.	
Manufacturer Product Description: Accuracy International AE MkII bolt-action .308 Winchester/7.62 NATO Rifle.	
<ol style="list-style-type: none"> 1. 20" heavy profile barrel 2. Two stage trigger 	
<p>Purpose/Authorized Uses: This rifle is authorized for use by a Sniper-trained, SWAT Operator only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the officer reasonably anticipates an armed encounter. 2. When the officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$10,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy.	
Other Notes: The Brentwood Police Department does not presently have a SWAT Sniper among its staff, so there are no Brentwood Police personnel presently authorized to use this equipment. They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Semiautomatic Rifle and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The H&K MP5 is capable of firing a 40 cal projectile bullet.	
Manufacturer Product Description: The H&K MP5 is a sub machine capable of firing either semi or fully automatic.	
<p>Purpose/Authorized Uses: This rifle is authorized for use by a SWAT Operator only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. The SWAT Operator has to have been to the select fire course and pass a police rifle qualification with the rifle. Examples of some general guidelines for deploying the rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 7. Situations where the officer reasonably anticipates an armed encounter. 8. When the officer is faced with a situation that may require accurate and effective fire at long range. 9. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 10. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 11. When an officer reasonably believes that a suspect may be wearing body armor. 12. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$2,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: SWAT officers must successfully complete a CA POST certified 20-hour patrol rifle course, attend a select fire training course, as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: The Brentwood Police Department does not presently have a SWAT member assigned to the rifle, so there are no Brentwood Police personnel presently authorized to use this equipment. They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Semiautomatic Rifle and Ammunition - CA Gov't Code §7070(c)(10)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The H&K MP5 is capable of firing a 9mm projectile bullet.	
Manufacturer Product Description: The H&K MP5 is a sub machine capable of firing either semi or fully automatic.	
<p>Purpose/Authorized Uses: This rifle is authorized for use by a SWAT Operator only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. The SWAT Operator has to have been to the select fire course and pass a police rifle qualification with the rifle. Examples of some general guidelines for deploying the rifle may include but are not limited to:</p> <ol style="list-style-type: none"> 1. Situations where the officer reasonably anticipates an armed encounter. 2. When the officer is faced with a situation that may require accurate and effective fire at long range. 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. 4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. 5. When an officer reasonably believes that a suspect may be wearing body armor. 6. When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment was approximately \$2,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Firearms.	
Training Required: SWAT officers must successfully complete a CA POST certified 20-hour patrol rifle course, attend a select fire training course, as well as regular department firearms training and qualifications as required by law and policy.	
Other Notes: The Brentwood Police Department does not presently have a SWAT member assigned to the rifle, so there are no Brentwood Police personnel presently authorized to use this equipment. They have been included in this document in an abundance of caution and in the interest of transparency.	

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Military Equipment

Equipment Type: Defense Technologies Spede Heat Burning CS Gas Munition	
Quantity Owned/Sought: 30 Canisters	Lifespan: 5 Years
Equipment Capabilities: 81.2 Gram Burning CS Tear Gas Munition	
Manufacturer Product Description: The Spede-Heat CS Grenade is a high volume, continuous burn that expels it's payload in approximately 20-40 seconds. The payload is discharged through 4 gas ports on top of the canister, 3 on the side, and one on the bottom. This launch able grenade is 6.12in x 2/62in and holds approximately 2.9 oz of active agent.	
Purpose/Authorized Uses: SWAT missions / crowd dispersal / high risk tactical missions / intermediate use of force	
Fiscal Impacts: Each grenade costs approximately \$24	
Legal/Procedural Rules Governing Use: Chemical agents can be deployed anytime it is deem necessary to safely do so in a tactical situation. These agents greatly reduce the risk of injury to officers and suspects due to their intended effects. Most suspects give up instead of trying to withstand the discomfort of being exposed to these agents.	
Training Required: In order to deploy or teach deployment methods, Instructors must attend a 40 hours CATO/POST approved Instructor course. Once individual operators from the SWAT Team have been trained, the deployment is subject to supervisor approval for deployment.	
Other Notes: Although launch able, these grenades pose a high threat of fire from deployment. BPD employs several different delivery methods to minimize this risk.	

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Military Equipment

Equipment Type: Defense Technologies 40mm Direct Impact CS Rounds	
Quantity Owned/Sought: 100 rounds owned	Lifespan: 5 years
Equipment Capabilities: To be launched as a less-lethal impact weapon with a small chemical payload	
Manufacturer Product Description: The 40mm Direct Impact Munition is a point-of-aim, point-of-impact direct fired round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with CS powder, the Direct Impact combines blunt force trauma with the effects of an irritant powder, maximizing the potential for incapacitation.	
Purpose/Authorized Uses: To incapacitate violent suspects / less-lethal intermediate use of force	
Fiscal Impacts: Approximately \$30.30 per round	
Legal/Procedural Rules Governing Use: Because these munitions are an intermediate use of force, they may be deployed in a situation where a reasonable officer would believe them to be useful and lawful. Based on the chemical agent payload, which has a similar effect to OC Spray, proper decontamination regulations must be followed.	
Training Required: Instructors for 40mm less lethal training must attend a 24 hour POST certified class and a 4 hours instructional course must be provided to officers deploying a 40mm launcher. Annual trainings are also necessary for deployment.	
Other Notes: Both 40mm non-chemical and CS payload crushable and sponge tip less lethal rounds are available for use at BPD. It is encouraged that officers deploy a non-chemical agent version, unless trained to deploy and decontaminate chemical agents.	

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Military Equipment

Equipment Type: Defense Technologies 6 Round 40mm Launcher	
Quantity Owned/Sought: 9 Launchers Owned – (5) 6 round launchers, (2) 4 round launchers, (2) single round launchers	Lifespan: None, maintained by range staff
Equipment Capabilities: Launchers are capable of firing 40mm projectiles of varying payload	
Manufacturer Product Description: Designed for riot and tactical situations, DEF TECH 1440 40mm Tactical Launcher is a low profile, light weight launcher which can provide multiple follow up shots. A full Picatinny rail allows for multiple attachments.	
Purpose/Authorized Uses: Less Lethal launcher delivers impact and chemical projectiles	
Fiscal Impacts: \$1,800 per unit	
Legal/Procedural Rules Governing Use: Based on UOF – Intermediate level UOF -	
Training Required: Instructors must complete 24 hr POST certified course and user must complete a 4 hours course.	
Other Notes: This launcher can deploy both chemical and non-chemical rounds. Specific training is provided to officers to determine the payload of the munition desired. This launcher can be used on patrol as a Less Lethal option or for tactical situations where a combination of chemical and non-chemical payloads are necessary.	

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Military Equipment

Equipment Type: Defense Technologies Shotgun Breaching Rounds – 12 gauge	
Quantity Owned/Sought: 14 rounds	Lifespan: 10 years
Equipment Capabilities: These rounds are capable of defeating door hinges, locking mechanisms and glass for easy entry into a structure during tactical situations.	
Manufacturer Product Description: The 12-gauge TKO breaching round is a 12 gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The TKO is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the TKO is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden doors and hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine	
Purpose/Authorized Uses: To defeat locked doors in tactical operations. Use is authorized after a planned mission is confirmed by Tac Commander during SWAT operations or when reasonable deemed necessary in a high risk patrol setting.	
Fiscal Impacts: \$12.00 per round	
Legal/Procedural Rules Governing Use: Operator must be certified by a POST 16 hour class in the use of Breaching Shotgun.	
Training Required: 16 hours POST approved course, bi-annual training is conducted	
Other Notes:	

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Military Equipment

Equipment Type: Royal Arms 12 gauge Flash Bang Rounds	
Quantity Owned/Sought: 6 rounds	Lifespan: 10 years
Equipment Capabilities: Designed as a less lethal / diversionary device. Able to break glass or temporarily stun suspect.	
Manufacturer Product Description: Designed as a Less Lethal / Diversionary Device which produces 185 dB and can breach solid wood doors, light steel, sliders, car windows and used in crawl spaces.	
Purpose/Authorized Uses: Operator must be certified by attending a POST certified 16 hours Shotgun Breacher Course and conduct bi-annual trainings.	
Fiscal Impacts: \$5 per round	
Legal/Procedural Rules Governing Use: Less Lethal intermediate UOF guidelines apply. For use during tactical operations or when applicable and deemed safe during patrol functions.	
Training Required: 16 hour POST certified course and Bi-annual trainings	
Other Notes:	

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Military Equipment

Equipment Type: Defense Technologies 40mm Signaling Flare 50m	
Quantity Owned/Sought: 140 rounds	Lifespan: 5 years
Equipment Capabilities: To be launched from a 40mm launcher and deliver a loud bang and emission of light to disperse a crowd deemed unlawful	
Manufacturer Product Description: This 40mm aerial warning/signaling munition, 50 m, is intended for use in situations where a stand-off distance is desired, giving the operator the ability to engage crowds, vehicles, or vessels. Launched from a 40mm platform, the munitions deflagrate at a set distance of 50 meters to deliver 170 dB of sound and 5 million candelas of light, noticeable day or night conditions. A tactile feature on the nose of the cone indicates the designated distance.	
Purpose/Authorized Uses: Crowd dispersion, glass breaking, knock and notice of residence and business during a tactical operation where an operator at the front door is in danger of inhabitants.	
Fiscal Impacts: \$50.00 per round	
Legal/Procedural Rules Governing Use: A POST certified 16 hours instructor course is required to administer training to operators. Bi-annual training is required for deployment	
Training Required: 16 hours POST certified Less Lethal Instructor Course	
Other Notes:	

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Military Equipment

Equipment Type: Defense Technologies 40mm Signaling Flare 50m CS Payload	
Quantity Owned/Sought: 50 Rounds	Lifespan: 5 Years
Equipment Capabilities: To launch a 40mm Signaling Flare which emits light, sound and a small payload of powdered CS chemical irritant.	
Manufacturer Product Description: This 40mm aerial warning/signaling munition, 50 m, is intended for use in situations where a stand-off distance is desired, giving the operator the ability to engage crowds, vehicles, or vessels. Launched from a 40mm platform, the munitions deflagrate at a set distance of 50 meters to deliver 170 dB of sound and 5 million candelas of light, noticeable day or night conditions. A tactile feature on the nose of the cone indicates the designated distance.	
Purpose/Authorized Uses: Crowd dispersion, glass breaking, knock and notice of residence and business during a tactical operation where an operator at the front door is in danger of inhabitants. These rounds also deliver a chemical payload which can assist in crowd dispersion.	
Fiscal Impacts: \$50.00 per round	
Legal/Procedural Rules Governing Use: A POST certified 16 hours instructor course is required to administer training to operators. Bi-annual training is required for deployment	
Training Required: 16 hours POST certified Less Lethal Instructor Course	
Other Notes:	

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Military Equipment

Equipment Type: Defense Technologies Stinger CS Rubber Ball Grenade	
Quantity Owned/Sought: 30 Grenades	Lifespan: 5 Years
Equipment Capabilities: To deliver a payload of light, sound, impact from rubber balls as well as a chemical agent payload in an open air or closed environment.	
Manufacturer Product Description: The Stinger CS Rubber Ball Grenade is a maximum effect device that delivers four stimuli for psychological and physiological effects. Rubber pellets, light, sound, and CS. The Stinger Grenade is most widely used as a crowd management tool by LE and Corrections. The Stinger Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls and chemical agent in a 50 foot radius.	
Purpose/Authorized Uses: Crowd control and violent suspect compliance. For use during tactical operations, as well as patrol situations where the device is deemed necessary for a peaceful resolution. Intermediate UOF.	
Fiscal Impacts: \$48.75 per grenade	
Legal/Procedural Rules Governing Use: 24 hours NFDD Instructor Course is required to train operators in the use of this device. Bi-Annual training is recommended for operators.	
Training Required: 24 hour POST Certified Instructor Course or Bi-Annual 4 hour training for NFDD Devices for operators.	
Other Notes:	

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Military Equipment

Equipment Type: Unmanned Aircraft Systems (UAS/Drones) – CA Gov't Code §7070(c)(1)	
Quantity Owned/Sought: 3 owned	Lifespan: Approximately 5 years
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.	
Manufacturer Product Description: <p>Matrice 210: The DJI Matrice 210 is a powerful, industrial-grade flight platform with world-class agility and speed, two barometers, and redundant IMUs for maximum reliability, and new smart flight features that make capturing complex shots easy. The aircraft's visual sensors enable enhanced hovering precision even when flying indoors or in environments where GNSS is unavailable. The drone's new airframe design gives it an IP43 Ingress Protection Rating, in accordance with the global IEC 60529 standard. The M210/M210 RTK's mechanical design, along with quick release landing gears and mounted folding arms, makes it easy to transport, store, and prepare for flight.</p> <p>Mavic II Enterprise: The DJI Mavic II Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems, and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12 megapixel photos that support up to 6x FHD zoom. DJI signature tecUologies such as Obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Additional features like the built in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes.</p>	
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.	
Fiscal Impacts: The initial costs of equipment, licensing, software and training was approximately \$70,000 which was funded with Equitable Sharing Asset Forfeiture Funds. Ongoing cost associated with UAS operation and maintenance is estimated to be approximately \$15,000 per year.	
Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.	
Training Required: Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.	
Other Notes: None.	

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Military Equipment

Equipment Type: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 24 owned	Lifespan: Approximately 5 years
Equipment Capabilities: The 40mm direct impact marking crushable foam round is Less Lethal and fired from a 40mm less Lethal Launcher.	
Manufacturer Product Description: The Defense Technology exact impact 40 mm standard range foam round is a point of aim, point of impact, direct-fire foam round used to mark a location or aggressor. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.	
Purpose/Authorized Uses: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$1,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

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Military Equipment

Equipment Type: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 99 owned	Lifespan: Approximately 5 years
Equipment Capabilities: The 40mm exact impact standard range sponge foam round is Less Lethal and fired from a 40mm less Lethal Launcher.	
Manufacturer Product Description: The exact impact Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.	
Purpose/Authorized Uses: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$3,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

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Military Equipment

Equipment Type: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 9 owned	Lifespan: Approximately 5 years
Equipment Capabilities: The 40mm foam baton standard range sponge foam round is Less Lethal and fired from a 40mm less Lethal Launcher.	
Manufacturer Product Description: The exact impact Sponge Round is a point-of-aim, point-of-impact direct-fire round. The 40 mm Foam Baton Round is most widely used as a crowd management tool where stand-off distances are limited. It may also prove valuable in riot situations where police lines and protestors are in close proximity. It utilizes smokeless powder and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. The foam projectile allows for closer deployment, while minimizing injury.	
Purpose/Authorized Uses: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$500. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brentwood Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

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Military Equipment

Equipment Type: Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
Quantity Owned/Sought: 147 rounds owned	Lifespan: Approximately 5 years
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry.	
Manufacturer Product Description: 2-3/4" multi grain, blank, copper frangible 12 Ga Shotgun round(s). When properly deployed, the round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden doors and hollow core doors.	
Purpose/Authorized Uses: Breaching doors, gates, windows, and other points of entry.	
Fiscal Impacts: The initial cost of this equipment was approximately \$2,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
Training Required: Only members of the SWAT team who have attended a 16 hour shotgun breaching specific training course are authorized to carry and use the breaching rounds.	
Other Notes: None.	