



AB 481 Military Equipment Annual Report 2022

Prepared by:

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San Rafael Police Department

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Military Equipment Use AB 481 Compliance Requirements:

- Approval of the Military Use Policy (Completed May 2022, Policy 706)
- Approval of the Police Acquisition and Use of Military Equipment Ordinance (Completed May 2022, SRMC 2.52)
- Held the initial Community Engagement Meeting (March 28th, 2022)
- Will hold the annual meeting on April 26, 2023
- Current Military Equipment Inventory (Attached)
- Annual Report (See below)

Annual Report Description:

Assembly Bill 481 requires the police department to report annually on the inventory, procurement, use, and misuse of covered military equipment items. The annual report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding.

Per AB 481, the annual report must include the following:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

SRMC 2.52 Military equipment policy (Approved May 2022)

As required by AB 481, the City Council approved and enacted by resolution Municipal Code Section 2.52 to approve a military equipment use policy. The City Council's approval shall

remain effective for one year, during which approval may be revoked, extended, renewed, modified, or amended by resolution of the City Council. Within a year of the initial approval, and at least annually thereafter, the City Council will review this section and related resolutions. The City Council may, by resolution, make amendments, modifications, or revisions to the military equipment use policy adopted by the San Rafael Police Department. The ordinance must be reviewed and renewed annually.

A. The City Council has made the following determinations:

1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The military equipment use policy (Lexipol policy 706) will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Equipment Usage for 2022:

As evident in the Military Equipment Inventory, the San Rafael Police Department does not own any equipment in categories 3, 4, 6, 8, 9, 11, or 13.

Category 1: Tactical Robot and Unmanned Aerial Vehicles*

None of the equipment in Category 1 was utilized in 2022, except in training situations including range and SWAT.

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

Category 2: Armored Rescue Vehicle: Ford Transit-Van

None of the equipment in Category 2 was utilized in 2022 in San Rafael, except in training situations including range and SWAT.

The Armored Rescue Vehicle is a shared resource with Novato Police Department. The San Rafael – Novato Crisis Response Unit (CRU) deployed the Armored Rescue Vehicle three times

in 2022. Two of those occasions were in the City of Novato. One was for a robbery suspect on 03/10/2022 and the other was for the arrest of a homicide suspect on 06/15/2022.

On the third occasion, the ARV was deployed on 11/13/2022 to a man who was threatening people with a knife. After hours of de-escalation, the ARV was used to transport Crisis Negotiators and Patrol officers closer to communicate with the subject and eventually take him into custody.

Category 5: Command Trailer

In December of 2022, the Command Trailer was utilized at a Driving Under the Influence (DUI) Checkpoint. The trailer was used for communications, logistical support, and equipment storage.

Category 7: Breaching Projectiles

None of the equipment in Category 7 was utilized in 2022.

Category 10: Patrol and SWAT Rifles and ammunition

None of the equipment in Category 10 was utilized in 2022, except in training situations including range and SWAT.

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

None of the equipment in Category 12 was utilized in 2022, except in training situations including range and SWAT.

Category 14: Less than Lethal Impact Device (Kinetic Energy Munitions)

In 2022, the San Rafael Police Department utilized the equipment in Category 14 in training situations including the range and SWAT training. The police department also used Less than Lethal Impact Devices in the following three incidents.

1. On 08/03/2022, at approximately 5:14 am, SRPD officers were dispatched to 31 Novato Street for a report of a person that appeared to be intoxicated trying to break into cars. While canvassing the area, officers saw a subject matching the suspect description. Officers recognize the suspect who was known to have a propensity towards violence and had fought with officers in the past. Officers gave the suspect multiple commands and tried to de-escalate the situation with no response. The suspect then took a fighting stance. After numerous attempts to have the suspect comply with commands, the suspect was not de-escalating and becoming more hostile with officers by raising his voice and clenching his fist. At that time, he was shot four times with the Less than Lethal Impact

Device (shotgun) and sprayed with Oleoresin Capsicum (OC). The suspect stopped resisting and was taken into custody without further incident.

2. On 08-18-2022, at approximately 11:56 am, SRPD received a call of a sexual assault that just occurred on the fire road that leads up to Robert Dollar Hill. San Rafael Police officers were able to identify the suspect and quickly set up a perimeter around the area. The suspect was located in the open space area and fled from multiple officers. Because the suspect had a history of violence and was a threat to the community, officers deployed their less-than-lethal shotguns. As the officers were chasing the suspect, he began throwing rocks at the officers, nearly missing one of them. The officers gave the suspect multiple commands to stop but he did not comply. Because of the suspect's violent past, the current sexual assault charge, and the danger he posed to the public, one officer deployed one round from the 40mm Less than Lethal Impact Device striking the suspect in the lower back. The suspect still did not comply and rolled down the hill and out of view. Approximately 5 hours later, officers located the suspect and were able to take him into custody without further incident.
3. On 11-13-2022, at approximately 1:51 pm, SRPD officers responded to the McDonald's restaurant at 190 Merrydale Road for an altercation inside the business. Upon arrival, officers contacted the suspect on the west side of the building. It was determined that the suspect had attempted to assault a victim, struck a victim with his fist, and attempted to stab another victim with a box cutter while threatening him. The Crisis Negotiations Team negotiated with the suspect for over three hours but he would not comply. At one point the police K9 was sent to the suspect to gain compliance but the suspect grabbed the dog and put it in a headlock. The Crisis Negotiations Team and the arrest team utilized the Armored Response Vehicle (category 1) to move closer to the suspect. As the suspect was becoming more agitated and did not drop the knife an officer fired one 40mm Less than Lethal Impact Device round striking the suspect in the stomach area. The suspect then dropped the knife and officers were able to take the suspect into custody without further incident.

Summary of Complaints for 2022:

The San Rafael Police Department did not receive any complaints concerning military equipment in 2022.

Violations of Policy 706:

An internal review revealed no violations of Policy 706.

Total Annual Cost for Military Equipment:

The fiscal impact for yearly maintenance costs for each category is documented in the attached Military Equipment Inventory. There have been no new purchases of any equipment besides replacing ammunition that was used for training purposes.

Replacement Military Equipment Inventory List:

1. Rifles for Patrol (Category 10 on Current Inventory List)

Proposed Weapon system to replace current rifles: COLT AR15 16" CARBINE 1/7 .223 RIFLE

We currently have 84 Colt Rifles assigned to patrol. More than half of them are over 10 years old and in need of replacement. With this current replacement schedule, we would replace ten (10) a year until our patrol rifles were all within warranty.

The make and model of our current patrol rifles are the same make and model as our current inventory COLT AR14 16" CARBINE .223 Rifle.

DESCRIPTION: COLT AR15 16" CARBINE 1/7 .223 RIFLE will be assigned to a specific person on patrol and only to be utilized for training, and patrol. They offer a higher degree of accuracy at long distances. The ammunition used in rifles is also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol vehicles and secured in the Armory at the Public Safety Center. They will only be deployed on specific incidents where Officers believe guns or weapons are involved.

TOTAL REPLACEMENT COST: is \$9,528.68 for 10 rifles, (based on the current quote but could vary depending on the time of purchase). We would destroy 10 old rifles in accordance with DOJ laws and policy and they would be removed from our inventory.

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

AUTHORIZED USE: Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed subjective to the Legal and Procedural Rules found below. Situations for the use of these weapon systems may include, but are not limited to the following:

- Situations where the member reasonably anticipates an armed encounter
- Officers May use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.

LIFESPAN:

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

TRAINING: Officers must successfully complete a 24- hour patrol rifle course as well as regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-approved rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.

FISCAL IMPACT: Annual Maintenance is approximately \$100 per rifle

LEGAL AND PROCEDURAL RULES: Use of patrol rifles and ammunition is subject to the requirements of POLICY 300 (USE OF FORCE), Policy 306 (FIREARMS). It is the policy of the San Rafael Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

New Proposed Items for the Military Equipment Inventory List

1. Sniper/PROT Rifles for SWAT (Category 10 on our current inventory list)

Our current Precision Rifle and Observation Team (PROT) has eight (8) rifles assigned to them. We would like to replace the eight rifles with two updated rifles and supporting equipment. The trade would be with a Federal-Firearm authorized dealer *Mile High Shooting*, the sole U.S. distributor of Accuracy International rifles.

Current Rifles assigned to Precision Rifle and Observer Team:

- Four (4) Knights Armament SR-25s
- Three (3) Knights Armament SR-15 E3's
- One (1) Olympic AR-15

Proposed Weapon system to replace current rifles for the Precision:

- Two (2) Accuracy International AT-LE rifles
- Two (2) Thunderbeast precision suppressors
- Two (2) observation and shooting support kits, which include bipods and rail adaptors.

Currently, the precision rifle and observer team has four Knights Armament SR-25s, three Knights Armament SR-15s, and one Olympic AR-15. These rifles are 10 years old and should be replaced. The proposed Accuracy International AT-LE rifles are more accurate and reliable than the Knights Armament and Olympic rifles. Accuracy and reliability are vital in life-threatening situations where these rifles would be deployed.

DESCRIPTION: The Accuracy International AT-LE rifles fire a .308 caliber bullet. This rifle may only be used by a SWAT Officer trained and certified to be a precision rifle and observer and may be deployed to assist the SWAT team in a critical incident or emergency. San Rafael Police currently have two PROT members.

TOTAL REPLACEMENT COST: \$2,222.18. The seven Knights Armament and one Olympic Arm rifle will be sent to *Mile High Shooting* and taken out of the San Rafael Police Departments Inventory with approval of its replacement.

PURPOSE: This rifle may only be used by a SWAT Officer trained and certified to be a sniper or precision rifle and observer and may be deployed to assist the SWAT team in a critical incident or emergency. The main use of this weapon is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.

AUTHORIZED USE: Subject to Legal and Procedural Rules listed below, examples of situations for deploying the sniper rifle may include, but are not limited to the following:

- Situations where the member reasonably anticipates an armed encounter.
- Officers May use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.

LIFESPAN: The .308 Caliber, Accuracy International AT-LE: Approximately 15 years.

TRAINING: In addition to patrol rifle and standard SWAT operator training, SWAT snipers must successfully complete a California POST-certified sniper course as well as regular SWAT sniper training and qualifications as required by law and policy.

FISCAL IMPACT: Annual maintenance is approximately \$100 per rifle.

LEGAL AND PROCEDURAL RULES: Use of the sniper rifles and ammunition is subject to the requirements of the San Rafael/Novato Crisis Response Team Standard Operating Procedures, Policy 300 (USE OF FORCE), Policy 306 (Firearms), and Policy 407 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the San Rafael Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.