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**CITY OF SOUTH PASADENA**

**ORDINANCE NO. 2365**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A POLICY FOR THE USE OF MILITARY EQUIPMENT BY THE SOUTH PASADENA POLICE DEPARTMENT**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

**WHEREAS**, Assembly Bill No. 481 ("AB 481"), codified as Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval from their governing body before requesting, funding, acquiring, using, or collaborating in the use of military equipment, as defined in Government Code section 7070; and

**WHEREAS**, any elected body that oversees a law enforcement agency with military equipment must adopt a Military Equipment Use Policy by ordinance at a regular meeting held pursuant to open meeting laws; and

**WHEREAS**, the elected body must make specific findings before approving a Military Equipment Use Policy; and

**WHEREAS**, the South Pasadena Police Department's proposed Military Equipment Use Policy ("Policy") is attached hereto as Exhibit A and is incorporated herein by reference; and

**WHEREAS**, the Policy was published on the South Pasadena Police Department's internet website on April 4, 2022, more than 30 days before the Policy was considered at a public hearing before the City Council on May 4, 2022; and

**WHEREAS**, the Policy meets the requirements of California Government Code section 7070, subdivision (d); and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. FINDINGS.**

The City Council finds recitals above are true and correct and incorporates them herein. Based on the recitals and the information provided to the City Council at the public hearing on the Military Equipment Use Policy, the City Council finds 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.

- B. The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. Prior military equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

## **SECTION 2. IMPLEMENTATION**

The City Council authorizes the Chief of Police to designate a Military Equipment Coordinator to implement the Policy.

## **SECTION 3. CEQA- EXEMPTION**

This proposed ordinance has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). The ordinance is not a project under CEQA Guidelines Section 15378 because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

## **SECTION 4. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of South Pasadena hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

## **SECTION 5. PUBLICATION AND EFFECTIVE DATE**

This ordinance shall be published in accordance with applicable provisions of law, by either:

- publishing the entire ordinance once in a newspaper of general circulation, published in the City of South Pasadena, within fifteen (15) days after its

passage and adoption, or

- publishing the title or appropriate summary in a newspaper of general circulation, published in the City of South Pasadena, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance; and

This Ordinance shall become effective thirty (30) days from and after the date of its passage.

**PASSED, APPROVED AND ADOPTED ON** this 1<sup>st</sup> day of June, 2022.

**AYES:** Donovan, Mahmud, Zneimer, Primuth, Cacciotti  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
\_\_\_\_\_  
Michael A. Cacciotti, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Christina A. Muñoz

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew L. Jared, City Attorney

EXHIBIT A

South Pasadena Police Department  
Military Equipment Use Policy  
(Government Code § 7070, et seq.)

# South Pasadena Police Department

## Military Equipment Policy

(Government Code § 7070, et seq.)

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### I. POLICY

It is the policy of the City of South Pasadena (“City”) and the South Pasadena Police Department (“Department”) that members of this Department comply with the provisions of Government Code §7071 and other applicable law with respect to military equipment, as defined herein.

### II. PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (as defined herein)” as required under California Assembly Bill 481 (AB-481) and codified in California Government Code §§ 7070 – 7075.

### III. BACKGROUND

On September 30, 2021, the Governor of the State of California approved AB-481 requiring law enforcement agencies to obtain approval of the applicable governing body (City Council), by adoption of a “military equipment” use policy, as defined under AB-481. The Department is required to seek City Council approval of this Military Equipment Use Procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of “military equipment,” as defined. The legislation allows the City Council to approve the funding, acquisition, or use of “military equipment” within its jurisdiction only if it determines that the “military equipment” meets specified standards. The ordinance is subject to annual City Council review to determine whether, based on an annual “military equipment” report, the standards set forth in the approving ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular “military equipment” where standards have not been met, or require modifications to this “military equipment” use procedure to address any non-compliance with standards.

Finally, the legislation requires publication of this Military Equipment Use Procedure and the annual “military equipment” report on the Department’s website. The Military Equipment Use Procedure must be posted on the website at least 30 days prior to the Council meeting.

### IV. DEFINITIONS

Definitions related to this policy shall be as stated below:

**“Governing body”** means the South Pasadena City Council. (“City Council”)

**“Military equipment”** means the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police or heavy-duty versions of standard consumer vehicles are specifically excluded from this definition.
- 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. However, unarmored all-terrain vehicles and motorized dirt bikes are specifically excluded from this definition.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, and handheld, one-person rams are specifically excluded from this definition.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms of less than .50 caliber.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Flashbang grenades and explosive breaching tools, tear gas, and pepper balls, excluding standard, service-issued hand-held pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs). Excludes department approved Electronic Control Device (ECD) utilized pursuant to Policy 302.
- The following are projectile launch platforms and their associated munitions:
  - Kinetic energy weapons,
  - 40mm projectile launchers, and
  - Specialty impact munition (SIM) weapons.
- Military equipment does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

**“Military equipment use policy”** refers to this policy governing the use of military equipment by the Department that addresses, at a minimum, all of the following:

- 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.”
- The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of “military equipment.”

- 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.
- The legal and procedural rules that govern each authorized use.
- The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any sworn member 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.
- 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.
- 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.

## V. MILITARY EQUIPMENT TYPES AND USAGE GUIDELINES

The Department acquires and utilizes a wide variety of military equipment, as defined, in order to best enhance the quality of life in, and safeguard, the community. While the inventory of military equipment is varied, the mere possession of the equipment does not warrant its use for every incident.

The Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted for use only in certain instances and in some cases only by certain units. While this procedure is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize military equipment to be used in a manner not outlined within this procedure. In scrutinizing those particular instances, the judgment of the incident commander influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used.

It is incumbent upon incident commanders, supervisors, individual officers, and specific units to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

The following are the various types, descriptions, and guidelines for usage of military equipment currently employed by the Department. Because the acquisition and inventory of military equipment may not be consistent throughout the year, in describing quantities of military equipment, this Procedure has included the quantity of “military equipment” currently in the

Department's possession, and, in brackets, the quantity that the City Council has authorized to be acquired throughout the year. (\*NOTE: The manufacturer descriptions contained within are referenced via publicly accessible website source citations. The website source citations utilized in this procedure are for descriptive purposes only and are not an endorsement by the City or the Department of a particular product or vendor.)

The following list constitutes a list of description, purchase costs, quantity, and capabilities of Department military equipment:

**1. Description: 40mm Launchers (Projectile Launch Platforms)**

- a. Cost: \$811.00/unit
- b. Quantity: The Department has seven 40mm LMT™ in current inventory. The future purchase of Launchers will not exceed ten of the same or similar manufacture.
- c. Capabilities: A single shot Extended Range Impact Weapon (ERIW) launcher capable of firing a variety of 40mm rounds. 40mm launchers are considered "Projectile Launch Platforms" under AB-481. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
- d. Manufacturer: Defense Technology Model 1425 or Combined Tactical Systems model TG
- e. Manufacturer Description: (From Defense Technology) A tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single- and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. (From Combined Tactical Systems) A 40mm single-shot break-open frame launcher with a rifled barrel, fixed stock and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.
- f. Purpose and Authorized Use: 40mm launchers utilized with less lethal pong rounds are designed to impact armed and/or violent suspects so officers can gain compliance, overcome resistance, or prevent serious injury or death to bystanders, officers, and the suspect.
- g. Expected Lifespan: 10,000 rounds
- h. Fiscal Impact: The annual fiscal impact of less than \$500 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: All Department 40mm launcher operators are trained in the usage of the 40mm Launcher and must maintain current ERIW qualifications.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.9, Kinetic Energy Projectile Guidelines and Use of Force 300 lists the policy for deployment and training for officers.

**2. Description: eXact iMPact 40mm Standard Range Sponge Round**

- a. Cost: \$18.00 per round
- b. Quantity: The Department has 50 Sponge Rounds in current inventory. The future purchase of Sponge Rounds are not to exceed 200 of the same or similar manufacture.
- c. Capabilities: 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and therefore

- d. have velocities that are extremely consistent.
- d. Manufacturer: Defense Technology
- e. Manufacturer Description: A point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications. (Defense Technology: <https://www.defense-technology.com/product/exact-impact-40-mm-standard-range-sponge-round/> )
- f. Purpose and Authorized Use: Crowd control, patrol, and tactical applications. Designed to be used with 40mm launchers utilized with less lethal sponge rounds are designed to impact armed and/or violent suspects so officers can gain compliance, overcome resistance, or prevent serious injury or death to bystanders, officers, and the suspect.
- g. Expected Lifespan: 10 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget at current replacement cost per round.
- i. Training: All Department 40mm launcher operators are trained in the usage of the 40mm Launcher and associated sponge rounds, and must maintain current ERIW qualifications, pursuant to Policy 303.10.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.9, Kinetic Energy Projectile Guidelines and Use of Force 300 lists the policy for deployment and training for officers.

**3. Description: Colt AR-10 Semi-Automatic Rifle**

- a. Cost: \$2,970/unit
- b. Quantity: The Department has two rifles in current inventory. The future purchase of replacement 308 semi-automatic rifles are not to exceed an inventory of two rifles of the same or similar manufacture.
- c. Capabilities: A semi-automatic shoulder-fired rifle with precision optics that fires a .308 cartridge. The .308 semi-automatic rifle provides the ability to engage hostile suspects at great distances with accuracy. The .308 semi-automatic riled platform allows for precision rifle fire to be delivered at a faster rate than a bolt action rifle.
- d. Manufacturer: Colt
- e. Manufacturer Description: The Colt .308 Modular Carbines are lightweight, fully ambidextrous, gas operated, magazine fed, .308 Win caliber carbines. The Colt .308 Modular Carbines incorporate the same safety features found on the M16/M4 weapon systems. The unique design features a modular monolithic upper receiver with a MIL-STD-1913 rail at the 12, 3, and 9 o'clock positions as well as a lower rail system with a MIL-STD-1913 rail at the 6 o'clock position. (Operators Manual for Colt .308 Modular Carbines).
- f. Purpose and Authorized Use: These rifles are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 10,000 rounds
- h. Fiscal Impact: The annual fiscal impact of less than \$200 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST training course and demonstrated proficiency and understanding of the safe use of patrol rifles shall be permitted to operate this firearm system.
- j. Legal and Procedural Rules: South Pasadena Police Department Duty Manual 305.3.7 Special Purpose Firearms and Use of Force 300 and lists the policy for deployment and training for officers.

**4. Description: Accuracy International model England U4393 .308 Bolt Action Rifles**

- a. Cost: \$6,500/unit
- b. Quantity: The Department has two rifles in current inventory. The future purchase of replacement 308 bolt action rifles are not to exceed an inventory of two rifles of the same or similar manufacture.
- c. Capabilities: A bolt-action shoulder-fired rifle with precision optics that fires a .308 rifle cartridge. The .308 blot action rifle provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Accuracy International
- e. Manufacturer Description: .308 caliber rifle. (Accuracy International website).
- f. Purpose and Authorized Use: These rifles are typically deployed during high-risk operations and special events or instances where an over watch team are needed. They are normally utilized, by the officers trained in their use, for arrest and search warrant service, surveillance of armed and/or dangerous subjects, and responding to calls requiring special weapons.
- g. Expected Lifespan: 5,000 rounds
- h. Fiscal Impact: The annual fiscal impact of less than \$200 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers selected by the department who are POST certified in precision long-rifle class and maintain the department standards by regularly train and qualify shall deploy this system.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**5. Description: .308 Caliber Rifle Ammunition Winchester Match Hollow Point Boat Tail 168 Grain.**

- a. Cost: \$46.00 per 20 rounds.
- b. Quantity: The Department has 1,500 rounds in inventory. The future purchase of replacement ammunition are not to exceed 2,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: Rifle ammunition manufactured specifically for rifles chambered in .308 caliber. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Winchester
- e. Manufacturer Description: The sleek bullet profile, large boattail and small hollow point combine to make Winchester Match one of the most sought-after rounds. The qualities ensure long-range accuracy even in challenging atmospheric conditions. Available in most tack-driving calibers and bullet sizes, this ammunition defines accuracy. (Winchester)
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. .308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$100 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system

shall be permitted to operate the associated weapon system with this ammunition.

- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**6. Description: Federal Gold Medal Sierra MatchKing 168 Grain**

- a. Cost: \$40.00 per 20 rounds.
- b. Quantity: The Department has 600 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Federal Gold Medal Sierra MatchKing 168 grain full metal jacket rifle ammunition manufactured specifically for rifles chambered in .308 caliber. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Federal
- e. Manufacturer Description: 168 grain boat-tail hollow-point bullet; uniform match jacket; Federal ® brass; specialty formulated propellant; benchrest-quality Gold Medal ® primer.  
(<https://www.federalpremium.com/rifle/gold-medal/gold-medal-sierra-matchking/11-GM308M.html>)
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**7. Description: Federal Tactical Bonded Tip 168 Grain**

- a. Cost: \$40.00 per 20 rounds.
- b. Quantity: The Department has 300 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Federal Tactical Bonded Tip 168 grain Tactical Bonded Tip rifle ammunition manufactured specifically for rifles chambered in .308 caliber. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire..
- d. Manufacturer: Federal
- e. Manufacturer Description: Fine-tuned to provide exceptional accuracy through factory rifles. Ballistic coefficients exceed those of comparable designs thanks to a hybrid nose design that combines tangent and secant ogive features. The bullets are loaded with the finest nickel-plated brass, Gold Medal primers and specially

- formulated propellant for the best consistency and reliability.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
  - g. Expected Lifespan: 25 years.
  - h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
  - i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
  - j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**8. Description: Federal Berger Full Metal Jacket 185 Grain**

- a. Cost: \$46.00 per 20 rounds.
- b. Quantity: The Department has 200 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Federal 185 grain full metal jacket is designed to be used for extreme distance with little deviation in travel to target. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire..
- d. Manufacturer: Federal
- e. Manufacturer Description: The most sought-after bullets among competitors on the Precision Rifle Series are now loaded into the industry's most trusted factory rifle ammunition. Gold Medal® Berger® loads feature an advanced boat-tail bullet with a high ballistic coefficient to provide the flattest trajectories, less wind drift and surgical long-range accuracy. The loads use Gold Medal match primers, Federal® brass and specially formulated propellant, and they adhere to Federal Premium's strictest specifications for accuracy, pressure and velocity.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**9. Description: Hornady 165 Grain GMX Tap Bar**

- a. Cost: \$44.00 per 20 rounds
- b. Quantity: The department has 200 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Hornady 165 grain GMX Tap Bar rifle ammunition provides consistent performance through different barriers. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Hornady
- e. Manufacturer Description: TAP® Heavy Barrier™ turns cover into concealment. The 165 gr. GMX® TAP® Heavy Barrier™ is constructed of a monolithic copper alloy. It shoots cleaner than pure copper, fouls less and delivers devastating terminal performance. The GMX® bullet penetrates heavy barriers such as 1" laminated glass with exceptional weight retention while still delivering superior terminal performance.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**10. Description: Hornady 165 Grain I B Tap Bar**

- a. Cost: \$44.00 per 20 rounds
- b. Quantity: The department has 100 rounds in inventory. The future purchase of replacement ammunition are not to exceed 1,000 rounds in inventory of the same or similar manufacture.
- c. Capabilities: The Hornady 165 I B Tap Bar is designed for accurate penetration and expansion to avoid over-penetration. Currently there are various types of .308 caliber rifle ammunition in use by the Department. The .308 ammunition provides officers the ability to engage hostile suspects at great distances with precision rifle fire.
- d. Manufacturer: Hornady
- e. Manufacturer Description: Hornady no longer manufactures this design of ammunition.
- f. Purpose and Authorized Use: The .308 ammunition was selected for duty use through tests based on variables of velocity, temperature humidity, and elevation. 308 ammunition in conjunction with rifles chambered in .308 is to be used exclusively by officers that are typically deployed during high-risk operations and special events or instances where an over watch team are needed.
- g. Expected Lifespan: 25 years.
- h. Fiscal Impact: The annual fiscal impact of less than \$50 for training and servicing will be absorbed by the Department's operations budget.
- i. Training: Only officers who have completed a POST certified training course and demonstrated proficiency and understanding of the safe use of this weapon system

- shall be permitted to operate the associated weapon system with this ammunition.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 305.3.7 Special Purpose Firearms and Use of Force Policy 300 and lists the policy for deployment and training for officers.

The following chemical and diversionary devices have been purchased by the South Pasadena Police Department prior to January 1, 2022. The munitions are retained in inventory for training purposes only to address adverse environments that officers experience in on-duty circumstances:

1. Description: **Direct Impact 40mm OC Crushable Foam Round**

- a. Cost: \$25.00 per round
- b. Quantity: 2 rounds used for police training [2]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fire round that releases an OC foam on contact.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: A point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget.
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

2. Description: **Direct Impact 40mm Expulsion Grenade, Inert Agent**

- a. Cost: \$25.00 per round
- b. Quantity: 4 rounds used for police training [4]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fired round that releases an inert agent to mark the area of dispersion.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: Training device that will allow team members to deploy the grenade without effecting roll players. This compact, non-pyrotechnic, inert powder device provides safe expulsion without risk of fire.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget.
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

3. Description: **Direct Impact 40mm Ferret, Inert Liquid Powder**

- a. Cost: \$12.00
- b. Quantity: 50 rounds used for police training [50]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fired round that releases an inert marking powder.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: Training device that will allow team members to deploy the grenade without effecting roll players. This compact, non-pyrotechnic, inert powder device provides safe expulsion without risk of fire.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget.
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**4. Description: Direct Impact 40mm Gas**

- a. Cost: \$25.00 per round
- b. Quantity: 50 rounds used for police training [50]
- c. Capabilities: The 40mm Defense Technology Direct Impact munition is a point-of-aim, point-of-impact direct-fired round that releases an OC gas in a localized area.
- d. Manufacturer: Defense Technology Direct Impact
- e. Manufacturer Description: This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent. The projectile design has a unique user-adjustable patented gas-bleed feature, which allows kinetic energy to be adjusted for two design points addressing close-in and extended range engagements. In the opened position, the standard range velocity allows for engagements of 1.5 – 40 meters. In the closed position, the extended range velocity allows for engagements of 40 – 70 meters.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**5. Description: Diversionary Devices aka Flashbangs**

- a. Cost: \$50.00 per reusable canister and \$18.00 per insert round.
- b. Quantity: 108 rounds used for police training [Existing stock on hand]
- c. Capabilities: Canisters that emit a loud noise and bright light. The Diversionary Devices can release large amounts of stored energy in the form of heat, light, pressure, and noise.
- d. Manufacturer: Unknown, received from Combined Systems, Inc.

- e. Manufacturer Description: The standard for diversionary flash-bang devices. Produces an 175db and 6-8 million candela of light output. The patented design incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years.
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget
- i. Training: The Department emphasizes the importance of officers operating in a light, sound, and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

**6. Description: Diversionary Devices of OC Agents**

- a. Cost: \$30.00 per round
- b. Quantity: 5 rounds used for police training [5]
- c. Capabilities: Canisters contain an OC agent that is dispersed in three to five seconds in a closed environment.
- d. Manufacturer: Unknown
- e. Manufacturer Description: Unknown
- f. Purpose and Authorized Use: For training purposes only.
- g. Expected Lifespan: 5 years
- h. Fiscal Impact: The annual fiscal impact of training and servicing will be absorbed by the Department's operations budget
- i. Training: The Department emphasizes the importance of officers operating in chemical agent and smoke environments. The training emphasized the use of protective equipment and proper decontamination.
- j. Legal and Procedural Rules: South Pasadena Police Department Policy Manual Policy 303.2.1 Familiarization Required and Use of Force Policy 300 and lists the policy for deployment and training for officers.

## V. APPROVAL OF MILITARY EQUIPMENT BY GOVERNING BODY

Under Government Code Sections 7070, et. seq., as adopted by AB481, and other applicable law, all military equipment acquired and/or in use by the Department shall be approved by the City Council by an ordinance adopting this or a successor military equipment use policy. (Government Code § 7071). 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 City Council 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). This approval by the City Council must be granted prior to any of the following:

- (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, permanently or temporarily, by either 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. Outside agencies may have access to "military equipment" used by any member of Department and shall be approved for use and in accordance with Department policy. Military equipment used by other jurisdictions that are providing mutual aid to Department or operating in conjunction in a law enforcement capacity with Department shall comply with their respective military equipment use policies in rendering mutual aid.
- (e) The immediate action of a fluid situation may result in the need to evolve tactics to meet the changing circumstances not listed in this policy. This is an affirmative stance by the Department designed to provide additional confidence and needed support to officers in making their decisions regarding use of force in the field.
- (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.  
(Government Code § 7071).

## VII. ANNUAL MILITARY EQUIPMENT REPORT

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

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

Within 30 days of submitting and publicly releasing the annual military equipment report, the 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 Department's funding, acquisition, or use of military equipment.

## VIII. MILITARY EQUIPMENT COMPLAINTS AND INQUIRIES

Department members are bound to adhere to this Policy, in addition to state and local laws and ordinances when employing the use of military equipment at any time. Violations of the law or this Policy may result in criminal or administrative investigations and, or actions.

Members of the public may register complaints as per South Pasadena Duty Manual Policy 1013. Additionally, members of the public may submit questions or concerns about the use military equipment in this Policy by any of the following means:

1. Via email to : [onlineaccountability@southpasadenaca.gov](mailto:onlineaccountability@southpasadenaca.gov)
2. Via telephone to: (626) 403-7297
3. Via mail to: South Pasadena Police Department  
Attn: Military Equipment Use Coordinator  
1422 Mission Street  
South Pasadena, CA 91030

#### A. MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall 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 City Council 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 City Council.
- (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 the Department (Government Code § 7071). Outside agencies may have access to military equipment used by any member of Department and shall be approved for use and in accordance with Department policy. Military equipment used by other jurisdictions that are providing mutual aid to Department or operating in conjunction in a law enforcement capacity with Department shall comply with their respective military equipment use policies in rendering mutual aid.
- (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 City Council 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.

### IX. USAGE OF "MILITARY EQUIPMENT" WHEN COLLABORATING WITH OTHER LAW ENFORCEMENT AGENCIES

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, or otherwise engaged in law enforcement operations in this

jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid.

The immediate action of a fluid situation may result in the need to evolve tactics to meet the changing circumstances not listed in this policy. This is an affirmative stance by the Department designed to provide additional confidence and needed support to officers in making their decisions regarding use of force in the field.

The City Council, as a matter of policy, approves of inter-agency collaboration between the Department and other law enforcement agencies, and of Department use of "military equipment" during these collaborations when the above policies and procedures are followed.

## **X. TESTING AND EVALUATION OF MILITARY EQUIPMENT FOR POTENTIAL FUTURE ACQUISITION**

While the Department's current inventory of military equipment is wide ranging and versatile, advancements in technology, tactics, and operational effectiveness may necessitate the expansion or complete replacement of certain items of military equipment in the current catalog, beginning with the testing and evaluation of potential new or replacement military equipment.

The following limitations shall apply should the Department receive military equipment for the Testing and Evaluation process:

(a) Only similar military equipment within the Department's current military equipment inventory may be used for Testing and Evaluation provided authorization is received from the Police Chief. Examples include (not all inclusive):

1. AR-15 type weapons platform or similar firearms by a manufacturer other than those approved in current inventory.
2. UAS platforms featuring a different make and/or model other than those approved in current inventory.
3. Diversionary devices or chemical agents featuring a different make and/or model other than those approved in current inventory, etc.

Military equipment that is not similar to the Department's current military equipment inventory must be approved by the City Council and Police Chief, before acquisition for the Testing and Evaluation process as set forth above. Examples include (not all inclusive):

- (a) New military equipment technology not currently approved or currently in use by the Department.
- (b) Firearms as defined under military equipment that operate with a different weapons platform other than what is approved in the current procedure.

Military equipment items that have been assessed and recommended for final approval after undergoing the Testing and Evaluation process must be approved by the City Council and Police Chief before being formally acquired for Department inventory and operational use.