

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.

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

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 \$5,00 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).

SUMMARY OF 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”**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2007, which will establish rules and regulations for the San Rafael Police Department to acquire and use “Military Equipment” as defined by Assembly Bill 481 and codified into law under California Government Code sections 7070, 7071, and 7072. Ordinance No. 2007 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 2, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF ORDINANCE

Ordinance No. 2007 adds new Chapter 2.52 to the San Rafael City Municipal Code, establishing the requirements for approval and annual review of a military equipment use policy for the San Rafael Police Department. This will 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. In addition, Ordinance No. 2007 specifically approves the Police Department’s military equipment use policy, Policy §706 - “Military Equipment Funding, Acquisition and Use Policy.” The City Council’s approval of this policy allows the San Rafael Police Department to continue to use military equipment regulated by the new statutes which the Department acquired prior to January 1, 2022, and is a prerequisite for the acquisition and use of any new military equipment by the Police Department.

For a complete copy of the text of the Ordinance, please contact Police Lieutenant Scott Eberle at (415) 485-3452 or by email: 475@srpd.org. Copies of the Ordinance are also available for public review by contacting the City Clerk’s office by email to city.clerk@cityofsanrafael.org.

/s/ Lindsay Lara
LINDSAY LARA
San Rafael City Clerk
Dated: 04/20/2022