ORDINANCE NO. 2042

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING SECTION 2.80.080 ENTITLED "MILITARY EQUIPMENT POLICY" TO "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" IN COMPLIANCE WITH ASSEMBLY BILL 481

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

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 Santa Clara 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 Santa Clara, having received the information required under AB 481 regarding the Santa Clara 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, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That a new Section 2.80.080 is added to Chapter 2.80 (entitled "Police Department") of Title 2 (entitled "Administration and Personnel") of "The Code of the Cityof Santa Clara, California" to read as follows:

"**2.80.080 Military 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's website for at least30 days prior to the public hearing concerning the military equipment at issue.

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(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: Ordinances Repealed. With exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent withthis ordinance are hereby repealed.

SECTION 3: **Savings clause**. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

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SECTION 4: **Effective date**. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 8th day of March, 2022, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 22ND day of MARCH, 2022, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Lexipol Policy 706 "Military Equipment" and Inventory of Military Equipment as of January 1, 2022

Military Equipment

706.1 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).

706.1.1 DEFINITIONS

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

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

Military equipment categories– 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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706.2 POLICY

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

706.3 MILITARY EQUIPMENT COORDINATOR

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

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Santa Clara 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.

706.4 MILITARY EQUIPMENT INVENTORY

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

See attachment: 706.4 MILITARY EQUIPMENT INVENTORY.pdf

706.5 APPROVAL

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

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(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

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

706.7 ANNUAL REPORT

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

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

706.8 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.

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Attachments

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706.4 MILITARY EQUIPMENT INVENTORY.pdf

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1. Robot (Category 1)
    a. **Description, quantity, capabilities, and purchase cost:**
    Transcend Tactical Robot, cost: $24,452.24, Quantify: 1. This equipment is a battery powered, remote operated device. Equipped with two cameras and two-way radio capabilities. This equipment is for (potential) use during high-risk incidents. Use is limited to members of the Departments Special Response Team (SRT). Incidents that may qualify for its use include, but are not limited to, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and also if there are other subjects inside that need assistance. The two-way speakers can be used to de-escalate and determine resistance level.
    b. **Purpose:**
    To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.
    c. **Authorized Use:**
    Only assigned operators who have completed the required training shall be permitted to operate the robot. Use is established by the Incident Commander. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311 – Search and Seizure, SCPD Policy 703 – Vehicle Use, SCPD Policy 404 – Special Response Team.
    d. **Expected Lifespan:**
    10-15 years
    e. **Fiscal Impact:**
    No known annual maintenance cost.

2. Unmanned Aerial Vehicles (Category 1)
    a. **Description, quantity, capabilities, and purchase cost:**
    Yuneec H520 unmanned aerial vehicle (UAV), cost: Included with purchase of Transcend Tactical Robot, Quantity: 1. The H520 is a commercial-grade UAV. Commonly used by construction and utility companies for the inspection of buildings, powerlines, windmills and other infrastructure. This UAV is a battery powered, remote operated device. Controller: ST16 All-in-one controller with 7-inch integrated screen. Controller allows operators to control UAV and view live feed from UAV-mounted cameras. Camera: CGOET camera with dual RGB and FLIR capabilities. Camera provides operators ability to switch between standard RGB camera and views based on heat of objects within frame. Flight time of approximately 25-30 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel
    b. **Purpose:**
    To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
        i. major collision investigations.
        ii. search for missing persons.
        iii. natural disaster management.
        iv. crime scene photography.

v. SWAT, tactical or other public safety and life preservation missions.
vi. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

c. **Authorized Use:**
Only assigned operators who have completed the required training shall be permitted to operate the Yuneec H520 during approved missions. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311 – Search and Seizure, SCPD Policy 316 – Missing Persons, SCPD Policy 606 – Unmanned Aerial System Operations, SCPD Policy 703 – Vehicle Use, SCPD Policy 404 – Special Response Team.

d. **Expected Lifespan:**
10 years

e. **Fiscal Impact:**
No known annual maintenance cost.

3. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2 & 3)

a. **Description, quantity, capabilities, and purchase cost:**
Lenco Armored Rescue Vehicle, cost: $309,000, quantity: 1.The ARV is designed to provide ballistic protection during tactical events (designed to withstand multiple bullet strikes from small arms fire as well as low level explosions).Equipped with nuclear/radiological detection devices, self-contained breathing apparatus, explosive gas detection devices, and thermal imaging camera. Equipped with emergency lights/siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations, and the deployment of officers and chemical agents. The ARV is currently deployed at every large event in the city of Santa Clara including stadium events, parades, and festivals. The ARV is a regional mutual-aid asset that has been requested and deployed to allied agencies in Santa Clara, San Benito, Monterey, Santa Cruz, Alameda, and San Mateo Counties. The ARV responded high profile events including: The Gilroy Garlic Festival shooting, Super Bowl 50, an armed barricade at Main Jail, the VTA active shooter and several incidents where local officers were killed in the line of duty

b. **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.

c. **Authorized Use:**
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. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703 – Vehicle Use, SCPD Policy 404 – Special Response Team.

d. **Expected Lifespan:**
20 years

e. **Fiscal Impact:**
Annual maintenance cost of approximately $2,500.

4. Command and Control Vehicles (Category 5)

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

1993 Int. Model 3800, cost: $13,291, quantity: 1. The vehicle is a two-axel bus style vehicle with a front door and a rear door. It is painted black with police graphics affixed to the front, sides, and the rear of the vehicle. The vehicle has been partitioned into (2) separate workspace areas. The equipment housed in the vehicle includes, but is not limited to, a negotiations control console and accessories, communications throw phone and cables, miscellaneous office supplies, tabletops, chairs, storage space, coffee maker, and refrigerator
The vehicle is capable of being used as a mobile operation and dispatch center. The vehicle is also capable of transporting personnel and equipment
The Mobile Communications Vehicle was placed into service in 2006 after its acquisition from the City of Santa Clara Library (formerly the bookmobile).
The Mobile Command Vehicle is used as an auxiliary command vehicle during major incidents. The vehicle is separated into two areas by a walled partition and door. One area is used as a negotiation / communication center by the Crisis Negotiations Team. The second area can be used as a mobile command center aiding in the command, control, and deployment of personnel at a critical incident.

b. **Purpose:**
To be utilized for critical incident callouts.

c. **Authorized Use:**
The CNT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703 – Vehicle Use, SCPD Policy 404 – Special Response Team.

d. **Expected Lifespan:**
25 years (Expired)

e. **Fiscal Impact:**
Annual maintenance cost of approximately $5,589

5. Command and Control Vehicles (Category 5)

a. **Description, quantity, capabilities, and purchase cost:**
2001 Freightliner MT45 – custom upfit by Mattman, cost: $162,181, quantity: 1. The SRT van is a command vehicle and an equipment storage and transportation vehicle. Computerized screen used for tracking operations on the exterior. Desk with radios for dispatch on the interior. Several storage areas for the different equipment used by SRT. Manual breaching tools / Energetic breaching materials, Water, Generator, Ammunition, Robot / UAV, 40mm launchers and projectiles

b. **Purpose:**
To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

c. **Authorized Use:**
The SRT Van shall be used by officers trained in their deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703 – Vehicle Use, SCPD Policy 404 – Special Response Team.

d. **Expected Lifespan:**
20 years (expires in March 2022)

e. **Fiscal Impact:**

Annual maintenance cost of approximately $2,500

6. Command and Control Vehicles (Category 5)
    a. **Description, quantity, capabilities, and purchase cost:**
    2018 Ford E450 Super Duty cutaway/stripped chassis with a large built-out cargo box mounted on the chassis. It looks like a typical box style cargo van/truck painted black with police graphics. The CSI van is not used in an enforcement capacity. This vehicle is used for the transportation of investigative equipment including a Total Station laser surveyor and accessories, computer equipment and software, evidence collection materials, and storage space for transporting items to the Santa Clara Police Department. There is a large computer monitor/TV mounted on an interior wall to view photos, diagrams, and to aid in crime scene diagramming. The CSI van is used to transport evidence and investigative tools, and a limited number of personnel, to a major crime scene or a crime scene requiring a vehicle larger than a traditional police vehicle for the purposes of transporting evidence collection materials or crime scene evidence. Once on-scene, the van is used as shelter, supply storage, and evidence storage
    b. **Purpose:**
    To be utilized for critical incident callouts.
    c. **Authorized Use:**
    The CSI vehicle is used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 703 – Vehicle Use, SCPD Policy 802 – Property and Evidence.
    d. **Expected Lifespan:**
    20 years
    e. **Fiscal Impact:**
    Annual maintenance cost of approximately $5,770.

7. Breaching Apparatus: Slugs (Category 7)
    a. **Description, quantity, capabilities, and purchase cost:**
    Royal Arms Tesar-2, cost: $1,880, quantity: 470. Shotgun breaching rounds are specialty shotgun shells utilized for door breaching. The Royal Arms Tesar-2 rounds contain compressed copper powder and are fired through a specialized breaching shotgun barrel. The copper powder is designed to strike and destroy the lock throw inside of the door, allowing entry into the room or structure. The powder is designed to dissipate after striking the lock throw in order to minimize entry into the target space for the safety of occupants and operators. Designed to breach heavy locks, dead-bolts, and hinges mounted inside of solid oak or steel doors. Royal Arms Tesar-2 rounds are good until expended if stored properly. Shotgun breaching rounds are used to gain rapid access to a room or structure when an emergent law enforcement need exists
    b. **Purpose:**
    To safely gain entry into a structure.
    c. **Authorized Use:**
    Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises. All other applicable SCPD policies remain in effect, to include, but not limited to,

SCPD Policy 311 – Search and Seizure, SCPD Policy 404 Special Response Team.

d. **Expected Lifespan:**
Until expended

e. **Fiscal Impact:**
Individual unit price of approximately $4 each. Estimated between $0 and $1,880 annually

8. Breaching Apparatus: Energetic Breaching Program (Category 7)

a. **Description, quantity, capabilities, and purchase cost:**
Energetic breaching is used to gain rapid access to a room or structure when an emergent law enforcement need exists. All efforts are made to minimize the amount of energetics applied to a target, while still achieving a positive breach. Energetic breaching materials are used to make breaching charges of various shapes and strength which are specifically designed for the target. The materials release gasses, heat, and light when initiated. The pressure from the gasses released presses against mediums and or the target to cause the structure of the target to fail for a successful breach.
Breaching charges are specially designed to cause structural failure of the desired target. The breaching charges in stock were built in house by the SRT breaching cadre. Various types, configurations, and energetic weights are maintained for use as needed. Older charges are cycled out of stock during monthly training.

i. 25 grain detonation cord, cost: $349, quantity 2.4lbs. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.

ii. 50 grain detonation cord, cost $1,915.49, quantity 1 roll. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.

iii. Nonel starters, cost: included with 50 grain det cord, quantity: 88. A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps

iv. C2 Prima sheet, cost: $1,183.50, quantity: 10 lbs. A PETN based sheet explosive

b. **Purpose:**
To safely gain entry into a structure.

c. **Authorized Use:**
Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises. All

Breachers shall be licensed as a Blaster by Cal/OSHA. All Breachers will attend an approved "Tactical Energetic Breaching" course. Master Breacher designation upon: Attend an accredited "advanced" Energetic Breaching course or equivalent. Participate in a minimum of 50 documented training breaches, of which at least ten (10) were considered "research and development" shots. Participate in at least 1 operational energetic breach. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 311 – Search and Seizure, SCPD Policy 404 Special Response Team.

d. **Expected Lifespan:**
25 grain detonation cord – 5 years
50 grain detonation cord – 5 years
C2 Prima Sheet – Until expended
Nonel Starters – until expended

e. **Fiscal Impact:**
25 grain detonation cord – estimated between $0 and $349 annually.
50 grain detonation cord – estimated between $0 and $1,915.49 annually
C2 Prima Sheet – estimated between $0 and $1,183.50 annually
Nonel Starters – $0

9. Specialized Firearms and Ammunition (Equipment Category 10)

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

I. The Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the Rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. Colt AR-15/M4, cost: $119,850, quantity: 102, FN-15, cost: $46, 371, quantity: 29

II. The Hornady .223 Remington, 75 grain, BTHP Tap Precision cartridge is the primary duty ammunition deployed during potential lethal encounters. Cost: $19,980, quantity: 25,000

III. The Hornady .223 Remington, 62 grain, Tap Barrier cartridge is the secondary ammunition deployed during potential lethal encounters, when shooting through barriers. Cost: $3,996, quantity: 5,000

IV. The Hornady .223 Remington, 55 grain cartridge is the primary training ammunition for the Department. Cost: $40,176, quantity: 100,000

V. The Santa Clara Police Department Special Response Team (SRT) was formed in 1975, in response to very dangerous or violent tactical encounters. The Sniper element deploys with precision rifles, which enables the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the Rifle fails or breaks. The .308 Winchester cartridge: is a rimless, bottlenecked rifle cartridge. The .308 WIN. cartridge is used as a Lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. JP

LRP-07 Rifle cost: $14,276, quantity: 4, TacOps 700, cost: $3,999, quantity: 1, DT SRS-A1 rifle, cost: $7,698, quantity: 2, Spartan rifle, cost: $8,800, quantity: 2.

VI. The Hornady .308 WIN., 110 grain, Tap Urban cartridge is ammunition deployed during potential lethal encounters, in high collateral risk environments. The 110 grain, Tap Urban offers a unique projectile that allows rapid expansion, fragmentation & low retained weight. It also offers the least penetration, but with substantially more temporary & permanent cavity & fragmentation. Cost: $6,303, quantity: 5,000

VII. The Hornady .308 WIN., 168 grain, ELD Match Tap Precision cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168 grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target. Cost: $18,909, quantity: 15,000.

VIII. The RUAG .308 WIN., 164 grain, Tactical cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 164-grain projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate hit. Cost: $1,512, quantity: 500

IX. The RUAG .308 WIN., 196 grain, Armor Piercing cartridge is ammunition deployed during potential lethal encounters, when shooting through heavy barriers. The 196 grain projectile is capable of accurately striking targets behind armor, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating armor, which does not allow an accurate hit. Cost: $385, quantity: 80

X. The RUAG .338 Lapua Magnum, 247 grain, Styx Action cartridge is ammunition deployed during potential lethal encounters, in high collateral risk environments. The 247 grain Styx Action cartridge offers a unique projectile that allows rapid expansion, fragmentation & low retained weight. It also offers the least penetration, but with substantially more temporary & permanent cavity & fragmentation. Cost: $1,618, quantity: 500

XI. The Hornady .338 Lapua Magnum, 285 grain, ELD Match cartridge, is ammunition deployed during potential lethal encounters at longer distances. The 285-grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target. Cost: $17,766, quantity: 3,840

XII. The RUAG .338 Lapua Magnum, 250 grain, Tactical cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 250-grain projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate hit. Cost: $953, quantity: 350

XIII. The RUAG .338 Lapua Magnum, 260 grain, Armor Piercing cartridge is ammunition deployed during potential lethal encounters, when shooting through heavy barriers. The 260-grain projectile is capable of accurately striking targets behind armor, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating armor, which does not allow an accurate hit. Cost: $3,240, quantity: 500

XIV. Selections of which of the above ammunition to use is dependent on the threat and the environment (to include barriers, weather conditions, uninvolved parties, etc.)

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

c. **Authorized Use:**
Only members that are POST certified are authorized to use a rifle. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300 – Use of Force, SCPD Policy 306.5 – Firearms Training and Qualifications, SCPD Policy 404 – Special Response Team.

d. **Expected Lifespan:**
I. Carbine Rifle – No expiration
II. The Hornady .223 Remington, 75 grain – No expiration
III. The Hornady .223 Remington, 62 grain, Tap Barrier – No expiration
IV. The Hornady .223 Remington, 55 grain, – No expiration
V. Sniper Rifles – No expiration
VI. The Hornady .308 WIN., 110 grain – No expiration
VII. The Hornady .308 WIN., 168 grain – No expiration
VIII. The RUAG .308 WIN., 164 grain – No expiration
IX. The RUAG .308 WIN., 196 grain – No expiration
X. The RUAG .338 Lapua Magnum, 247 grain – No expiration
XI. The Hornady .338 Lapua Magnum, 285 grain – No expiration
XII. The RUAG .338 Lapua Magnum, 250 grain – No expiration
XIII. The RUAG .338 Lapua Magnum, 260 grain – No expiration

e. **Fiscal Impact:**
I. Carbine Rifle – Annual cost between $19,999 - $166,221
II. The Hornady .223 Remington, 75 grain – Annual cost between $0 - $19,980
III. The Hornady .223 Remington, 62 grain, Tap Barrier – Annual cost between $0 - $3,996
IV. The Hornady .223 Remington, 55 grain – Annual cost between $0 - $40,176
V. Sniper Rifle – Annual cost between $900 - $34,773
VI. The Hornady .308 WIN., 110 grain – Annual cost between $0 - $6,303
VII. The Hornady .308 WIN., 168 grain – Annual cost between $0 - $18,909
VIII. The RUAG .308 WIN., 164 grain – Annual cost between $0 - $1,512
IX. The RUAG .308 WIN., 196 grain – Annual cost between $0 - $385
X. The RUAG .338 Lapua Magnum, 247 grain – Annual cost between $0 - $1,618
XI. The Hornady .338 Lapua Magnum, 285 grain – Annual cost between $0 - $17,766

XII. The RUAG .338 Lapua Magnum, 250 grain – Annual cost between $0 - $953
XIII. The RUAG .338 Lapua Magnum, 260 grain – Annual cost between $0 - $3,240

10. Flashbangs (Category 12)
    a. **Description, quantity, capabilities, and purchase cost:**
    A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.

        I. NFDD 7290M emits a loud "bang" and a flash of light, cost: $4,345.97, quantity: 96
        II. NFDD 7290-5 emits a loud "bang" and a flash of light (5) times, cost: $1,070.13, quantity: 10
        III. NFDD 9593 Multi-effect grenades with a loud blast, bright flash and dispersion of stinging .31 caliber pellets. Can also be configured to dispense an instantaneous cloud of irritant powder. Cost: $443.30, quantity: 11

    b. **Purpose:**
    To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.
    c. **Authorized Use:**
    Diversionary Devices shall only be used:
    i. By SRT officers who have been trained in their proper use.
    ii. In hostage and barricaded subject situations.
    iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
    iv. During other high-risk situations where their use would enhance officer safety.
    v. During training exercises.
    All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300 – Use of Force, SCPD Policy 404 – Special Response Team.

    d. **Expected Lifespan:**
        I. NFDD 7290M – 5 years
        II. NFDD 7290-5 – 5 years
        III. NFDD 9593 – 5 years
    e. **Fiscal Impact:**
        I. NFDD 7290M – Annual cost between $0 - $4,345.97
        II. NFDD 7290-5 – Annual cost between $0 - $1,070.13
        III. NFDD 9593 – Annual cost between $0 - $1,070.13

11. Tear Gas (Category 12)
    a. **Description, quantity, capabilities, and purchase cost:**

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

I. 5230B – Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. Cost: $2,412, quantity: 67
II. 6230 – Pyrotechnic canister grenade emitting smoke through multiple emission ports for 30 to 40 seconds. May be launched or hand thrown. Cost: $450, quantity: 15
III. 8230 – The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. Cost: $504, quantity: 21
IV. 9230 – The 9230 CS Jet-Lite Rubber Ball Grenade is one of the smaller diameter burning grenades that discharges a high volume of chemical agents through multiple emission ports. Specifically for outdoor use and should not be deployed from rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. Cost: $725, quantity: 25.
V. 3330 – Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. Cost: $735, quantity: 35
VI. 6340 – This unique grenade delivers an invisible OC vapor and renders an intense respiratory effect to a non-compliant subject. Cost: $360, quantity 10
VII. 4330 – Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. Cost: $1,950, quantity: 75
VIII. The Spede-Heat™ 40mm Short Range CS Round incorporates an aluminum shell and utilizes black powder as the propellant. The Spede-Heat™ 40mm Short Range Round is designed to deliver one dual-ported chemical canister from a 40mm launcher 75 yards to the intended target zone. Cost: $420, quantity: 15
IX. The 6 oz. OC Aerosol Grenade will delivery its payload of 1.3% MC% OC in 20-25 seconds. This is a antomized mist which enhances the pungent 1.3% OC formulation. Cost: $180, quantity: 10

b. **Purpose:**
To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.

iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

c. **Authorized Use:**
Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300 – Use of Force, SCPD Policy 404 – Special Response Team.

d. **Expected Lifespan:**
   I. 5230B – 5 years
   II. 6230 – 5 years
   III. 8230 – 5 years
   IV. 9230 – 5 years
   V. 3330 – 5 years
   VI. 6340 – 5 years
   VII. 4330 – 5 years
   VIII. The Spede-Heat™ 40mm Short Range CS Round - 5 years
   IX. The 6 oz. OC Aerosol Grenade - 5 years

e. **Fiscal Impact:**
   I. 5230B – estimated between $0 and $2,412 annually
   II. 6230 – estimated between $0 and $450 annually
   III. 8230 – estimated between $0 and $504 annually
   IV. 9230 – estimated between $0 and $725 annually
   V. 3330 – estimated between $0 and $735 annually
   VI. 6340 – estimated between $0 and $360 annually
   VII. 4330 – estimated between $0 and $1,950 annually
   VIII. The Spede-Heat™ 40mm Short Range CS Round
   IX. The 6 oz. OC Aerosol Grenade

12. PepperBall Launcher (Category 12)

a. **Description, quantity, capabilities, and purchase cost:**
System that uses high pressure air to deliver PAVA powder projectiles (similar to a paint ball delivery system). System capable of launching projectiles at a subject up to 60'. System capable of area saturation up to 160'. Non-lethal option to offer law enforcement officers to deliver chemical agents and kinetic energy impacts to subjects in a potentially violent encounter. De-Escalation tool used to avoid further injuries or lethal options on a subject. Cost: $7,500, quantity:
   I. PepperBall LIVE PROJECTILE, The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.8230. Cost: $3,412 quantity: 1500
   II. PepperBall VXR LIVE-X PROJECTILE: The VXR Live-X Projectile is a non-lethal round. The projectile contains approximately 10x the PAVA of the VXR LIVE projectile. This projectile is best for direct impact or area saturation. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-425 FPS. The projectile has a direct impact of 150ft and an area of saturation of

390+ft. The projectile contains 2.5% PAVA powder. Cost: $8,984 quantity: 3000

b. **Purpose:**
To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include but, are not limited to:
   i. Self-destructive, dangerous and/or combative individuals.
   ii. Riot/crowd control and civil unrest incidents.
   iii. Circumstances where a tactical advantage can be obtained.
   iv. Potentially vicious animals.
   v. Training exercises or approved demonstrations.

c. **Authorized Use:**
Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers. All other applicable SCPD policies remain in effect, to include, but not limited to, SCPD Policy 300 – Use of Force.

d. **Expected Lifespan:**
   I. PepperBall Launcher: No expiration
   II. Live Projectile: 1 year
   III. Live-X Projectile: 1 year

e. **Fiscal Impact:**
   I. PepperBall Launcher: estimated between $0 and $7,500 annually
   II. Live Projectile: estimated between $0 and $3,412 annually
   III. Live-X Projectile: estimated between $0 and $9,000 annually

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

a. **Description, quantity, capabilities, and purchase cost:**
Penn Arms Launcher: Cost: $23,650, quantity: 22.The Penn Arms Launcher is not a firearm, but a Less-Lethal systems that uses smokeless powder to deliver 40MM projectiles from a safe distance. The Less-Lethal launcher is capable of launching 40MM munitions at a subject up to 25 yards. The Less-Lethal launcher is a single launcher, which allows the Officer to assess after every spent munition. Less-Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks. The 40MM munition is a Direct Impact Spin Stabilized Smokeless Sponge Munition. The Sponge Baton munition is used as a Less-Lethal weapon designed to de-escalate a potentially violent encounter. Cost: $11,454, quantity: 600

b. **Purpose:**
To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. **Authorized Use:**
Situations for use of the less lethal weapon systems may include, but are not limited to:
i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

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

d. **Expected Lifespan:**
    I. 40mm Launcher: No expiration
    II. 40mm Sponge Round: 5 years

e. **Fiscal Impact:**
    I. 40mm Launcher: estimated between $0 and $23,650 annually
    II. 40mm Sponge Round: estimated between $0 and $12,000 annually