

Military Equipment

709.1 PURPOSE AND SCOPE

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

709.1.1 DEFINITIONS

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

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

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

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- 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.
- 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. This does not include a handheld, one-person ram.
- 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.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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709.2 POLICY

It is the policy of the Alameda Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Alameda Police Department, or the equipment the Alameda Police Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Alameda Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Alameda Police Department will respond in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Alameda Police Department:

Crewless, Remotely Piloted, Powered Ground Vehicle

Armored Personnel Carrier, Vehicle with Entry Apparatus Attached

Specialized Firearms and Ammunition

Noise Flash Diversionary Devices

Munitions Containing Tear Gas

Kinetic Energy Weapons and Munitions

[See attachment: Military Equipment Inventory.pdf](#)

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709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

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

709.7 ANNUAL REPORT

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

The Alameda Police Department will send a notification of the use of military equipment per policy 358.5. After City Council is notified, the Alameda Police Department will ensure that a summary of each use of AB 481 equipment is published on the Department's website within 60 days. The Chief of Police or the authorized designee may extend any or all notifications to protect the integrity of a criminal or administrative investigation.

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

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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.

709.8 COMMUNITY ENGAGEMENT

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

1. **Crewless, remotely piloted, powered ground vehicle (Category 1)**

a. Description, and Capabilities

Robotex Avatar robot is a remote controlled, crewless machine that operates on the ground. It is used to enhance the safety of the community and officers. It is a heavy-duty robot. The robot has stair climbing ability, and an arm capable of lifting 65lbs. The robot offers multiple communications options, and a chassis that allows for accessories and tool combinations.

b. Purpose

To be used in remotely gaining visual/audio data, deliver portable phones, open doors, move suspicious packages, and clear buildings. The device improves scene intelligence allowing officers to be away from dangerous areas in safer places.

c. Authorized Use

The robot is only used in incidents where officers have the legal authority to search or be in the location where the robot is used and it is approved by the Watch Commander.

d. Expected Lifespan

10 Plus years.

e. Fiscal Impact

The robot was acquired in 2013 with grant funds for \$25,000. Annual maintenance cost is estimated between \$0 and \$5000 depending on the serviceability of the battery.

f. Training

All robot operators must complete the basic SWAT Operator Course prior to operating or using the robot.

g. Legal and Policy Rules

Use is established under Policy 408. The robot is to be used for official law enforcement purposes and according to State and Federal Law.

2. **Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2)**

a. Description, and Capabilities

Ballistic Armored Tactical Transport (BATT) Emergency Response Vehicle (ERV). The vehicle is built on a 2012 Ford F-550 chassis. The ERV is designed to provide ballistic protection during tactical events while withstand multiple bullet strikes from small arms fire, equipped with emergency lights/siren and a public address system.

b. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, assist in resolving critical incidents. Uses for the ERV include resident and officer rescues, evacuations, and the deployment of officers and approved equipment. The vehicle has detachable breaching apparatus, which can be affixed to the front bumper. The vehicle can be used as a de-escalation apparatus that allows close, safe, contact with armed suspects. The breaching apparatus can assist in entry where handheld tools are inadequate or ineffective for barricaded individuals.

- c. Authorized Use
The use of armored vehicles shall only be authorized by a Watch Commander based on the specific circumstances of a given critical incident.
- d. Expected Lifespan
25 years.
- e. Fiscal Impact
The ERV was originally purchased in 2012 with general fund money for \$250,000. The estimated annual maintenance cost is between \$0 and \$1000 depending on scheduled maintenance and serviceability. .
- f. Training
The Emergency Response Vehicle shall be deployed only by officers trained in its specific use and in a manner consistent with Department policy and training. All officers are required to go through training every other year in emergency vehicle operations per POST regulations.
- g. Legal and Policy Rules
Use is established under APD Policy 409. It is the policy of the Department to utilize the Emergency Response Vehicle only for official law enforcement purposes and according to State and Federal Law.

3. Specialized Firearms and Ammunition (Category 9)

- a. Description, and Capabilities
 - i. Colt, AR-15 carbine rifles, capable of accurately stopping an armed subject at various distances. The Colt AR-15 carbine rifle is a shoulder-fired weapon designed for semi-automatic fire chambered in 5.56 NATO/Remington .223. They are outfitted with lighting devices to boost safety and electronic sighting devices to enhance ease of use and accurate fire.
 - ii. Bushmaster carbine rifles. These rifles are nearly identical to the to the Colt carbines, but have shorter barrels. These were purchased for the SWAT team leaders who needed more maneuverability to control the tactical operators during SWAT operations.
 - iii. ArmaLite 10 semi-automatic rifles. These firearms are chambered in .308 Winchester. The rifles are built on a similar platform as the Colt rifles but have greater stopping power. These rifles are primarily used in an over watch capacity to protect the community and officers during large events and in tactical situations where it might be necessary to incapacitate vehicles intentionally being used as weapons. These weapons are outfitted with scoped optics designed for precision accurate delivery of the bullets.
- b. Purpose
To be used as precision weapons to address a threat with more accuracy and/or at greater distances than a handgun. To defeat body-armor worn by suspects who engage in violence and to stop on going threats that cannot be handled with handgun munitions.
- c. Authorized Use
 - i. Patrol rifles can be deployed in any circumstance where an officer can

articulate a reasonable expectation that the rifle may be needed and in accordance with Policy 312.3.2. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- Situations where the member reasonably anticipates an armed encounter.
 - When a member is faced with a situation that may require accurate and effective fire at long range.
 - Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
 - When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
 - When a member reasonably believes that a suspect may be wearing body armor.
 - When authorized or requested by a supervisor.
 - When needed to euthanize an animal.
- ii. Bushmaster carbine rifles can be deployed in any circumstance where an officer can articulate a reasonable expectation that the rifle may be needed and in accordance with Policy 312.3.2. These weapons are only used by members of the tactical team.
- iii. AR-10 Rifles authorized uses are similar to the patrol rifles but can only be deployed by members of the tactical team who have successfully completed POST-approved sniper training.
- d. Expected Lifespan
- i. Colt, AR-15 - No defined expiration, but until it is no longer serviceable
 - ii. Bushmaster carbine - No defined expiration, but until it is no longer serviceable
 - iii. Armalite-10 – No defined expiration, but until it is no longer serviceable
- e. Fiscal Impact
- i. The patrol rifles were originally purchased in 2002 with general fund money. The approximate cost to purchase the 55 Colt rifles was \$1,200 per rifle.
 - ii. The Bushmaster rifles were originally purchased in 2010 with general fund money. The approximate cost to purchase the two Bushmaster rifles was \$1,500.
 - iii. The Armalite .308 rifles were originally purchased in 2012 with general fund money. The approximate cost to purchase the two Armalite rifles was \$1,500 per rifle.

The estimated on-going maintenance of all the firearms listed in this category is \$0-\$100 per rifle based on serviceability.

- f. Training
Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Officers are then required to complete quarterly training and qualification conducted by a certified patrol rifle instructor.
- g. Legal and Policy Rules
Policy 432 governs patrol rifle use, qualifications, and various other elements including storage. POST requires on-going training with patrol rifles bi-annually.

4. **Noise-flash Diversionary Devices (category 11)**

a. **Description and Capabilities**

Combined Tactical Systems, 7290 Flash-bangs, which is a non-bursting, non-fragmenting bang device that produces a thunderous bang with an intense bright light. Flash bangs are ideal for distracting dangerous suspects during assaults, hostage rescue, room entries, or other high-risk arrest situations.

b. **Purpose**

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological, sensory deprivation to give officers a tactical advantage.

c. **Authorized Use**

Diversionary Devices shall only be used:

- By officers who have been trained in their proper use.
- In hostage and barricaded subject situations.
- In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- During other high-risk situations where their use would enhance officer safety.
- During training exercises.

d. **Lifespan**

Until used.

e. **Fiscal Impact**

These devices were purchased over 20 years ago and the on-going replenishment costs come from general fund money. The cost is \$38 per munition.

f. **Training**

Prior to use, officers must attend diversionary device training that is conducted by POST certified instructors.

g. **Legal and Procedural Rules**

Use is established under SWAT Manual. It is the policy of the APD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

5. **Munitions Containing Tear Gas (Category 12)**

a. **Description, and Capabilities**

Various Quantities of Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Alameda Police Department as a non-lethal tool to disperse rioting suspects and on barricaded individuals. The Alameda Police Department uses two chemical agents which are used by law enforcement across the United States: CS (2 Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum).

CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5 oz. or less). OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

- I. CS grenades emitting CS smoke for 20 to 40 seconds through gas ports located on top of the devices.
- II. OC vapor aerosol grenades deliver a high concentration of OC in a powerful mist. The grenade is designed for indoor use and in confined areas.
- III. OC/CS vapor aerosol grenades which deliver a high concentration combination of OC and CS in a powerful mist. The grenade is designed for indoor use in confined areas.
- IV. 40mm muzzle blast OC powder dispersion rounds. This munition incorporates an aluminum shell and propels powdered OC at short ranges (no more than 30 feet).
- V. 40mm muzzle blast CS powder dispersion rounds. This munition incorporates an aluminum shell and propels OC powder at short ranges (no more than 30 feet).
- VI. 40mm Liquid CS barricade-penetrating projectiles. This munition incorporates a plastic shell and is launched from a 40mm launcher. The projectile contains liquid CS encapsulated in the frangible round. The projectile is designed to penetrate windows, hollow core interior doors, and thin plywood. Once fragmented, the projectile emanates the liquid CS.
- VII. 40mm powder CS barricade-penetrating projectiles. This munition incorporates a plastic shell and is launched from a 40mm launcher. The projectile contains powder CS encapsulated in the frangible round. The projectile is designed to penetrate windows, hollow core interior doors, and thin plywood. Once fragmented, the projectile emanates the powdered CS.
- VIII. 40mm liquid OC barricade-penetrating projectiles. This munition incorporates a plastic shell and is launched from a 40mm launcher. The projectile contains liquid OC encapsulated in a frangible round. The projectile is designed to penetrate windows, hollow core interior doors, and thin plywood. Once fragmented, the projectile emanates the liquid OC.
- IX. 40mm powder OC barricade-penetrating projectiles. This munition incorporates a plastic shell and is launched from a 40 MM launcher. The projectile contains powder OC encapsulated in the frangible round. The projectile is designed to penetrate windows, hollow core interior doors, and thin plywood. Once fragmented, the projectile emanates the liquid OC.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or unreasonable. Situations for use of the less-lethal weapon systems may include, but are not limited to:

- Dangerous and/or combative individuals.
- Barricaded wanted suspects
- Riot control.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

c. Authorized Use

These items are used by our tactical team operators during deployments or during riots. Only officers who have received POST certification or manufacturer-specific training in the use of chemical agents are authorized to use chemical agents within the limitations of Policy 300 and Government Code 7286(a). Reporting of any use must comply with Policy 468.13 and Penal Code 13652.1.

d. Training

Sworn members utilizing chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors. Further, the officers must comply with Policy 468.12.

e. Lifespan

- I. CS grenades, six years
- II. OC vapor aerosol grenade, five years
- III. OC/CS vapor aerosol grenade, five years
- IV. 40mm muzzle blast OC powder, five years
- V. 40mm muzzle blast CS powder, five years
- VI. 40mm Liquid CS barricade penetrating projectiles, five years
- VII. 40mm powder CS barricade penetrating projectiles, five years
- VIII. 40mm liquid OC barricade penetrating projectiles, six years
- IX. 40mm powder OC barricade penetrating projectiles, five years

f. Fiscal Impact

- I. CS grenades, initially acquired over 20 years ago, for approximately \$23 per munition
- II. OC vapor aerosol grenade, initially acquired over 20 years ago, approximately \$49 per munition
- III. OC/CS vapor aerosol grenade initially acquired over 20 years ago, approximately \$23 per munition
- IV. 40mm muzzle blast OC powder, initially acquired over 20 years ago, approximately \$26 per munition
- V. 40mm muzzle blast CS powder, initially acquired over 20 years ago, approximately \$26 per munition
- VI. 40mm Liquid CS barricade penetrating projectiles, initially acquired over 20 years ago, approximately \$24 per munition
- VII. 40mm powder CS barricade penetrating projectiles, initially acquired over 20 years ago, approximately \$24 per munition
- VIII. 40mm liquid OC barricade penetrating projectiles, initially acquired over 20 years ago, approximately \$25 per munition
- IX. 40mm powder OC barricade penetrating projectiles, initially acquired over 20 years ago, approximately \$25 per munition

g. Legal and Procedural Rules

Use is established under SWAT Manual. It is the policy of the APD to utilize specialized chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force. Sworn members utilizing specialized chemical agents must be trained in their use by POST certified less lethal and chemical agent instructors.

6. Kinetic Energy Weapons and Munitions (Category 14)

a. Description, and Capabilities

- I. Fabrique Nationale de Herstal (FNH) 303 Launchers that use high-pressure air to deliver kinetic projectiles (similar to a paintball delivery system) with paint marking ability. The system is capable of launching projectiles at a subject up to 60'. It is a less-lethal option to offer law enforcement officers to deliver kinetic energy impacts to subjects in violent encounters. It is also a de-escalation tool used to avoid further injuries or lethal options.
- II. (FNH) Kinetic impact rounds used in the FNH launcher are .68 caliber, 8.5 gram, projectiles with non-toxic bismuth in the plastic forward compartment, followed by an indelible paint plastic compartment behind it. The launcher uses compressed air to propel the projectiles. The primary benefits are to provide distance impact less-lethal option and as an alternative to close contact force. Further the munitions provides a lesser force option other than lethal force when appropriate. The munition launcher sends the projectile that creates trauma, distraction, and pain, followed by marking of specific individuals for identification and later arrest. The projectiles have a velocity of 280-350 FPS.
- III. Remington 870 less-lethal shotgun is used to deploy the less lethal 12-gauge beanbag round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation. These weapons systems are distinguishable by a yellow stock and fore grip. The weapon serves as a less-lethal distance impact weapon causing, pain, distraction, and trauma to violent offenders.
- IV. 12-gauge ballistic fiber bag filled with 40 grams of number 9 lead shot, commonly referred to as a beanbag round. This projectile travels at a velocity of 270-290 feet per second (FPS).
- V. Defense Technology, 40mm single shot launchers. The 40mm single shot launcher will fire standard 40mm less-lethal impact ammunition, up to 4.8 inches in cartridge length. The 40mm single launcher is not a firearm, but a less-lethal launching system that uses smokeless powder to deliver 40mm projectiles from a safe distance. The less-lethal launcher is capable of launching 40mm munitions at a subject up to 40 yards. The less-lethal launcher is a single launcher, which allows officers to assess after every spent munition.
- VI. Defense Technology, 40mm multi-shot launcher. This four-shot launcher is low-profile and lightweight, providing multi-shot capability in a shoulder fire configuration. It contains spring-loaded cylinders that auto-rotate to allow for rapid successive shots without the need to reload. It will discharge many of the 40mm projectiles outlined above.
- VII. 40mm munition is a direct impact spin stabilized sponge munition. The sponge munition is used as a Less- Lethal weapon designed to de-escalate a

potentially violent encounter.

b. Purpose

Kinetic projectiles limit the escalation of conflict where employment of lethal force is prohibited, unreasonable, and undesirable. These weapons are proven to reduce the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- The suspect has made credible threats to harm themselves or others.
- The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

d. Expected Lifespan

- I. FNH Launcher, no defined expiration, but until it is no longer serviceable
- II. FNH munitions, five years
- III. Remington 870, no defined expiration, but until it is no longer serviceable
- IV. Ballistic Fiber Bag Munition, five years
- V. 40mm Defense Technology single shot launcher, no defined expiration, but until it is no longer serviceable
- VI. 40mm Defense Technology multi-shot launcher, no defined expiration, but until it is no longer serviceable
- VII. 40mm sponge munition, five years

e. Training

Sworn members must be trained in less-lethal kinetic munitions by POST certified instructors. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor bi-annually. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device

f. Fiscal Impact

- I. FNH Launchers were originally purchased in 2018 with general fund money. The approximate cost was \$1,300 per launcher. It is estimated that it will cost between 0-\$100 annually to maintain and service the launchers.
- II. FNH Munitions, incur an estimated averaged cost of \$150 annually to replenish
- III. Remington 870 Bean Bag Launchers were initially purchased over 20 years ago as standard issued shotguns. They have since been repurposed to less-lethal shotguns. Their initial cost is approximated at \$500 per weapon and they were purchased using general fund money. It is estimated it will cost between \$0 and \$100 for maintenance base on serviceability.
- IV. Bean Bag Munitions are estimated at \$100 annually base on lifespan and quantities.

- V. 40mm launchers were originally purchased over 20 years ago with general fund money. The approximate cost was \$1,000 per launcher. It is estimated that it will cost between 0-\$100 annually to maintain and service the launchers.
 - VI. 40mm multi-Shot launcher was originally purchased in 2012 with general fund money. The approximate cost was \$1,300. It is estimated that it will cost between 0-\$100 annually to maintain and service the launcher.
 - VII. 40mm sponge munitions were originally purchased in 2015 with general fund money. The approximate cost was \$27 per munition. It is estimated that it will cost between 0-\$540 annually to maintain a serviceable quantity of these munitions.
- g. Legal and Policy Rules
Rules are established under Policy 300, 308, 312.5, 312.5.1, and the SWAT Manual. It is the policy of the Department to utilize the kinetic energy rounds for official law enforcement purposes and according to State and Federal Law such as Penal Code 13652.