

Specialized or Military Type Equipment

711.1 PURPOSE AND SCOPE

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

711.1.1 DEFINITIONS

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

Exigent Circumstance – A rapidly evolving, or ongoing emergency situation posing an imminent danger of death or serious bodily injury to any person where the imminent nature of the incident makes prior approval for the use of Specialized or Military Equipment unfeasible.

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

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles (Category 1).
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded (Category 2).
- 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 (ATVs) and motorized dirt bikes are excluded (Category 3).
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion (Category 4).
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (Category 5).
- Weaponized aircraft, vessels, or vehicles of any kind (Category 6).
- 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 (Category 7).
- Firearms and ammunition of .50 caliber or greater. However, standard issue shotguns are specifically excluded (Category 8).
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded (Category 9).
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers (Category 10).
- Any firearm or firearm accessory that is designed to launch explosive projectiles (Category 11).

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- "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service issued pepper spray (Category 12).
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs) (Category 13).
- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullets, and specialty impact munition (SIM) weapons (Category 14).
- Any other equipment as determined by a governing body or a state agency to require additional oversight (Category 15).

711.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to specialized or military equipment.

As defined in the Government Code, the Specialized or Military Equipment Use Policy means a publicly released, written document that includes, at a minimum, all of the following:

- A description of each type of Specialized or 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 Specialized or Military Equipment.
- The fiscal impact of each type of Specialized or 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 officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Specialized or Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Specialized or Military Equipment use policy.
- The mechanisms to ensure compliance with the Specialized or 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.
- 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 Specialized or Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

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711.3 SPECIALIZED OR MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the specialized or military equipment coordinator. The responsibilities of the specialized or 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 specialized or 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 specialized or military equipment at least annually.
- (d) Collaborating with any allied agency that may use specialized or military equipment within the jurisdiction of Bay Area Rapid Transit 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 specialized or 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 specialized or military equipment, and how the Department will respond in a timely manner.

711.4 MILITARY EQUIPMENT INVENTORY

A list of equipment currently held by the Department or in coordination with another local agency is attached to the policy as the Annual Military Equipment Inventory Report and incorporated into this policy for reference. The inventory list will be updated each year as part of the annual report required pursuant to AB 481.

See attachment: 2022 Annual Military Equipment Inventory Report.pdf

711.5 SPECIALIZED OR MILITARY EQUIPMENT USE POLICY

Pursuant to California Government Code §7070, the Police Department will submit a Specialized or Military Equipment Use Policy for approval to the Bay Area Rapid Transit Board of Directors annually. The BART Police Department recognizes that critical incidents are unpredictable and can be very traumatic 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.

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711.6 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the specialized or military equipment policy. As part of the approval

process, the Chief of Police or the authorized designee shall ensure the proposed specialized or 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 specialized or military equipment at issue (Government Code § 7071). The specialized or military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting specialized or military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for specialized or 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 specialized or military equipment within the jurisdiction of this department.
- (e) Using any new or existing specialized or 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 specialized or military equipment.
- (g) Acquiring specialized or military equipment through any means not provided above.

711.7 USE IN EXIGENT CIRCUMSTANCES

In an Exigent Circumstance, and with the approval of the Chief of Police or his/her designee, the Police Department may temporarily acquire, borrow and/or use Specialized or Military Equipment that is not included in the Specialized or Military Equipment Use Policy in order to safely resolve the Exigent Circumstance.

If the Police Department temporarily acquires, borrows, and/or uses Specialized or Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that temporary acquisition or use to the Bay Area Rapid Transit Board of Directors, with copies sent to the Independent Police Auditor and Chairperson of the Civilian Review Board, as soon as feasible but no later than 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
- Cease use of the Specialized or Military Equipment temporarily acquired or used under this section when the Exigent Circumstance is resolved, or when the Specialized or Military Equipment temporarily acquired or used under this section is no longer reasonably necessary to safely resolve the Exigent Circumstance.

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- Any use of the Specialized or Military Equipment temporarily acquired or used under this section beyond the Exigent Circumstance requires following the steps required under Section 711.6 – APPROVAL.
- Include the exigent use of Specialized or Military Equipment in the Police Department's next annual Specialized or Military Equipment Report.

711.8 COORDINATION WITH OTHER JURISDICTIONS

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

711.9 ANNUAL REPORT

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

The Chief of Police or the authorized designee should also make each annual specialized or military equipment report publicly available on the department website for as long as the specialized or 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 specialized or military equipment in department inventory.

As required under the Government Code, the following information shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Specialized or Military Equipment:

- A summary of how the Specialized or Military Equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning the Specialized or Military Equipment.
- The results of any internal audits, any information about violations of the Specialized or Military Equipment Use Policy, and any actions taken in response.
- The total annual cost for each type of Specialized or Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Specialized or Military Equipment in the calendar year following submission of the annual Specialized or Military Equipment Report.
- The quantity possessed for each type of Specialized or Military Equipment.
- If the law enforcement agency intends to acquire additional Specialized or Military Equipment in the next year, the quantity sought for each type of Specialized or Military Equipment.

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711.10 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of specialized or military equipment.

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints, concerns, or submit questions about the use of each specific type of Specialized or Military Equipment in this policy by any of the following means:

- Via email to BART IA (Complaints): IA@bart.gov
Via phone call to: (510) 464-7029
- Via mail sent to:
 - Bay Area Rapid Transit Police Department
 - Attn : Office of Internal Affairs
 - 101 8th Street
 - Oakland CA 94607
- Via email to BART OIPA (Complaints): oipa@bart.gov
- Via phone call to: (510) 874-7477
- Via mail sent to:
 - 2150 Webster Street, 4th Floor
 - Attn: BART Office of the Independent Police Auditor
 - Oakland, CA 94612
- Via email to (Equipment Coordinator): blucas@bart.gov
- Via phone call to: (510) 912-5976
- Via mail sent to:
 - Bay Area Rapid Transit Police Department
 - Attn: Specialized or Military Equipment Use Coordinator, Sgt. B. Lucas #S33
 - 101 8th Street
 - Oakland, CA 94607

Attachments

2022 Annual Military Equipment Inventory Report.pdf

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Attachment: 711.4
2022 Annual Military Equipment Report
(DRAFT REPORT)

Specialized or Military Equipment

Qualifying Equipment Owned/Utilized by the Bay Area Rapid Transit Police Department

1. AR-15 Style Semiautomatic Rifle – CA Government Code 7070(c)(10) (Category 10)

a. Equipment Capabilities, Quantity and Lifespan:

AR-15 style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.

Quantity Owned: 92

Price Per Unit: Approximately \$1,500 dollars

Lifespan: Approximately 15 Years

b. Manufacturer Product Description:

The AR-15 style rifles the department owns are the Colt LE 6920 and Sig Sauer M400. It features a 16" barrel and a free-float M-Lok Handguard. The Sig Sauer M400 also features ambidextrous controls for right-handed and left-handed users. It is topped with a Sig Sauer Romeo Red Dot sight, which aids in achieving accurate shots.

c. Purpose/Authorized Uses:

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

d. Fiscal Impacts:

The initial cost of this equipment was approximately \$138,000 dollars. Replacement parts required for the regular maintenance should be approximately less than \$1,000 per year.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various Bay Area Rapid Transit Police Department (BART PD) policies regarding use of force and firearms. Refer to BART PD Policies 312 and 432, for more information on the use and training of Patrol Rifles.

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f. Training Required:

Any officer who is authorized to use the AR-15 style rifle must complete a CA POST certified Patrol Rifle Operator Course as well as regular departmental trainings and qualifications as required by law and policy.

g. Other Notes:

For clarification purposes only, these rifles are standard issue service weapons for members of the BART PD. As such, **they are exempted** from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document out of an abundance of caution and in the interest of transparency.

2. Bolt Action Precision Rifles - CA GC §7070(c)(10) (Category 10)

a. Equipment Capabilities, Quantity and Lifespan:

Bolt action style rifles chambered in .308/7.62mm x 51 caliber, can fire rounds accurately out to 1,000 yards.

Quantity Owned: 6

Price Per Unit: Approximately \$5,000 dollars with accessories

Lifespan: Approximately 15 Years

b. Manufacturer Product Description:

The bolt action style rifle that the department owns are the Remington Model 700 SPS Tactical. The Remington 700 Sniper Rifle is a bolt-action, precision-fire weapon system that fires 7.62 x 51mm (.308 caliber) ammunition. It is capable of firing at greater distances and with great accuracy than Department issued patrol rifles.

c. Purpose/Authorized Uses:

SWAT members are allowed to utilize firearms chambered in .308. SWAT members must successfully complete the bi-annual Department approved SWAT Sniper Qualification Course. SWAT members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the bolt action rifle may include, but are not limited to:

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

d. Fiscal Impacts:

The initial cost of this equipment was approximately \$30,000 dollars. Replacement parts required for the regular maintenance should be approximately less than \$1,000 per year.

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e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312, for more information on the use and training of Bolt Action Precision Rifles.

f. Training Required:

Any SWAT officer who is authorized to use the bolt action style rifle must complete a CA POST certified Basic SWAT Operator Course as well as CA POST certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law and policy.

g. Other Notes:

None.

3. Suppressors (Surefire SOCOM556 & SOCOM762) - CA GC §7070(c)(15) (Category 15)

a. Equipment Capabilities, Quantity and Lifespan:

Reduces the visual and audible sound signatures of rifles, protecting the hearing of the user.

Quantity Owned: 6 (4 SOCOM556 & 2 SOCOM762)

Price Per Unit: \$1,099 dollars (SOCOM556), \$1,199 dollars (SOCOM762)

Lifespan: 15 years

b. Manufacturer Product Description:

The SureFire Mini with maximum sound attenuation. Employs SureFire Total Signature Reduction® technology to virtually eliminate first round flash and reduce sound and dust signatures.

c. Purpose/Authorized Uses:

The SureFire SOCOM suppressors are authorized for use by SWAT operators in training, patrol and tactical scenarios.

d. Fiscal Impacts:

The initial cost of these items was \$6,794 dollars. These items will be replaced as needed when damaged or at the end of its life cycle.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300, 312 and 432 for more information.

f. Training Required:

Any officer who is authorized to use the AR-15 style rifle must complete a CA POST certified Patrol Rifle Operator Course as well as regular departmental trainings and qualifications as required by law and policy.

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g. Other Notes:

None.

4. Suppressors (Sig Sauer SRD556) - CA GC §7070(c)(15) (Category 15)

a. Equipment Capabilities, Quantity and Lifespan:

Reduces the visual and audible sound signatures of rifles, protecting the hearing of the user.

Quantity Owned: 41

Price Per Unit: Approximately \$600 dollars

Lifespan: Varies, depending on usage and handling

b. Manufacturer Product Description:

The SRD556 is an Inconel 718 direct thread suppressor. Inconel 718, a nickel alloy stainless steel, provides the highest level of durability, particularly with short-barreled hosts using supersonic ammunition. The 1/2x28tpi threads match the vast majority of modern rifles in .223/5.56mm on the market today. The rear mount has wrench flats to torque the suppressor to the barrel. These wrench flats can be used as a location to "pin and weld" the suppressor to make a shorter barrel over 16" in total length.

c. Purpose/Authorized Uses:

The Sig Sauer SRD556 suppressors are a direct thread attachment to the Sig Sauer M400 patrol rifles and are authorized for use in training, on patrol, and in tactical scenarios.

d. Fiscal Impacts:

These items were included in the price of the Sig Sauer M400 patrol rifles. These items will be replaced as needed when damaged or at the end of its life cycle.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300, 312 and 432 for more information.

f. Training Required:

Any officer who is authorized to use the AR-15 style rifle must complete a CA POST certified Patrol Rifle Operator Course as well as regular departmental trainings and qualifications as required by law and policy.

g. Other Notes:

None.

5. .223/5.56mm Ammunition - CA GC §7070(c)(10) (Category 10)

a. Equipment Capabilities, Quantity and Lifespan:

To be used with AR-15 style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.

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Quantity Owned: 56 Cases (Currently), 200 (When fully stocked, but the amounts may vary due to training)

Price Per Unit: (Case of 1,000) Approximately \$600

Lifespan: N/A

b. Manufacturer Product Description:

.223 Remington: (5.56×45mm), also known as .223 Rem or .223, is a small-bore, high-powered, intermediate rifle cartridge. The bullet is approximately .224 inches (5.56 mm) in diameter, and 45 mm in length.

5.56mm Nato: The 5.56 NATO cartridge is visually nearly identical to the .223 Remington cartridge, with the exception of the casing headstamp, which usually bears the NATO insignia. It can be fired in some of the same weapons. The 5.56 can use the same projectiles as .223, as well as projectiles developed specifically for 5.56. It is a small-bore, high-powered, intermediate rifle cartridge.

c. Purpose/Authorized Uses:

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

d. Fiscal Impacts:

The initial cost of these items was approximately \$120,000 when fully equipped.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 312 for more information.

f. Training Required:

Officers must successfully complete a CA POST certified Police Academy, CA POST Patrol Rifle Operator Course, and departmental training and qualification courses.

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g. Other Notes:

For clarification purposes only, these items are standard issue for members of the Bay Area Rapid Transit Police Department. As such, **they are exempted** from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document out of an abundance of caution and in the interest of transparency.

6. .308/7.62x51 (Ruag Swiss P Armour Piercing) - CA GC §7070(c)(10) (Category 10)

a. Equipment Capabilities, Quantity and Lifespan:

Provides an accurately fired projectile out to 1,000 yards with the increased capability of defeating hard targets such as reinforced glass, and body- and light vehicle armor.

Quantity owned: 1,000 (Amounts may vary, due to training)

Price Per Unit: Approximately \$1.5 dollars per round

Lifespan: N/A

b. Manufacturer Product Description:

To be prepared for every scenario, snipers require a round with high penetration power on hard targets such as reinforced glass, body- and light vehicle armor. Because the core stays intact during penetration, it transfers extremely effective residual energy to hard targets. The bullet jacket provides best accuracy, protects the barrel and is stripped off upon impact.

c. Purpose/Authorized Uses:

Ruag Swiss P Armour Piercing ammunition is authorized for use in extreme tactical scenarios when the "open-air" round is not believed to be enough to defeat the intended target and training.

d. Fiscal Impacts:

The initial cost of these items was \$1,500 dollars. These items are not frequently used due to the high liability and low frequency.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312 for more information.

f. Training Required:

Any SWAT officer who is authorized to use the bolt action style rifle may use the above ammunition. Said members must complete a CA POST certified Basic SWAT Operator Course as well as CA POST certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law and policy.

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g. Other Notes:

None.

**7. .308/7.62x51mm (Ruag Swiss P Styx Action – “Open Air”) - CA GC §7070(c)(10)
(Category 10)**

a. Equipment Capabilities, Quantity and Lifespan:

Provides an accurately fired projectile out to 1,000 yards.

Quantity Owned: 500 (Amounts may vary, due to training)

Price Per Unit: Approximately \$2.91 dollars per round

Lifespan: N/A

b. Manufacturer Product Description:

The shot which is taken as a last resort requires the highest hit probability and an absolutely reliable effect on the target (as in hostage rescue situations etc.). The Styx Action (and Final) rounds were specifically designed to transfer maximum energy in the first few centimeters after striking a soft target and reducing the risk of over penetration, and possible collateral damage.

c. Purpose/Authorized Uses:

R Ruag Swiss P Styx Action ammunition is authorized for use in tactical scenarios when patrol rifle ammunition is not believed to be enough to solve the ballistic problem.

d. Fiscal Impacts:

The initial cost of these items was approximately \$1,455 dollars.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312 for more information.

f. Training Required:

Any SWAT officer who is authorized to use the bolt action style rifle may use the above ammunition. Said members must complete a CA POST certified Basic SWAT Operator Course as well as CA POST certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law and policy.

g. Other Notes:

None.

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**8. Flashbang/Noise Flash Distraction Devices (NFDD) - CA GC Code §7070(c)(12)
(Category 12)**

a. Equipment Capabilities, Quantity and Lifespan:

The flashbang, sometimes referred to as “stun grenade,” is a diversionary device that delivers a bright flash and loud explosive-type noise when deployed to distract and disorient. This is a non-lethal handheld grenade that does not fragment or produce any shrapnel.

Quantity Owned: 25 (Consumable item, amounts may vary)

Price Per Unit: Approximately \$50 dollars

Lifespan: 5 Years

b. Manufacturer Product Description:

The distraction device utilizes a standard military-style M201A1 fuse and produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds.

c. Purpose/Authorized Uses:

Flashbangs/NFDDs are designed to distract and disorient occupants of a given location to allow officers to enter a location in the safest manner possible for all involved parties given the circumstances surrounding an event. They are most often used in tactical scenarios or situations by tactical officers (i.e., SWAT Officers).

d. Fiscal Impacts:

The initial cost of this equipment was approximately \$1,250 dollars. Due to NFDD being consumable items, fiscal impacts will vary based on usage.

e. Legal/Procedural Rules Governing Use:

Flashbangs/NFDDs can only be deployed in accordance with all applicable federal, state, local laws, and department policy governing police use of force. Refer to BART PD Policy 312.3.7 for more information.

f. Training Required:

Officers must complete a CA POST certified Basic SWAT Operator Course prior to being issued flashbangs/NFDDs. Additionally, the Central County SWAT Team provides internal training for members in the use of flashbangs/NFDDs.

g. Other Notes:

None.

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9. 40mm Less than Lethal Impact Munitions Systems (LLIMS) Launchers - CA GC Code §7070(c)(14) (Category 14)

a. Equipment Capabilities, Quantity and Lifespan:

The Defense Technology 40mm LMT is a single-shot launcher capable of firing 40mm kinetic energy munitions, also commonly referred to as specialty impact munitions (SIM), which are less-lethal projectiles.

Quantity Owned: 17

Price Per Unit: Approximately \$1939.73 dollars

Lifespan: Approximately 15 Years

b. Manufacturer Product Description:

Defense Tech 40mm LMT Single Launcher: Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc 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. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.

c. Purpose/Authorized Uses:

This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving a situation. LLIMS may also be used when dealing with vicious animals.

Officers are not required, or compelled, to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior. Operators shall advise dispatch via radio when LLIMS is deployed. If not on scene, sergeants shall respond immediately to assume control of the deployment and use. When an officer is deploying LLIMS, he/she is the officer in charge until the arrival of a supervisor.

Before discharging projectiles, the officer should consider the following factors:

- a. Severity of the crime or incident.
- b. Subject's capability to pose an imminent threat to the safety of officers or others.
- c. If the subject is actively resisting arrest or attempting to evade arrest by flight.
- d. The credibility of the subject's threat, as evaluated by the officers present, and the subject's physical capacity/capability.
- e. The proximity of weapons available to the subject.

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- f. The officer's, versus the subject's, physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s).
- g. The availability of other force options and their possible effectiveness.
- h. Distance and angle to target.
- i. Type of munitions employed.
- j. Type and thickness of subject's clothing.
- k. The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

d. Fiscal Impacts:

The initial cost of this equipment was approximately \$32,975.41 dollars. Up to \$38,000 dollars have been approved from the operational budget to purchase 15 additional LLIMS Launchers. With the additional LLIMS launchers, the department plans to train all its Police Officers in the use and deployment of LLIMS.

e. Legal/Procedural Rules Governing Use:

LLIMS launchers may only be used in accordance with all federal, state, and local laws as well as department policies regarding police use of force. Refer to BART PD Policies 300, 308 and 459 for more information.

f. Training Required:

All officers who are allowed to use the LLIMS launcher and approved munitions, must successfully complete the 3-hour department training course and a 2-hour training/qualification course annually.

g. Other Notes:

None.

10. 40mm CS Ferret Barricade Round - CA GC Code §7070(c)(12) (Category 12)

a. Equipment Capabilities, Quantity and Lifespan:

The equipment listed in this section is designed to temporarily distract or temporarily incapacitate an individual through the introduction of a chemical irritant impacting the eyes, nose, and skin. To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 20

Price Per Unit: \$52.5 dollars

Lifespan: 5 Years

b. Manufacturer Product Description:

The Ferret 40mm Barricade Penetrating Round is filled with CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate

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barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.

c. Purpose/Authorized Uses:

40mm CS Ferret Barricade rounds are used for barricaded subjects in efforts to use non-lethal force to affect an arrest in a tactical environment or in crowd control and civil disobedience situations. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. Fiscal Impacts:

The initial cost of these items was approximately \$1,050 dollars.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308 and 459 for more information.

f. Training Required:

Officers assigned to SWAT must complete a CA POST certified Basic SWAT Operator course and Chemical Munitions Instructor Course.

g. Other Notes:

None.

11. 40mm eXact iMPact Sponge Rounds (Blue Tip) - CA GC Code §7070(c)(14) (Category 14)

a. Equipment Capabilities, Quantity and Lifespan:

40mm eXact iMPact rounds offer a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option. To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 452 (In Armory and Patrol)

Price Per Unit: Approximately \$19.60 dollars

Lifespan: 5 Years

b. Manufacturer Product Description:

The eXact iMPact 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, highspeed 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, have velocities that are extremely consistent. Used for Crowd Control, patrol, and Tactical Applications.

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c. Purpose/Authorized Uses:

40mm eXact iMPact rounds offer a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. Fiscal Impacts:

The initial cost of these items was approximately \$8,859.2 dollars. Due to 40mm eXact iMPact Sponge Rounds being consumable items, fiscal impacts will vary based on usage and training.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308 and 459 for more information.

f. Training Required:

All officers who are allowed to use the LLIMS launcher and approved munitions, must successfully complete the 3-hour department training course and a 2-hour training/qualification course annually.

g. Other Notes:

None.

12. 40mm Foam Baton - CA GC Code §7070(c)(14) (Category 14)

a. Equipment Capabilities, Quantity and Lifespan:

To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 12

Price Per Unit: \$25 dollars

Lifespan: 5 Years

b. Manufacturer Product Description:

The 40 mm Multiple Foam Baton Round is most widely used as a crowd management tool where stand-off distances are limited. It may also prove valuable in riot situations where police lines and protestors are in close proximity. The round contains three foam projectiles. It utilizes smokeless powder and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. The foam projectile allows for closer deployment, while minimizing injury.

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c. Purpose/Authorized Uses:

40mm Foam Baton rounds offer a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. Fiscal Impacts:

The Initial cost of these items was approximately \$300 dollars. These items are purchased for training purposes for recruits attending Police Academies. A minimum of 25 rounds are usually kept in the armory and used for police academy training purposes.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308 and 459 for more information.

f. Training Required:

The use of this munition is primarily used in the police training academy. All academy recruits are trained in various less lethal impact munitions.

g. Other Notes:

None.

13. 40mm Bean Bag - CA GC Code §7070(c)(14) (Category 14)

a. Equipment Capabilities, Quantity and Lifespan:

To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 9

Price Per Unit: Approximately \$25.55 dollars

Lifespan: 5 Years

b. Manufacturer Product Description:

The 40 mm Bean Bag Round is most widely used as a crowd management tool by Law Enforcement and Corrections when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy single subject round for incapacitation or distraction. The round contains one silica sand-filled bag. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37 mm black powder counterpart.

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c. Purpose/Authorized Uses:

40mm Bean Bag rounds offer a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. Fiscal Impacts:

The initial cost of these items was approximately \$230 dollars. These items are purchased for training purposes for recruits attending Police Academies. A minimum of 25 rounds are usually kept in the armory.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308 and 459 for more information.

f. Training Required:

The use of this munition is primarily used in the police training academy. All academy recruits are trained in various less lethal impact munitions.

g. Other Notes:

None.

14. 40mm Stinger 60-Caliber - CA GC Code §7070(c)(14) (Category 14)

a. Equipment Capabilities, Quantity and Lifespan:

To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 16

Price Per Unit: Approximately \$30 dollars

Lifespan: 5 Years

b. Manufacturer Product Description:

The Stinger® 40 mm 60-Caliber Round is most widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately eighteen 60-Caliber rubber balls. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. It is suitable for administering a means of pain compliance over a greater distance than its 32-Caliber Stinger® counterpart. Used for routing crowds or groups that are mildly resistive.

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c. Purpose/Authorized Uses:

40mm Stinger rounds offer a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. Fiscal Impacts:

The initial cost of these items was approximately \$480 dollars. These items are purchased for training purposes for recruits attending Police Academies. A minimum of 25 rounds are usually kept in the armory.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308 and 459 for more information.

f. Training Required:

The use of this munition is primarily used in the police training academy. All academy recruits are trained in various less lethal impact munitions.

g. Other Notes:

None.