



POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE

WEDNESDAY, APRIL 17, 2024 AT 6:00 PM

In-Person:

San Rafael City Council Chambers
1400 Fifth Ave, San Rafael, California

Virtual:

Watch Online: <https://tinyurl.com/PAAC-2024-04-17>

Listen by Phone: (669) 444-9171

Meeting ID: 898-5264-7245#

AGENDA

How to participate in the meeting:

- You are welcome to provide comments in-person at the meeting. Each speaker will have 2-minutes to provide public comment.
- Submit your comments by email to PAAC@cityofsanrafael.org by 4:00 p.m. the day of the meeting.

CALL TO ORDER – 6:00PM

MINUTES

1. Approve regular meeting minutes from the meeting of February 21, 2024.

SPECIAL PRESENTATIONS

2. Special Presentations
 - a. AB 481 Military Equipment. Scott Eberle, Lieutenant San Rafael Police Department.
[Presentation](#)
AB 481 Annual [Report](#)

OTHER AGENDA ITEMS

If necessary to ensure the completion of the following items, the Chairperson may establish time limits for the presentations by individual speakers.

3. Other Agenda Items:
 - a. San Rafael Police Department Law Enforcement Training
Recommendation: Receive the report.

b. 2024 Police Advisory and Accountability Committee Meeting Schedule

Recommendation: Amend the date or time of the May meeting.

STAFF LIAISON REPORT

4. Other brief program updates or reports on any meetings, conferences, and/or seminars attended by staff.

COMMITTEE REPORTS

5. Other brief reports on any meetings, conferences, and/or seminars attended by the Committee members.

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the Police Advisory and Accountability Committee at this time on matters not on the agenda that are within its jurisdiction. Comments may be no longer than 2 minutes and should be respectful to the community.

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Board less than 72 hours before the meeting, shall be available for inspection online and in the city hall large conference room, third floor, 1400 5th Avenue, San Rafael, California placed with other agenda-related materials on the table in front of the location prior to the meeting. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.



SAN RAFAEL
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**POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE (PAAC)
WEDNESDAY, JANUARY 17, 2024 AT 6:00 PM**

In-Person:
San Rafael Public Safety Center
1375 Fifth Ave, San Rafael, California

Virtual:
Watch Online:
<https://www.youtube.com/watch?v=4Po7RDWAWBI>
Listen by Phone: (669) 444-9171
Meeting ID: 898-5264-7245#

MINUTES

CALL TO ORDER

Chairperson Paula Kamena called the meeting to order at 6:00 PM.

ROLL CALL

Present:

Member Daniel Alm
Member Marilyn Alvarez
Vice Chair Daryoush Davidi
Chairn Paula Kamena
Member Mydung Nguyen
Member Darlin Ruiz
Member Fatai Tokolahi
Alternate Member Salamah Locks
Alternate Member Karla Valdez

Absent: None

Also Present: Angela Robinson Piñon, Assistant City Manager
David Spiller, Chief of Police, San Rafael Police Department
Scott Eberle, Lieutenant, San Rafael Police Department

Lieutenant Scott Eberle informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. He noted the two-minute timer for public comment and closed captioning on Zoom.

1. MINUTES

Approve the minutes from the February 21st, 2024 meeting as presented
Chair Kamena invited public comment.

Speakers: None.

Member Alm moved, and Member Tokolahi seconded to approve the minutes from the February 21, 2024 meeting as presented.

AYES: MEMBERS: Alm, Alvarez, Davidi, Nguyen, Ruiz, Tokolahi & Chair Kamena
NOES: MEMBERS: None
ABSENT: MEMBERS: None

The motion carried 7-0-0.

SPECIAL PRESENTATION

2. Special Presentation:

a. **Special Presentation: Police Safety Officers Procedural Bill of Rights Act (“POBR”) by Mark Wilson, Burke, Williams and Sorensen, LLP**

Chairperson Paula Kamena introduced the item.

Mark Wilson, a partner at Burke, Williams & Sorensen, LLP gave a presentation and overview of the Police Safety Officers Procedure Bill of Rights Act.

Staff responded to the Committee’s questions.

Chairperson Kamena invited public comment.

Speakers: Xania, Garcia, Heidi, Jason Sarris

The Committee provided comments.

b. **Special Presentation: Internal Affairs by Lieutenant Todd Berringer, San Rafael Police Department**

Chairperson Kamena introduced the item.

Lieutenant Todd Berringer gave a presentation and overview of the Police Administrative Investigations.

Staff responded to the Committee’s questions.

Chairperson Kamena invited public comment.

Speakers: Jason, Heidi

OTHER AGENDA ITEMS

3. Other Agenda Items:

a. **Lieutenant Scott Eberle re-introduced the staff report for the San Rafael Department’s**

Recruitment and Selection Plan, and provided a summary to the committee.

Chairperson Paula Kamena invited members to ask questions.

Staff responded to questions from the Committee.

Chairperson Kamena invited public comment.

Speakers: Heidi, Kalisha

Members provided feedback to staff as follows:

Alternate Member Salamah Locks expressed a desire for the inclusion of cultural awareness to the document.

Member Daniel Alm requested references or citations listed in the plan that would corroborate the information in the graphs. Requested a conversion rate from employees that were recruited from within the organization.

Member Darlin Ruiz requested cultural competency training for new officers specific to the Canal community, and requested new officers be cordial when interacting with community.

STAFF LIAISON REPORT

3. Staff Liaison Report: - None.

COMMISSIONER REPORTS

4. Committee Member Reports:

- Alternate Member Salamah Lock attended the “Age 90 and Better” event hosted at the San Rafael Community Center on March 10. Member Locks also attended the Marin Powow on March 17 at Terra Linda High School.
- Member Daryoush Davidi attended an oral interview for potential San Rafael Police Officers.
- Member Daniel Alm attended an event hosted by the Western Neighborhood Homeowners Association on Crime within the neighborhood. Member Alm also met with Chief Spiller and Omar Carrera from Canal Alliance and encouraged the other members to connect with officials and other interested parties.
- Member Fatai Tokolahi encouraged members to get involved in communities different from their own to continue to connect and grow with the community. In addition to continuing dialogue with the youth.
- Member Darlin Ruiz is supporting the Multicultural Center of Marin regarding emergency preparedness. Member Ruiz has been canvassing neighborhoods to ensure they are signed up for alerts and asked residents about their police needs. Some highlights include the need for more police presence and to continue the coffee with a cop event to increase PD support for mitigating traffic when school buses are present, and to cite those who are publicly inebriated.
- Member Marilyn Alvarez has had conversations with neighbors regarding their needs and perceptions of the police department. Some of Member Alvarez’s findings include continued fear of reporting incidents due to fear of authority, and the need for more patience with residents, especially those that do not speak English.

OPEN TIME FOR PUBLIC EXPRESSION

Chairperson Kamena invited members of the public to comment on items not listed on the agenda.

- Florencia Parada commented on the continued need to work together to find solutions that are acceptable to both the community and the police department, requested more information on the field training program, and encouraged staff to improve the translation and interpretation process.
- Heidi commented regarding the need to improve the language access services for the committee meeting.
- Jason commented on the arbitration process granted to police officers on the Memorandum of Understanding between the City and the police officers and his concern that officers who have bad records can get reinstated. Jason requested that the committee review the memorandum of understanding.
- Alexandra commented on the need and urgency of co-creating solutions with all interested parties and requested improvements on the language access.
- Samantha reminded the committee of its purpose and the need to continue reaching out to all members of the community to lend their voices, as not a single individual can speak for the community as a whole.

ADJOURNMENT

Chairperson Kamena adjourned the meeting at 8:18 PM

SCOTT EBERLE, Staff Liaison

APPROVED THIS __ DAY OF _____ 2024



AB 481 Military Equipment Annual Report 2023

Prepared by:

Lieutenant Scott Eberle

San Rafael Police Department

Submitted April 1st, 2024

Military Equipment Use AB 481 Compliance Requirements:

- [Approval of the Military Use Policy \(Completed May 2022, Policy 706\)](#)
- [Approval of the Police Acquisition and Use of Military Equipment Ordinance](#) (Completed May 2022, SRMC 2.52)
- The initial Community Engagement Meeting will be on April 17th at the Police Advisory and Accountability Committee meeting.
- Current Military Equipment Inventory (Attached)
- Annual Report (See below)

Annual Report Description

[Assembly Bill \(AB\) 481](#) requires police departments to report annually on the inventory, procurement, use, and misuse of covered military equipment items. This Report also includes a description of new military equipment the San Rafael Police Department (“Department” or “SRPD”) seeks City Council approval for acquisition and funding.

Per AB 481, an annual report must include the following:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

SRMC 2.52 Military Equipment Policy (Approved May 2022)

As required by AB 481, the City Council approved and enacted by resolution [Municipal Code Section 2.52](#) to approve a Military Equipment Use Policy. The City Council's approval shall remain effective for one year, during which approval may be revoked, extended, renewed, modified, or amended by resolution of the City Council. Within a year of the initial approval,

and at least annually thereafter, the City Council will review this section and related resolutions. The City Council may, by resolution, make amendments, modifications, or revisions to the Military Equipment Use Policy adopted by the San Rafael Police Department. The Ordinance must be reviewed and renewed annually.

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 military equipment use policy (Lexipol policy 706) 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.

Equipment Usage for 2023

As evident in the Military Equipment Inventory, the San Rafael Police Department does not own any equipment in categories 3, 4, 6, 8, 9, 11, or 13. The SRPD has not obtained, nor does it utilize, any equipment procured from the United States Department of Defense through the Law Enforcement Support Program (also known as the 1028 or 1033 program).

Category 1: Tactical Robot and Unmanned Aerial Vehicles¹

In 2023, the SRPD used the equipment shared in Category 1 solely for training situations, including range and SWAT.

The Marin County Sheriff's Office (MCSO) also has an Unmanned Aerial Vehicle (UAV) that is not a shared piece of equipment. On occasion, we ask them for mutual aid assistance. For transparency reasons, we share that the San Rafael Police Department requested the UAV from

¹ The Unmanned Aerial Vehicle (UAV) is a shared piece of equipment that the Novato Police Department purchased and stores.

the Marin County Sheriff's Office six times in 2023. The following pages briefly summarize the incidents where the SRPD used the equipment in Category 1.

- 1) On June 10th, 2023, a black Acura SUV was reported stolen in San Rafael. Three days later, the same vehicle was used in an armed robbery at a gas station in Terra Linda, with surveillance footage capturing the suspect's description. In the early hours of June 18th, two more armed robberies occurred, one at a different gas station in Terra Linda and the other at Panera Bread in the Mall at Northgate. The suspect and vehicle matched those from the previous incidents.

On June 19th, an officer on patrol spotted the vehicle in the Montecito Plaza Shopping Center and attempted a traffic stop. The vehicle failed to yield, leading to a high-speed chase into the area near San Quentin State Prison, where the suspect fled on foot into a nearby neighborhood. Due to the suspect's potential for violence, the San Rafael/Novato Specialized Weapons and Tactics team, along with the Marin County Sheriff's Office UAV, was called in for assistance. The SWAT team deployed the Armored Rescue Vehicle (ARV) while the Crisis Response Team was on standby for negotiations. Meanwhile, the suspect attempted to evade capture by calling his mother for help, but officers intercepted and arrested him without further incident. The UAV was used to search the open space between the prison and Highway 580 while the ARV remained stationed at the command post. (SR23-3871)

- 2) On July 17th, San Rafael Police Officers responded to shots fired at an apartment complex in Terra Linda. Upon arrival, the victim was detained out front and could not confirm if the suspect had a firearm inside the apartment. The back side of the apartment complex backed up to a very steep hill and was not easily accessible by officers on foot. Because the suspect was not following commands, the Marin County Sheriff's Office UAV team was called to help secure a visual perimeter on the back side of the apartment. The Crisis Response Team arrived de-escalated the situation, and the suspect self-surrendered. No one sustained any major injuries. (SR23-4481)
- 3) On April 29th, around 9:30 pm, San Rafael Police Officers responded to reports of an armed robbery and shots fired near Mill and Hoag Streets in the Canal neighborhood. Upon arrival, they found a victim who had been robbed of his wallet and shot in the foot. Detectives took charge of the investigation and identified several suspects based on collected evidence.

Then, on September 3rd, at approximately 1:00 am, the San Rafael Dispatch Center received multiple calls about shots fired in the Safeway parking lot in Terra Linda. Officers promptly responded and found a male victim critically injured from a gunshot wound to the neck. Detectives took over this case and linked the same suspects to the previous robbery in April and other violent crimes in our city and Novato. The suspects

were identified as known gang members. Due to their history of violence, a search warrant was issued for the suspect's phone and residence.

On September 13th, the San Rafael/Novato SWAT team, Crisis Response Team, and Marin County Sheriff's Office UAV team collaborated on a planned operation to apprehend these suspects. They were traced to a vehicle in a parking lot in Tiburon, where the SWAT team apprehended them using the ARV. Although the UAV was called, it was not used by the Department. The suspects were taken into custody, and the ARV transported the SWAT and Crisis Response teams to the suspect's house in the Canal neighborhood to execute the search warrant. (SR23-5486)

- 4) On September 19th, officers were dispatched to a Central San Rafael neighborhood following reports of gunfire. Callers described hearing a physical altercation, verbal confrontations, and gunshots. Upon arrival, officers encountered two individuals inside an apartment who were uncooperative. Concerned about potential injuries and the lack of cooperation, the San Rafael/Novato Crisis Response Team was summoned to facilitate negotiations. Due to the challenging layout of the area, which made it difficult for officers to maintain cover while monitoring the apartment's front door, the Marin County Sheriff's UAV team was requested to provide secure surveillance and ensure the safety of the officers involved. The San Rafael/Novato Armored Rescue Vehicle was also deployed to position officers closer to the front of the building, ensuring their safety behind the vehicle's armor while maintaining proximity to the target area. After a short while, both parties exited the apartment, and no injuries or evidence of gunfire was found. (SR23-5859)
- 5) On October 10th, at approximately 6:26 am, a victim parked his Ford Sprinter delivery van in front of 145 Third Street, leaving the keys in the ignition while he went inside to deliver a package. Within a minute, upon returning, he found the Ford missing and a bicycle seemingly run over in its place. Around 6:40 am, a Sheriff's Deputy spotted the van on San Pablo Road. Upon attempting to conduct a traffic stop, the driver abandoned the vehicle and fled the scene on foot. San Rafael Police Department established a perimeter, and the Marin County Sheriff's UAV team was summoned to aid in the search of the surrounding area for the driver/suspect. Despite efforts, no suspects were apprehended. (SR23-6345)
- 6) On November 12th, at 7:34 pm, an unidentified individual contacted SRPD via the non-emergency line, claiming to have shot their mother with an AR-15 at a residence in San Rafael. The caller, refusing to disclose their identity, abruptly ended the call when SRPD Dispatch pressed for further details. Police officers swiftly mobilized to the area, establishing a command post. A thorough investigation, including a neighborhood canvass, determined that the house in question was likely vacant and undergoing

renovations. The Marin County Sheriff's Office UAV team was requested and deployed the UAV to inspect the premises, confirming the interior was gutted. Utilizing the UAV ensured officers' safety while conducting their assessment without exposing themselves to potential harm. This incident, resembling a "swatting"² call, ultimately proved unfounded. (SR23-7115)

Category 2: Armored Rescue Vehicle: Ford Transit-Van

The Armored Rescue Vehicle (ARV) is a resource shared with the Novato Police Department. The San Rafael–Novato Crisis Response Unit (CRU) deployed the Armored Rescue Vehicle three times in 2023. All three of those occasions are outlined above:

- 1) The armed robbery suspect fled into the San Quentin area, as documented in incident #1 above.
- 2) The multiple gang shootings and high-risk search warrants are detailed in incident #3 above.
- 3) The incident involving reported "shots fired" at a possible domestic incident is outlined in incident #4 above.

Category 5: Command Trailer

In 2023, the SRPD did not use the Command Trailer.

Category 7: Breaching Projectiles

In 2023, the SRPD did not use any equipment in Category 7.

Category 10: Patrol and SWAT Rifles and ammunition

In 2023, the SRPD used the equipment shared in Category 10 solely for training situations, including range and SWAT.

Category 12: Diversionary Device, Tear Gas & Air Powered Less Lethal Device (pepper ball)

In 2023, the SRPD used the equipment shared in Category 12 solely for training situations, including range and SWAT.

² Swatting is defined as making a prank call to emergency services in an attempt to bring about the dispatch of a large number of armed police officers to a particular address.

Category 14: Less than Lethal Impact Device (Kinetic Energy Munitions)

In 2023, the San Rafael Police Department utilized the equipment in Category 14 in training situations including the range and SWAT training. The Department also used Less than Lethal Impact Devices in the following three incidents.

1. On July 1st, around 12:30 am, officers responded to reports of a possible person driving under the influence in a silver Toyota Tacoma around Marin Square. Upon locating the vehicle, an officer found two occupants asleep inside. As the officer approached, the driver attempted to flee, prompting a vehicle pursuit. Dispatch revealed the license plate as lost/stolen. Another officer deployed a tire-disabling spike strip, immobilizing the vehicle. The vehicle was still able to escape but was located near the freeway. A high-risk stop was initiated, and officers instructed the occupants to exit but received no response. With tinted windows hindering visibility, an officer fired three less lethal 40mm rounds to break the windows for a better view. Upon inspection, the vehicle was found unoccupied, and no injuries were reported. Subsequently, the suspects were apprehended near the Extended Stay parking lot without further incident. (SR23-4155)

Summary of Complaints for 2023

The San Rafael Police Department did not receive any complaints concerning military equipment in 2023.

Violations of Policy 706

An internal review revealed no violations of Policy 706.

Total Annual Cost for Military Equipment

The attached Military Equipment Inventory documents the fiscal impact for each category's yearly maintenance costs. The only new purchases in 2023 were ten new rifles for Patrol Officers and two additional rifles for the Precision Response and Observation Team (PROT) approved by the San Rafael City Council during the AB 481 presentation in July of 2023³.

³ <https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2023/07/5.c-San-Rafael-Police-Department-AB-481-Military-Equipment-Annual-Report-and-Renewal-of-Military-Equipment-Use-Policyrev.pdf>

Replacement Military Equipment Inventory List

1. Rifles for Patrol (Category 10 on Current Inventory List)

Proposed Weapon system to replace current rifles: AR15 style 16" Carbine 1/7 .223 Rifle

Currently, our patrol unit is equipped with 84 Colt Rifles, a significant portion of which are over ten years old and require replacement. Following our current replacement plan, we aim to replace ten rifles annually until all patrol rifles are under warranty. Last year marked the commencement of this initiative with the purchase of ten new patrol rifles, accompanied by the disposal of the outdated ones to ensure they were no longer in circulation.

Description: A Colt AR15 style 16-inch Carbine 1/7 .223 Rifle will be assigned to a specific person on patrol, and only be utilized for training and patrol. This equipment offers a higher degree of accuracy over long distances. The ammunition used in these rifles is also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). This equipment is normally kept secure in patrol vehicles and in the Armory at the Public Safety Center. They will only be deployed on specific incidents where Officers believe guns or weapons are involved.

Total Replacement Cost: is \$10,446.90 for ten rifles (based on the current quote but could vary depending on the time of purchase). We would destroy the ten old rifles in accordance with United States Department of Justice (DOJ) laws, and they would be removed from our inventory.

Purpose: If present and feasible, it is to be used as a precision weapon to address a threat with more precision and/or greater distances than a handgun.

Authorized Use: Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed subject to the Legal and Procedural Rules found below. Situations for the use of these weapon systems may include, but are not limited to, the following:

- Situations where the member reasonably anticipates an armed encounter.
- Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.

Lifespan: The lifespan of a Colt AR15 style 16-inch Carbine 1/7 .223 Rifle is ten years.

Training: Officers must successfully complete a 24-hour patrol rifle course and regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-approved rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.

Fiscal Impact: Annual Maintenance is approximately \$100 per rifle.

Legal And Procedural Rules: The use of patrol rifles and ammunition is subject to the requirements of [POLICY 300 \(USE OF FORCE\)](#), and Policy [306 \(FIREARMS\)](#). It is the policy of the San Rafael Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

2. New Proposed Items for the Military Equipment Inventory List

There are no new proposed items for the Military Equipment list in 2024.

Police Advisory and
Accountability Committee
Meeting April 17, 2024

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Assembly Bill 481: 2023 Annual Report
Military Equipment Funding, Acquisition & Use

Police Advisory and
Accountability Committee
Meeting April 17, 2024

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SAN RAFAEL
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Community Meeting

Assembly Bill 481

2023 Annual Report / Year 1 Update

Facilitated by:

- Lieutenant: Scott Eberle

April 17, 2024

Police Advisory and
Accountability Committee
Meeting April 17, 2024

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Agenda:

- Assembly Bill 481 Background
- Military Equipment Defined
- Annual Report (Draft)
- Questions & Concerns



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AB 481: Background

- Assembly Bill 481 was authored by Assembly Member David Chiu (D-San Francisco) to address the funding, acquisition and use of military equipment.
- Increase transparency and oversight for use of military equipment
- March of 2022 and in April of 2023, we hosted a community meeting about AB481. (The link can be found in the transparency portal on the srpd.org website)
- On May 2nd, 2022, The San Rafael City Council approved the Military Equipment Policy (706) and Municipal Code (SRMC 2.52).



Military Equipment Defined:

- “Military Equipment” as defined in AB 481 is classified in 15 specific categories *[GC Sec 7070(c) 1-15]*
- “Military Equipment” does not include general equipment not designated or controlled by the federal Defense Logistics Agency



AB 481 Requires Initial Approval and Annual Reporting:

- AB 481 requires an annual report presented to the City Council to include:
 - ✓ A summary of how the equipment was used.
 - ✓ A summary of any complaints.
 - ✓ The results of any internal audits, violations of the military any actions taken in response.
 - ✓ Costs associated for each type of military equipment.
 - ✓ The quantity of each type of military equipment.
 - ✓ Any military equipment the law enforcement agency intends to acquire in the next year.



Military Equipment Defined:

- Category 1: Unmanned, remotely piloted, powered aerial or ground vehicles
- Category 2: Mine-resistant ambush-protected vehicles or armored personnel carriers
- Category 3: 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
- Category 4: Tracked armored vehicles that provide ballistic protection to their occupants
- Category 5: Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
- Category 6: Weaponized aircraft, vessels, or vehicles of any kind
- Category 7: Battering rams, slugs, and breaching apparatuses that are explosive in nature
- Category 8: Firearms of .50 caliber or greater
- Category 9: Ammunition of .50 caliber or greater
- Category 10: Specialized firearms and ammunition of less than .50 caliber
- Category 11: Any firearm or firearm accessory that is designed to launch explosive projectiles
- Category 12: Noise-flash diversionary devices and explosive breaching tools, munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray
- Category 13: TASER® Shockwave, microwave weapons, water cannons, long-range acoustic devices
- Category 14: Kinetic energy weapons and munitions
- Category 15: Any other equipment as determined by a governing body or a state agency to require additional oversight





Military Equipment Defined:

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- **Category 4:** Tracked armored vehicles that provide ballistic protection to their occupants
- **Category 5:** Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
- **Category 6:** Weaponized aircraft, vessels, or vehicles of any kind
- **Category 7:** Battering rams, slugs, and breaching apparatuses that are explosive in nature
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- **Category 13:** TASER® Shockwave, microwave weapons, water cannons, long-range acoustic devices
- **Category 14:** Kinetic energy weapons and munitions
- **Category 15:** Any other equipment as determined by a governing body or a state agency to require additional oversight

Denotes SRPD Equipment in inventory

Armored Rescue Vehicle:

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Category 2: As defined, Mine-resistant ambush-protected vehicles or armored personnel carriers

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San Rafael P.D. AB 481 Equipment list funding source:

AB 481 Category	Equipment Type / Description	How Equipment Was Funded	How Long Equipment Has Been in Inventory
Category 1	Remote Controlled Robot (Tactical Robot)	General Fund	2010
Category 2	Armored Rescue Vehicle (Wheeled)	State Homeland Security Grant	2019
Category 5	Command Trailer (Towable)	Office of Traffic Safety Grant	2006
Category 7	Breaching Round / Projectile	General Fund	2005
Category 10	Patrol Rifles / Precision Rifles	General Fund	2001
Category 12	Diversionsary Devices / Tear Gas	General Fund	1995
Category 14	Less Lethal / Kinetic Energy Rounds	General Fund	1997



Annual Report Equipment Usage:

- ✓ The San Rafael Police does not possess any equipment in Category 3,4,6,8,9,11,13 and 15.
- ✓ The equipment from category 7, 10 and 12 was only used at an approved range for training purposes. * The equipment in category 1 was not used but we did request the use of a UAV from the Marin County Sheriff's.
 - 6/19/23- Apprehension of a wanted violent felon. (ARV use Cat. 2)
 - 7/17/23- Domestic dispute with possible firearm involved.
 - 09/13/23-Arrest of violent gang members. (ARV use Cat. 2)
 - 10/10/23-Search for a wanted vehicle theft suspect. (ARV use Cat. 2)
 - 11/12/23- SWATTING incident.
- ✓ The Command Trailer (category 5) was not used in 2023.
- ✓ The Armored Rescue Vehicle (category 2) was used at approved training as well as three other high risk operations as outlined above.
- ✓ Less than Lethal impact devices (category 14) were used at approved training as well as one high risk situation.
 - 07/01/23- Performing a high-risk traffic stop.



Annual Report:

Police Advisory and
Accountability Committee
Meeting April 17, 2024

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- The San Rafael Police Department has received no complaints regarding military equipment in 2023.
- An internal review revealed no violations regarding military equipment in 2023



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Annual Report:

Police Advisory and
Accountability Committee
Meeting April 17, 2024

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- Equipment Replacement
 - 10 Patrol Rifles (Category 10)
 - On-going rotation and replacement of rifle inventory (10 / year)
 - Old Rifles will be destroyed
 - Cost for 2024-\$10,446.90
- New Equipment
 - None



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Why the Police Department Needs This Equipment:

The San Rafael Police Department maintains an inventory of select items as defined in AB 481...

These select items are in police department inventory and use is authorized by department policy for:

- ✓ The safe and peaceful resolution to situations involving lack of suspect compliance or active suspect resistance (*The safe and peaceful resolution to situations for all involved including potential suspects, non-involved public and officers*)
- ✓ To allow for time, distance & de-escalation



Police Advisory and
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Meeting April 17, 2024

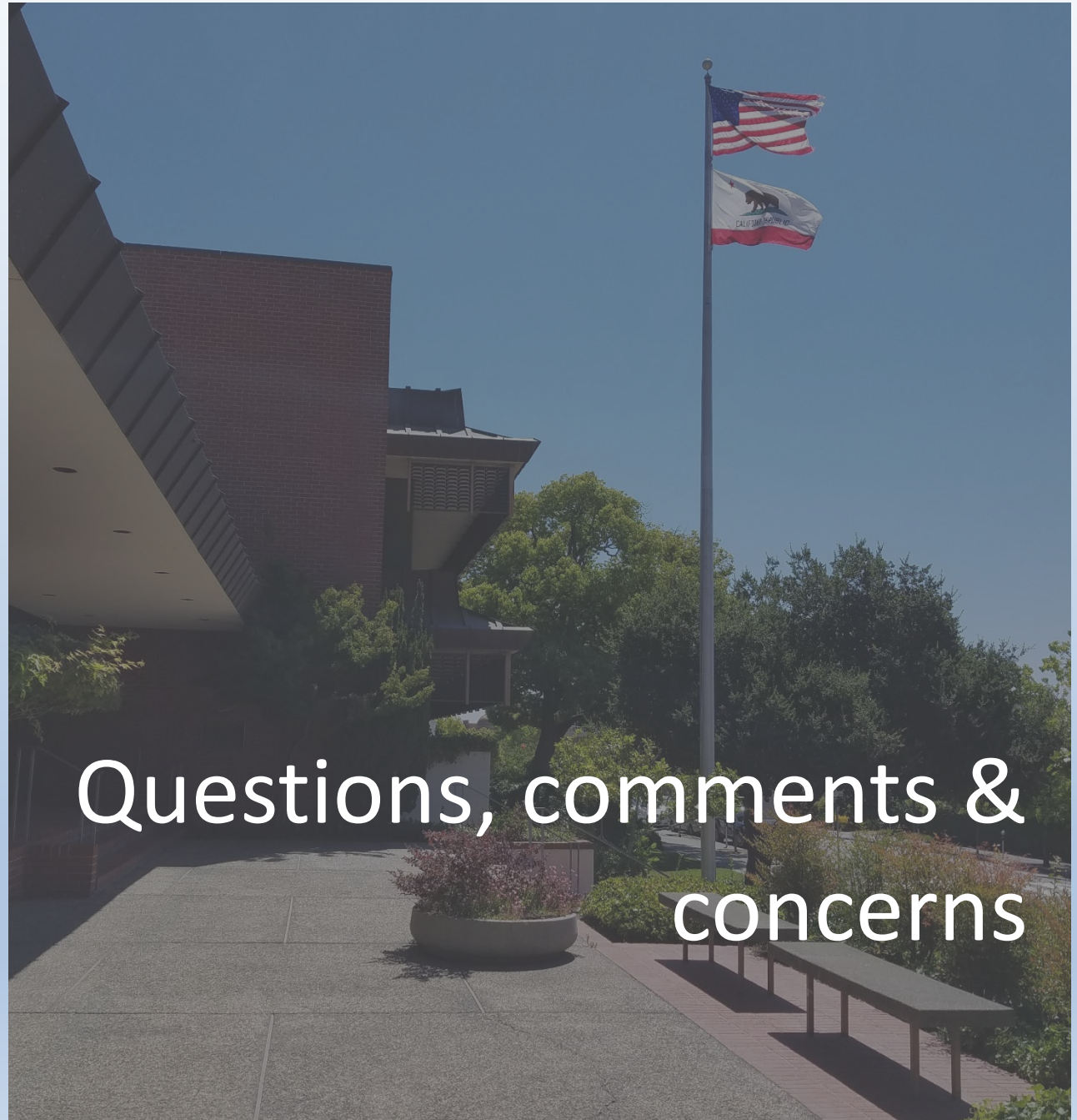
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Questions, comments &
concerns



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Type	Description	Quantity	Capabilities	Expected lifespan	Manufacturer's description	Purpose and authorized uses	Fiscal impact	Legal and procedural rules	Required training	Compliance mechanisms
Category 1										
Tactical Robot	ROBOTEX remote controlled tactical robot, track driven, attachable arm and trailers	1	Remote intelligence gathering device	10 years	The AVATAR® enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you've had a chance to assess the situation	Emergency incidents above normal patrol operations.	\$27,627.68 initial cost in 2010. \$500 average yearly maintenance costs	Refer to SRPD policy 300.	Agency authorized orientation course	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Tactical Robot	Northern Lights Tactical remote controlled, armored tactical robot	1	Larger and heavier robot capable of delivering items in high risk situations and range training	10 years	Northern Lights Tactical TRACS robot target system. Features 10-inch foam-filled tires and has a top speed of 7 miles per hour.	Range training for moving targets. And exceptional high risk situations.	\$10,025 initial cost in 2008. \$100 average yearly maintenance costs	Refer to SRPD policy 300 and range procedures	None	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Unmanned Aerial Vehicles (Shared with Novato PD)	Small unmanned aerial system	4	28 minute flight time per battery, maximum transmission distance 3-10 km based on surroundings	3 years	Grey DJI unmanned aerial system, <249 g weight, four rotor remotely operated airframe with video and photo capability	All-hazard and incidents which would benefit from an aerial perspective.	\$2,000 initial cost; \$500 annual maintenance	Refer to Novato PD policies 613.	Agency-authored orientation course; Monthly individual training; Quarterly team training.	Requires Watch Commander authorization
Category 2										
Armored Rescue Vehicle: Ford Transit-Van 350 HD (Shared with Novato PD)	Armored, wheeled vehicle. White, reflective San Rafael / Novato PD markings and red/blue lights. Equipped with a siren. Can hold a driver, equipment, and seven passengers.	1	Range 100 mi. Armor rated to .50 cal.	10 years	Four-wheeled, five-speed automatic transmission, gas engine-powered personnel carrier with ballistic glass and armor rated to .50 cal.	To provide for the safe transport, security, and rescue of agency personnel and citizens in high-risk incidents.	Shared resource with Novato PD, \$150,272.50 initial cost, \$1000 annual maintenance costs	Refer to policies 702, 703.	Agency-authored orientation course	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Category 5										
Command Trailer: 2006 Sundowner	30 foot wheeled trailer, bathroom, towable, white, reflective San Rafael Mobile Command markings	1	equipment movement, command and control mobile location	10 years	Towable, wheeled-trailer	Equipment movement / mobile dispatch, command meeting location at emergency incidents.	Purchased in 2006. \$18,727. \$500 annually maintenance cost	Refer to policies 702, 703	Class A drivers license required to tow	None
Category 7										
Breaching Projectiles: Remington TB-12BK	12 Gauge breaching rounds	100	Operational range 0-1 foot	5 years	Ballistic breaching round used to defeat a variety of structures to include exterior and interior doors.	To breach entrances beyond the capabilities of hand held / impact methods.	\$150 initial purchase for duty projectiles, less than \$50 per year for on going cost	Refer to policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Category 10										
Patrol Rifle (COLT, Olympic Arms & Knights Armament)	.223 caliber AR-15 rifle, semi automatic [Standard Issue Firearm - Patrol Application]	84	Single round	10 years	M4/AR15 semi-automatic rifle, gas operated, 16.1 inch barrel	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$884 each for initial purchase \$500 ongoing for maintained costs.	Refer to SRPD policies 300 & 306.	Agency-authored orientation course; annual refresher.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Rifle: COLT (SWAT Operator)	.223 caliber M-4 semi-automatic rifle, short barrel	15	Single or multiple round option	10 years	M-4 semi-automatic rifle, 11.4 inch barrel	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$1,200 each, \$500 yearly maintenance costs.	Refer to SRPD policies 300 & 306.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)

Rifle : Accuracy International	.308 AT LE	2	Single round only	10 years	Precision .308 caliber, gas-operated rifle	Precision Rifle team use. Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$5,844 each initial cost, \$500 yearly maintenance	Refer to SRPD policies 300 & 306.	Agency-authored orientation course; monthly refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
.223 caliber rounds	.223 caliber rounds (Patrol Rifle Rounds)	\$10,000+	operational range 0-1000 yards	N/A	.223 caliber rounds	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$358 per 1000 rounds, \$10,000 a year for ongoing replacement costs	Refer to SRPD policies 300 & 306.	Initial orientation course including qualification; annual recertification including qualification.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
.308 caliber rounds	.308 caliber rounds (Precision Rifle Rounds)	500+	Operational range 0-1000 yards	N/A	.308 caliber rounds	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$450 per 500 rounds, \$450 a year for replacement rounds	Refer to SRPD policies 300 & 306.	Initial orientation course including qualification; annual recertification including qualification.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Category 12										
Diversionsary Device - Def-Tec	Diversionsary Device with reloads	44	Approx. 162db at 5 feet	5 years	A reloadable unit that can be used up to 30 times.	Distraction / diversionsary device to be used in high risk situations in accordance to policy.	\$35 each, no ongoing costs.	Refer to SRPD policy 300 303.303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Diversionsary Device - ALS-TRMR	Reloadable Diversionsary Device (Housing unit only)	10	Approx. 172db and 1.2 PSI at 5 feet	5 years	The reloadable diversionsary device can be reloaded up to 250 times. The body incorporates a safety button. Upon deployment the device's kinetic energy causes the top to move the firing pin into the primer to function.	Distraction / diversionsary device to be used in high risk situations in accordance to policy.	\$250 each, replacements cost when needed.	Refer to SRPD policy 300 303.303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Reloadable Distraction Rounds	Reloads for the ALS-TRMR distraction device, 12 Gauge muzzle bang	59	N/A	5 years	12 ga muzzle bang that produces 175dB at 5 feet	Distraction / diversionsary device to be used in high risk situations in accordance to policy.	\$7.50 per box of 5. \$100 a year ongoing costs for replacements	Refer to policies 300, 303.303.9, 303.9.1, 303.9.2, 303.9.3.	Initial orientation course including qualification; annual recertification including qualification.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Tear Gas: Chemical CS / Chemical OC	Combination CS and OC irritants (Can be "thrown" or discharged via department approved delivery system)	143	Capable of deployed up to 450 feet	5 years	When utilized, the submunition will discharge the agent for approximately 20-30 seconds, on average, providing a wide area of coverage.	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk and volatile situations.	\$944.20 initial purchase and average \$500/year maintenance costs	Refer to SRPD policies 300, 303, 303.6, 303.9, 303.9.1, 303.9.2, 303.9.3, 306.	Initial Orientation course including qualification; annual ongoing training	Operational use under the review of the Watch Commander or appropriate team supervisor.
Custom Air-Powered Less Lethal Delivery System (pepper ball) - Tippman 98	Semi-automatic, single shot, compressed air powered delivery system (paint ball gun)	4	Effective range 150 Ft	10 years	.68 caliber, semi-automatic, 3000 PSI HPA (paint ball gun that is meant to discharge chemical irritant projectiles)	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk situations	\$600 Initial cost, \$150 every two years for more projectiles.	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)
Category 14										
Less than Lethal Impact Device (Multi-Use) - ALSTAC -40mm	Double action multi-shot 40 mm less than lethal weapon	1	Up to 40 yards	10 years	A double-action, multi-shot, 40mm delivery system. Designed to discharge 40mm less-than-lethal ammunition	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk situations.	\$3200 initial purchase, no anticipated ongoing costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)

Less Lethal Impact Device (Single-Use) - ALSTAC -40mm	Double action, single shot, 40mm less than lethal weapon	12	Up to 40 yards	10 years	A double-action, single shot, 40mm delivery system. Designed to discharge 40mm less-than-lethal ammunition	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk situations.	\$740 initial purchase each, no anticipated ongoing costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)
Kinetic Energy Projectiles: 40mm (ALS 4006D)	40mm, foam-tipped kinetic energy discharged from an agency-authorized 40mm delivery device.	100+	Operational range 5-120 ft.	5 years	40mm foam-tipped projectile capable of traveling 325 fps to a maximum range of 120 feet.	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.	\$25.00 each and approximately \$1000 yearly for training projectiles	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Initial orientation course including qualification; annual recertification including qualification.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Shotgun: Remington 870	12 Gauge pump-action Shotgun (Orange Stock / Utilized as Less Lethal Delivery System)	51	Single round	10 years	Single shot pump-action.	To be used with Less-lethal bean bag rounds. To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.	\$424 each, \$500-ongoing for maintenance costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Kinetic Energy Projectiles: 12 Gauge "bean bag" rounds	12 Gauge cotton sock discharged from an agency-authorized 12 Gauge deliver device	100+	21 feet	N/A	12ga cotton sock round capable of traveling 525 fps.	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.	\$535.00 per 100, \$500 annual replacement cost	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

legislative counsel's digest

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

Chapter 12.8. Funding, Acquisition, and Use of Military Equipment

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

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

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

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

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

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

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

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

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

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

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

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

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

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

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

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

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

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(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 territorial jurisdiction of the governing body.

(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 pursuant to this chapter.

(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 by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

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

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy 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.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) 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.

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

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

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

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

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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Military Equipment Funding, Acquisition and Use Policy

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:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.

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12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the policy of the San Rafael 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 may 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 San Rafael 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:

A current inventory of the Military Equipment is listed on the department's website; SRPD.ORG

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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):

- (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 used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

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 shall 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.

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706.8 COMMUNITY ENGAGEMENT

The San Rafael Police Department will update on its website any changes to its military equipment so that it is available to members of the public. Along with updating the website, the Department will provide a link to which the community can address any comments or concerns relating to funding, acquisition, or use of military equipment.

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The San Rafael Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 DEFINITIONS

Firearm Lockbox is a locked metal storage container designed for the purpose of storing individual or multiple firearms. A firearm lockbox will be operated and opened with a key, alpha, numeric or alphanumeric passcode, individually assigned smart card, or through the use of a biometric recognition system.

Locking Weapons Rack is a permanently mounted device used to secure a rifle or less lethal shotgun in a marked or unmarked emergency vehicle.

306.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by a member of the SDAT/Firearms staff. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.4.1 HANDGUNS

The authorized department-issued handgun is the Glock 17 9mm, or other handgun as authorized by the Chief of Police. When a department handgun is issued to a sworn member of the police department, that member must carry the department-issued handgun as their primary handgun while on duty or if they are a member of the SWAT Team, they must carry it as their primary

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handgun for SWAT duties. Any sworn member who has been issued a handgun and later decides to no longer carry the handgun as previously described shall turn it in to the Training Manager immediately. Only one handgun will be issued to a sworn member.

The Department has approved a variety of handguns for use by its sworn personnel. This list is subject to periodic change. While on duty, all sworn uniformed personnel shall carry a primary handgun, which has a barrel length of no less than 4 inches and not more than 6 inches, allowing for 1/4 inch manufacturer tolerance. While on duty, all sworn non-uniform or undercover personnel shall carry a handgun which has a barrel length of no less than 2 inches and not more than 6 inches, allowing for 1/4 inch manufacturer tolerance. All sworn personnel, whether on- or off-duty, may carry a secondary handgun, which shall have a barrel length of no less than 2 inches and not more than 6 inches, allowing for 1/4 inch manufacturer tolerance.

All manufacturer applies finishes shall be allowed. Finishes shall be maintained in a clean, functional condition. The modification of any handgun, other than changes in sights, stocks or finish, are strictly prohibited. Trigger pulls shall be maintained according to manufacturer specifications. All manufacturer-approved and installed safety devices shall be maintained according to manufacturer recommendations and/or specifications. All semi-automatic pistols used on- or off-duty, whether department issue or personal property, must be equipped with an internal firing pin safety block installed by the manufacturer.

REVOLVERS:

Approved manufacturers:

- Smith & Wesson
- Dan Wesson
- Colt
- Ruger

Models:

- Any double-action model, produced by an approved manufacturer may be used as long as it is designed to chamber and safely fire the Department-approved ammunition, and the manufacturer approves use of such ammunition.

Calibers:

- .357 magnum
- .38 special

Ammunition:

- .357 magnum - Federal 158 grain Hydra Shok JHP
- .38 special - Federal 147 grain Hydra Shok JHP (+P+)
- In addition to the above, the following ammunition is authorized for use in off-duty or secondary weapons only:

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- .38 special - Winchester 110 grain Silver Tip Hollow Point Super X

Capacity:

- All double action revolvers used on-duty shall have a cylinder capacity of six rounds. All double action revolvers used off-duty shall have a cylinder capacity of five or six rounds. Double action revolvers shall be carried with a full cylinder and with the hammer down.

SEMI-AUTOMATIC PISTOLS:

Approved manufacturers:

- Smith & Wesson
- Beretta
- Ruger
- Sig Sauer
- Heckler & Koch
- Browning
- Colt
- Wilson Combat
- Walther
- Mauser
- Glock
- Springfield
- Para Ordinance
- Kimber
- CZ

Models:

- Any model produced by an approved manufacturer may be used as long as it is designed to chamber and safely fire the Department-approved ammunition and the manufacturer approves use of such ammunition.

Calibers:

- 9mm
- .357 magnum
- .40 S&W
- .45 ACP

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- .380 ACP (secondary handgun and off-duty only)

Ammunition:

- 9mm - Federal 147 grain HST
- .45 ACP - Federal 230 grain HST
- .40 S&W - Federal 180 grain HST
- .357 sig - Federal 150 grain Hydra Shok JHP
- The following ammunition is authorized for use in secondary and off-duty handguns only:
 - .380 ACP - Federal 90 grain Hydra Shok

Capacity:

- The pistol shall have a capacity of at least seven rounds, including one chambered round.

The single action semi-automatic pistol shall be carried with a full magazine and a round in the chamber. It shall be carried in full cock position. The manual safety shall be in the on position. The double action semi-automatic pistol shall be carried with a full magazine and a round in the chamber. It shall be carried with the hammer down and the de-cocking lever (safety) on. The double action pistol de-cocking lever shall be used to de-cock the hammer when any actual use or training leaves the pistol in single action mode, thus placing the pistol in the double action mode. This will prevent moving or holstering the pistol while in the single action mode.

RELOADING CAPACITY:

Uniformed sworn personnel shall carry a minimum of 18 rounds and a minimum of two additional reloading devices that are compatible with the primary handgun used. Uniformed sworn personnel shall carry the required reloading devices on the front half of the duty gun belt. Any additional ammunition must be carried in reloading devices. Uniformed sworn personnel carrying a secondary weapon shall carry it with the ammo at full capacity.

On-duty plain-clothes sworn personnel shall carry a minimum of 12 rounds and at least one additional reloading device that is compatible with the primary handgun. They shall not carry loose rounds in clothing pockets. On-duty, plain-clothes sworn personnel carrying a secondary weapon shall carry it with the ammo at full capacity.

Off-duty and undercover sworn personnel may carry as many rounds as the officer deems appropriate in a manner they deem appropriate.

306.4.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 gauge Less Lethal Soft Sock.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

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306.4.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 223 Rifle.

Members may deploy the patrol rifle in any circumstance where the member 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:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.4.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Professional Standards Sergeant prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Professional Standards Sergeant, who will maintain a list of the information.

306.4.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.

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- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Professional Standards Sergeant prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Professional Standards Sergeant, who will maintain a list of the information.

306.4.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Professional Standards Sergeant for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Professional Standards Sergeant.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Professional Standards Sergeant that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Professional Standards Sergeant, who will maintain a list of the information.

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- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and San Rafael Police Department identification cards under circumstances requiring possession of such identification.

306.4.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Professional Standards Sergeant when needed, in accordance with established policy. Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

Approved ammunition:

- 9mm Federal 147 grain HST
- .45 ACP - Federal 230 grain HST
- .40 S&W - Federal 180 grain HST
- .357 sig - Federal 150 grain Hydra Shok JHP
- The following ammunition is authorized for use in secondary and off-duty handguns only:
 - .380 ACP - Federal 90 grain Hydra Shok

306.5 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify at least twice a year with their duty weapon and annually with their off-duty weapon and secondary weapon at an approved range with a department-approved course. The Professional Standards Sergeant shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Professional Standards Sergeant shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

306.5.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Professional Standards Sergeant.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved

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and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Professional Standards Sergeant.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Professional Standards Sergeant.

306.5.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

Any holster used by sworn personnel shall be specifically made for the handgun it carries as determined by the manufacturer. The holster shall have an inside thumb break safety strap or positive trigger locking retention system and allow the officer to holster and secure his/her handgun using one hand while sitting, standing, walking, or running. Sworn personnel are responsible for determining the manufacturer's recommendations for care and maintenance of any holster and for maintaining the holster in proper condition and working order.

Sworn uniformed personnel shall not use cross draw holsters and are not authorized to use drop down holsters, with the exception of department SWAT team members, unless administration approves of the usage based on medical necessity. Sworn personnel must have medical documentation and a physician's written recommendation articulating the medical necessity for a drop down holster. Drop down holsters do not include holsters that swivel or are positioned at different fixed levels on the officers hip. A drop down holster is considered to be any holster that is affixed to an officer's leg by the use of straps or belts. Sworn personnel who use swivel type holsters shall inspect the swivel mechanism periodically to ensure that it works properly and is not liable to break causing the handgun to fall from the gun belt.

Sworn personnel, whether in plain clothes, undercover, or off-duty shall use a holster or a handgun carry bag to carry the handgun. The handgun shall be properly secured at all times.

306.5.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Professional Standards Sergeant. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.5.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Professional Standards Sergeant. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.6 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Professional Standards Sergeant. Members shall not dry fire or practice quick draws except as instructed by the Professional Standards Sergeant or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Professional Standards Sergeant approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Professional Standards Sergeant will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.6.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain

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loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.6.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

306.6.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

306.7 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training twice a year with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

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- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.8 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.8.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.8.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

306.8.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots should not be used.

306.9 SDAT/FIREARMS STAFF DUTIES

The range will be under the exclusive control of the SDAT/Firearms Staff. All members attending will follow the directions of the SDAT/Firearms Staff. The SDAT/Firearms Staff will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the SDAT/Firearms Staff may result in non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The SDAT/Firearms Staff has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The SDAT/Firearms Staff has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the SDAT/Firearms Staff.

The SDAT/Firearms Staff has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The SDAT/Firearms Staff shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The SDAT/Firearms Staff should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

306.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who

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intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their San Rafael Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The San Rafael Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the San Rafael Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.11 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

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- (a) The officer shall carry his/her San Rafael Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

306.12 PATROL RIFLE INSPECTION PROCEDURES

Remove the rifle from the locked mount

Step from the vehicle and point the rifle at a 45-degree angle into the sky

Remove the magazine

Check the safety and confirm it is in the "Safe" position

Open the bolt and lock it in the open position

Remove the "Chamber Safe" device

Physically and visually inspect the chamber to confirm it is empty

Check for obstructions by looking down the barrel

Check the front sight, flashlight and fore-end for any defects or malfunctions

Hand tighten the Reflex sight and examine the sight for the triangle

Visually check the receiver area for defects

Confirm the adjustable stock locks in all positions, including opened and closed

Confirm the safety is in the "Safe" position

Insert the "Chamber Safe" device

Carefully close the bolt on the "Chamber Safe" device

DO NOT PULL THE TRIGGER OR TEST THE FIRING PIN

Visually and physically inspect the magazine for defects or damage

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Press down on the top round to confirm it is full and has a right hand feed

Insert the magazine into the rifle and strike the bottom with the heel of your hand

Pull down on the magazine to confirm it is seated

DO NOT CHAMBER A ROUND INTO THE RIFLE

Place the rifle properly seated into the vehicle mount and lock into place

Maintain muzzle integrity (laser rule) at all times throughout the inspection. If the "Chamber Safe" is missing when removed from the vehicle then the rifle may be in the charged position and may be loaded. If you feel the rifle is not functioning properly, place it into the rifle locker, complete an equipment repair form and attach it to the rifle. Advise your sergeant of the malfunction and obtain a functioning rifle.

If an officer deploys the patrol rifle for use in the field or otherwise chambers a round, then the officer shall inspect the chambered round prior returning the rifle to "Patrol Ready". After the chambered round has been cleared from the barrel, the officer in charge of the weapon will inspect the ejected round for any of the following damage, including, but not limited to: dimple in the primer; dent(s) in the casing; round is not secure in the casing or it is loose or spins in the casing; the tip of the round is deformed, bent or damaged. If the officer locates any one of the above listed damage, then the officer will NOT place the damaged round back into the magazine. The officer will return the damaged round to the Damaged Rounds container in the ready armory and take an undamaged round from the ready armory. The undamaged round will be placed back into the rifle magazine.

306.13 LESS-LETHAL SHOTGUN INSPECTION PROCEDURES

Clear the rounds from the shotgun by moving the slide back approximately $\frac{3}{4}$ of the way until the spoon can be moved up and the shell catch can be manually released allowing the round to exit the magazine tube. Repeat the process until all the shells are removed and the orange or green follower is visible.

Physically and visually check the chamber to confirm it is empty.

Start the inspection by looking down the barrel to confirm there are no obstructions.

Check the front sight.

Hand tighten the barrel nut.

Visually check the barrel, fore-end, action bar, ejection port, trigger, safety, butt stock, check for two rounds in each side of the stock, check the sling and sling anchor points.

Close the action and confirm it locks into battery and then press the release and open the slide.

Close the action, turn on safety, point muzzle into the air and pull the trigger. Safety off and pull trigger releasing the hammer.

Safety back on.

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Load the magazine to full capacity and place shotgun back into the car.

NOTE: maintain muzzle integrity (laser rule) while removing the shotgun from the car, during an inspection and while placing it back into the vehicle.

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300.1 USE OF FORCE PREFACE

The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, officers are sometimes called upon to use force in the course of their duties. The San Rafael Police Department also recognizes that members of law enforcement must be ever mindful that they are not only the guardians but also the servants of the public.

The San Rafael Police Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so, however, officers shall have no obligation or duty to retreat or desist from lawful enforcement action.

As set forth and in further detail below, department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of the circumstances, that such force is necessary in defense of human life or against serious bodily injury. Officers who use unreasonable force degrade the confidence of the community we serve, expose fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community, and fellow officers.

Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability is prohibited.

300.2 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

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300.2.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics that a reasonable officer would believe is likely to cause more than momentary discomfort, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Reasonable force - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known or perceived by the officer at the time. The determination of reasonableness will be in accordance with this policy.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.3 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.3.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.3.2 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.3.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.3.4 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.4 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.4.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.4.2 ALTERNATIVE TACTICS - DE-ESCALATION

De-escalation is a fundamental principle of how we conduct police work. Taking no action, passively monitoring a situation, or bringing in partners such as a mobile crisis unit may be the most reasonable response to a situation, particularly those involving mental health crises. This policy manual refers to the importance of de-escalation in multiple sections. See, in particular, the Crisis Intervention Incidents Policy.

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force such as:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.4.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

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- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.4.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.

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- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.4.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Officers of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.4.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Rafael Police Department for this specific purpose.

300.4.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.4.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.5 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

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If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

Additionally, an officer should not use deadly force against a person whose actions are a threat solely to property.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

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- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.6.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Section Policy.

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300.6.3 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.7 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.8 SUPERVISOR RESPONSIBILITY

A supervisor shall respond to any reported use of force, when the supervisor is reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

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- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

300.9 TRAINING

Officers, investigators, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

300.9.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.

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- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.9.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 ADMINISTRATIVE REVIEW

The supervisor shall attach a completed "Use of Force Analysis Form" to a copy of the associated incident report and route through the chain of command for staff review and recommendations. If the incident involved the use of a Conducted Energy Weapon (CEW), then the supervisor shall complete and attach an "CEW Use Form", along with the Electro Muscular Disruption Technology (EMDT) data download.

The report is based on the initial information available at the time the incident is reviewed. Once the form has been reviewed by the Chief of Police it shall be forwarded to his/her designee for statistical information gathering and early intervention purposes. The completed and signed "Use of Force Analysis Form" will be retained, but the attached copy of the associated report will then be destroyed. The review of control holds or other pain compliance techniques does not require review above the rank of Lieutenant unless there are associated injuries.

The purpose of this review is to meet the stated objectives of this policy and is not intended to determine whether each application of force was within policy. This review is independent of any notification and review required under "Supervisor Responsibility" or any subsequent internal administrative investigations.

The administrative review shall be used to provide direction to command staff regarding general policy issues, identify any potential training concerns and maintain statistical information related to Use of Force incidents. The statistical information shall be maintained in a spreadsheet format and minimally include the following categories:

Date, Case Number, Type of Force Used, Overall Effectiveness, and Injuries Sustained (Officer and Subject). Any application of force other than a simple control hold or pain compliance

San Rafael Police Department

San Rafael PD Policy Manual

Use of Force

technique is required to be documented on the Use of Force Analysis Form. The pointing of a firearm at a person shall be reported as an application of force.

The statistical information spreadsheets shall be stored in the following file location: "W:\Staff Share\Use of Force Reports"

Yearly, the Department will post Use of Force statistics on the Department's website and other platforms for review.

300.12 USE OF FORCE ANALYSIS

At least annually, the Operations Bureau Commander or designee should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.13 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.14 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.15 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

Chapter 2.52 POLICE ACQUISITION AND USE OF 'MILITARY EQUIPMENT'

Sections:

2.52.010 Definitions.

For the purpose of this chapter and any ordinance or policy adopted pursuant hereto, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section shall have the meanings given them in this section:

1. "Military equipment" includes all of the following (per Gov. Code § 7070):
 - a. Unmanned, remotely piloted, powered aerial or ground vehicles.
 - b. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
 - c. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
 - d. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
 - e. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
 - f. Weaponized aircraft, vessels, or vehicles of any kind.
 - g. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one (1) person, are specifically excluded from this subdivision.
 - h. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 - i. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 - j. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 - k. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 - l. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
 - m. Taser shockwave, microwave weapons, water cannons, and the long range acoustic device (LRAD).
 - n. The following projectile launch platforms and their associated munitions: 40 mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

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- o. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 - p. Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal defense logistics agency.
 2. "Police department" means any division, section, bureau, employee, volunteer and/or contractor of the San Rafael Police Department.
 3. "Military equipment use policy" means a publicly released, written document that includes, at a minimum, all of the following:
 - a. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
 - b. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
 - c. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 - d. The legal and procedural rules that govern each authorized use.
 - e. The training, including any course required by the commission on peace officer standards and training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
 - f. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 - g. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
 4. "Type" means each item that shares the same manufacturer model number.

(Ord. No. 2007 , § 2, 5-2-2022)

2.52.020 Military equipment use policy approval requirement.

- A. The police department shall obtain approval of the city council, by an ordinance adopting a military equipment use policy at a regular meeting of the city council, prior to engaging in any of the following:
 1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. 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.
 3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the City of San Rafael.

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5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the city council body pursuant to this chapter.
 6. 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.
 7. Acquiring military equipment through any means not provided by this section.
- B. The city council shall hold a public hearing at a regular city council meeting prior to approval of a proposed new or amended military equipment use policy.
 - C. At least thirty (30) days prior to the city council's public hearing on the approval of a new or amended military equipment use policy, the police department shall submit the proposed military equipment use policy to the city council and make those documents available on the police department's internet website.
 - D. The city council shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:
 1. The military equipment 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 will safeguard the public's welfare, safety, civil rights, and civil liberties.
 3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. Prior military equipment use complied with the military equipment use policy 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.
 - E. In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the police department for as long as the military equipment is available for use.

(Ord. No. 2007 , § 2, 5-2-2022)

2.52.030 Annual reports on the use of military equipment.

- A. The police department shall submit to the city council an annual military equipment report for each type of military equipment approved by the city council within one (1) year of approval, and annually thereafter for as long as the military equipment is available for use.
- B. The police department shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.
- C. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 1. A summary of how the military equipment was used and the purpose of its use.
 2. A summary of any complaints or concerns received concerning the military equipment.
 3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds

will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

5. The quantity possessed for each type of military equipment.
 6. If the police department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
- D. Within thirty (30) days of submitting and publicly releasing an annual military equipment report pursuant to this section, the police department shall hold at least one (1) well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the police department's funding, acquisition, or use of military equipment.

(Ord. No. 2007 , § 2, 5-2-2022)

2.52.040 Annual review and renewal of ordinance approving military equipment use policy.

- A. Following receipt of the annual military equipment report required by Section 2.52.030, the city council shall hold a public hearing at a regular city council meeting to review any ordinance it has adopted pursuant to this chapter approving the funding, acquisition, or use of military equipment, and shall vote on whether to renew the ordinance.
- B. In considering whether to renew the ordinance, the city council shall consider the police department's current annual military equipment report and find and determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in Section 2.52.020(D) of this code and the military equipment use policy. If the city council determines that a type of military equipment identified in the annual military equipment report has not complied with the standards required for approval, the city council shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

(Ord. No. 2007 , § 2, 5-2-2022)

SAN RAFAEL POLICE DEPARTMENT

- ▶ TRAINING
- ▶ SGT. ROB CLELAND



TRAINING OVERVIEW



PEACE OFFICERS STANDARDS AND TRAINING

Mandated Training

Specialized and Advanced Training

Leadership Training

Internal Training

Peace Officers Standards in Training

- ▶ The Commission on Peace Officer Standards and Training (POST) was established by the Legislature in 1959
- ▶ POST set minimum selection and training standards for California law enforcement.
- ▶ In 2021, POST was given additional authority by the legislature to certify peace officers, as well as to suspend and decertify peace officers for serious misconduct.

LEGISLATIVE MANDATED TRAINING

Examples

Use of Force

Firearms

Emergency
Vehicle
Operations

De-escalation

Crisis Intervention
Techniques

Cultural
Awareness

Crisis
Communications

SPECIALIZED
AND
ADVANCED
TRAINING
Examples:

Advanced Accident Reconstruction

Drug Recognition Expert

Sexual Assault Detective

Homicide Investigations

Interview and Interrogation Techniques

Crisis Response Team

Juvenile Detective

LEADERSHIP AND COMMUNITY POLICING TRAINING

- EXAMPLES
- Sherman Block Leadership
- ▶ Institute (SLI)
- Supervisory Course
- Field Training Officer
- SWAT Supervisor
- Tools for Tolerance for Law Enforcement
- Crisis Negotiations Supervisor
- Management Course
- Implicit Bias and Community Policing

Internal Training

Lexipol Daily
Training Bullentins

Briefing Training



QUESTIONS

SGT. ROBERT CLELAND



**April 17, 2024
Item 3A**

TITLE: SAN RAFAEL POLICE DEPARTMENT LAW ENFORCEMENT TRAINING

RECOMMENDATION: Accept the report.

BACKGROUND:

This report aims to provide an overview of the required training set forth by the Peace Officer Standards and Training (POST) and the additional training the San Rafael Police Department (“SRPD” or “Department”) requires. The report will outline mandatory training and cover specialized training, in-house training, outside agency expert training, non-governmental organizations (NGOs), and ongoing training goals and objectives.

DISCUSSION:

Introduction

The San Rafael Police Department operates under the guidance of the [Peace Officer Standards and Training \(POST\)](#), a governmental agency accountable to the Governor of California. POST not only regulates the hiring requirements needed to become a police officer but also sets the training standards. After an officer graduates from the Basic Police Academy, training is ongoing and continuous throughout their career. The San Rafael Police Department adheres to these stringent guidelines and surpasses them by actively sending our employees to additional training opportunities.

POST enforces strict guidelines and criteria to maintain a uniformly high standard of policing throughout California. Every peace officer, Public Safety Dispatcher, and Public Safety Dispatch Supervisor shall satisfactorily complete the Continuing Professional Training (CPT) requirement of 24 or more hours of POST-qualifying training during every two-year CPT cycle. A full list of the required perishable skills training can be found under subsection (3) *Qualifying and Non-Qualifying Training* [here](#). The San Rafael Police Department consistently meets and often surpasses this standard annually.

Among the various requirements set by POST, training mandates cover essential areas like:

- Use of Force
- Firearms
- Emergency Vehicle Operations
- De-escalation
- Crisis Intervention Techniques
- Cultural Awareness
- Crisis Communications

To see a complete list of legislative-mandated training, please click [here](#).

In addition to the mandated training required by POST, the San Rafael Police Department strongly emphasizes cultivating and enhancing specialized policing skills. These skills typically pertain to specific roles such as Detective or Traffic Officer. Many of these skills demand the

completion of rigorous courses spanning 24, 40, and occasionally even 80 hours. These courses are officially endorsed by POST and conducted by seasoned professionals in their respective fields. They offer participants the requisite knowledge of the subject matter and afford invaluable networking opportunities and updates on pertinent legal issues. The various training courses listed below are just a sample of some of the courses we routinely deliver within the Department.

- Advanced Accident Reconstruction
- Drug Recognition Expert
- Sexual Assault Detective
- Homicide Investigations
- Interview and Interrogation Techniques
- Crisis Response Team
- Juvenile Detective

As the department prioritizes ongoing education and skill development for our police officers and professional staff, equal emphasis is placed on leadership cultivation, succession planning, and cultural awareness. The San Rafael Police Department is committed to fostering avenues for promotion, leadership advancement, and personal development. We actively advocate for our officers to pursue four-year degrees and offer educational incentives and a City reimbursement program for further education endeavors. In addition to encouraging the independent pursuit of educational opportunities, we regularly sponsor employees to attend courses like the ones listed below. The below list is just a sample of some of the courses we routinely use.

- [Sherman Block Leadership Institute \(SLI\)](#)
- [Supervisory Course](#)
- Field Training Officer
- SWAT Supervisor
- Tools for Tolerance for Law
- Hate Crimes
- Crisis Intervention Training
- De-Escalation
- Enforcement
- Crisis Negotiations Supervisor
- [Management Course](#)
- Implicit Bias and Community Policing
- Diversity, Equity, Inclusion and Belonging

The array of training opportunities available to police departments extends beyond those mentioned above. While providing a comprehensive listing of all available police training in this report is not feasible, a course catalog of offerings sponsored or endorsed by POST can be accessed [here](#). The San Rafael Police Department remains steadfast in its commitment to providing regular and up-to-date training initiatives. In addition to mandated, specialized, and leadership training, we distribute resources towards weekly "[Briefing Training](#)" and monthly Lexipol Policy training sessions.

Briefing trainings occur weekly at the outset of each shift. It includes discussions led by shift supervisors covering procedures, case law, and scenario-based learning to foster an interactive learning environment. Similarly, Lexipol Policy training involves 15 to 30 policies per month that present scenarios for officers to navigate. Participation in both is mandatory for all officers to ensure adherence to departmental policies and procedures.

FISCAL IMPACT:

There is no fiscal impact associated with this report. While law enforcement training involves costs, the San Rafael Police Department's Training Manager collaborates closely with the City to ensure that training expenses remain within the adopted budget.

Submitted by:

Scott Eberle
Lieutenant

ATTACHMENTS:

1. 18 Month Training Record

San Rafael Police Department Training for the past 18 Months

1. California Association of Tactical Officers (CATO) Conference	51. Motorcycle Training Instructor	101. Leadership & Accountability
2. Conflict Management	52. Crisis Negotiations for Team Leaders	102. Crisis Intervention
3. Navigating Worker's Compensation	53. Management	103. Civilian Leadership
4. Cardiopulmonary Resuscitation (CPR)/First Aid/Narcan	54. Stress Management	104. PSP/Firearms/Rifle/CPR/California Law Enforcement Telecommunications System (CLETS)
5. California Narcotics Officers' Association (CNOA) Conference	55. De-Escalation for Dispatchers	105. Dispatch Priming
6. Modern Crisis Negotiations	56. Interview and Interrogation	106. Handling Rising Tides of Suicide
7. Supervisor Leadership	57. Active Shooters for Dispatchers	107. UOF - Train the Trainer
8. Courtroom Testimony	58. Firearms Perishable Skills Program (PSP)	108. PSP/Firearms/Rifle/CPR/CLETS
9. Use of Force & Self Defense and Tactics	59. Crisis Intervention	109. Report Writing Update
10. School Violence Dispatchers	60. Crisis Communications Skills	110. Gun Violence Restraining Orders (GVRO)
11. Peer Counseling - Critical Incident Stress Management (CISM)	61. Wellness Summit	111. PSP/Firearms/Rifle/CPR/CLETS
12. Hostage Negotiation Team (HNT) Course	62. Supervisory	112. Supervisory Leadership
13. Patrol Rifle Course	63. Street Racing-Sideshow	113. FTO Update
14. Driving under the Influence (DUI)	64. California Penal Code Section 290 Tracking Regulations	114. Conflict Management
15. Honor Guard	65. Firearms PSP	115. CATO Conference
16. UOF/SDAT	66. Advanced Communications Training Officer (CTO)	116. Leadership & Accountability
17. Supervisor Leadership	67. Bicycle Course	117. Special Event Safety Seminar
18. SWAT Team Leader	68. UOF - Train the Trainer	118. CISM/Peer Support
19. Incident Command System (ICS) 300 and 400 Training	69. Domestic Terrorism for Dispatchers	119. Management Course
20. Police Academy	70. Dispatch Wellness	120. Handling Rising Tides of Suicide
21. Public Records Act	71. International Association for Property & Evidence (IAPE) Evidence Management	121. Patrol-Rifle
22. Advanced Roadside Impaired Driving Enforcement (ARIDE)/Field Sobriety	72. Domestic Terrorism for Dispatchers	122. Basic Records
23. Conflict Management	73. Patrol Rifle Course	123. Police Academy
24. Museum of Tolerance	74. Child Forensic Interview Training/Multi-Disciplinary	124. Child Maltreatment Conference
25. Child Maltreatment Conference	75. Drug Recognition Expert	125. Operational Mission Planning
26. Basic Crime Scene Investigation (CSI)	76. SWAT	126. Public Records Act
27. Strategic & Succession Planning	77. Interpersonal Skills for Dispatch	127. Robert Presley Institute of Criminal Investigation (ICI) Core
28. Glock Armorer	78. Active Shooters for Dispatchers	128. Mental Health - Internet Crimes Against Children (ICAC)
29. Supervisory Leadership	79. Redacting Records	129. Dispatch Priming

San Rafael Police Department Training for the past 18 Months

- | | | |
|---|--|---|
| 30. Red Dot Sights (RDS)/Pistol Mounted Optics Class | 80. Crisis Negotiations for Dispatchers | 130. Tactical Dispatch |
| 31. Team Building Workshop | 81. Tactical Dispatch Basic Concepts | 131. Dispatch Complacency |
| 32. Pedestrian-Bicycle Crash Recon. Course | 82. California Crime and Intelligence Analysts Association (CCIAA) Conference | 132. Field Training Officer (FTO) Update |
| 33. Field Training Officer (FTO) | 83. Internet Crimes Against Children Undercover-Chat | 133. Communications Training Officer |
| 34. Dispatch Academy | 84. Women Leaders | 134. Foundations of Executive Leadership |
| 35. Google-Apple Investigations | 85. FTO Update | 135. Records Supervisor |
| 36. California Chiefs' Conference | 86. SDAT Instructor | 136. Commission on Peace Officer Standards and Training (POST) Training Symposium |
| 37. Peer Counseling-CISM | 87. Dispatch Academy | 137. Firearms Instructor |
| 38. Assertive Supervision | 88. California CLETS User Group (CCUG) Seminar | 138. Dispatch Academy |
| 39. Legal Updates | 89. Recruitment & Retention Summit | 139. Property & Evidence Management |
| 40. Developing a Mind for Success | 90. Supervisory Leadership | 140. Wellness Summit |
| 41. Investigations Core | 91. Cellebrite | 141. Executive Development #1 |
| 42. Driving Operations | 92. Federal Bureau of Investigation (FBI) National Academy (NA) - 288 | 142. Crisis Intervention Team Training |
| 43. Assertive Supervision | 93. CISM/Peer Support | 143. Assertive Supervision |
| 44. Fight after the Fight | 94. California Association of Law Enforcement Background Investigators (CALEBI) Conference | |
| 45. Basic Crime Scene Documentation | 95. Risk & Insurance Management Society (RIMS) Conference | |
| 46. Hostage Negotiation Team (HNT) Course | 96. Basic Academy | |
| 47. Advanced Crime Scene Documentation | 97. School Violence Dispatchers | |
| 48. Sherman Block Supervisory Leadership Institute (SBSLI) Graduation-Cleland | 98. International Chiefs Conference | |
| 49. Tactical Breacher | 99. Redacting Records | |
| 50. Police Academy | 100. Drug Recognition Expert (DRE) Update | |



**April 17, 2024
Item 3B**

**TITLE: 2024 POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE MEETING
SCHEDULE**

RECOMMENDATION:

That the Police Advisory and Accountability Committee (“Committee”) amend the date or the time of their May meeting.

BACKGROUND:

On May 15, 2024, the City of San Rafael will be participating in the “Annual State of the City” event. Therefore, staff requests that the Committee consider having the meeting earlier in the day or moving the meeting to the following week.

DISCUSSION:

At its [December 20, 2023, meeting](#), the Committee adopted its 2024 meeting schedule. Staff has reviewed the scheduled use of the Council Chambers and asks that the Committee consider moving their meeting to any of the following dates or times.

- May 8, 2024, at 6:00 PM
- May 15, 2024, at 4:00 PM
- May 22, 2024, at 6:00 PM

Please note that since this meeting will be held at a time outside of the regular schedule, it is considered a “Special Meeting” under the Ralph M. Brown Act. Following Committee approval of the meeting date, staff will update the Committee website with the new date or time of the May meeting.

FISCAL IMPACT:

None

ALTERNATIVE ACTION:

Any other action as determined by the Committee.

Submitted by:

Angela Robinson Piñon
Assistant City Manager