



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police Department

Prepared by: Scott Eberle, Lieutenant

City Manager Approval: 

TOPIC: AB 481 MILITARY EQUIPMENT ANNUAL REPORT AND RENEWAL OF MILITARY EQUIPMENT USE POLICY

SUBJECT: RESOLUTION RENEWING THE ORDINANCE APPROVING SAN RAFAEL POLICE DEPARTMENT MILITARY EQUIPMENT USE POLICY 706

RECOMMENDATION:

Adopt the resolution renewing the ordinance approving San Rafael Police Department Military Equipment Use Policy 706.

BACKGROUND:

The California Legislature passed Assembly Bill (AB 481) in 2021, which requires the applicable governing body to adopt an ordinance approving a military equipment use policy for the funding, acquisition, and use of military equipment by a law enforcement agency.

In May of 2022, the City Council adopted [Ordinance 2007](#), adding Chapter 2.52 to the San Rafael Municipal Code, to establish the requirements for approval and annual review of a military equipment policy. In Division 3 of Ordinance 2007, the City Council also approved Policy 706 - Military Equipment Funding, Acquisition and Use Policy, and a Military Equipment Inventory List dated March 7, 2022.

To continue using military equipment, Government Code §§ 7070-7072 requires each law enforcement agency's governing body to review an annual report and renew any ordinance it has adopted approving the funding, acquisition, or use of military equipment.

ANALYSIS:

The San Rafael Police Department (SRPD) AB 481 Military Equipment Annual Report for calendar year 2023 is attached to this staff report and includes 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 concerning the military equipment.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

- (3) The results of any internal audits, 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.

Besides the replacement of 10 patrol rifles and the de-inventory and purchase of the two new Precision Response and Observation Team (PROT) rifles, which was approved by the council last year, the inventory of military equipment has not changed in 2023 and is attached to the annual report.

As described in the annual report, the SRPD, in most instances, only deployed military equipment for training. However, SRPD did have cause to deploy some equipment in the course of their duties. As described, this included the use of the Marin County Sheriff's Office (MCSO) Unmanned Aerial Vehicle (UAV) (category-1) six times, the Armored Rescue Vehicle (category-2) three times, and the Less-than-Lethal Impact Device (category-14) once. As noted in the report, SRPD did not receive any complaints about using military equipment during the reporting period, nor did any internal audits reveal policy violations.

The military equipment inventory in the annual report documents the purpose of use, costs, and quantity of each item of military equipment used by the SRPD. The inventory has not changed since 2023.

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

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).

Military Equipment Use Policy 706 is effective, and no circumstances have changed that would require an update to the policy. Thus, no changes are recommended approving Military Equipment Use Policy 706.

COMMUNITY OUTREACH:

SRPD Military Equipment Use Policy 706 is posted on SRPD's website, along with information on community meetings from prior years.

On April 17, 2024, Police Department staff presented "AB481 Military Equipment" at the monthly Police Advisory and Accountability Committee (PAAC) meeting. All required elements of the annual report were presented. One community member attended the meeting and asked when the "AB481 Community Meeting" would be held. They were told the PAAC meeting was the "AB481 Community Meeting." Numerous questions and comments were received from the PAAC members regarding the use of Military Equipment. A video of the meeting may be found here: <https://www.cityofsanrafael.org/meetings/police-advisory-accountability-committee-april-17-2024/>. A summary of the questions and responses are as follows:

- When was the equipment purchased, and do we still use the same equipment?

- We replace equipment when it reaches its expiration date.
- Who performs the internal audits?
 - Internal audits are performed monthly by our firearms instructors and SWAT team leaders.
- A question was brought up about when and how often we do “gun buy-backs.”
 - The last Gun Buy-Back program was May 17, 2022, and they are usually sponsored by the Marin County District Attorney’s office.
- City staff clarified that the patrol rifles are in each patrol vehicle when officers are on patrol.
- City staff clarified the average service life of a patrol rifle, which is ten years.
- City staff clarified that ballistic shields are not considered military-style equipment under Government Code §§ 7070-7072.
- A comment was made regarding the City purchasing its own Unmanned Aerial Vehicle (drone) program rather than borrowing one from the Marin County Sheriff’s Department.
- A comment was made about procuring an Armored Response Vehicle and “drones.”

This meeting was recorded and posted to the [Police Advisory and Accountability Committee](#) page on the City of San Rafael’s website for community access.

The SRPD maintains a feedback tab on the SRPD website for the public to share comments of support or concern regarding its use of “military-style” equipment. SRPD did not receive any complaints concerning the military equipment.

At the [May 22nd Police Advisory and Accountability Committee meeting](#), a member of the public spoke during the open time for public expression about AB481 and Military Equipment. They wanted the PAAC to be aware of why this legislation was passed. They explained it was because the legislators wanted communities to have input and oversight because military equipment is more frequently used in low-income and black and brown communities.

FISCAL IMPACT:

The expenditures for the equipment purchases identified in the annual report are captured and budgeted in the SRPD’s equipment fund.

Description	Cost
Replacement cost of 10 new patrol rifles:	\$10,446.90
Total	\$10,446.90

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the resolution renewing the ordinance approving Military Equipment Use Policy 706.
2. Adopt a revised resolution with changes to the Military Equipment Use Policy 706.
3. Do not adopt the resolution.

RECOMMENDED ACTION:

Adopt the resolution renewing the ordinance approving San Rafael Police Department Military Equipment Use Policy 706.

ATTACHMENTS:

1. San Rafael Police Department 2023 AB 481 Military Equipment Annual Report, with Equipment Inventory
2. Ordinance No. 2007
3. San Rafael Police Department Military Equipment Use Policy 706
4. Resolution



AB 481 Military Equipment Annual Report 2023

Prepared by:

Lieutenant Scott Eberle

San Rafael Police Department

Submitted June 3, 2024

Military Equipment Use AB 481 Compliance Requirements:

- Adoption of the ordinance approving Military Use Policy (Completed May 2022, Ordinance No. 2007, Policy 706)
- Held the initial Community Engagement Meeting (March 28th, 2022)
- The annual 2024 Community Engagement Meeting was 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 481 requires the police department to report annually on the inventory, procurement, use, and misuse of covered military equipment items. The annual report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding.

Per AB 481, the 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.

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.

Category 1: Tactical Robot and Unmanned Aerial Vehicles*

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

None of the named shared equipment in Category 1 was utilized in 2023, except in 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 the Marin County Sheriff's Office six separate times in 2023.

- 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, 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 utilized to search the open space area 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 being 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 out to help secure a visual perimeter on the back side of the apartment. The Crisis Response Team arrived and was able to de-escalate 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 San Rafael 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 wasn't utilized. 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 located. (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 12, 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 pressed for further details by SRPD Dispatch. In response, police officers swiftly mobilized to the area, establishing a command post. Through a thorough investigation, including a neighborhood canvass, it was 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 as they conducted their assessment without exposing themselves to potential harm. This incident, resembling a "SWATTING" call, ultimately proved to be unfounded. (SR23-7115)

Category 2: Armored Rescue Vehicle: Ford Transit-Van

The Armored Rescue Vehicle is a shared resource 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 shooting and high-risk search warrant 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

The Command Trailer was not utilized in 2023.

Category 7: Breaching Projectiles

None of the equipment in Category 7 was utilized in 2023.

Category 10: Patrol and SWAT Rifles and ammunition

None of the equipment in Category 10 was utilized in 2023, except in training situations including range and SWAT.

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

None of the equipment in Category 12 was utilized in 2023, except in training situations including range and SWAT.

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 police department also used Less than Lethal Impact Devices in the following incident.

1. On July 1st, around 12:30 am, officers responded to reports of a possible DUI driver 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 fiscal impact for yearly maintenance costs for each category is documented in the attached Military Equipment Inventory. The only new purchases in 2023 were of the 10 new rifles for patrol and the two new Precision Response and Observation Team (PROT) that were approved by the San Rafael City Council during the AB481 presentation in May of 2023.

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 10 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 10 new patrol rifles, accompanied by the disposal of the outdated ones to ensure they were no longer in circulation.

DESCRIPTION: COLT AR15 style 16" CARBINE 1/7 .223 RIFLE will be assigned to a specific person on patrol and only to be utilized for training and patrol. They offer a higher degree of accuracy at long distances. The ammunition used in rifles is also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol vehicles and secured 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 10 rifles, (based on the current quote but could vary depending on the time of purchase). We would destroy 10 old rifles in accordance with DOJ laws and policy and they would be removed from our inventory.

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

AUTHORIZED USE: Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed subjective 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:

- COLT AR15 style 16" CARBINE 1/7 .223 RIFLE - 10 years

TRAINING: Officers must successfully complete a 24-hour patrol rifle course as well as 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: 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.

New Proposed Items for the Military Equipment Inventory List

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

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).

ORDINANCE NO. 2007

**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL
ADDING NEW CHAPTER 2.52 TO THE SAN RAFAEL MUNICIPAL CODE,
ENTITLED "POLICE ACQUISITION AND USE OF 'MILITARY EQUIPMENT,'" AND
APPROVING THE SAN RAFAEL POLICE DEPARTMENT'S POLICY §706 - "MILITARY
EQUIPMENT FUNDING, ACQUISITION AND USE POLICY"**

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. FINDINGS.

WHEREAS, in 2021, California Assembly Bill 481 was authored by Assembly Member David Chiu (D-San Francisco) to address the funding, acquisition, and use of military equipment by California law enforcement agencies; and

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 into law, adding new Sections 7070, 7071, and 7072 to the California Government effective January 1, 2022, mandating law enforcement agencies, after January 1, 2022, to obtain approval by ordinance of the applicable governing body of a military equipment use policy governing the acquisition and continued use of defined military equipment within its jurisdiction; and

WHEREAS, the new statutes also require law enforcement agencies using military equipment acquired prior to January 1, 2022 to obtain approval by ordinance of the applicable governing body to continued use of that equipment. The law enforcement agency must commence the ordinance approval process no later than May 1, 2022; and

WHEREAS, this ordinance would add to the San Rafael Municipal Code a new chapter to establish the requirements for approval and annual review of a military equipment use policy for the San Rafael Police Department, so as to increase transparency and oversight for use of military equipment by the San Rafael Police Department, while providing safeguards to protect the public's welfare, safety, civil rights, and liberties; and

WHEREAS, as of January 1, 2022 the San Rafael Police Department owned military equipment that is regulated by the new statutes; and

WHEREAS, to be able to continue to use that equipment, or acquire and use any new military equipment, the Police Department has developed a military equipment use policy designated as "Policy 706 - Military Equipment Funding, Acquisition and Use Policy", including the Military Equipment Inventory List dated March 7, 2022, which policy is attached hereto marked "Exhibit A" and incorporated herein by reference;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES
ORDAIN AS FOLLOWS:**

DIVISION 2. AMENDMENT OF MUNICIPAL CODE.

Title 2 of the San Rafael Municipal Code, entitled "Administration" is hereby amended by adding new Chapter 2.52 entitled "Police Acquisition and Use of 'Military Equipment'" to read in its entirety as follows:

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:

- A. "Military Equipment" includes all of the following (Per Gov. Code §7070):
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.
- B. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the San Rafael Police Department.
- C. "Military Equipment Use Policy" means a publicly released, written document that includes, 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.
- D. "Type" means each item that shares the same manufacturer model number.

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.
 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 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.

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 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 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department 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 Police Department's funding, acquisition, or use of Military Equipment.

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.

DIVISION 3. APPROVAL OF MILITARY EQUIPMENT USE POLICY.

1. The City Council has reviewed the San Rafael Police Department's "Policy §706 – Military Equipment Funding, Acquisition and Use Policy" and the Military Equipment Inventory List dated March 7, 2022 (together, the "Policy") attached as Exhibit A, and held a noticed public hearing thereon at its regular City Council meeting on April 18, 2022 as required by Government Code section 7071.
2. The City Council hereby finds and determines that:
 - a. In compliance with Government Code Section 7071(b), the San Rafael Police Department submitted a copy of the Policy attached as Exhibit A to the City Council, and posted it on the Police Department's website, at least 30 days prior to the public hearing held by the City Council;
 - b. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department held a well-publicized and teleconferenced community engagement meeting, at which the general public was invited to discuss and ask questions regarding the Police Department's proposed policy for funding, acquisition, or use of Military Equipment.
 - c. The Policy meets the requirements of California Government Code section 7070 et seq.;
 - d. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
 - e. The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
 - d. All Military Equipment that has been purchased by the San Rafael Police Department is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;
 - g. Military Equipment use prior to the adoption of this ordinance 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

Policy attached as Exhibit A, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

3. Based upon the findings, the City Council approves and adopts “Policy 706 – Military Equipment Funding, Acquisition and Use Policy” and the Military Equipment Inventory List dated March 7, 2022, attached as Exhibit A.

DIVISION 4. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

DIVISION 5. PUBLICATION; EFFECTIVE DATE.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



Kate Colin, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 2007 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 18th day of April, 2022 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 2nd day of May, 2022.



LINDSAY LARA, City Clerk

Exhibit A: "Policy 706 – Military Equipment Funding, Acquisition and Use Policy" and the Military Equipment Inventory List dated March 7, 2022

Military Equipment Funding, Acquisition and Use Policy

706.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

State MODIFIED

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.
- (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.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants.
- (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. This does not include a handheld, one-person ram.
- (8 and 9) Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- (10) Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns and ammunition of less than .50 caliber that are issued to officers, agents, or employees of the Police Department.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) Noise-flash diversionary devices and explosive breaching tools. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- (13) TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- (14) Kinetic energy weapons and munitions.

San Rafael Police Department

SRPD Policy Manual

Military Equipment Funding, Acquisition and Use Policy

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

706.2 POLICY

State

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

Best Practice

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

State **MODIFIED**

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

706.5 APPROVAL

State

San Rafael Police Department

SRPD Policy Manual

Military Equipment Funding, Acquisition and Use Policy

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

State

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

State

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall 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.

706.8 COMMUNITY ENGAGEMENT

State

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.

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 \$5,000 ongoing for maintained 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).
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, 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)

Rifle : Knights Armament SR-25	.308 Caliber semi-automatic rifle with suppressor	4	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.	\$4,460 each initial cost, \$500 yearly maintenance	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	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, 303, 303.9, 303.9.1, 303.9.2, 303.9.3, 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, 303, 303.9, 303.9.1, 303.9.2, 303.9.3, 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										
Diversionary Device - Def-Tec	Diversionary Device with reloads	45	Approx. 162db at 5 feet	5 years	A reloadable unit that can be used up to 30 times.	Distraction / diversionary device to be used in high risk situations in accordance to policy.	\$35 each, no ongoing costs.	Refer to SRPD policy 300.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Diversionary Device - ALS-TRMR	Reloadable Diversionary Device (Housing unit only)	10	Approx. 172db and 1.2 PSI at 5 feet	5 years	The reloadable diversionary 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 / diversionary device to be used in high risk situations in accordance to policy.	\$250 each, replacements cost when needed.	Refer to SRPD policy 300.	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	50	N/A	5 years	12 ga muzzle bang that produces 175dB at 5 feet	Distraction / diversionary 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)	41	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. Refer to SWAT procedures	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).

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.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RENEWING THE ORDINANCE ADOPTING SAN RAFAEL POLICE DEPARTMENT MILITARY EQUIPMENT USE POLICY 706

WHEREAS, Government Code sections 7071 *et. seq.* codifies Assembly Bill 481 (effective January 1, 2022) and requires legislative bodies to adopt ordinances approving military equipment use policies before law enforcement agencies can continue to engage in activities related to the funding, acquisition, or use of military equipment; and

WHEREAS, the San Rafael Police Department (“SRPD”) has military equipment in its inventory and engages in critical public safety activities in coordination with other jurisdictions on law enforcement-related matters, including safeguarding the public’s welfare and safety, working on regional task forces, conducting training exercises, providing mutual aid, and responding to emergencies; and

WHEREAS, in May 2022, the City Council of the City of San Rafael adopted Ordinance No. 2007, adding Chapter 2.52 to the San Rafael Municipal Code, to establish the requirements for approval and annual review of a military equipment policy; and

WHEREAS, in Division 3 of Ordinance No. 2007, the City Council also approved Policy 706 - Military Equipment Funding, Acquisition and Use Policy; and

WHEREAS, the SRPD Military Equipment Use Policy 706, posted on SRPD’s website since its adoption, sets forth a military equipment funding, acquisition, and use policy that is consistent with the SRPD’s current practices, complies with all requirements of the Government Code and the San Rafael Municipal Code, will continue to ensure ongoing regulation and compliance with the law going forward and will continue to provide a means of community engagement and transparency regarding use of military equipment by the SRPD; and

WHEREAS, the SRPD has posted to its website and submitted to the City Council, its AB 481 Military Equipment Annual Report for calendar year 2023, describing how its military equipment was used and its purpose, a summary of complaints or concerns, the results of any audits or violations of the policy, the total annual cost of each type of military equipment, the quantity possessed, and the intention to acquire any additional equipment in the next year; and

WHEREAS, the Government Code and the San Rafael Municipal Code require that, following receipt of the annual report, the City Council conduct an annual review of the ordinance adopting the Military Equipment Use Policy and vote on whether to renew the ordinance; and

WHEREAS, the City Council has received and reviewed the annual report and accompanying inventory list, has reviewed Ordinance No. 2007 approving San Rafael Police Department Military Equipment Use Policy 706, and has considered the requirements contained in section 7071(d) of the Government Code, and now desires to renew Division 3 of Ordinance No. 2007, approving the San Rafael Police Department Military Equipment Use Policy 706, without modification; and

WHEREAS, the City Council held a noticed public hearing at its regular City Council meeting on June 3rd, 2024 concerning this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the San Rafael City Council as follows:

1. The City Council has received and reviewed San Rafael Police Department AB 481 Military Equipment Annual Report for calendar year 2023 and the Inventory List, and reviewed Ordinance No. 2007 approving the San Rafael Police Department's "Policy 706 – Military Equipment Funding, Acquisition and Use Policy".
2. The City Council hereby finds and determines, pursuant to Government Code Section 7071(d)(1), as follows:
 - a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The acquisition and use of this equipment is part of the San Rafael Police Department's overall approach to Critical Incident Management, Use of Force, De-Escalation and public safety. The equipment will enable department members to properly respond to both planned and unplanned events efficiently and effectively.
 - b. The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties by ensuring required reporting, the opportunity for community engagement and feedback, and transparency and oversight regarding the acquisition and use of specified military equipment in the City of San Rafael.
 - c. The purchasing of 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 policy that was in effect at the time of the use.
3. Based upon these findings, the City Council hereby renews Ordinance No. 2007, Division 3, approving "Policy 706 – Military Equipment Funding, Acquisition and Use Policy".

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on the 3rd day of June 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk